Report of the Head of Planning, Transportation and Regeneration

Address 53-55 THE BROADWAY JOEL STREET NORTHWOOD

Development: Erection of a three storey building to provide 3 x 1 bedroom and 4 x 2 bedroom residential units with associated parking and bin and cycle storage, involving alterations to existing crossover.

LBH Ref Nos: 5564/APP/2020/847

Drawing Nos: Planning, Transport, Design and Access Statement (Dated March 2020)
FLU.653.01 Rev. A Existing Site & Location Plans
FLU.653.04 Rev. U First Floor Plan
FLU.653.03 Rev. W Ground Floor Plan
FLU.653.08 Rev. L Street Scene
FLU.653.04 Rev. R Front Elevation
FLU.653.02 Rev. A3 Proposed Site Layout and Location Plan
FLU.653.08 Rev. M Side Elevation
FLU.653.09 Rev. L Rear and Side Elevation
FLU.653.06 Rev. L Third Floor Plan
FLU.653.05 Rev. V Second Floor Plan
FLU.653.10 Section

Date Plans Received: 09/03/2020 **Date(s) of Amendment(s):** 09/03/2020
21/05/2020

Date Application Valid: 18/03/2020

1. SUMMARY

This application seeks permission for the erection of a three storey building to provide 3 x 1 bedroom and 4 x 2 bedroom residential units with associated parking and bin and cycle storage, involving alterations to existing crossover. In light of the recently dismissed appeal decision for this site (reference APP/R5510/W/19/3240243) and the submission of revised plans, the proposal is considered acceptable in principle and with regard to its design, impact on the street scene, neighbour amenity, local highway network, access, landscaping, ecology, waste, energy, flooding, drainage, noise, air quality and contaminated land.

Subject to conditions and a Section 106 legal agreement securing a financial contribution towards air quality mitigation and preventing future occupiers obtaining parking permits, this application is 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) or any other legislation to secure the following:

i. Air Quality Mitigation: a financial contribution amounting to £3,904 to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle

emissions and/or reduces human exposure to nitrogen dioxide levels.
ii) Permit free development so residents do not have access to car parking permits on surrounding streets.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

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

D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission for the following reason:

"The applicant has failed to provide contributions towards the delivery of the air quality local action plan which is required by virtue of existing air quality conditions and the impact of the proposed development on such conditions. The scheme therefore conflicts with Policies DMCI 7, DMEI 14, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy 8.2 of the London Plan (March 2016), Policies E11, T9 and DF1 of the London Plan - Intend to Publish Version (December 2019) and paragraphs 54, 56 and 57 of the NPPF (February 2019)."

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

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:

FLU.653.01 Rev. A Existing Site & Location Plans;
FLU.653.02 Rev. A3 Site Layout and Location Plan;
FLU.653.03 Rev. W Ground Floor Plan;
FLU.653.04 Rev. U First Floor Plan;
FLU.653.05 Rev. V Second Floor Plan;
FLU.653.06 Rev. L Third Floor Plan;
FLU.653.04 Rev. R Front Elevation;
FLU.653.08 Rev. L Street Scene;
FLU.653.08 Rev. M Side Elevation;
FLU.653.09 Rev. L Rear and Side Elevation;
FLU.653.10 Section;

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 1 (2012), Part 2 (2020) and the London Plan (March 2016).

3 RES12 **No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing no. 22 Ferndown.

REASON
To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

4 RES13 **Obscure Glazing**

The windows facing no.22 Ferndown shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON
To prevent overlooking to adjoining properties in accordance with Policies DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

5 NONSC **M4(2) Dwelling**

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, 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.

6 NONSC **Details of Step Free Access**

Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision 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.

7 RES7 **Materials (Submission)**

Prior to relevant works, details of all materials and external surfaces, including details of balconies/terraces, shall be 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 DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Plan (January 2020).

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

Prior to relevant works, a landscape scheme shall be 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 for residents (with capacity for 14 bicycles)
2.c Means of enclosure/boundary treatments
2.d Car Parking Layouts
2.e Hard Surfacing Materials
2.f External Lighting
2.g Other structures (if relevant)

3. Living Walls and/or Roof
3.a Details of the inclusion of living walls and/or roofs
3.b 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 DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policies 5.11 and 5.17 of the London Plan (March 2016).

9 NONSC **Parking Allocation Plan**

Prior to occupation of the building, a Parking Allocation Plan shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter, the parking shall be for the residential use of the flats hereby approved and as agreed within the Parking Allocation Plan for so long as the development remains in existence.

REASON
To ensure that the residential use does not have an unacceptable impact on the local highway network or lead to a significant increase in demand for on-street parking, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Chapter 6 of the London Plan (March 2016).

10 NONSC **Sustainable Water Management**

Prior to commencement (excluding demolition and site clearance), a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall clearly demonstrate how it, manages water and demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:
i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.13 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1in 30, 1 in 100, and 1 in 100 plus Climate change. This rate should be presented per hectare as well as the total for the whole site.
iii. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, (safe access and egress must be demonstrated).
iv. Where infiltration techniques (soakaway) a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate).

b) Minimise water use.
i. incorporate water saving measures and equipment.
ii. provide details of how rain and or grey water will be recycled and reused in the development.

c) Long Term Management and Maintenance of the drainage system.
i. Provide a management and maintenance plan
ii Include details of Inspection regimes, performance specification, (remediation and timescales for the resolving of issues where a PMC).
Iii Where overland flooding is proposed, the plan should include the appropriate actions to define those areas and actions required to ensure the safety of the users of the site should that be required.
iii. Clear plans showing all of the drainage network above and below ground. The responsibility of different parties such as the landowner.

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 that surface water run off is controlled to ensure the development does not increase the risk of flooding and is to be handled as close to its source as possible and Conserve water supplies in compliance with:
- Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012);
- Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020);
- Policies 5.12, 5.13 and 5.15 of the London Plan (March 2016);
- National Planning Policy Framework (February 2019); and
- Planning Practice Guidance (Flood Risk and Coastal Change) (March 2014).

11 NONSC **Contamination**

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. 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; and

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

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

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by

the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

12 NONSC **Construction Logistics Plan**

Prior to the commencement of works on site, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority.

This should be in accordance with Transport for London's Construction Logistic Planning Guidance and detail the management of construction traffic, including vehicle types, frequency of visits, expected daily time frames, use of an onsite banksman (if required), on-site loading/unloading arrangements and parking of site operative vehicles.

The construction works shall be carried out in strict accordance with the approved plan.

REASON
To ensure that the construction works include appropriate efficiency and sustainability measures so as not to compromise the safe and efficient operation of the local highway network and minimises emissions, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 7.14 of the London Plan (March 2016).

13 NONSC **Construction Management Plan**

No development shall commence until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall detail:

(i) The phasing of development works
(ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
(iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
(iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
(v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
(vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
(vii) The storage of demolition/construction materials on site.

This must demonstrate compliance with the Mayor of London's 'The Control of Dust and Emissions from Construction and Demolition' Supplementary Planning Guidance (or any successor document).

The approved details shall be implemented and maintained throughout the duration of the

construction process.

REASON
To protect the amenities of local residents, in compliance with Policies DMHB 11, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies 7.14 and 7.15 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

14 NONSC **Non-Road Mobile Machinery**

All Non-Road Mobile machinery (NRMM) of net power of 37kW and up to and including 560kW used during the demolition, site preparation and construction phases shall comply with the emissions standards set out in chapter 4, proposal 4.2.3.a of the London Environment Strategy. Unless it complies with the standard set out in the London Environment Strategy, no NRMM shall be onsite, at any time, whether in use or not, without the prior written consent of the LPA. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register https://nrmm.london/

REASON
To comply with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy.

15 NONSC **Internal Sound Insulation**

The noise level in rooms at the development hereby approved shall meet the internal noise levels specified in BS8233:2014 for internal rooms and external amenity areas.

REASON
To safeguard the amenity of the occupants of surrounding properties in accordance with DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 7.15 of the London Plan (March 2016).

16 NONSC **Noise**

No development shall commence until a scheme for protecting the proposed development from noise generation at nearby commercial uses has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON
To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise in accordance with DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 7.15 of the London Plan (March 2016).

17 RES24 **Secured by Design**

The dwellings and car parking areas 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 excising 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 ensure the development provides a safe and secure environment in accordance with policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies 7.1 and 7.3 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 Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMH 7	
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
LPP 2.15	(2016) Town Centres
LPP 3.13	(2016) Affordable housing thresholds
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.21	(2016) Contaminated land
LPP 6.13	(2016) Parking
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling

LPP 7.14	(2016) Improving air quality
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 4	NPPF-4 2018 - Decision-making
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

3 I70 **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 Local Plan Part 1, Local Plan Part 2, 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.

4 I73 **Community Infrastructure Levy (CIL) (Granting Consent)**

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

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

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

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 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 I2 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

7 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.

8 I6 **Property Rights/Rights of Light**

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site measures approximately 0.13 ha and is located to the east of The Broadway, Joel Street, the west side of Ferndown, and immediately north of Northwood Hills Tube Station. The west side of the site comprises a public house unit, retail unit and gym and the east side of the site is used as car parking for the gym.

The Broadway is characterised by mainly three storey terrace properties with commercial/retail at ground floor level. Ferndown to the rear of the site is characterised by suburban residential 2-storey semi detached and terrace residential properties. To the south, the Metropolitan line abuts the site, and beyond there are three and four storey mixed use buildings on Joel Street.

The site is allocated as part of the Northwood Hills Minor Town Centre. The site is identified to be sited within a Critical Drainage Area, as a potentially contaminated area of land and within the Northwood East Air Quality Focus Area. Based on TfL's WebCAT planning tool, the site has a moderate Public Transport Accessibility Level (PTAL) rating of 3.

3.2 Proposed Scheme

This application seeks permission for the erection of a three storey building to provide 3 x 1 bedroom and 4 x 2 bedroom residential units with associated parking and bin and cycle storage, involving alterations to existing crossover. The proposal is summarised as follows:

Ground Floor
- 2 x residential parking bays are proposed within an undercroft (in addition to 3 x residential parking bays and 2 x disabled commercial parking bays proposed within site boundary but outside the proposed undercroft)
- Residential cycle store with capacity for 14 bikes
- Cycle store for commercial units with capacity for 80 bikes
- Bin storage
- Flat 1: 1-bedroom 2 person flat
- Lift access

First Floor
- Flat 2: 1-bedroom 2 person flat with access to rear facing 8.55 square metre terrace
- Flat 3: 2-bedroom 3 person flat with access to rear facing 12.85 square metre terrace
- Flat 4: 2-bedroom 3 person flat with access to front facing 6.83 square metre terrace
- Lift access

Second Floor
- Flat 5: 1-bedroom 2 person flat with access to rear facing 8.55 square metre terrace
- Flat 6: 2-bedroom 3 person flat with access to rear facing 12.85 square metre terrace
- Flat 7: 2-bedroom 3 person flat with access to front facing 6.83 square metre terrace
- Lift access

Third Floor
- Communal roof garden measuring 104 square metres in area

3.3 Relevant Planning History

5564/APP/2016/3908 53-55 The Broadway Joel Street Northwood

Change of use of the 1st and 2nd floors to a 24 hour gym (Class D2).

Decision: 20-06-2017 Refused **Appeal:** 24-11-2017 Allowed

5564/APP/2018/2088 53-55 The Broadway Joel Street Northwood

Erection of a 2 storey building with accommodation in the roof to provide 4 x 2 bedroom self contained flats with associated car parking, landscaping and installation of a crossover

Decision: 16-08-2018 Approved

5564/APP/2018/4100 53-55 The Broadway Joel Street Northwood

Erection of a three storey building incorporating habitable roofspace to provide 1 x studio; 1 x 1 bedroom; 1 x 2 bedroom; and 2 x 3 bedroom units with associated parking and bin and cycle storage, involving alterations to existing crossover

Decision: 23-10-2019 Refused **Appeal:** 18-02-2020 Dismissed

5564/APP/2018/799 53-55 The Broadway Joel Street Northwood

Erection of a 2 storey building with accommodation in the roof to provide 4 residential units (1 x bedroom and 3 x 2 bedroom flats) with associated works including car parking, landscaping and installation of a crossover

Decision: 11-05-2018 Refused

5564/APP/2019/675 53-55 The Broadway Joel Street Northwood

Subdivision and part change of use of existing Drinks Establishment (Use Class A4) to create a Retail Shop (Use Class A1) with retention of existing Public House and associated alterations to shopfront.

Decision: 21-08-2019 Approved

5564/J/86/1725 53 & 55 Joel Street Northwood

Erection of 3-storey bldg. to provide shops on ground floor and offices above.

Decision: 09-01-1987 Approved

5564/S/96/1728 53 Joel Street Northwood

Change of use from Class A1 (Retail) to traditional ale, wine and food house (Class A3)

Decision: 12-01-1998 Approved

Comment on Relevant Planning History

Application reference 5564/J/86/1725 (09/01/87) for the erection of 3-storey building to provide shops on ground floor and offices above consented 46 car parking spaces and servicing and delivery bays to the rear of the premise for the whole of the development.

Application reference 5564/S/96/1728 (12-01-98) relating to the public house use at basement and ground floor levels noted within condition 8 that 'on site car parking spaces at the rear of the premise shall be used only by persons employed at No 53 Joel Street. Customers shall not be allowed to access to the premise from Ferndown'.

PUBLIC HOUSE AND RETAIL UNIT PLANNING HISTORY

Application reference 5564/APP/2019/675 permitted the subdivision and part change of use of existing Drinks Establishment (Use Class A4) to create a Retail Shop (Use Class A1) with retention of existing Public House and associated alterations to shopfront.

GYM PLANNING PERMISSION HISTORY

Application reference 5564/APP/2016/3908 for the change of use of the 1st and 2nd floors to a 24 hour gym (Class D2) was refused but allowed at appeal under reference APP/R5510/W/17/3179261. The appeal decision notice attached a number of conditions including:
- Condition 12: The development shall not be occupied until the 16 parking spaces shown on the approved plans have been drained, surfaced and marked out in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently retained and used for no other purpose.
- Condition 14: No part of the development hereby permitted shall be commenced until details of covered and secure storage for 60 cycles for users of and visitors to the development have submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists using the facility.

Case Officer Comment:

Based on a site visit, the following two contraventions have been identified:
- Where there should be parking spaces 15 and 16, there is a generator. The gym is currently operational and therefore does not comply with the conditions of appeal reference APP/R5510/W/17/3179261.
- The approved 60 cycle spaces are not in place. Again this contravenes the conditions of appeal reference APP/R5510/W/17/3179261.

The current proposal seeks to incorporate cycle storage and car parking spaces associated with the gymnasium, retail and public house uses which exist within the application site boundary. Notwithstanding these elements of the proposal, the proposal is considered on its own merits and only limited weight is applied to the proposal's correction of matters relating to non-compliance with previous planning permissions.

RESIDENTIAL PLANNING PERMISSION HISTORY

Application reference 5564/APP/2018/2088 permitted the erection of a 2 storey building with accommodation in the roof to provide 4 x 2 bedroom self contained flats with associated car parking, landscaping and installation of a crossover.

Application reference 5564/APP/2018/4100 sought permission for the erection of a three storey building incorporating habitable roofspace to provide 1 x studio; 1 x 1 bedroom; 1 x 2 bedroom; and 2 x 3 bedroom units with associated parking and bin and cycle storage,

involving alterations to existing crossover. This was refused for the following reasons:

1. The proposed building, by reason of its size, scale, bulk, lack of symmetry and design, would be detrimental to the character, appearance and visual amenities of the street scene and area. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

2. The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the units proposed would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006), Policies BE19 and BE23 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMHB 18 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019), Policy 3.5 of the London Plan (March 2016) and the NPPF (February 2019).

3. The proposed development fails to provide adequate and maintainable green infrastructure or sufficient potential for landscaping to be detailed and secured via planning condition due to the large footprint of the building and the constrained size of the site. As such, the proposal is not considered to accord with Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMHB 11 and DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policies 3.5 and 5.10 of the London Plan (March 2016).

4. The submitted plans fail to demonstrate an accessible, safe and convenient route from the proposed accessible parking bays to the gym entrance on the West elevation, contrary to Policy AM15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMT 1, DMT 5 and DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policy 7.2 of the London Plan (March 2016).

This refusal was appealed under reference APP/R5510/W/19/3240243 and dismissed with the following conclusion:

"Although I find no harm to character and appearance or to accessibility, I do find that the proposal would fail to provide acceptable living conditions for future occupiers and a resultant conflict with the development plan. Therefore, I conclude that the appeal should be dismissed."

The inspectors sole concern with the scheme was the xternal amenity space provided.
The inspectors critisms were that:

With the exception of the ground floor flat, the proposed outdoor amenity space for each flat would be limited in its scope, consisting of narrow balconies which would be in close proximity to the railway line and station which are to the rear of the site. They would fail to meet with the minimum size requirements set out by Policy DMHB 18 of the P2LP.....
The inspector then said that:
'I acknowledge that the outdoor amenity space provided for each flat would

meet the requirements of the Mayor of London's Housing Supplementary Planning Guidance (Housing SPG). Nevertheless, Policy DMHB 18 of the P2LP states that the Council considers that higher standards of private amenity space should be possible in the Borough, exceeding the requirements of the Housing SPG. And, in any event, I have found that the balconies would be of a poor design and positioning. '
He concluded that:
'I therefore conclude that the proposed development would not provide adequate outdoor amenity space and therefore it would not provide acceptable living conditions for future occupants.'

4. Planning Policies and Standards

London Borough of Hillingdon Development Plan (from 6th April 2020)

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
West London Waste Plan (2015)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:
(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor has considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a

statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.E5	(2012) Town and Local Centres
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing

Part 2 Policies:

DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMH 7	
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space

LPP 2.15	(2016) Town Centres
LPP 3.13	(2016) Affordable housing thresholds
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.21	(2016) Contaminated land
LPP 6.13	(2016) Parking
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 7.14	(2016) Improving air quality
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 4	NPPF-4 2018 - Decision-making
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Letters were sent to neighbours and all forms of consultation expired on 03/06/2020.

Five comments have been received from two residents and are summarised as follows:

- The submitted drawings do not detail the palette of materials.

- No objection to the principle of development.
- Object to the excessive use of render when the surrounding area is predominantly brick.
- Object to the excessive use of colour white when this is a large construction on several floors and wide in size located on a highly visible corner. The colour white is noticeable and eye catching and is incongruent to neighbouring residential properties.
- Now that the proposals have changed the roof profile, the contemporary design is a complete departure from the neighbouring designs hence the choice of materials and colour is the only detail remaining that allows a harmonious co-existence between the old and the new.
- The choice of timber has long term patina and maintenance issues and is also out-of-place and misses the opportunity for window spandrels (panels between upper window sill and lower window lintel) to use brick noggins that would be a cue to the period properties nearby.
- Brick Association members/manufacturers such as Ibstcock, Forterra, Wiernerberger, Northcot all provide specialised bricks, multi-tonal colours and advice on projects which help developers continue the rich English Heritage of brick construction that is still relevant for contemporary designs especially in a mixed context such as this.
- The application site is not a transitional area between the lowrise and highrise buildings and the proposed height of the building would be out of proportion with the rest of the street.

Case Officer Comment:

Revised plans were submitted by the applicant during the course of the application to address the design of the proposal. The consideration of the proposed design and impact on the character of the area is addressed within the main body of the report.

Internal Consultees

Initial officer comment on internal consultations:
The application proposals is linked to a wider landholding where a number of peicemeal developments have occured (gym/pub/Co-op supermarket etc...), a number of consultees refer to impacts from the wider development proposals. This is considered to be the correct approach as there overlaps between the current proposal and adjoining proposals (e.g. Cycle parking). In particular the air quality officer is normally consulted on major development proposals, but in this case the complexity of the overlapping developments was considered to warrant consultation with a wide range of Council specialist officers.

TREES AND LANDSCAPING OFFICER:

Context: It is noted that the Planning Inspector stated as part of appeal decision reference APP/R5510/W/19/3240243 that:
"Whilst the proposal would not be able to incorporate an extensive amount of landscaping, there is potential to provide some landscaping to the frontage of the site. The surrounding area is characterised by the built form and whilst dwellings in the area generally have front gardens, many have been hard surfaced to allow for off-street car parking. The amount of landscaping that could be provided would therefore be appropriate within this context."
The current proposal also includes a communal roof terrace which increases the potential for green infrastructure provision. As such, a reason for refusal based on lack of landsacaping is not considered to be defendable at appeal.

Comments: In view of the history and the amended proposal, I agree that it is acceptable, subject to the provision of a well-designed, sustainable intensive green roof.

CONTAMINATED LAND OFFICER:

1 Summary of Comments:

The actual or possible presence of contamination is a material planning consideration. If there is the potential for contamination to affect the site, or the end-use is particularly sensitive, recommendations will be made that certain conditions be imposed upon the development.
The application has not supplied adequate information to demonstrate that any risks of land contamination and pollution posed to surface or groundwater water quality have been suitably identified and/or addressed accordingly.
Therefore, it is recommended that if planning permission is awarded then the following conditions should be imposed:
Proposed conditions for land affected by contamination.

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. 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; and

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

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

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

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 Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

Observations (including but not limited to):

There is photographic evidence that the site is covered with hardstanding which appears to be tarmacadam surfacing. It is likely the surface is overlying a mantle of made ground materials which at this stage are of unknown characteristics including depth, and chemical constituents.
It also appears the land has been utilised for vehicle parking; fuels oils and lubricants may have leaked from parked vehicles, to penetrate the surface and enter the ground as hydrocarbon contaminants.

AIR QUALITY OFFICER:

Summary of Comments

The proposed development is outside LBH Air Quality Management Area (AQMA) but within the identified Northwood East Focus Air Quality Focus Area (AQFA), where special focus in reducing elevated levels of air pollution is a priority of the Borough. Focus areas are defined as locations where pollution levels are already high and there is relevant public exposure in a high population density, with current measures not being sufficient to improve air quality. In such circumstances LBH has a requirement to put in place additional actions to improve air quality and therefore the damage cost is calculated on total development emissions.

There is no air quality report submitted to support the planning application.

DAMAGE COST AND MITIGATION MEASURES

Therefore, a section 106 agreement with the LAP of £ £3,904 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

In addition, in the absence of substantiated evidence that new residents will not be exposed to hazardous levels of pollution, the development should demonstrate appropriate mitigation measures to ensure the future occupiers are protected in compliance with DME1 14, in particular, Part Bii. This can include, but is not limited to:
a. where practicable to do so, setback the buildings further from the road source(s),
b. ensure air intakes are located away from the main source of air pollution;
c. optimise the building design to ensure adequate dispersion of emissions from discharging stacks and vents, the location of equipment should not result in flues and exhaust vents being in close proximity to recreational areas;
d. consider the location of outside space including gardens, balconies and roof terraces proposed in areas of particular poor air quality;
e. consider the use of effective green infrastructure to absorb and screen the development from the pollution source;
f. consider the use of mechanical ventilation with specific pollution filtration with maintenance regime for the life of the development.

Further information is available in the Mayor of London, Sustainable Design and Construction SPG:

https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/Sustainable%20Design%20%26%20Construction%20SPG.pdf

Observations

In addition, the following air quality condition is required:

Condition - Reducing Emissions from Demolition and Construction

A No development shall commence until a Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

Reason: Compliance with London Plan Policy 7.14 and in accordance with Mayor of London "The Control of Dust and Emissions from Construction and demolition (or any successor document).

B Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

All Non-Road Mobile machinery (NRMM) of net power of 37kW and up to and including 560kW used during the demolition, site preparation and construction phases shall comply with the emissions standards set out in chapter 4, proposal 4.2.3.a of the London Environment Strategy. Unless it complies with the standard set out in the London Environment Strategy, no NRMM shall be onsite, at any time, whether in use or not, without the prior written consent of the LPA. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register https://nrmm.london/

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

Context

The proposed development is within an Air Quality Management Area and within an identified Air Quality Focus Area i.e. the Northwood East Air Quality Focus Area. Air Quality Focus Areas are defined by the GLA as areas already suffering from poor air quality where prioritisation of improvements is required. This is supported by: Local Plan Part 2 Policy DME1 14

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:
i) be at least "air quality neutral";
ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
iii) actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

HIGHWAYS OFFICER:

In line with the Local Plan Part 2 (Policy DMT 6), the proposed residential unit mix does not measurably alter the parking level required for the previous application (5564/APP/2018/4100) which proposed 1 studio, 1x1, 1x2 and 2x3 bedrooms. Hence the previous highway comments can be reapplied.

These read as follows:

Site Characteristics & Background

The site is located on Joel Street and is placed within the local district shopping centre in Northwood. The proposed development is positioned to the rear of the site address with vehicular access taken

at the rear from Ferndown which is a local residential road. The address was previously a vacant office block on the 1st and 2nd floors with a 'Drinks establishment' on the ground floor which is designated as an 'asset of community value' but remains vacant.

The vacant offices attained consent for a 24hr Gym D2 use class (5564/APP/2016/3908) utilising the 1st & 2nd floors which was allowed on appeal in late 2017 and is now in place with 16 parking spaces (6 within the under-croft with the remainder allocated to the rear of the site and accessed via Ferndown). The site also benefits from a subsequent consent for 4 two bedroom units (5564/APP/2018/2088) within a new build located to the rear with a provision of 5 on-plot surface level car parking spaces which emerge directly onto Ferndown.
This current scheme provides 2 under-croft parking spaces within the new build together with 3 spaces fronting Ferndown to the proposal which equates to a level of 5 spaces.

The site is in proximity to Northwood Hills LU Station and exhibits a PTAL rating of 3 which is considered as moderate however the PTAL rating is not fully reflective of the good 'real world' public transport connectivity which is exampled by the proximity of Northwood Hills Station LU station and a plethora of local bus routes. Sustainable travel choice to and from the address is therefore highly likely.

Parking Provision

It is proposed to provide a new 3 storey build containing 1 studio flat and 1x1, 1x2 & 2x3 bedroom residential units on the rear car park.

The maximum parking standard requires 1.5 spaces per unit hence a quantum of up to a total of 7 spaces should be provided on-plot. Within the resubmission, it would appear that 2 under-croft spaces within the new build with 3 fronting Ferndown, totalling 5 spaces, are proposed which marginally falls below the maximum standard and equates to a 1:1 parking ratio. However it is noted that an extant consent on this plot exhibited an approximate parking ratio of 1 parking space per unit. On this premise the provision for this application is considered acceptable but it is noted that the 2 under-croft spaces as depicted are sub-standard in arrangement with particular reference to the bay adjacent to the 'electric shutter' door which would require in excess of a standard '3 point turn' manoeuvre in order to negotiate an exit from the bay. The second bay is better placed and would provide for a more fluid entry and exit to and from the space.

It is also highlighted that the extant 'Gym' D2 use class consent was based on a total of 16 spaces being available for the said D2 use within the neighbouring under-croft car park (14) plus 2 at surface level. As part of the current residential proposal, it is proposed to relocate 2 disabled space provisions out of the 14 under-croft spaces within the confines of the residential proposal. This aspect is further examined within the forthcoming' Parking Layout & Access' comments.

Additionally and as a consequence of the residential proposal approximately half a dozen informal parking spaces utilised by the Gym users would be lost due to the new footprint however this loss is not considered as a material consideration given the required level of parking provision for the Gym use has already been secured.

In summary and on balance, the proposed parking quantum and layout is considered acceptable. It is recommended that a legal obligation for permit free car parking is secured by way of a Section 106 legal agreement.

Cycling Provision

In terms of cycle parking there would be a requirement to provide at least 1 secure and accessible space for each of the studio, 1 & 2 bedroom flatted units with 2 spaces for each of the 3 bedroom

units. This would total 7 new spaces. The submission has indicated a storage provision for 6 cycles within the ground floor area which should be uplifted by at least 1 space in order to conform with the standard.

Internal storage for 80 cycles linked to and conditioned for the adjacent consented Gym (5564/APP/2016/3908) and A4 (drinking establishment)/A1 retail use (5564/APP/2019/675) are also presented. The quantum conforms to the planning condition 10 related to the latter planning permission related to the subdivision and part change of use to create an A4 and A1 provision.

Parking Layout & Access

An existing access from Ferndown will remained unaltered and would continue to serve the under-croft car park allocated for the 'Gym' use together with this flatted proposal. 2 under-croft parking spaces for the flats would be accessed via this access and although considered sub-standard in arrangement, are still functional and hence are considered sufficiently acceptable to be included within the overall quantum of residential parking spaces provided i.e. 5 spaces.

One out of the five on-plot parking spaces would be accessed via a new carriageway crossing off Ferndown. The principle of the positioning of the car park space (as proposed) and new crossing are considered acceptable in principle as the relevant design standard parameters are met. The construction of the new crossing would need to be undertaken to an appropriate Council standard under S184 or 278 of the Highways Act 1980 (or suitable alternative arrangement) at the applicant's expense.

However a significant issue is raised with regard the 2 disabled parking spaces linked to the extant 'Gym' D2 use class consent which are proposed to be positioned diagonally opposite the 2 aforementioned under-croft residential parking spaces (Plan No.FLU.653.03). They are currently placed within the 'Gym' under-croft car park and are sub-standard in scale albeit accepted on appeal. The applicant has therefore suggested their proposed relocation in an attempt to remedy this anomaly.

The issue with this proposed relocation lies with the placement of these bays which would render them inaccessible for the consented 'Gym' use as they would need to be accessed via the proposed 'gated' (by way of electric shutter) under-croft residential curtilage of the current proposal. As this 'gated' access would preclude their intended 'Gym' related usage, the arrangement is therefore considered unacceptable as it would breach the 2017 'Gym' consent. An objection is raised henceforth.

Vehicular Trip Generation

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy (November 2012) 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.

The proposal would be expected to generate up to 1-2 vehicle movements into and out of the site during the critical peak morning and peak hour periods. Such generation is considered marginal as compared to established base-line traffic flows on the local highway and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse/ 'Gym' Servicing Requirements

Refuse collection will be conducted from Ferndown. Given the unsubstantial depth of the site and suitable location of the bin store, there are no issues with regard to achieving satisfactory waste

collection distances. The proposal would not prejudice existing servicing provisions for the 'Gym' and 'Drinks Establishment' use which are located directly off Ferndown to the side of the under-croft car park. Hence there are no further observations related to the new build.

Construction Logistics Plan (CLP)

A full and detailed CLP would be a requirement given the constraints and sensitivities of the local road network in order to avoid/minimize potential detriment to the public realm. This would need to be secured under a suitable planning condition.

Conclusion

The application has been reviewed by the Highway Authority who are concerned that the proposal, as presented, would prejudice the accessibility and therefore preclude usage of the two disabled compliant parking bays affiliated to the consented 'Gym' D2 use class, contrary to Policy AM15 of the Development Plan (2012) and Policies DMT 1 and DMT 6 of the emerging Local Plan Part 2 Development Management (2015) and Policy 6.13 of the London Plan (2016).

CASE OFFICER COMMENT:

The Highways Officer's objection raised against the proposed accessible parking spaces is considered in detail
within the main body of the report (please see section 07.12).

ACCESS OFFICER:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal at this development control stage. However, the following Conditions should be attached to any grant of planning permission:

Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision 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.

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, 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.

FLOOD AND WATER MANAGEMENT OFFICER:

No objection to the proposed development subject to a Surface Water Management condition being placed on the permission. The site lies in a Critical Drainage Area with known issues of surface water flooding further down Ferndown and Briarwood Drive.

CASE OFFICER:

If recommended for approval, the Environmental Protection Unit Officer requested the following conditions on the previously refused application:

1. Internal sound insulation within the envelope(structure) of the residential extension dwelling

Condition: The noise level in rooms at the development hereby approved shall meet the internal noise levels specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

2 .The separation of noise sensitive rooms within neighbouring flats

Condition: An enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy H1 of the Local Plan: Part 1 - Strategic Policies (November 2012) gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies.

Policy 3.3 of the London Plan (March 2016) seeks to ensure that London's housing needs are met. This objective is reiterated in the Mayor of London's Supplementary Planning Guidance (SPG) on Housing, although it is noted that the in achieving housing targets, full account must be given to other policy objectives.

At a national level, Chapter 5 of the National Planning Policy Framework (NPPF) (February 2019), supports the delivery of homes, confirming that local authorities should, through their Local Plans, demonstrate how housing targets and objectives will be met. Particular emphasis is given to housing delivery over the next five years, but authorities are also required to consider growth beyond this.

MIX OF UNITS

Policy 3.8 of the London Plan (March 2016) notes that new development should offer a range of housing choices in terms of housing mix and sizes taking into account different sizes and types.

Policy H10 of the London Plan - Intend to Publish Version (December 2019) also requires a range of unit sizes but notes that decision-makers should have regard to the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units,

particularly 3 bedroom properties, as identified in the Strategic Housing Market Assessment 2016.

In accordance with Policy DMH 2, developments should demonstrate how the provision of family housing (>3 bedroom units) has been optimised, to address local needs. The proposed development would provide 3 x 1 bedroom flats and 4 x 2 bedroom flats. Given the location of the site within the Northwood Hills Minor Town Centre and the associated design constraints, it is not considered that a reason for refusal based on unit mix would be robust at appeal.

7.02 Density of the proposed development

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2. Developments will be expected to meet habitable rooms standards.

Paragraph 5.67 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that Hillingdon will apply the density standards set out in the London Plan in a flexible manner, according to local circumstances. Large parts of the borough, including many areas in close proximity to town centres, are suburban in character and will lean heavily towards the applications of lower to mid range density scales. Table 5.2 represents a starting point for discussions on the issue of residential density, which should ultimately be determined by a design led approach.

Policy 3.4 of the London Plan (March 2016) defines a suburban location as an area with predominantly low density development such as detached and semi-detached houses, typically of two-three storeys. It defines an urban area as one with dense development such as terraced houses, mansion blocks and mixed uses, typically of two-four storeys, within 800m of a district centre or along main arterial routes.

The application site is suburban in character but is technically located within the Northwood Hills Minor Town Centre and has a moderate PTAL rating of 3. The neighbouring mixed use area to the west is characterised by three storey buildings, which is considered more akin to an urban setting.

If urban density guidelines are applied, Table 5.2 states that the density should be between 200-510 habitable rooms per hectare and 80-170 units per hectares. Based on a developable site area of 0.06 hectares, the site should be providing between 12 and 31 habitable rooms and between 5 and 10 units. As the proposed development would fall within these density parameters, the density of the proposal is considered to be appropriate.

Nevertheless, the proposal should be considered against the other relevant planning policies.

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

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application.

7.05 Impact on the green belt

Not relevant to the consideration of this application.

7.07 Impact on the character & appearance of the area

Policies 7.4 and 7.6 of the London Plan (March 2016) require that new development is of the highest architectural quality; is a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; and comprises details and materials that complement the local architectural character.

Policy BE 1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:
A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:
i) harmonising with the local context by taking into account the surrounding:
- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
- architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.
ii) ensuring the use of high quality building materials and finishes;
iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.
B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.
D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Appeal decision reference APP/R5510/W/19/3240243 dismissed the proposal for a three storey building comprising 5 flats but it did not uphold the reason for refusal based on the impact of the proposal on the character of the area. The appeal decision states:

"Although the proposal would occupy most of the width of the appeal site, it would be set back into the site and its width would not be visually out of place in the context of the existing area. Whilst the proposed front elevation would not be symmetrically designed, it would nonetheless achieve an appearance that would be appropriate amongst the varied designs of surrounding buildings. Accordingly, the proposed development would not result in harm to the character and appearance of the surrounding area."

Under the current application, the proposed building would be a 3-storey block, measuring

21.5 metres in width, 12.2 metres in depth and 9.3 metres in height, extending up to 10.65 metres in height. When compared to the already approved residential scheme (reference 5564/APP/2018/2088), the proposal represents an increase in width by approximately 5.3 metres and an increase in height by approximately 1 metre. When compared to the dismissed appeal decision, the proposed development would exhibit the same width but would also represent an increase in height by 1 metre.

Ferndown is primarily characterised by semi-detached and terraced residential dwellings of a suburban character. It is, however, noted that the proposed building would sit in between a two-storey dwelling on Ferndown and nos. 53-55 The Broadway, whose rear elevation is, at its highest point, four-stories in height. As a result, a proposal for a three storey building would represent a logical stepdown in height.

The revised proposal would also exhibit a dummy mansard roof form which would complement both the residential character of the area and the character of commercial property nos. 53-55 The Broadway. As the proposed building is only set approximately 1.1 metres away from nos. 53-55 The Broadway, it is considered that the visual relationship between these buildings could be improved by setting them further apart. However, as noted above as part of the appeal decision, the proposed set back into the site and the associated width are considered sufficient so as to not uphold a reason for refusal at appeal.

The original plans submitted under the current application showed a contemporary rendered and cladded block of flats which was square in appearance, utilising a flat roof to accommodate a communal roof terrace. The revised plans show a brick built building with a dummy mansard roof accommodating a communal roof terrace. The revised proposal would therefore appear much more in-keeping with the prevalent character of the area. If recommended for approval, the details of proposed materials would be secured by condition.

Taking into account the recent appeal decision and the revised proposal, the proposed development is not considered contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies 7.4 and 7.6 of the London Plan (March 2016).

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:
B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "For the purposes of this policy, outlook is defined as the visual

amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice".

Nos. 53 to 55 The Broadway form part of the application site and are located to the north-west side of the proposed building. This property comprises a car park at the undercroft level, a public house unit and retail unit at ground level and a gym at first and second floor levels. By virtue of these uses, the proposed development is not considered to compromise the amenity of such commercial units.

The proposed 3 storey residential block would be located over 21 metres away from no.27 and 29 Ferndown, located to the north-east of the application site. As such, the proposal is not considered to compromise the daylight, sunlight, outlook, or privacy of these properties.

The nearest residential property to proposed development is located to the south-east, no.22 Ferndown. Although the proposed development projects approximately 2.8 metres further than the established rear building line, it is set away from no.22 Ferndown by approximately 6.3 metres and does not breach a 45 degree angle line taken from the midpoint of the neighbouring properties rear facing habitable room window. In this regard, this element of the proposed development is materially similar to the already approved scheme and is not considered to pose a detrimental impact.

The proposed building would have windows at ground, first and second floors which face towards no.22 Ferndown. Specifically, the windows at ground floor would be screened by the existing residential fencing and the windows at the first and second floors are labelled as obscure glazed on the plans. If recommended for approval, this obscure glazing would be secured by condition and would not compromise the privacy of neighbouring residents or future occupiers.

The revised third floor roof plan shows the inclusion of a dummy mansard roof form which contains a roof terrace. The roof form would serve the purpose of separating the amenity space from the sides of the roof by approximately 2 metres, enclosed on by 1.73 metre high sides. This design therefore reduces the potential for overlooking from the communal roof terrace towards the residential garden spaces connected to nos.22 and 28 Ferndown.

Given the above considerations, the proposed development is not considered likely to compromise the daylight, sunlight, outlook, or privacy of neighbouring residents to a detrimental extent. As such, the proposal is considered to accord with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.09 Living conditions for future occupiers

LIVING CONDITIONS

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:
i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

The London Plan (March 2016) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for existing and future occupants. Table 3.3 contained within Policy 3.5 of the London Plan (March 2016) requires:
- One storey dwelling with one bedroom, 2 person occupancy to have at least 50 square metres
- One storey dwelling with two bedrooms, 3 person occupancy to have at least 61 square metres

Table 3.1 of London Plan - Intend to Publish Version (December 2019) Policy D4 states the same internal space standards.

The DCLG's Technical Housing Standard (March 2015) guidance also requires that double bedrooms measure at least 11.5 square metres in floor space and single bedrooms measure at least 7.5 square metres in floor space.

The proposed development would provide 3 x 1-bedroom 2 person flats and 4 x 2-bedroom 3 person flats. The unit measurements are summarised as follows:

Ground Floor
- Flat 1: 1-bedroom, 2 person - 62.7 square metres

First Floor
- Flat 2: 1-bedroom, 2 person flat - 54.5 square metres
- Flat 3: 2-bedroom, 3 person flat - 64.6 square metres
- Flat 4: 2-bedroom, 3 person flat - 60.7 square metres

Second Floor
- Flat 5: 1-bedroom 2 person flat - 54.5 square metres
- Flat 6: 2-bedroom 3 person flat - 64.6 square metres
- Flat 7: 2-bedroom 3 person flat - 60.7 square metres

Although proposed Flats 4 and 7 would technically fall slightly short of the 61 square metre requirement, the shortfall would only be 0.3 square metres and is not considered to be a robust reason to refuse. As such, the proposed residential units would provide a satisfactory internal living environment, in accordance with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy 3.5 of the London Plan (March 2016) and the DCLG's Technical Housing Standard (March 2015) guidance.

EXTERNAL AMENITY SPACE

Paragraph 127 of the NPPF (February 2019) requires that planning decisions create places

that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy 3.5 of the London Plan (March 2016) requires that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces.

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.
B) Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.
C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room.
D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

Table 5.3 states that studio and 1-bedroom flats should provide a minimum of 20 square metres of amenity space, 2-bedroom flats should provide a minimum of 25 square metres of amenity space and 3+ bedroom flats should provided a minimum of 30 square metres of amenity space. A proposal for 3 x 1 bedroom and 4 x 2 bedroom flats therefore requires the provision of 160 square metres of private usable amenity space.

Paragraph 5.70 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building. Houses and ground floor flats should have private gardens. The Council is keen to improve the quality of housing in the Borough and therefore communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits."

Paragraph 5.71 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "Roof gardens should only be considered where balconies are not achievable. High quality design should aim to resolve any potential conflicts between creating green roofs, providing renewable energy and supplying amenity space on roofs for residents. Table 5.3 sets out the Council's minimum private amenity space requirements which must be met or exceeded in all development proposals."

Paragraph 5.72 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "Private outdoor amenity space will be required to be well located, well designed and usable for the private enjoyment of the occupier. In assessing the quality of all amenity space in development proposals, whether individual or communal, consideration will be given to the shape and position and whether the layout has regard to matters such as daylight and sunlight, noise, enclosure and privacy."

Based on the submitted plans, the amenity space proposed is summarised as follows:

Ground Floor

- 39 square metres private garden space for Flat 1 - equating to 19 square metre over-provision

First Floor
- 8.55 square metre rear facing terrace for Flat 2 (measuring 1.5 metre depth x 5.67 metre length) - equating to 11.45 square metre under-provision
- 12.84 square metre rear facing terrace for Flat 3 (measuring 1.5 metres depth x 8.58 metre length) - equating to 12.16 square metre under-provision
- 6.83 square metre front facing terrace for Flat 4 (measuring 2.05 metre depth x 3.33 metre length) - equating to 18.17 square metre under-provision

Second Floor
- 8.55 square metre rear facing terrace for Flat 5 (measuring 1.5 metre depth x 5.67 metre length) - equating to 11.45 square metre under-provision
- 12.84 square metre rear facing terrace for Flat 6 (measuring 1.5 metres depth x 8.58 metre length) - equating to 12.16 square metre under-provision
- 6.83 square metre front facing terrace for Flat 7 (measuring 2.05 metre depth x 3.33 metre length) - equating to 18.17 square metre under-provision

Third Floor
- 104 square metre communal roof terrace (excludes the unusable area to the side of the lift)

Total amount of private amenity space = 95.44 square metres
Total amount of communal amenity space = 104 square metres
Total amount of amenity space = 199.44 square metres

The submitted plans show that the proposed development would provide 95.44 square metres of private amenity space, an under-provision by 64.56 square metres, equating to a 60% provision of the required private amenity space.

The recently dismissed appeal decision for this site (reference APP/R5510/W/19/3240243) stated that the proposal for terraces with linear layouts and poor outlook creates inadequate outdoor amenity space to serve the future occupiers of the flats. Taking this in account, it is observed that proposed Flats 2, 3, 5 and 6 would have access to terraces overlooking the Northwood Hills Station and railway. It is noted that during the course of the application, revised plans were submitted to ensure that the depth of these terraces complied with the 1.5 metre depth requirement stated under Policy DMHB 18.

When compared to the minimum floor space standards required by Policy 3.5 of the London Plan (March 2016), it is noted that Flats 2 and 5 would provide 1.3 square metres more internal floor space than required and Flats 3 and 6 would provide approximately 2 square metres more internal floor space than required. If this space is to be discounted against the required external amenity space standards, Flats 2 and 5 would still provide 10.15 square metres less than required and Flats 3 and 6 would still provide 10.84 square metres less than required. Regarding Flats 4 and 7, both would provide 18.17 square metres less than required.

In order to address this issue, the proposal includes a communal roof terrace measuring 104 square metres in area. This would total 199.44 square metres of amenity space and would exceed the 160 square metres of amenity space requirement. Similar to the other terraces proposed, this terrace would overlook the railway to the south, back of house

commercial properties to the north-west and residential properties to the north and west. The outlook of this space may not be ideal but it would be a more accessible size and shape than the private terraces.

As stated above, the communal provision of private outdoor space is generally not supported unless there are 'strong planning reasons' and the proposed scheme is of 'high quality with clear planning merits'.

In terms of 'strong planning reasons', the context of the site has been reviewed. The proposed area of the site to be developed is located on Ferndown, a residential road with a distinctly different character to the town centre uses located along Joel Street. Technically, the site is designated as part of the Northwood Hills Minor Town Centre which limits the potential for amenity space provision. It is, however, highlighted that there is no exception to the amenity space standards contained within the recently adopted Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

In terms of the proposed scheme being 'high quality with clear planning merits', it is noted above that the revised proposed terraces would accord with the minimum depth requirements stated under Policy DMHB 18. A revised plan for the communal roof terrace has also been submitted, showing that the space will be set into the roof by approximately 2 metres, enclosed by 1.73 metre high sides. This design is considered to mitigate the impact of any adverse noise or wind environments that this space may experience. The revised plans also indicate an intention to utilise urban greening on this floor. If recommended for approval, the detail of this space would need to be secured by condition to ensure the provision of high quality soft landscaping and urban greening.

On balance and subject to conditions, the proposed development is considered to provide sufficient amenity space for future occupiers and accords with DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Based on TfL's WebCAT planning tool, the site has a moderate Public Transport Accessibility Level (PTAL) rating of 3.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:
i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
iii) provide equal access for all people, including inclusive access for disabled people;
iv) adequately address delivery, servicing and drop-off requirements; and
v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.
B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and roads.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network and that cycle parking and changing facilities are provided.

The National Planning Policy Framework (NPPF) (February 2019) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 6.3 of the London Plan (March 2016) requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed.

VEHICULAR TRIP GENERATION

As stated by the Council's Highways Officer, the vehicle trip movements associated with the proposed development is considered marginal when compared to established base-line traffic flows on the local highway. This trip can can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

OPERATION REFUSE / GYM SERVICING REQUIREMENTS

Refuse collection will be conducted from Ferndown. Given the unsubstantial depth of the site and suitable location of the bin store, there are no issues with regard to achieving satisfactory waste collection distances. The proposal would not prejudice existing servicing provisions for the permitted gym, retail and public house uses which are located directly off Ferndown to the side of the under-croft car park.

CAR PARKING

The proposed three storey building would contain 3 x 1-bedroom 2 person flats and 4 x 2-bedroom 3 person flats. As a consequence of the residential proposal, a number of informal parking spaces utilised by the Gym users would be lost due to the new footprint. The parking provision for the gym has been secured within the gym under-croft so this is not deemed to be an issue.

Policy DMT 6, Appendix C of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires a maximum of 1 to 1.5 car parking spaces for units up to 2 bedrooms and a maximum of 2 car parking spaces for 3-bed units. Based on these standards, the proposed development would require a maximum provision of between 7 and 11 car parking spaces.

The proposal provides 2 under-croft spaces within the new build and 3 spaces fronting Ferndown, totalling 5 spaces. This equates to 0.71 parking spaces per unit which would fall below the maximum standards.

However, it is acknowledged that the site has a moderate PTAL rating of 3 and is located next the Northwood Hills Underground Station. In accordance with the NPPF (February 2019), development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the context of the site, the Council's Highways Officer considers the parking provision proposed as acceptable subject to a legal obligation for permit free car parking secured by a Section 106 legal agreement.

CAR PARKING LAYOUT

The residential undercroft car parking spaces proposed are considered to be sub-standard as the bay next to the electric shutter would require in excess of a standard '3 point turn' in order to exit. This is, however, considered to be sufficiently functional. If recommended for approval, the parking layouts would be secured by condition.

CYCLE PARKING

Policy DMT 6, Appendix C of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that a maximum of 1 cycle space is provided per studio, 1 or 2 bed unit and that a maximum of 2 cycle spaces are provided per 3 or more bed units. Based on these standards, the proposed development should provide 7 secure and covered cycle parking spaces.

The submitted plans indicate that a cycle store with capacity for 14 bikes is proposed. Internal storage for 80 cycles linked to and conditioned for the adjacent consented Gym (5564/APP/2016/3908) and A4/A1 retail use (5564/APP/2019/675) are presented. The quantum conforms to the requirements of these permissions. If recommended for approval, this provision would be secured by condition.

ACCESS

An existing access from Ferndown will remained unaltered and would continue to serve the under-croft car park allocated for the gym use together with the flatted proposal. One out of the five on-plot parking spaces would be accessed via a new carriageway crossing off Ferndown. The principle of the positioning of the car parking space and new crossing is considered acceptable in principle as the relevant design standard parameters are met. The construction of the new crossing would need to be undertaken to an appropriate Council standard under S184 or 278 of the Highways Act 1980 (or suitable alternative arrangement) at the applicant's expense.

SUMMARY

Based on the considerations noted above, the proposed development is not considered contrary to Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

Given the constraints and sensitivities of the local road network, a full and detailed Construction Logistics Plan is required in order to mitigate potential detriment to the public realm. If recommended for approval, this would be secured by planning condition.

7.11 Urban design, access and security

Please see section 07.07 of the report for urban design considerations.

Please see section 07.12 of the report for accessibility considerations.

SECURITY

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:
i) providing entrances in visible, safe and accessible locations;
ii) maximising natural surveillance;
iii) ensuring adequate defensible space is provided;
iv) providing clear delineations between public and private spaces; and
v) providing appropriate lighting and CCTV.

The proposed undercroft car and cycle parking arrangement, including parking for future residents and as well parking for the gym, retail unit and public house unit, seems to present a conflict in uses. If recommended for approval, a secure by design condition would be attached to achieve appropriate accreditation. Subject to compliance with such a condition, the proposed development would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.12 Disabled access

Policy 3.8(c) of the London Plan (March 2016) requires that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'.

Policy 7.2 of the London Plan (March 2016) states that new development should achieve the highest standards of accessible and inclusive design to ensure that:
a) development can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances and
b) development is convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.

The submission of revised plans makes it clear that lift access is provided on all floors of the proposed development. As confirmed by the Council's Access Officer, the proposal does not raise any accessibility concerns, subject to conditions requiring details of step free access via the principal private entrance and compliance with Approved Document M to the Building Regulations (2010) 2015. Subject to such conditions, the proposal would accord with Policies 3.8 and 7.2 of the London Plan (March 2016).

ACCESSIBLE PARKING

Policies DMT 1, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that accessible car parking is conveniently located in accordance with the Council's adopted car parking standards.

The two proposed accessible car parking spaces would be for the purposes of the permitted gym use. The route to the gym would be via the garage electric shutter access, exiting the site, travelling around the perimeter using the public footway, and entering the gym on Joel Street. This would equate to a distance of at least 150 metres which would exceed the 50 metre maximum distance recommended for Blue Badge holders. The

submitted plans therefore fail to demonstrate an acceptable route from the proposed accessible parking bays to the gym entrance on the West elevation.

However, under planning appeal reference APP/R5510/W/19/3240243, the Planning Inspector notes that the proposed disabled parking spaces would be adjacent to the existing spaces and there would not be a material
change in the distance between these spaces and the entrance to the gym on Joel Street. The entrance to the gym is also immediately adjacent to Northwood Hills station, bus stops and there is an on-street disabled
parking bay in close proximity. These factors combined mean that there is adequate provision to allow for access to the gym by disabled persons.

For the reasons noted above, the proposed development would not cause harm with respect to accessibility and would not be contrary to Policies DMT 1, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 7.2 of the London Plan (March 2016).

7.13 Provision of affordable & special needs housing

AFFORDABLE HOUSING

Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that housing provision is expected to include a range of housing to meet the needs of all types of households and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Local Plan. For sites with a capacity of 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units. This is supported by Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

The proposal is for less than 10 residential units and does not meet the threshold in order to require affordable housing provision. As such, the proposal is not contrary to Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.14 Trees, Landscaping and Ecology

Policy 3.5 of the London Plan (March 2016) requires that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces.

Policy 5.10 of the London Plan (March 2016) states that development proposals should integrate green infrastructure to contribute to urban greening, including the public realm.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and

enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

The proposed development would not impact on any existing trees or landscape features of merit. The proposed development appears to indicate amenity space in the form of a ground floor garden area, six terraces and a communal roof terrace. The ground floor garden area is only accessible through the ground floor residential unit and is not accessible via either the sides of the proposed building. This space is therefore not easily accessible for maintenance purposes.

It is noted that the Planning Inspector stated the following as part of the recent appeal decision (reference APP/R5510/W/19/3240243) for the site:

"Whilst the proposal would not be able to incorporate an extensive amount of landscaping, there is potential to provide some landscaping to the frontage of the site. The surrounding area is characterised by the built form and whilst dwellings in the area generally have front gardens, many have been hard surfaced to allow for off-street car parking. The amount of landscaping that could be provided would therefore be appropriate within this context."

The current proposal is not considered to provide adequate green infrastructure or landscaping. The addition of the flat roof communal roof terrace does, however, increase the potential for green infrastructure provision. A detailed landscaping scheme can be secured by condition. The requirement for an 'intensive' green roof would also be secured by condition in order to ensure that the proposed development enhances green infrastructure in an area and site currently considered be deficient in green infrastructure. Subject to such conditions, the proposed development would not be contrary to Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies 3.5 and 5.10 of the London Plan (March 2016).

ECOLOGY

Paragraph 170 of the NPPF (February 2019) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy 7.19 of the London Plan (March 2016) states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that the design and layout of new development should retain and enhance any existing features of biodiversity within the site.

If recommended for approval, a landscaping scheme would be secured by condition and would ensure that the proposal includes soft landscaping and improved green infrastructure provision to the benefit of biodiversity. Subject to this condition, the proposed development would not be contrary to Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy 7.19 of the London Plan (March 2016) and the NPPF (February 2019).

7.15 Sustainable waste management

Policy 5.17 of the London Plan (March 2016) sets out the Mayor's spatial policy for waste management, including the requirements for new developments to provide appropriate

facilities for the storage of refuse and recycling.

A bin storage area is located within the building at ground floor and waste would be collected from the front along Ferndown. As such, the proposal is considered to accord with Policy 5.17 of the London Plan (March 2016).

7.16 Renewable energy / Sustainability

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (March 2016).

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
A) All developments are required to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets.
B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved.
C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, where it is clearly demonstrated that the targets for carbon emissions cannot be met onsite, the Council may approve the application and seek an off-site contribution to make up for the shortfall.

In conjunction with this local plan policy, Policy 5.2 of the London Plan (March 2016) also states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Specifically, major developments must meet the zero carbon dioxide emissions reduction for both residential and non-residential buildings.

As such, the proposed development is not considered contrary to Policy 5.2 of the London Plan (March 2016), Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.17 Flooding or Drainage Issues

Policy 5.12 of the London Plan (March 2016) requires that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development.

Policy 5.13 of the London Plan (March 2016) states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals that fail to make appropriate provision for flood risk

mitigation, or which would increase the risk or consequences of flooding, will be refused.

Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water run-off rates will be refused.

The application site is located within Flood Zone 1 and a Critical Drainage Area. If recommended for approval, a sustainable water management scheme will be secured by condition in order to ensure compliance with Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies 5.13 and 5.15 of the London Plan (March 2016).

7.18 Noise or Air Quality Issues

NOISE

Policy 7.15 of the London Plan (March 2016) states that development proposals should seek to manage noise by:
a. avoiding significant adverse noise impacts on health and quality of life as a result of new development;
b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;
c. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);
d. separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation;
e. where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;
f. having particular regard to the impact of aviation noise on noise sensitive development;
g. promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

If recommended for approval, a condition would be attached requiring the submission of a scheme to protect the proposed development from noise generation at nearby commercial uses. The noise level in rooms at the development should also meet the internal noise levels specified in BS8233:2014 for internal rooms and external amenity areas. Subject to such conditions, the proposal would accord with the requirements of Policy 7.15 of the London Plan (March 2016), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

AIR QUALITY

Paragraph 181 of the National Planning Policy Framework (February 2019) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors. Policy 7.14 of the London Plan (March 2016) further supports this.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.
B) Development proposals should, as a minimum:
i) be at least "air quality neutral";
ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The application site is not located within a Air Quality Management Area (AQMA) but is identified as part of the Northwood East Air Quality Focus Area (AQFA). Pollution levels are therefore already high and there is public exposure in a high population density, with current measures not being sufficient to improve air quality. In such circumstances, there is a requirement to improve air quality. If recommended for approval, a Section 106 agreement would secure a financial contribution of £3,904 to Hillingdon in order to deliver its air quality local action plan and/or implement specific measures along the road network affected by the proposal that reduce vehicle emissions and/or reduce human exposure to pollution levels.

In addition to the planning obligation noted above and if recommended for approval, a Construction Management Plan would be secured by condition and should accord with the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document). A further condition would also preclude the use of Non-Road Mobile machinery (NRMM) unless it complies with the emissions standards set out in chapter 4, proposal 4.2.3.a of the London Environment Strategy.

Subject to such a planning obligation and conditions, the proposal would not be considered contrary to Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and the NPPF (February 2019).

7.19 Comments on Public Consultations

Please see section 06.01 of the report.

7.20 Planning Obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies

(January 2020) states:
A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).
B) Planning obligations will be sought on a scheme-by-scheme basis:
i) to secure the provision of affordable housing in relation to residential development schemes;
ii) where a development has infrastructure needs that are not addressed through CIL; and
iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.
C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request the following contribution:

i. Air Quality Mitigation: a financial contribution amounting to £3,904 to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and/or reduces human exposure to nitrogen dioxide levels.
ii) Permit free development so residents do not have access to car parking permits on surrounding streets.

COMMUNITY INFRASTRUCTURE LEVY

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 £60 per square metre.

The proposal produces a net increase of 680 square metres.

Hillingdon CIL £91,039.66

London Mayoral CIL £42,852.83

Total CIL £133,892.49

7.21 Expediency of enforcement action

None.

7.22 Other Issues

CONTAMINATED LAND

Policy 5.21 of the London Plan (March 2016) states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:
A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.
B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.
C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.
D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The Council's Contamination Officer considers that the proposal is acceptable subject to a planning condition requiring details of a remediation strategy. Subject to such a condition, the proposal is not considered contrary to Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and 5.21 of the London Plan (March 2016).

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

The proposed three storey building would provide 3 x 1 bedroom and 4 x 2 bedroom residential units with associated works, parking, bin and cycle storage. In light of the recently dismissed appeal decision for this site (reference APP/R5510/W/19/3240243) and the submission of revised plans, the proposal is considered acceptable in principle and with regard to its design, impact on the street scene, neighbour amenity, local highway network, access, landscaping, ecology, waste, energy, flooding, drainage, noise, air quality and contaminated land. Subject to conditions and a Section 106 legal agreement securing a financial contribution towards air quality mitigation and preventing future occupiers obtaining parking permits, this application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (February 2019)
DCLG's Technical Housing Standards - Nationally Described Space Standard (March 2015)
The London Plan (March 2016)
Greater London Authority's Town Centres Supplementary Planning Guidance (July 2014)
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
Accessible Hillingdon Supplementary Planning Document (September 2017)
Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Michael Briginshaw **Telephone No:** 01895 250230

Notes:

Site boundary

For identification purposes only.

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Planning Application Ref:	Scale:
5564/APP/2020/847	**1:1,250**
Planning Committee:	Date:
North	**July 2020**

HILLINGDON
LONDON