

## Report of the Head of Development Management and Building Control

<b>Address:</b>	GARAGES TO REAR OF 15 ASH GROVE HAYES		
<b>Development:</b>	Demolition of four existing garages and erection of two terraced dwellings (1x 2 bed and 1 x 3 bed) over two storeys with associated car parking spaces and private gardens.		
<b>LBH Ref Nos:</b>	77939/APP/2023/2448		
<b>Drawing Nos:</b>	2021-034_P2200 Rev A 2021-034_P2011 Rev B Flood Risk Assessment - 5527-HAYE-ICS-XX-RP-C-07.001 2021-034_P0010 2021-034_P1000 2021-034_P2000 Rev B 2021-034_P2010 Rev A 2021-034_P2012 Rev A Transport Assessment 2021-034_P1200 Design and Access Statement		
<b>Date Plans received:</b>	15-08-2023	<b>Date(s) of Amendments(s):</b>	15-08-2023
<b>Date Application valid</b>	15-08-2023		10-10-2023

### 1. SUMMARY

Planning permission is sought for the erection of 1x3 bed dwelling and 1x2 bed dwelling following the removal of 4 existing garages, parking forecourt and grass verge.

With regards to the loss of the existing garages, 3/4 garages are unoccupied and have remained unoccupied for a considerable period of time. The design of the garages do not conform to the modern day design of a garage meaning it is unlikely that they could provide parking for the modern day vehicle. Moreover the site is currently subject to injudicious parking which obstructs the access to the garage site, has decimated the existing grass verge and spilled over onto the public highway. The proposed redevelopment of the site would redress this highway safety concern and this would be considered a public benefit.

Each dwelling would be provided with 1 car parking space and whilst the Highway Officer has stated that 1.5 spaces should be provided per dwelling it is considered that adequate parking space exists within the surrounding area to take up any displaced parking which could result from the proposed development. Taking into consideration these points the removal of the sites parking provision is considered to be acceptable and to have no adverse impact on the local highways network.

The proposed new residential units would provide adequate levels of internal living accommodation for future residents which would include level access to meet accessible standards which would be secured by condition. Whilst the proposed external amenity space would not conform with the standards for Policy DMHB 18 in terms of area, it would be well designed, usable and private which are also requirements of the policy. Notwithstanding this point, the site benefits from being located within walking distance to two local parks which would provide additional public open space to offset the shortfall in onsite provision. Whilst a minor policy conflict, on balance when viewed overall, it is considered that good quality living accommodation would be provided.

Furthermore 2 new dwellings would be provided on previously developed land and a family sized dwelling is proposed. Family dwellings are needed in the Borough and the redevelopment of previously developed land is supported by the Local Plan and London Plan. These benefits weigh in favour of the proposal.

The development would also provide minor economic benefits to the area (through construction and the introduction of new residents to the area).

The benefits of the proposed development are therefore considered to outweigh the policy conflict and as the proposal would have an acceptable impact on the local highways network, neighbouring amenities and the appearance of the area, whilst providing an acceptable standard of living accommodation for future residents, it is recommended that planning permission be granted, subject to conditions.

## **2. RECOMMENDATION**

### **APPROVAL subject to the following:**

#### **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 submitted plans numbers:

2021-034\_P0010

2021-034\_P2000 Rev B

2021-034\_P2010 Rev A

2021-034\_P2011 Rev B

2021-034\_P2012 Rev A

2021-034\_P2200 Rev A;

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 (2021).

### **3. OM19 Construction Management Plan**

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

- a) The phasing of development works
- b) Types of vehicles accessing the site, including their ability to enter the shared driveway without affecting neighbouring properties
- c) The hours during which development works will occur
- d) How vehicles will access the site whilst protecting neighbouring sites
- e) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities)
- f) 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)
- g) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process
- h) The storage of demolition/construction materials on site

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

## REASON

To ensure the development causes no harm to the local highways network or pedestrian and road user safety and to safeguard the amenity of surrounding areas in accordance with Policies DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020), as well as policies D3 and T6 of the London Plan (2021).

### **4. HO5 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 first floor walls or roof slopes of the dwellings.

## REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

### **5. D2 Obscured Glazing**

The first floor north facing windows of the 2 bedroom dwelling shall be glazed with obscure glass to at least scale 4 on the Pilkington scale and be non-opening except at top vent level for so long as the development remains in existence.

## REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon

Local Plan Part 2 (2020).

**6. NONSC Step Free Access**

Prior to any development on the site above damp proof course level, details of step free access via all points of entry and exit for each of the dwellings 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 housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

**7. NONSC Accessibility Compliance M4(2)**

The dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

**REASON**

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan (2021).

**8. RES6 Levels**

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

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

**9. RES7 Materials (Submission)**

No development above ground level shall take place until details of all materials and external surfaces (associated with the proposed development) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

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

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

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

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

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100)

1.b Written specification of planting and cultivation works to be undertaken

1.c Schedule of plants giving species (including pollution absorbing plants), plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Refuse Storage (including dimensions and material finishes)

2.b Secure and enclosed Cycle Storage units capable of storing 2 cycles for each dwelling (including dimensions and material finishes)

2.c Means of enclosure/boundary treatments

2.d Hard Surfacing Materials and Car Parking Layouts (including two active electric vehicle charging points)

2.e External Lighting

2.f Other structures

3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years

3.b Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased

4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

**11. RES14 Outbuildings, extensions and roof alterations**

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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to the dwellinghouses hereby approved shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020).

**12. RES23 Visibility Splays - Pedestrian**

Prior to the occupation of either dwelling hereby approved, details of pedestrian visibility splays (for both new accesses) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the splays shall be installed and maintained throughout the lifetime of the development.

The new accesses shall be provided with 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

#### REASON

In the interests of highway and pedestrian safety in accordance with policy DMT 2 of the Hillingdon Local Plan Part 2 (2020).

### **13. NONSC Non Standard Condition**

(i) The development hereby permitted (excluding demolition, site clearance and initial ground investigation works) shall not commence until a scheme to deal with unacceptable contamination, (including asbestos materials detected within the soil), has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of any required 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 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 water 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 will be verified shall be agreed in writing with the LPA prior to commencement, 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 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 and/or engineering 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 factual results and interpretive reports of this testing shall be submitted to and approved in writing by the Local Planning Authority..

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.

## 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. 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](mailto: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](http://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.

### 3. I15 **Control of Environmental Nuisance from Construction Work**

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

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

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

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

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### **4. I23 Works affecting the Public Highway - Vehicle Crossover**

The development requires the installation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

#### **5. I52 Asbestos informative**

Appropriate testing, demolition and/or removal of any asbestos containing material (ACM) should be carried out strictly in accordance with guidance from the Health and Safety Executive.

#### **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 (2021) and national guidance.

DMEI 14	Air Quality
DMH 1	Safeguarding Existing Housing
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 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth



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 H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI13	(2021) Sustainable drainage
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The development site is located on the junction between Ash Grove and Juniper Way. It is north of No.31 Ash Grove and to the rear of 15 Ash Grove. The site comprises 4 single storey garages, a parking forecourt and grass verge. The site is located within a residential area comprising of two storey terraced properties finished in brick. Some properties within the area have on site parking space, others have detached garages or use nearby parking bays.

The development site is located within PTAL 1b and part of the site is located upon potentially contaminated land.

#### **3.2 Proposed Scheme**

Planning permission has been sought for demolition of four existing garages and the erection of two terraced dwellings (1x 2 bed and 1 x 3 bed) with associated car parking spaces and private gardens.

#### **3.3 Relevant Planning History**

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

There is no relevant planning history for the development site.

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

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)

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

### **Local Plan Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMH 1 Safeguarding Existing Housing

DMH 2 Housing Mix

DMEI 14 Air Quality

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

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- DMT 5 Pedestrians and Cyclists
- DMT 6 Vehicle Parking
- LPP D1 (2021) London's form, character and capacity for growth
- 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 H1 (2021) Increasing housing supply
- LPP H2 (2021) Small sites
- LPP SI13 (2021) Sustainable drainage
- LPP T4 (2021) Assessing and mitigating transport impacts
- LPP T5 (2021) Cycling
- LPP T6 (2021) Car parking
- LPP T6.1 (2021) Residential parking

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

**5.1** Advertisement Expiry Date: Not Applicable

**5.2** Site Notice Expiry Date: **27th February 2024**

## **6. Consultations**

### **External Consultees**

15 neighbouring properties were directly notified of the proposal on 25/08/23.

7 letters of objection have been received in response to consultation on the application. Those comments have been summarised below.

- 1) The proposal would have an adverse impact on the local highways network and would reduce pedestrian safety.
- 2) The proposal would cause harm to the character and appearance of the area.
- 3) The proposal would cause harm to neighbouring amenities (loss of light, outlook, privacy).

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- 4) The proposal would cause noise and disturbance due to increased activity during construction works, which would harm local residents and their amenities.
- 5) The existing garages are in use, their loss will inconvenience users.
- 6) The development would lead to a loss of green space in an area with little to no green space. The loss of green space would reduce outdoor amenity space provision for local residents impacting adversely upon their mental health.
- 7) The address of the development site is inaccurate.
- 8) The development would impact adversely on the structural integrity of No.31, additionally No.31 has cables and guttering on its side wall, which would be lost, impacting adversely on the No.31's ability to function.

#### PLANNING OFFICER COMMENTS:

Issues relating to points 1,2,3 and 5 are considered in the main body of the report.

In relation to point 4, construction works are temporary and therefore so are the associated impacts. The Environmental Protection Act (1990) and Pollution Act (1974) are in place to ensure that construction works are carried out in an appropriate and environmentally friendly manner. A condition requiring a construction management plan to be agreed with the Council is also recommended, in order to minimise the impacts of construction on neighbouring residents and the environment as far as practicable.

In relation to point 6, whilst the comments are noted, the land is not designated outdoor external amenity space for members of the public. The land is of low amenity value due to its limited size, position next to the road and composition (which is solely lawn grass). The land is used for unauthorised parking at times, which is an eyesore to the area. Taking into consideration these points the loss of the land is considered to be acceptable.

In relation to point 7, it is noted that the address of the site could be clearer, however the garage site is located to the rear of 15 Ash Grove and is considered to be acceptable in identifying the location of the site.

In relation to point 8, the structural integrity of No.31 is not a material planning consideration and the matter would be carefully monitored at building control stage. The impact of the proposal on neighbouring guttering, electric runs and cabling is civil matter and not a material planning consideration.

#### **Internal Consultees**

##### HIGHWAYS OFFICER

An application has been received seeking planning permission for the demolition of four existing garages and erection of two terraced 3-bed dwellings over two-storeys with associated car parking spaces and private gardens. The plans submitted however show the development of one 3-bed and one 2-bed dwellings. The application site is situated in a residential area on land formed by the junction of Juniper Way and Ash Grove. Parking on the surrounding roads is unrestricted and a maximum speed limit of 30mph is in operation. The proposal is situated in an area with a PTAL ranking of 1b, indicating that access to public transport is poor compared to London as a whole.

The plans submitted show that both dwellings would benefit from 1no. car parking space each, the driveway for the 3-bed house adjoining 31 Ash Grove would be at the front of the property, the driveway for the 2-bed house bordering Juniper Way at the rear.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The London Plan (2021) Policy T6.1 Residential Parking requires that development proposals must comply with the relevant parking standards. For a 2-bed and 3-bed dwelling in an area with a PTAL ranking of 1b the maximum number of car parking spaces permitted would be 1.5no. spaces, the 2no. proposed are therefore in accordance with this policy.

The Highway Authority is mindful that the proposal would lead to the loss of 4no. garages and a forecourt parking area. These garages and their forecourt belong to the Council's Housing Department. Enquiries have been made and it has been learnt that 3no. of the 4no. garages are vacant, the occupancy status of the fourth garage is not known. As such, the redevelopment of the 4no. garages would not result in the loss of parking. Vehicles parking on the forecourt are doing so without permission - if this land is redeveloped there would therefore be no loss of parking to a legitimate user. The Highway Authority is further advised that the 4no. garages would be unable to accommodate larger vehicles such as SUVs which are becoming more commonplace.

The London Plan (2021) requires that a minimum of 2no. cycle parking spaces should be provided for a dwelling with two or more bedrooms, as part of the proposal a cycle store would be included for each dwelling. The applicant should ensure that the pedestrian gate adjacent to the parking space for the 2-bedroom dwelling is at least 1.2m wide to concur with London Cycling Design Standards.

There are no highway objections to this proposal.

## ACCESS OFFICER

This proposal for 1 x 2 and 1 x 3 bed terraced dwellings has been reviewed against the London Plan (2021) and does not raise any accessibility concerns subject to the following conditions attached to any approval:

1. Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit 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 housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

2. The dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan (2021) and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON: To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan (2021).

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

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The NPPF (2021) and Policy GG2 of the London Plan (2021) state a requirement to encourage the effective use of land and encourage the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Chapter 5 of the NPPF 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.

Policy GG4 of the London Plan seeks to ensure that London's housing needs are met. Policy H1 of the London Plan (2021) promotes the optimisation of housing output within different types of location. Consideration will also be given to the accessibility of the site to services and amenities. Policy H2 of the London Plan advises that Borough's should proactively support well designed homes on small sites in decision and plan making.

At local level 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.

The site comprises a set of garages within an established residential area. Given the policy support for the optimisation of brownfield sites to contribute towards delivering new homes, subject to the proposed developments compliance with other relevant planning policies and material planning considerations, the principle of replacing the existing garages with two houses is considered to be acceptable.

## HOUSING MIX

Policy H10 of the London Plan (2021) states that applicants and decision-makers should have regard to the need for additional family housing. Family housing is defined within the glossary of the London Plan (2021) and advises that it must generally be of a size that has three or more bedrooms.

Policy DMH 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.

Policy DMH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (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 supporting text related to this policy states at paragraph 4.6 that 'The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account.'

1 x 3 bed dwelling and 1 x 2 bed dwelling are proposed. The housing mix is acceptable and the provision of the family sized housing is supported by both the Local Plan and London Plan (2021).

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

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. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be

actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 of the London Plan (2021) which states that Boroughs should proactively support well-designed new homes on small sites below 0.25 hectares in size.

Numerical densities are considered to be more appropriate to larger sites and what is considered of greater significance to the determination of this application is the local contextual factors. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the area, and would respect residential amenity considerations, rather than the consideration of the numerical density of the proposal. These issues are discussed in detail at sections 7.07 and 7.08 of this report.

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

The development would not have an impact on any heritage assets or archaeological priority areas.

### **7.04 Airport safeguarding**

The development would have no impact on airport safeguarding.

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

The development would have no impact on the Green Belt.

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

Paragraph 135 of the NPPF (2023) states 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: '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, 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.'

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The development site is located on the junction between Ash Grove and Juniper Way. It is north of No.31 Ash Grove and to the rear of 15 Ash Grove. The site comprises 4 single storey garages, a parking forecourt and grass verge. It is located within a residential area comprising of two storey terraced properties finished in brick. Some properties within the area have onsite parking space, others park at the roadside, use parking bays, or have garages.

The site is located at the northern end of a terraced row of two to three storey residential buildings. The row features an established front and building line with modest front and rear gardens. The proposed new dwellings would be constructed up to the boundary of the neighbouring terrace therefore forming part of the terrace. The front and rear building lines have been set in line with the neighbouring block to provide a degree of integration and the ridge height set below the existing block to ensure that the proposal dwellings do not appear over-dominant and provide a degree of transition between the existing block and the former single storey garages.

It is noted that the proposed dwellings would be of more contemporary design when compared with neighbouring properties. However, whilst not within the immediate context, more contemporary designed properties are noted within the local area, the former garage site on Juniper Way (77449/APP/2023/781) which is a road adjacent to the site being one key example. Furthermore, the new dwellings would be of similar form, height, depth, width, and material finish to neighbouring properties and would therefore be in keeping with the fundamental characteristics of other properties in the area.

The applicant has engaged with officers to address any design concerns during the process of the application. Initial concerns were raised regarding the excessive number of windows proposed within the front elevation of each dwelling. In response to concerns, amended plans were submitted removing several windows. As such the design concerns are resolved.

In terms of layout, the dwellings would front the main road like other properties in the area and would have private rear gardens. Off street parking would also be provided for both dwellings.

It is noted that the development would lead to the loss of an existing grass verge. However, the verge is of low amenity value for the reasons outlined in section 6.1 of this report. Replacement of the verge with housing would prevent the space being used for unauthorised parking, which in turn would improve the areas appearance.



In the event of the application being approved a landscaping scheme would be secured via condition to ensure that appropriate planting is provided.

Overall and for the reasons outlined above, the proposal is considered to have an acceptable impact on the visual amenities of the area.

## **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.

Paragraph 135 of the NPPF (2023) states 'Planning policies and decisions should ensure that developments:

f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

### **PRIVACY**

The front elevation windows of the proposed dwellings would front the main road (and the side elevation of No.105 Juniper Way at a distance of approximately 22m). As other properties within the existing terrace front the main road and No.105 at a similar distance, the proposed dwellings are considered to cause no adverse impact to the privacy of the occupiers of No.105.

The side elevation of the proposed two bed dwellings contains two first floor windows. The windows do not serve habitable spaces, however a condition is recommended to obscure glaze the windows, which would ensure that the gardens of properties on Judge Heath Lane were not subjected to increased overlooking.

At present, properties within the terrace have first floor rear windows which provide views into their gardens and neighbouring gardens as such a degree of overlooking is not uncommon in this dense residential location. The proposed dwellings would have first floor rear windows which provide similar views to the mentioned properties. The development would therefore cause no loss of privacy or overlooking which is above and beyond the established level of overlooking that exists between properties in the area.

### **LIGHT AND OUTLOOK**

The proposed dwellings would not dissect a line drawn at 45 degrees from the front or rear habitable room windows of neighbouring properties (or each other). The dwellings would therefore cause no harmful loss of outlook or light to neighbouring properties (or each other).

### **ACTIVITY AND DISTURBANCE**

The development site is located within a dense residential area with smaller and larger homes. The addition of 2 new homes would not lead to any increase in people movements that would be out of character or harmful to residents enough to warrant refusal of the application. Additionally, 4 garages and 3 parking spaces are to be replaced with 2 parking spaces, meaning that the development would result in less vehicle movements and less noise associated with vehicle movements. If the application is approved, a condition has been recommended to ensure that the construction process is managed

in a manner which limits the developments impact on neighbours.

## CONCLUSION

Taking into consideration the above and subject to conditions the development would have an acceptable impact on neighbouring amenities.

### 7.09 Living conditions for future occupiers

#### INTERNAL AMENITY

Policy DMHB 16: 'Housing Standards' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) 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 London Plan (2021) advises that two storey, 2 bed, 3 person dwellings should provide future residents with a minimum internal floor space of 61sqm and that 3 bed, 4 person dwellings should provide future residents with a minimum internal floor space of 79sqm.

The proposed 2bed, 3person dwelling would provide future residents with approximately 74sqm of internal amenity space. The proposed 3 bed, 4 person dwelling would provide future residents with approximately 99sqm of internal amenity space. The dwellings would therefore exceed required internal floor space standards. Further to the above the new dwellings would have habitable rooms with good access to light and privacy. Overall it is considered that the new dwellings would provide future residents with a good level of internal living accommodation.

#### EXTERNAL AMENITY

Policy DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) requires all new residential developments to provide good quality and usable private outdoor amenity space. 60sqm of external amenity space is required for 2-3 bedroom properties.

The 3 bed dwelling would be provided with a 40sqm garden and the 2 bed dwelling would be provided with a 55sqm garden. The proposed dwellings would therefore fail to meet the requirements of Policy DMHB 18. Whilst this does result in a minor policy conflict it is no unusual for dense residential areas to benefit from modest but undersized amenity areas. Having undertaken a review of the local area it is clear that there is at least 2 local public open spaces which are within walking distance from the site and would be available for use to offset the shortfall in private amenity space on site.

Notwithstanding the above, if approved a condition restricting permitted development rights for extensions and outbuildings is recommended to prevent any further erosion of the outdoor spaces.

### 7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) 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 pedestrians 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 5 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'A) 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, including:

i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;

ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;

iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and

iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.'

Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'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.

## PARKING

The London Plan (2021) advises that 2 bed dwellings in Outer London with a PTAL rating of 0-1 should be provided with up to 1.5 parking spaces. 1 parking space is to be provided for each of the proposed dwellings. This is within the maximum standard and it is therefore considered that an acceptable amount of parking would be provided for future residents.

The proposal would lead to the loss of 4no. garages and a forecourt parking area (3 spaces). These garages and their forecourt are owned by the applicant. 3 out of 4 of the garages are vacant and therefore their loss would not lead to any loss of existing utilised parking space. Having visited site and reviewed the historical images of the site, it is clear there have been issues relating to injudicious parking. This parking issue has overspilled onto the grass verge, encompassed the front access to the garage forecourt and spilled over onto the public highway. The proposed re-development of the site would redress these issues which would be beneficial to local residents who have been experiencing parking related issues.

When assessing the potential loss of parking, it is important to consider whether the design of the garages is actually fit for purpose to provide parking for a vehicle. The submitted plans show that the existing garages do not meet the current size standards for garage spaces (3m x 6m) set out in Appendix C of the Local Plan (2020) or those set out in Appendix A for new household garages (4.8m x 3m). The garages are therefore not fit for modern use and their removal is further supported.

In addition to the above the redevelopment of the site would stop illegal parking on the grass verge which is of detriment to highway safety, as at present cars mount the kerb to park on the verge and reverse onto the main road or forecourt to leave the verge.

In addition to the above a Transport Assessment (Paul Mew Associates, July 2023) has been submitted in support of the proposed development, concluding that adequate parking space exists within the surrounding area to take up any displaced parking which could result from the proposed development.

Taking the above into consideration, it is considered that the proposal would provide adequate parking for new residents. Furthermore the removal of the sites parking provision is considered to be acceptable and to have no adverse impact on the local highways network.

#### ELECTRIC CHARGING POINTS

Part G) of Policy T6 and part C) of Policy T6.1 of the London Plan (2021) state that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. A condition has been recommended to secure electric vehicle charging points for the new properties, in the event of approval.

#### BICYCLE PARKING

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of cycle parking facilities for new residential units. A cycle store would be provided for each of the proposed dwellings ensuring that adequate cycle parking is provided for new residents. Full details of the cycles stores will be secured through condition in the event of an approval.

#### REFUSE/RECYCLING COLLECTION

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 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. Waste storage will be located within the front garden of each property close to main road. Full details of the waste storage facilities will be secured through condition in the event of an approval.

#### ACCESS

2 new vehicle accesses are proposed. Both of the new accesses would be between 2.4m and 3.6m wide as required by the London Borough of Hillingdon Domestic Vehicle Footway Crossover. In terms of positioning the northern access would be close to the access of the existing garages and is therefore considered to be acceptable. The eastern access would be near to the junction between Juniper Way and Ash grove, due to its single vehicle use and the fact that traffic movements are low on the road the position of the access is considered to be acceptable.

#### CONSTRUCTION

A condition has been recommended for inclusion requiring a Construction Management Plan. This

would ensure that the development would have no significant adverse impact on traffic and pedestrian safety during construction, given the constraints of the site.

## CONCLUSION

Overall, subject to the aforementioned conditions, it is concluded that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies DMT 1, DMT 2 and DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

### 7.11 Urban design, access and security

Urban design matters are discussed in section 7.7 and 7.8 of this report.

### 7.12 Disabled access

London Plan Policy D7 states:

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:

- 1) 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'
- 2) 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'.

No objection has been raised by the Council's Access Officer and the conditions recommended have been recommended for inclusion in the decision should planning permission be granted.

### 7.13 Provision of affordable & special needs housing

Not applicable to this application.

### 7.14 Trees, landscaping and Ecology

#### TREES

Policy DMHB 14: 'Trees and Landscaping' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) 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.

The proposed development would result in no loss of trees and would therefore have no adverse tree impact.

A good mix of soft and hard landscaping is proposed in and around the site. The landscaping would ensure that the proposal integrates with its surroundings. To ensure that an appropriate level of greenery is provided at the site, a landscaping condition is recommended for inclusion on the decision - if the application is approved.

The proposal is therefore considered to be acceptable.

## ECOLOGY

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

The site comprises hard surfacing and lawn. It does not contain any trees, ponds, open woodland, dense scrub or shrubbery. There are no protected sites of ecological interest adjacent to or near to the site. It is therefore considered that the likelihood of protected species being present at the site is low.

The existing grass verge at the site is approximately 80m<sup>2</sup> and considered to be of low ecological value. A similar amount of lawn would be provided within the rear gardens of the proposed dwellings, alongside trees. It is therefore considered that the proposal would enhance the ecological value of the site. As mentioned above, a condition requiring a landscaping plan would aid in ensuring that appropriate greenery is added back to the site.

In the event of an approval, an informative would be secured advising that should protected species be found at the site, the applicant(s) must fulfil their duties under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

The proposal is therefore considered to be acceptable.

### **7.15 Sustainable waste management**

Discussed in other sections of this report.

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

Policy SI 2 of the London Plan (2021) states residential development should achieve at least a 10% improvement beyond Building Regulations 2013.

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the 2016 London Plan targets.

The proposed development is of a minor scale therefore whilst the principle of SI 2 (carbon reduction) is applicable, the London Plan Policy applies more specifically to major scale applications. The applicant is not required to submit an energy statement with the application or demonstrate a policy level of on site savings. Notwithstanding this point, the modern construction of the development would be considered as providing sufficient energy savings itself and therefore the development would comply with the principles of the carbon saving development plan policies.

Subject to the above conditions, the proposal would be compliant with Policy SI 2 of the London Plan (2021) and Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

Policy SI12 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 fluvial flooding. 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.

The proposals are considered to be in 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**

#### **NOISE**

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

The provision of 2 additional residential unit is not considered to lead to such a significant change in the local noise environment as to warrant a refusal of planning permission on this ground. The necessity to comply with Building Regulation standards would ensure that the development is appropriately noise insulated.

#### **AIR QUALITY**

Local Plan Policy DMEI 14 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 development site is located within an Air Quality Management Area. The level of greenery at the site would be similar to existing levels, if not more due to the proposed planting of trees. The greenery would assist in carbon capture.

The proposal would result in 2 additional homes at the site, their occupiers would have access to 2 car parking spaces with active vehicle charging points.

The development is therefore unlikely to have any significant adverse air quality impact. Furthermore the proposed parking provision does not exceed the London Plan maximum parking standards, the transport emissions for this minor development are therefore to be air quality neutral.

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

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

### **7.20 Planning obligations**

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.

The proposal involves the erection of 2 new dwellings and is therefore CIL liable.

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

Not applicable to this application.

### **7.22 Other Issues**

#### **CONTAMINATED LAND**

Policy DMEI 12 of the Local Plan (2020) states

'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.'

A small portion of the site is located upon potentially contaminated land. A condition has been recommended by the Council's Contaminated Land Officer, to ensure that any land contamination found at the site is dealt with appropriately. The condition would be added, if the application is



approved.

## **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**

Planning permission is sought for the erection of 1x 3 bed dwelling and 1x 2 bed dwelling following the removal of 4 existing garages, parking forecourt and grass verge.

The proposal would have an acceptable impact on the local highways network, neighbouring amenities and the appearance of the area, whilst providing an acceptable standard of living accommodation for future residents.

Despite the above, the development fails to provide the total policy compliant amount of private garden space (60m<sup>2</sup>) for residents of the new dwellings. The policy conflict weighs against the development, but is considered to be outweighed by the benefits of the scheme which include the provision of 2 new dwellings on previously developed land (one of which is family sized), such development is supported by the Local Plan and London Plan. The new dwellings would also replace the sites existing grass verge which is subject to illegal parking causing road safety issues. The removal of the verge would improve pedestrian and road user safety in the area. Whilst also alleviating the adverse visual impact caused by cars parking on the verge. The development would also provide minor economic benefits to the area (through construction and the introduction of new residents to the area).

The benefits of the proposed development are therefore considered to outweigh the minor policy conflict and it is recommended that planning permission be granted for the proposal, subject to conditions.

#### **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)  
NPPF (2023)

**Contact Officer:** Haydon Richardson      **Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Garages to rear of 15 Ash Grove**

Planning Application Ref:  
**77939/APP/2023/2448**

Planning Committee:  
**Minor**

Scale:  
**1:1,250**

Date:  
**March 2024**

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

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