

Report of the Head of Planning, Transportation and Regeneration

Address LAND ADJ. 5 ALBERT ROAD/NORTH HYDE ROAD ALBERT ROAD HAYES

Development: Erection of part two storey and part three storey residential building to provide 6 flats with associated landscaping, refuse and cycle storage

LBH Ref Nos: 42985/APP/2021/1990

Drawing Nos: Planning, Transport, Design and Access Statement (including considerations on Trees, Landscaping and Air Quality)
Schedule of Accommodation
L0001 Rev. P2
L0100 Rev. P2
L1000 Rev. P2
L1010 Rev. P2
L0300 Rev. P1
L1050 Rev. P2
L1055 Rev. P1
L9000 Rev. P2

Date Plans Received: 17/05/2021

Date(s) of Amendment(s):

Date Application Valid: 17/05/2021

1. SUMMARY

The application seeks planning permission for the erection of part two storey and part three storey residential building to provide 6 flats with associated landscaping, refuse and cycle storage.

The overall scale of the building by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road, would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Concerns are also raised in terms of the quality of the outdoor amenity space provision.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road, would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D3, D4 and D6 of the London Plan (2021).

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide access to amenity space of a sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE 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.

DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
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
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

3 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 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.

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

4 I74 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the corner of Albert Road with North Hyde Road and comprises an area of Highway Land which is currently laid to grass with 3 trees planted in the centre. There are various pieces of street furniture alongside the footpath around its perimeter. Number 5 Albert Road is a two storey semi-detached dwelling to the north and Number 24 North Hyde Road is sited to the west. A community centre is sited to the north east.

3.2 Proposed Scheme

The application seeks planning permission for the erection of part two storey and part three storey residential building to provide 6 flats with associated landscaping, refuse and cycle storage.

3.3 Relevant Planning History

42985/89/0174 Adjacent 5 Albert Road Hayes
Erection of a two-storey building to contain 2 x 2-bedroom flats with amenity space and 3 car parking spaces

Decision: 11-04-1989 Refused

42985/A/89/3573 Adjacent 5 Albert Road Hayes
Erection of 6 advertisement hoardings.

Decision: 22-08-1989 Refused

42985/APP/2019/2676 Land Adj. 5 Albert Road/North Hyde Road Albert Road Hayes

Erection of a three storey, detached building to create 3 x 2-bed and 2 x 1-bed residential units with associated landscaping, cycle and refuse storage.

Decision: 05-12-2019 Refused

Appeal: 08-12-2020 Dismissed

42985/PRC/2019/66 Land Adj. 5 Albert Road/North Hyde Road Albert Road Hayes

Construction of four flats with amenity and parking

Decision: 22-05-2019 OBJ

42985/PRC/2021/29 Land Adj. 5 Albert Road/North Hyde Road Albert Road Hayes

Erection of part two storey and part three storey residential building to provide 6 flats with associated landscaping refuse and cycle storage

Decision: 08-04-2021 OBJ

Comment on Relevant Planning History

The relevant planning history is listed above. It is noted that the principle of residential development has been resisted on this site both by the Council and at appeal previously due to the visual impact of the massing of the building on this site which would extend beyond the building line on North Hyde Road.

4. Planning Policies and Standards

Development Plan

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)

The West London Waste Plan (2015)

The London Plan (2021)

Material Considerations

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

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.H1 (2012) Housing Growth

Part 2 Policies:

DMH 2 Housing Mix

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

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

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP GG2 (2021) Making the best use of land

LPP GG4 (2021) Delivering the homes Londoners needs

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D4 (2021) Delivering good design

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP D7 (2021) Accessible housing

LPP D8 (2021) Public realm

LPP H1 (2021) Increasing housing supply

LPP H2 (2021) Small sites

LPP H10 (2021) Housing size mix

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

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

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

19 neighbouring properties were consulted by letter dated 28.5.21.

A petition of objection with 263 valid signatures has been received raising concerns relating to:

1. Impact on character of the area
2. Loss of outlook and privacy
3. Noise and disturbance
4. Health and safety concerns
5. Devaluing of nearby properties

Ward Councillors:

Objections from the ward councillors were received objecting to the proposal on the following grounds:

1. The building is completely out of proportion and character and out of step with the properties next to the site along Albert Road and the Botwell side of North Hyde Road.
2. It is like an office block.
3. The area already has a parking problem for residents, with 6 additional flats which potentially could have 6 or more cars to park on an already congested road.
4. Lines of sight are also impacted. Albert Road is used as a rat run to avoid the traffic lights at Fairey Corner.

It is a very busy road and this development would significantly impact on safety at this busy junction

Internal Consultees

Highways Officer:

At the pre-application stage the Highway Authority (HA) confirmed that a car free development would be acceptable at this location, subject to a legal agreement to restrict access to parking permits.

Whilst not raised at the pre-app stage, clarification is required with regard to what happens to the existing road directional sign post's located partly on the site, it was assumed that the stretch of land on which the signs poles are located are part of the public highway, these will need to be retained.

Furthermore, to improve highway safety the HA requires optimum forward sightlines be secured at the junction of Albert Road with North Hyde Road, this will require widening of the footway to 2.4m along North Hyde Road either by an appropriate width of the sites frontage being dedicated to the HA for adoption or the strip of land to be conditioned that no obstruction more than 1m high will be allowed within that strip of land except for road signs/HA furniture. The applicant will be liable for the cost of making good the strip of land to footway.

The residential streets surrounding the site are controlled by resident parking management schemes, therefore a s106 legal agreement prohibiting the residents of the development from requesting residential parking permits will be required, which the applicant has confirmed.

RECOMMENDATION: No objection subject to the following conditions.

Conditions: A s106 legal agreement prohibiting the residents of the development from requesting residential parking permits.

Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of an appropriate width of the sites frontage along North Hyde Road to be dedicated to the HA for adoption or the strip of land to be conditioned for use of the road signs and that no obstruction more than 1m high will be allowed within that strip of land, shall be submitted to and approved in writing by the Local Planning Authority.

Landscape Officer:

This site is occupied by a wide grass verge with three semi-mature trees situated on the north side of North Hyde Road, which have recently been felled. The trees contributed to the character and appearance of this busy road, complementing nearby tree groups to the east and south (the ASDA site). They were not protected TPO or Conservation Area designation.

COMMENT: A previous application, ref. 42985/APP/2019/2676 was refused, in part due to the lack of private amenity space. The proposal has necessitated the loss of the three trees and the grass verge. The current layout shows very narrow private amenity spaces along the site frontage trapped between building edge and the back edge of the footway. It is difficult to envisage these ever being attractive or usable as private garden space. A communal (community?) garden is indicated at the west end of the site. Communal gardens are less not ideal and this one even less so. It appears to be open to the public and not dedicated space for the benefit of the residents. The bike stores fronting onto Albert Road are so tightly arranged that the southernmost store appears to be inaccessible /disconnected from any footpath? No landscape infrastructure is indicated on the proposed layout and no landscape description, or objectives are mentioned in the D&AS. There is no evidence of landscape or ecological enhancement attached to this scheme.

RECOMMENDATION: This application fails to satisfy policies DMHB 11, DMHB 14 and DMHB 18 and should be refused.

Access Officer:

Any grant of planning permission should include the following conditions:

The development hereby approved shall ensure that step free access via the principal private entrance, and all other points of entry and exit, is achieved and maintained for the life of the building
REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D7 is achieved and maintained.

The dwelling 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 the 2021 London Plan policy D7 is achieved and maintained.

The development hereby approved shall ensure that a passenger lift for use during a fire shall be provided for the purpose of providing step free evacuation for persons unable to reach a place of safety via a stair, with the facility remaining in place in perpetuity.

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D5 and D12 is achieved and maintained.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is within the Hayes Housing Zone and close to what will shortly be a Crossrail station. Strategic planning policies seek to increase housing provision in such a highly

accessible location. The site is prominent in this corner location adjacent to a major road junction and is heavily constrained by the position within the street scene and need to avoid neighbour impacts.

It is noted that In 1989 there was a Planning Application, 42985/89/174 which was for the erection of a 2 storey building to contain 2 x 2 bed flats with amenity space and 3 parking spaces. The Application was refused on grounds of overdevelopment of the site; Highways as regards vehicular access; incongruity of design; unneighbourly development and inappropriate materials.

A more recent application reference 42985/APP/2019/2676 - Erection of a three storey, detached building to create 3 x 2-bed and 2 x 1-bed residential units with associated landscaping, cycle and refuse storage. was refused and dismissed at appeal. The details of the Inspectors concerns are outlined in the sections below.

7.02 Density of the proposed development

It should be noted that the density matrix found in the 2016 London Plan does not form part of the new London Plan (2021). Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites.

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2, which recommends a density range of 150 - 250 u/ha.

The application site is located within an urban setting and has a Public Transport Accessibility Level (PTAL) of 5 Based on a total site area of 0.04 hectares, the proposed scheme would have a density level of 150 units per hectare. The proposed density levels would be compatible with the surrounding area and falls within the recommended density range set out in Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

Notwithstanding the above, it is considered that the what is of greater significance to the determination of this application is the local contextual factors. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal. It has already been established that the principle of development is acceptable. The following section of this report will discuss the impact on the character and appearance of the area.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The NPPF (2019) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy D3 of the London Plan (2021) requires that development proposals should: Form and enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

Policy D4 of the London Plan (2021) states 'Development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establish an enhanced character for the future function of the area.'

Policy GG4 of the London Plan (March 2021) 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 in achieving housing targets, full account must be given to other policy objectives. Policy H1 of the London Plan (2021) promotes the optimisation of housing output within different types of location. Policy H10 of the London Plan encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that 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.

The previous, most recently refused application (Ref: 42985/APP/2019/2676) raised significant concerns in terms of visual impact with the following reason for refusal:

The proposed development, by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road, would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies

(November 2012), Policies DMHB 11 and DMHB 12 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5, 7.1 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

The Inspector in the appeal also raised concern with regards to the previous form of the building and how it would project significantly forward of the building line in relation to the buildings on Albert Road and North Hyde Road.

In relation to this issue the Inspector commented as follows:

"The existing houses on North Hyde Road are set on a building line which draws back from the road as they approach the appeal site, such that the nearest house has its front elevation virtually aligned with the rear of the plot boundary (with No 5 Albert Road). This means that the open appeal site is prominent in itself and any new building on it would be highly visible. This would be particularly so when approaching the site from the north-west on North Hyde Road. At present the view here is of the front elevation of the houses and when the side elevation of No 5 Albert Road comes into view, it almost aligns with the front elevation of No 24 North Hyde Road and appears as a logical continuation of the line of the buildings as they draw back from the junction.

In contrast, the proposal would follow the alignment of the pavement. Its 2 storey end elevation, rising to 3 storeys, would be very prominent in various views here but particularly so from North Hyde Road, as described above. It would sit awkwardly and uncomfortably forward of No 24 North Hyde Road and would appear unduly prominent in the setting that I have described; it would unacceptably disrupt the existing layout and pattern of buildings that currently exists. Therefore, the proposal conflicts with Policy DMHB 11."

The applicant has advised that the new proposal has sought to address these concerns by setting the building back further within the site from both Albert Road and North Hyde Road. In particular, a significant gap has now been provided between the proposal and No. 24 North Hyde Road with soft landscaping to soften the appearance of the scheme. The width of the proposed building has also been reduced. The development also steps back as it extends into the rear of the site in an attempt to correspond to the changing building line at No. 24. The proposal also incorporates a curved facade on the corner. The applicant recognises that the building would still project forward of the building line along North Hyde Road, but, in the applicants opinion, the design approach and visual gap is considered to mitigate this modest encroachment.

It is considered, however, that the proposal fails to satisfactorily address the Inspectors concerns with regard to the overall bulk of the building towards North Hyde Road and the breach of the return building line. The principle of the building cannot be supported in this location given the visual harm to the character and appearance of the area. It remains the Council's view that the proposed development, by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road, would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan - Part Two and Policies D3, D4 and D6 of the London Plan (2021).

7.08 Impact on neighbours

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

The 2019 refused scheme raised significant concerns about the overdominating impact of the development on neighbouring properties. In particular, the appeal Inspector raised concerns about the overbearing impact on the development on the occupants of adjacent Number 5 Albert Road.

The current scheme seeks to address this concern. The overall scale of the building has been reduced in a staggered form rising towards the corner. The 45 degree line from the first floor rear facing windows of number 5 would not be breached at two storey and above. It is considered, on balance that the overbearing nature of the development has been overcome. Due to fenestration arrangements, there would be no undue loss of privacy.

7.09 Living conditions for future occupiers

Policy DMHB 16: Housing Standards states:

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:

meet or exceed the most up to date internal space standards, as set out in Table 5.1 The submitted plans indicate that all units would meet this minimum standard.

Policy DMHB 18: Private Outdoor Amenity Space states:

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 5.2

The 2019 application was refused for the following reason:

The proposed development, by virtue of its failure to provide access to amenity space of a sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy DMHB 18 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

In relation to this issue the Inspector commented as follows:

"11. The proposal includes the provision of 2 private gardens, 2 balconies and a roof terrace for use as amenity spaces for future residents. The supporting text to Policy DMHB 18 of the DMP states that private outdoor amenity space will be required to be well located, well designed and usable for the private enjoyment of the occupiers. The Policy requires that the minimum amount of space for 1 bedroom flats is 20 sqm and for 2 bedroom flats is 25 sqm. The proposal includes 2 flats which would only have access to small balconies which would be located at the prominent front corner of the proposal, close to the road.

12. With specific regard to the flats with the balconies, I consider that the normal domestic needs for amenity space could not be satisfied by the provision of these small balconies, situated on the prominent frontage of the building, facing over/towards the busy road. Therefore, the proposal is contrary to Policy DMHB 18."

The footprint of the building has been reduced since the previously dismissed scheme. This proposal will be able to provide more communal garden space at ground floor level than the previous scheme to enable the provision of an area of communal open space the rear. In addition, the ground floor flats would be provided with external terraces of approximately 15sqm each. The applicant has advised that it is recognised that there would be a shortfall of external amenity space when compared with local external amenity space standards, but given that all of the units are non-family sized and as such unlikely to accommodate families, and given the proximity of the site to the town centre, the proposed level of external amenity space would be considered acceptable and proportionate for future occupiers. The development is also close to the redevelopment works at the Former Nestle Site and surrounding developments which incorporates new green infrastructure. Future occupiers will be able to benefit from the use of these areas like the flats being delivered on those respective sites.

The Council's landscape officer has however raised concerns about the amenity space provision. The current layout shows very narrow private amenity spaces along the site frontage trapped between building edge and the back edge of the footway. It is difficult to envisage these ever being attractive or usable as private garden space. A communal garden is indicated at the west end of the site. This area appears to be open to the public and not dedicated space for the benefit of the residents. Thus it is considered that by virtue of its failure to provide access to amenity space of a sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers in conflict with the requirements of Policies DMHB11 and DMHB18 of the Hillingdon Local Plan - Part Two (2020).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to

congestion and amenity.

The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

At the pre-application stage the Highway Authority confirmed that a car free development would be acceptable at this location, subject to a legal agreement to restrict access to parking permits.

Whilst not raised at the pre-app stage, in the event of an approvable scheme, clarification would be required with regard to what happens to the existing road directional sign post's located partly on the site, it was assumed that the stretch of land on which the signs poles are located are part of the public highway, these will need to be retained. In addition, to improve highway safety the HA requires optimum forward sightlines be secured at the junction of Albert Road with North Hyde Road, this will require widening of the footway to 2.4m along North Hyde Road either by an appropriate width of the sites frontage being dedicated to the HA for adoption or the strip of land to be conditioned that no obstruction more than 1m high will be allowed within that strip of land except for road signs/HA furniture. The applicant will be liable for the cost of making good the strip of land to footway.

The residential streets surrounding the site are controlled by resident parking management schemes, therefore a s106 legal agreement prohibiting the residents of the development from requesting residential parking permits will be required, which the applicant has confirmed.

It is considered that in the event of an approvable scheme, the above issues could be addressed by entering into a S106 legal agreement and the imposition of relevant planning conditions.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

Policy D5 of the London Plan states that development proposal should achieve the highest standards of accessible and inclusive design and that they should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment, be able to be entered, used and exited safely, easily and with dignity for all and that they should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

Policy D7 of the London Plan states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and that all other

dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

The Council's Access officer has suggested that matter of disabled access could be covered by conditions and has recommended that a condition requiring a passenger lift for use during a fire be provided for the purpose of providing step free evacuation for persons unable to reach a place of safety via a stair, with the facility remaining in place in perpetuity. A lift is proposed within the proposal and the units are designed to accessible standards.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy DMHB 14: Trees and Landscaping requires:

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.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey

identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

This site is occupied by a wide grass verge which previously contained three semi-mature trees, which have recently been felled. The trees contributed to the character and appearance of this busy road, complementing nearby tree groups to the east and south (the ASDA site). However, they were not protected by a TPO or Conservation Area designation. Given the removal of the trees, the impact on the street scene of the proposal is considered in other sections of the report.

7.15 Sustainable waste management

The proposed site plan shows that waste facilities would be positioned adjacent to the southern boundary of the site to the side of the proposed building. Whilst there is no objection to this location, a condition would be secured requiring full details (including the dimensions) of the refuse and recycling facilities to be submitted to the Council for consideration.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that development proposals 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 DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (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 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 runoff rates will be refused.

The application site is located in Flood Zone 1 where there is a low probability of risk of flooding from rivers or seas. As such, all forms of development including residential development (which is classified as a 'more vulnerable use') is acceptable in this location, in terms of fluvial flood risk.

In the event of an approval, a sustainable water management scheme would be secured by condition to ensure compliance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

The application site is located adjacent to a busy road junction. In the event of an approvable scheme, a condition would be imposed to secure details of sound insulation of the proposed flats to ensure future occupants enjoy a residential environment which provides satisfactory insulation from traffic noise.

7.19 Comments on Public Consultations

The issues raised during the consultation process are addressed in the sections above.

7.20 Planning obligations

CIL

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

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 to this application.

10. CONCLUSION

The overall scale of the building by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road, would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Concerns are also raised in terms of the quality of the outdoor amenity space provision.

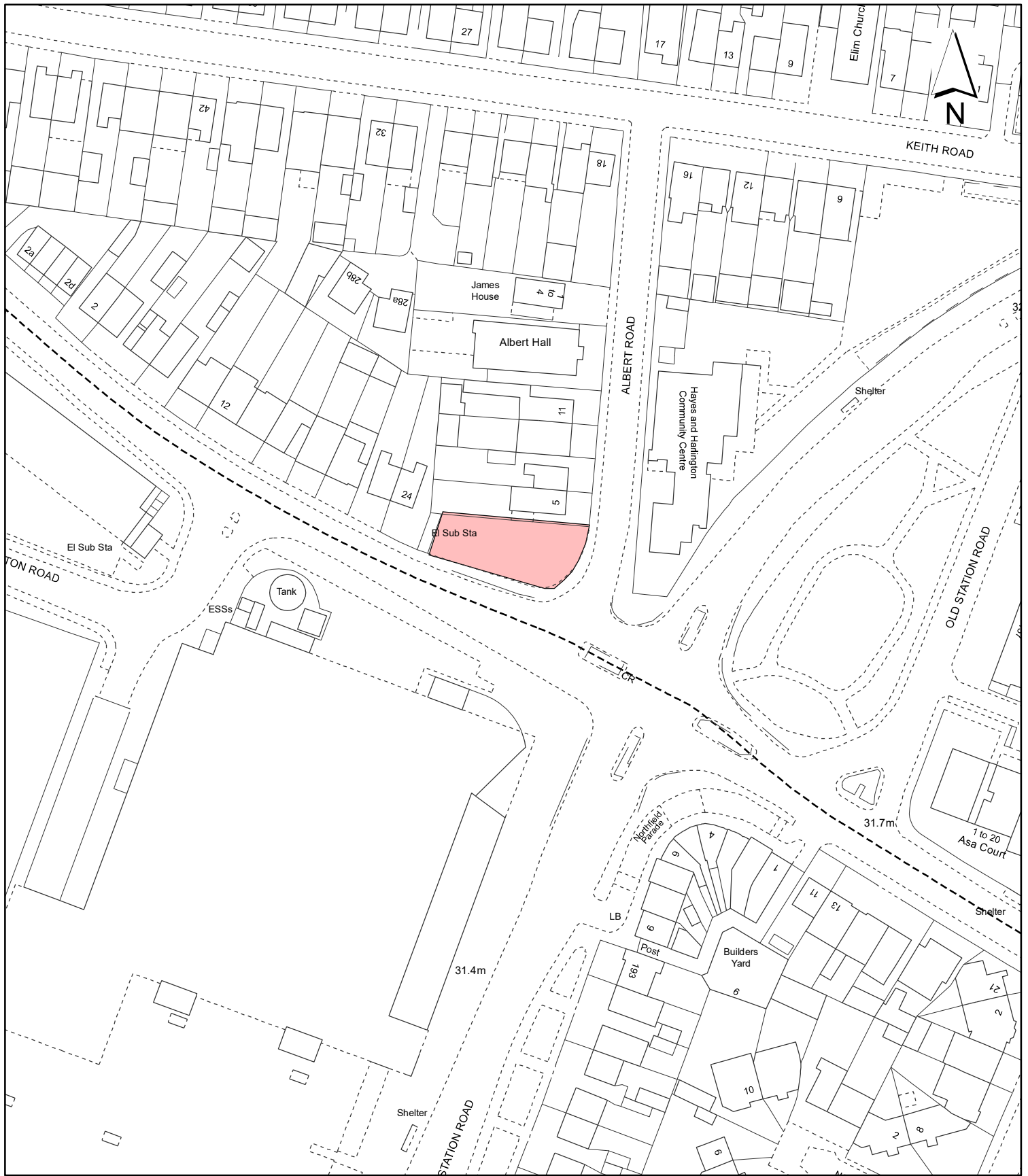
11. Reference Documents

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)
The West London Waste Plan (2015)
The London Plan (2021)

Contact Officer: Nicola Taplin

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Notes:

 Site boundary

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Site Address:

**Land Adjacent to 5 Albert Road
 North Hyde Road
 Albert Road**

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

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

42985/APP/2021/1990

Scale:

1:1,200

Planning Committee:

Minor

Date:

July 2021



HILLINGDON
 LONDON