

Report of the Head of Development Management and Building Control Committee Report – Application Report

Case Officer: **Christos Chrysanthou**

65680/APP/2023/2256

Date Application Valid:	28-07-23	Statutory / Agreed Determination Deadline:	06-09-24
Application Type:	Full	Ward:	South Ruislip

Applicant: **Mr S Berekdar**

Site Address: **37 Edwards Avenue, Ruislip**

Proposal: **Variation of Condition 5 (approved plans) and removal of Condition 18 (resident parking permit restrictions) of planning permission ref. 65680/APP/2011/36 dated 04-04-2011 for 'Erection of 4 two-bedroom back-to-back two storey dwellings with associated parking and amenity space and installation of new vehicular crossover, involving demolition of existing detached dwelling' for minor material amendments to the internal and external fabric of the building.**

Summary of Recommendation: **GRANT planning permission subject to conditions**

Reason Reported to Committee: **Required under Part 3 of the Planning Scheme of Delegation (Petition received)**



Summary of Recommendation:

GRANT planning permission subject to the conditions set out in Appendix 1.

1 Executive Summary

- 1.1 This Section 73 application seeks minor material amendments to vary Condition 5 (approved plans) and remove Condition 18 (resident parking permit restrictions) of the extant planning permission to construct 4no. 2-bed, two-storey dwellings with associated amenity space, parking and vehicular access at 37 Edwards Avenue, Ruislip (ref. 65680/APP/2011/36 dated 4th April 2011).
- 1.2 The minor material amendments proposed to the approved drawings principally include alterations to the fenestration and roof profiles to the main roof and canopies, as well as elevation treatments. Internal layouts have also been adjusted to conform with space standards. The proposed amendments are detailed in paragraph 3.2 of this report.
- 1.3 The principle of development has been established through the granting of the extant parent planning permission (ref. 65680/APP/2011/36 dated 4th April 2011). The proposal would not alter the quantum or housing mix of the development. It is considered that the proposed amendments would not adversely impact on the overall character of the area. Subject to conditions, the proposal would not cause undue harm to the living conditions of neighbouring occupiers and would provide future occupiers with a high standard of living accommodation. No changes are being sought to the onsite car parking layout, previously approved under the parent permission.
- 1.4 Condition 18 attached to the parent permission required a scheme to be agreed to ensure no future occupiers of the proposed dwellings would obtain a resident parking permit within “any controlled parking zone which may be in force in the area at any time”. However, this negatively worded condition fails to meet the six tests contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Moreover, the condition is no longer considered necessary having regard to current planning policy and practice. The proposal would continue to provide four on-site car parking spaces (one for each of the two-bed dwellings). This marginally exceeds the London Plan’s maximum standards for three on-site parking spaces but is considered acceptable. There is therefore no objection to the removal of this condition as it is unlikely that the Council would be able to defend its retention, in the event of an appeal.

1.5 The proposed amendments are therefore considered to accord with the Development Plan, and it is recommended that planning permission be granted. All previous conditions would be reimposed where relevant.

2 The Site and Locality

2.1 The site is situated on the western side of Edwards Avenue and used to comprise a detached bungalow, before its demolition. The site abuts the rear gardens of 3 and 5 Manor Gardens to the west. The northern boundary of the site abuts the boundary with a row of terraced houses, 39, 39a, and 41 Edwards Avenue, and the southern boundary abuts the curtilage of 35a Edwards Avenue.

2.2 Detached bungalows are located on the opposite side of Edwards Avenue. The area is characterised by a mixture of semi-detached and terraced two-storey houses and detached bungalows.

Figure 1: Location Plan (application site edged red)



Figure 2: Street View Image of the Application Property



3 Proposal

3.1 The application proposes a 'Minor Material Amendment' to planning permission ref. 65680/APP/2011/36 dated 4th April 2011. This permission granted the construction of 4no. two-bedroom back-to-back two-storey dwellings with associated amenity space, parking, and the installation of a new vehicular crossover, following the demolition of existing detached dwelling.

3.2 The following amendments are proposed to the approved development:

- The front and side entrances have been revised, with new doors and glass side panels.
- Pitched roof canopies above the entrances would be replaced with flat roof canopies.
- New ground and first floor windows have been added to the side elevations.
- Rear facade bi-folding doors would be provided for the living rooms.
- The building and openings would be set out to metric brick sizes.
- An increase to the size of the flat roof on the crown roof profile is proposed.
- Rainwater goods have been added to the drawings.
- Level threshold access to the building would be provided, including to the ground floor shower and toilet.
- The building shell thickness has been adjusted to conform to current Approved Document Part L1 thermal performance requirements (Building Regulations), resulting in reduced unit sizes, whilst still meeting nationally described space standards.
- Internal layout arrangements would be adjusted to conform to current planning policies concerning accessibility and Building Regulations Approved Document Part M 4 (2) 'Accessible and Adaptable dwellings'.
- Internal layout arrangements adjusted to conform to technical housing standards and to the nationally described space standards.

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3.3 In addition, the proposal seeks to remove Condition 18 attached to permission ref. 65680/APP/2011/36, which reads as follows:

"Before the development hereby permitted is commenced arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

Reason:

In order to reduce pressure on existing on-street parking and to ensure that the development does not prejudice the free flow of traffic and conditions of safety along the neighbouring highway in compliance with Policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007)".

Figure 3: Proposed Site Layout (please note – larger version of plan can be found in the Committee Plan Pack)

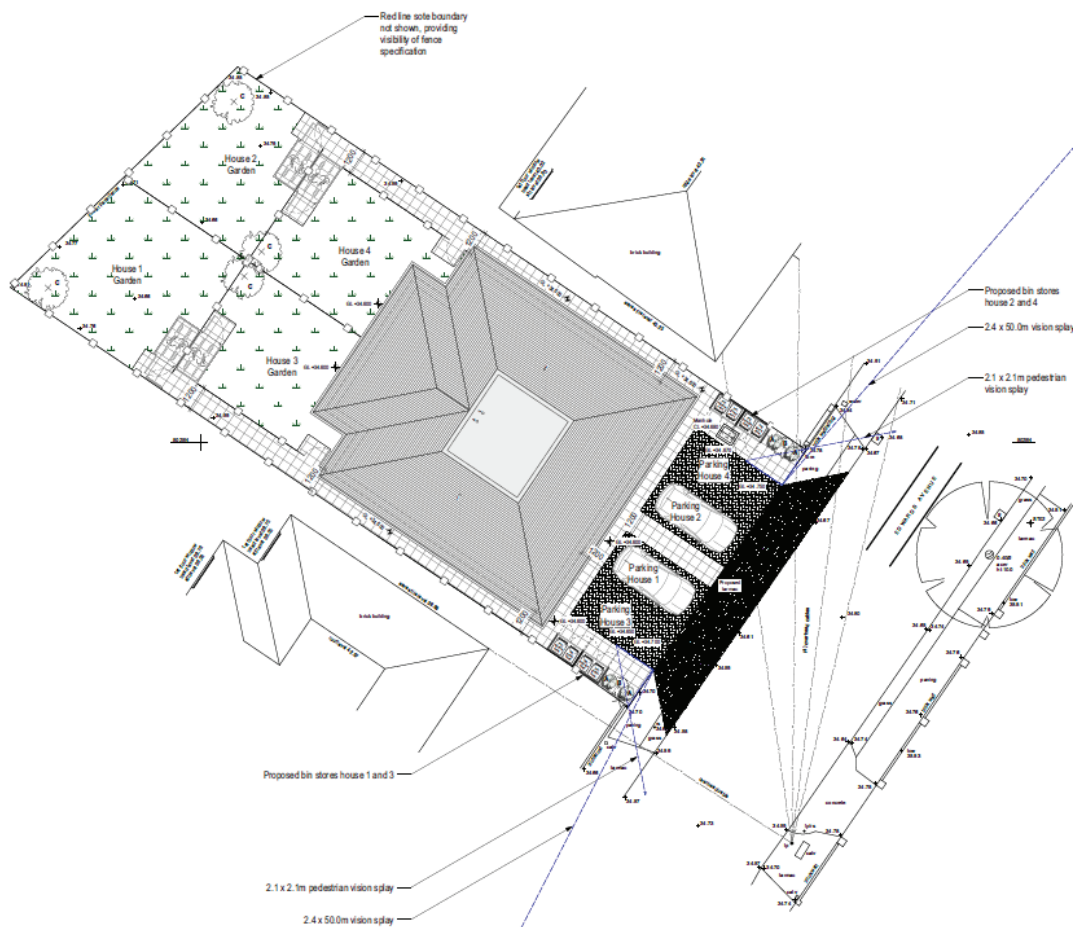
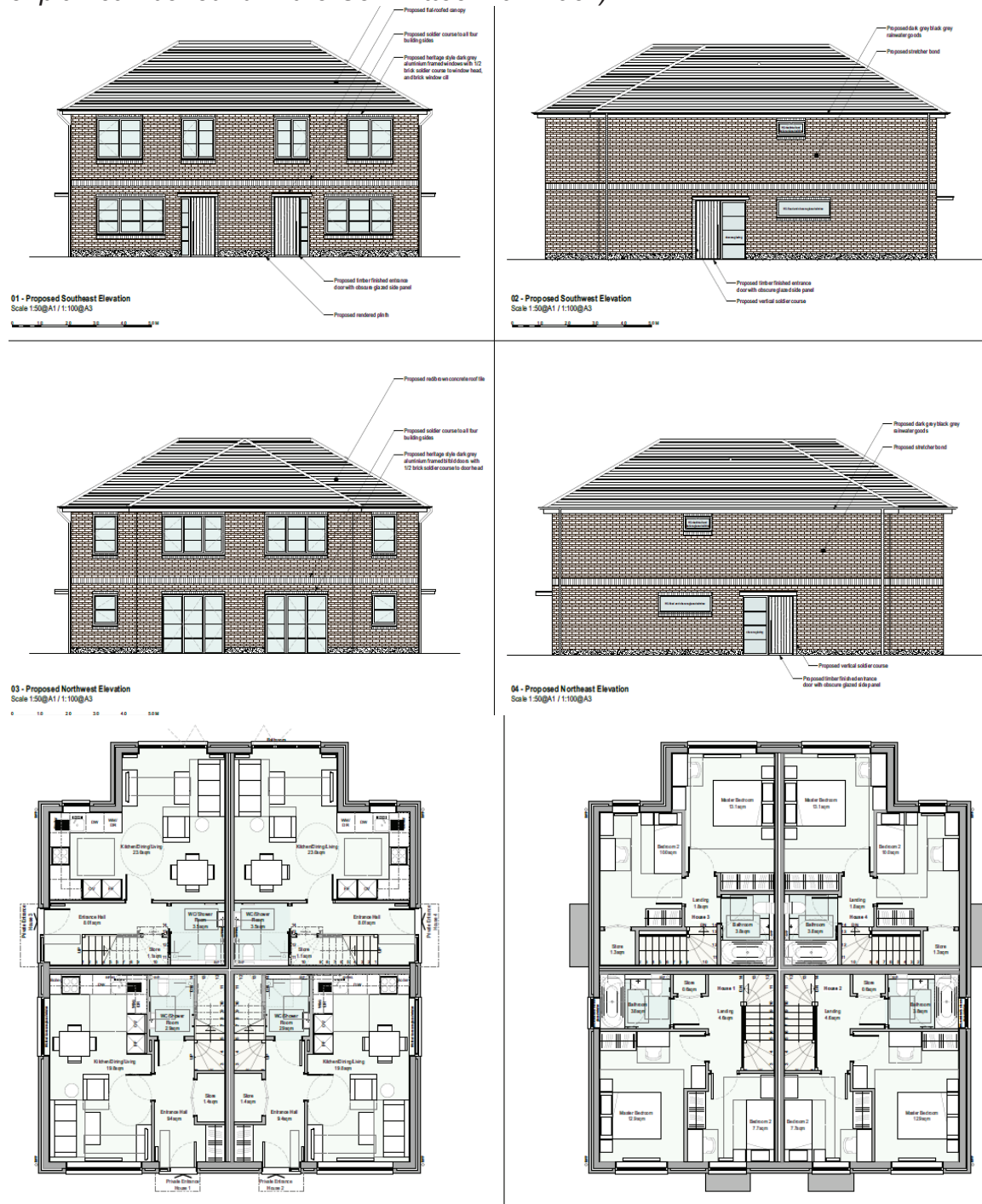


Figure 5: Proposed Elevations and Floor Plans (please note – larger version of plan can be found in the Committee Plan Pack)



4 Relevant Planning History

- 4.1 A list of the relevant planning history related to the property can be found in Appendix 2.
- 4.2 The application site benefits from a lawful development certificate (ref. 65680/APP/2024/624 dated 17th July 2024). This certificate concludes that, on the balance of probability, the development granted under ref. 65680/APP/2011/36

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had commenced (by virtue of complete demolition of the bungalow) before the permission expiry pursuant to Condition 1.

- 4.3 The certificate application was determined after thorough consideration (including consultation with the Council's Legal Team and neighbouring residents). It was concluded that, on the balance of probability and in the absence of any contrary evidence, the certificate ought to be granted. The certificate clarifies that planning permission ref. 65680/APP/2011/36 (i.e. the parent permission) is therefore extant and has commenced through the demolition of the former property at the site.
- 4.4 It is noted that planning permission ref. 65680/APP/2011/36 was granted on 4th April 2011. All pre-commencement conditions were discharged (notwithstanding Condition 18). Although Condition 18 was not discharged, it is not considered to be enforceable or justifiable for the reasons explained in paragraphs 7.44 to 7.48 of this report. Accordingly, the deletion of this condition is proposed as part of this s.73 application.

Figure 6: Approved Elevations of Parent Permission (ref. 65680/APP/2011/36)



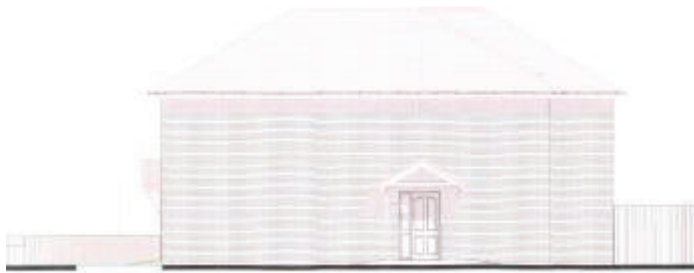
Front (South East Facing) Elevation



Rear (North West Facing) Elevation



Side (South West Facing) Elevation



Side (North East Facing) Elevation

Figure 7: Approved Ground and First Floor Plans of Parent Permission (ref. 65680/APP/2011/36)



First Floor Plan

5 Planning Policy

- 5.1 A list of planning policies relevant to the consideration of the application can be found in Appendix 3.

6 Consultations and Representations

- 6.1 52 neighbouring properties were originally consulted by letters dated 7th August 2023. Following the receipt of revised drawings, neighbouring properties were re-consulted on 23rd August 2023. The consultation period expired on 7th September 2023.
- 6.2 Objections were received from a total of 7no. households/addresses. In addition, a petition against the application with 22 signatories was received by the Council.
- 6.3 Representations received in response to public consultation are summarised in Table 1 (below). Consultee responses received are summarised in Table 2 (below). Full copies of the responses have also separately been made available to Members.

Table 1: Summary of Representations Received

Representations	Summary of Issues Raised	Planning Officer Response
Objections were received from a total of 7no. households/ addresses.	<p>1. Concerns about the implementation of the parent permission (ref. 65680/APP/2011/36) and whether it is void or extant:</p> <ul style="list-style-type: none">- The only plans approved were for 2 semi-detached houses.- Property was demolished before the discharge of conditions.- Application form states work commenced on 01.05.2014. However, the parent permission expired on 05.04.2014.- Details to pursuant to application ref. 65680/APP/2014/326 was refused. Therefore, parent permission is null and void.	<p>A lawful development certificate has been issued which establishes that, on the balance of probability, the planning permission subject of this s.73 application has begun with the demolition of the bungalow and is extant. Discussed at paragraphs 4.2 and 4.3 of this report.</p> <p>The granted planning permission is for 4no. back-to-back dwellings.</p>

	<ul style="list-style-type: none"> - A new full planning application should be submitted. 	
	<p>2. Concerns about the density levels and overdevelopment:</p> <ul style="list-style-type: none"> - Proposal exceeds 10% rule for sites to be redeveloped. - Overdevelopment of the site. - Higher density housing is not necessary in outer London areas. - s106 agreement should be upheld and enforced towards 1200% occupant increase. 	<p>Discussed at paragraphs 7.7 and 7.8 of this report. The density remains unchanged from the parent permission.</p> <p>No s106 Agreement was secured as part of the parent permission, nor is one deemed necessary as part of this s.73 application.</p>
	<p>3. Concerns about the quality of accommodation:</p> <ul style="list-style-type: none"> - Poor quality of accommodation for future occupiers. - Cramped internal space configuration. - Proposed side windows face towards neighbouring boundary fence and wall. - Development is not wheelchair accessible. - Inadequate amenity space (with land grabbed from No.5 Manor Gardens). 	<p>Discussed at paragraphs 7.26, 7.32 - 7.36, and 7.50 - 7.51 of this report.</p> <p>The location plan remains the same as the parent permission.</p>
	<p>4. Concerns relating to the design of the scheme:</p> <ul style="list-style-type: none"> - Design is worse than refused application ref. 65680/APP/2011/36. - Two semi-detached houses would be a better design. - 'Back-to-back' terraced housing is not in keeping with the other houses in the area. - Appearance (including aluminium window frames and front canopies) is not in 	<p>Planning permission was granted for ref. 65680/APP/2011/36 which this application seeks to vary.</p> <p>The determination of this application can only consider the proposed amendments.</p>

	<p>keeping with the character of the area.</p> <ul style="list-style-type: none"> - Side gate access should be re-located. 	Discussed at paragraphs 7.13 to 7.20 of this report.
	<p>5. Concerns about parking provision and highway safety:</p> <ul style="list-style-type: none"> - Insufficient on-site car parking spaces. - Six to eight parking spaces are required. - Proposed vehicular crossover widening would result in the loss of street parking. - Street parking pressure, resulting in illegal and inconsiderate street parking. - Condition 18's restriction on occupants from obtaining parking permits should be enforced. - Removing Condition 18 will lead to more parked cars on the road, impacting the free flow of traffic and cause safety issues. 	Discussed at paragraphs 7.41 – 7.48 of this report.
Petition (22 signatories)	<p>1. Design lacks benefit from light from 'inserted' dual aspect window facing neighbouring boundary fence and wall. Design also impacts light and sunshine including thermal 'free' heat to 39 Edwards Avenue.</p>	Discussed at paragraphs 7.22 – 7.24 and 7.33 of this report.
	<p>2. Design does not showcase Electrical Vehicle charging points nor carbon friendly alternate 'green reducing footprint technology savings like Solar Panels, Heat Pump etc. Advised restriction of 'Loft Roof space' for Loft conversion or Window type /</p>	<p>Discussed at paragraphs 7.18, 7.50-7.51 and 7.62 – 7.64 of this report.</p> <p>Of note, only the impacts of the proposed amendments can be</p>

	<p>Window Openings for future planned space conversion. Additional side windows added as are 'Bi-Fold doors however no ramp access shown. Also, improved side or rear garden secured gate access should be moved further up towards front.</p>	<p>considered in this s.73 application.</p>
	<p>3. Cosmetic appearance recorded as 'precedent image no.1' from Design and Access Statement is a different accommodation on a completely different road. Other Evidence 'from unknown location not same vicinity for Materials 3.1 section. Further failure meeting visual consistency i.e. door canopy/overhang to match surrounding properties. Note: Previous application: 65680/APP/2011/36 was more "in-keeping" with matching already established precedent.</p>	<p>Discussed at paragraph 7.16 of this report.</p>
	<p>4. Questionable adequate amenity space with plot size smaller than recorded - Note: Rear plot /boundary fence erected with potential 'land grabbing'.</p>	<p>Discussed at paragraph 7.34 of this report.</p>
	<p>5. Excessive exceeding of the 10% redeveloped properties ruling on Edwards Avenue had been breached before year 2009 (proven with previous applications objections).</p>	<p>Discussed at paragraphs 7.7 and 7.8 of this report.</p>
	<p>6. Section 106 legal contribution be upheld and enforced towards potential 1200% occupant increase (previously One (1) person at location</p>	<p>No s106 Agreement was secured with the parent application, nor is one deemed</p>

	formerly known as 37 Edwards Avenue, HA4 6UP).	necessary for this s.73 application.
	7. We kindly request that the correct process and conduct be executed for a fresh, new standalone – full planning application due to the excessive years of non-action. Please account for newer 'greener' ways to reduce energy consumption due to climate change and accounting for good considerate design that benefits the occupiers and residents with limited fallout from poor 'profit' based outdated not keeping design.	The parent permission is extant (discussed at paragraphs 4.2 and 4.3). Sustainability is discussed at paragraphs 7.62 to 7.64 of this report.
	8. Stage One complaint raised to London Borough of Hillingdon Complaints department for investigation into 'previous application: 65680/APP/2011/36 including 65680/APP/2014/326 being null and void as Three (3) years' time-limit was exceeded. Note: Local Government and Social care Ombudsman to be contacted accordingly.	Noted. The relevant planning site history is listed in Appendix 2 of this report.
Ward Councillor	A Ward Councillor has objected to the application and has provided the following comments: 1. I believe this to be an overdevelopment of the site, proposing to build 4 dwellings on what was previously a single chalet bungalow.	Discussed at paragraphs 7.7 and 7.8 of this report.
	2. I have concerns that the proposed level of off-street parking is inadequate for the	Discussed at paragraphs 7.41-7.48 of this report.

	proposed level of development.	
	3. I do not believe that the level of amenity space that each property has is sufficient for the proposed number of occupants based on the application.	Discussed at paragraph 7.34 of this report.
Residents Association	South Ruislip Residents Association: No comments received.	Noted.

Table 2: Summary of Consultee Responses

Consultee and Summary of Comments	Planning Officer Response
<p>Council's Access Officer</p> <p>The details related to this variation application have been reviewed, with no accessibility comments to make at this time. I can confirm that the original Lifetime Homes Condition can be substituted with an M4(2) condition to be applied to all the houses.</p>	<p>Noted. Condition 4 requires the homes to be M4(2) compliant.</p>
<p>Council's Highways Officer</p> <p>Condition 5 - Given that only internal layout and cosmetic changes are proposed, there is no further comment or rejection of the proposed variation from the perspective of transport/highway implications.</p> <p>Condition 18 (imposition of a 'resident permit restriction' to prevent future site occupiers from obtaining parking permits for the local controlled parking zone) - 1 on-plot parking space is to be provided for each of the two-bedroom dwellings, totalling 4 spaces. This level of parking provision was accepted in-line with regional/local planning and transport policies prevailing at the time of determination in 2011 (ref. 65680/APP/2011/36).</p> <p>Under current policy, there is now a variance in the parking requirement and the overriding regional London Plan would now demand a maximum of 3 on-plot spaces for the whole development which takes into consideration the PTAL rating of the address (3).</p>	<p>Noted.</p> <p>Noted. This matter is discussed at paragraphs 7.41 – 7.48 of this report.</p>

Consequently, this results in a marginal overprovision with 4 spaces in place.

It is noted that this final level of parking provision together with the loss of 2 on-street parking spaces (as highlighted by some on-line respondents) resulting from the provision of extended carriageway crossings facilitating the full on-plot provision, was fully considered at the time of the original determination in 2011. This therefore cannot be applied retrospectively as a justifiable or defensible reason to refuse this proposed variation.

Furthermore, it is highlighted that it is established practice that resident permit restrictions are only applied where a deficit in on-plot parking is evident, particularly in areas of low public transport accessibility which, in both instances, is clearly not the case with this proposal.

When considering all the above aspects/circumstances, the Highway Authority considers that the imposition of condition 18 is now inappropriate and therefore supports its deletion.

7 Planning Assessment

The Principle of Development

- 7.1 The principle of development has been established through the granting of the extant parent planning permission (ref. 65680/APP/2011/36). The proposal would not alter the quantum or housing mix of the development. It is considered that the proposed amendments would not adversely impact on the overall character of the area.
- 7.2 For clarity, consent was given under planning permission ref: 65680/APP/2011/36 for 4 two-bedroom back-to-back dwellings on 4th April 2011 (i.e. referred to throughout this report as the parent permission). The resident representation stating only two semi-detached properties were approved at the site is incorrect.
- 7.3 Condition 1 attached to the parent permission required development to commence by 4th April 2014. The corrected commencement date stated on the updated application form coincides with this timeframe.
- 7.4 The extant status of the parent permission has been established by the granting of a lawful development certificate ref. 65680/APP/2024/624 dated 17th July 2024. This is discussed in paragraphs 4.2 and 4.3 of this report concerning the relevant planning history.

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- 7.5 Subject to the imposition of conditions, the proposed variations would not cause undue harm to the living conditions of neighbouring occupiers and would provide future occupiers with an acceptable standard of living accommodation.
- 7.6 No changes are being sought to the onsite car parking layout, previously approved under the parent permission. As highlighted by the Highways Officer, Condition 18, which prohibited future occupiers from obtaining street parking permits, is no longer deemed appropriate or necessary. The provision of four on-site car parking spaces would result in a marginal overprovision based on current London Plan policies but is considered acceptable. There is therefore no objection to the deletion of Condition 18.

Density of the Proposed Development

- 7.7 Under the terms of a Section 73 application, only the impact of the proposed minor material changes is under consideration. The principle of the residential development (including the Local Plan's threshold of no more than 10% of properties being redeveloped into flats), density levels and housing mix cannot be revisited as these aspects have already been established through the granting of planning permission ref: 65680/APP/2011/36 (i.e. the parent permission).
- 7.8 The density levels and housing mix of the development would remain the same as the original scheme approved under the parent permission 65680/APP/2011/36.

Impact on the Character and Appearance of the Area

- 7.9 Paragraph 131 of the NPPF (2023) seeks the creation of high quality, beautiful and sustainable buildings. Parts b) and c) of paragraph 135 of the NPPF (2023) states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment.
- 7.10 Policies D3 and D4 of the London Plan (2021) require development proposals to be of a high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.
- 7.11 Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. It should consider aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.
- 7.12 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.

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- 7.13 The proposed amendments would involve a minor decrease to the width of the building from 12.8 metres to 12.5 metres. There would also be a reduction to the height of the building from 7.9 metres to 7.7 metres. However, the siting, depth and form of the building would generally remain unchanged, compared to the original permission.
- 7.14 The reduction to the width of the building would result in an increase in the set-in from the side boundaries, which would provide a comfortable separation and permit views to the side of the building. The proposed flat roof section would have a greater footprint. However, its size would be comparable to the crown roof profile at Nos. 35/35A Edwards Avenue. As such, it is considered that the proposed roof profile would not appear out of character with the surrounding street scene.
- 7.15 The proposed amendments include fenestration changes, a new solid course to all four walls and flat roof canopies above the entrance doors. Whilst these proposed changes would represent a more modern design approach, given the variety of existing architectural styles on the street scene, the proposal would not appear at odds with development in the area.
- 7.16 The submitted Materials Schedule states Dark Red Vandersanden bricks for the external walls, grey aluminium windows and glazed door framing, Oak or stained Oak entrance doors, dark red Marley Clay Pain roof tiles and black rainwater goods. Whilst the grey aluminium windows and door frames would be moderately different, the overall choice of materials would be residential in appearance and overall would not appear out of character with the area.
- 7.17 As previously stated, the only matters that can be considered under this S.73 application are the minor material changes being proposed to the original scheme granted under the parent permission (ref. 65680/APP/2011/36). The point raised in the resident representation about the 'back-to-back' housing type not being in keeping with the character of the area cannot be re-considered, as this arrangement was approved under the parent permission.
- 7.18 Revised drawings have been received showing the side gate re-located to the same position as approved under the discharge of condition application ref: 65680/APP/2014/2485. This is acceptable.
- 7.19 It is highlighted that the site is not designated within a Conservation Area or an Area of Special Local Character. Whilst of a modern appearance, it is considered that the proposed aluminium grey window frames/bi-folding doors and flat roof canopies above the entrances would provide a degree of added visual interest to the property and would not cause harm to the visual amenities of the area.
- 7.20 It is considered that the proposed amendments would not impact on the overall character, appearance or design quality of the development, in accordance with Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 -

Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2023).

Impact on Neighbours

- 7.21 Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 7.22 The physical siting of the proposed building would be identical to the original scheme approved under the parent permission (ref. 65680/APP/2011/36) (albeit the dimensions of the building are slightly altered as noted above). The proposed front and rear building lines would not project any further beyond Nos. 35A and 39 Edwards Avenue, compared to the original scheme.
- 7.23 As part of the proposed amendments, the width of the proposed building has marginally decreased by 30 centimetres. Consequently, it would be set in from the mutual boundaries shared with Nos.35A and 39 by 1.2 metres, respectively. Also, the ridge height of the proposed building has decreased from 7.9 metres to 7.7 metres.
- 7.24 Taking these factors into account, it is considered that the proposed amendments would not result in a loss of light, outlook or sense of dominance for the neighbouring occupiers at Nos. 35A and 39 Edwards Avenue.
- 7.25 The current proposal would introduce new side windows. The ground floor side windows would be high-level obscure glazed secondary windows, with the primary windows serving the open plan kitchen/dining/living rooms of Dwelling 1 and Dwelling 2 being in the front elevation of the building. The first-floor side windows serve bathrooms and would be conditioned to be obscure glazed and non-opening up to 1.8m of the finished floor level.
- 7.26 It is noted that new high-level ground floor glazed panels and first-floor windows are being proposed in the side elevations of the building. In the event of an approval, a condition would be secured requiring these features to be obscure glazed and non-opening up to 1.8 metres of the finished floor level. Subject to such condition, the proposal would not give rise to a loss of privacy or overlooking for Nos. 35A and 39 Edwards Avenue.
- 7.27 The proposed building would not be positioned any closer to the neighbouring properties at Nos. 52 and 54 Edwards Avenue and Nos. 3 and 5 Manor Gardens, compared to the original scheme. As such, the proposal would not cause undue harm to the residential amenities of these neighbouring properties.
- 7.28 It is therefore considered that the proposed amendments would not adversely impact on the living conditions of neighbouring occupiers, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D3 of the London Plan (2021) and the NPPF (2023).

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Living Conditions for Future Occupiers

- 7.29 Policy D6 of the London Plan (2021) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy.
- 7.30 Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space to provide an appropriate living environment.
- 7.31 Table 3.1 of Policy D6 of the London Plan (2021) states that: A two-storey dwelling with 2-bed, 3-person occupancy must have a minimum GIA of at least 70sqm.
- 7.32 All four of the proposed dwellings would have a Gross Internal Area (GIA) of 70sqm, thereby meeting the minimum internal space standards found in Table 3.1 of the London Plan (2021).
- 7.33 Although the proposed dwellings would essentially be single aspect with no defensible space adjacent to the ground-floor front elevation windows, this arrangement would be no different to the scheme approved under the parent permission.
- 7.34 No changes are being proposed to the private amenity space provision approved under the parent permission (all of which exceed the Local Plan's minimum standard of 25sqm for a 2-bedroom flat).
- 7.35 The current proposal is not seeking any changes to the footprint of the internal and external amenity space provision that was originally approved through the granting of the 2011 parent permission. A refusal on the grounds of the quality of living accommodation afforded to future occupiers would therefore be unjustifiable.
- 7.36 It is therefore considered that future occupiers would be provided with adequate internal and external amenity space, in accordance with Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D6 of the London Plan (2021).

Highways and Parking

- 7.37 Policy T6 of the London Plan (2021) states that new residential development should not exceed the maximum parking standards set out in Table 10.3.
- 7.38 Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.
- 7.39 Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided.

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- 7.40 Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards to facilitate sustainable development and address issues relating to congestion and amenity.
- 7.41 The on-site provision of 4 car parking spaces (1 space per dwelling) would be a marginal overprovision, compared to the London Plan's maximum standards for 3 car parking spaces. However, this provision is considered acceptable on an individual basis, given that the same number of on-site car parking spaces was granted under the parent permission (ref. 65680/APP/2011/36).
- 7.42 It is acknowledged that the proposed on-site car parking provision would result in the loss of 2 on-street car parking spaces, due to the proposed extended vehicle crossover required to facilitate the development. However, the Council's Highways Officer has confirmed that this was fully considered at the time of the original determination in 2011. It would therefore be unjustifiable to refuse this current application on the grounds of the loss of on-street car parking spaces.
- 7.43 The proposed amendments would not involve any changes to the site access arrangements. In the event of an approval, compliance conditions would be attached in respect of the construction management plan, car parking layout, visibility sight lines and cycle storage to ensure the development is carried out in accordance with the details approved under application ref. 65680/APP/2014/2485.
- 7.44 With regards to the removal of Condition 18 attached to the parent permission, the Council's Highways Officer has commented that it is "established practice that Resident Parking Restrictions are only applied where a deficit in on-plot parking is evident, particularly in areas of low public transport accessibility which, in both instances, is clearly not the case with this proposal."
- 7.45 To add to the above, Condition 18 requires arrangements to be in place prior to the commencement of development, to prevent occupiers of the development, subject to certain exceptions, from being entitled to obtain parking permits from the Council.
- 7.46 The National Planning Practice Guidance advises that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. Given the scale of the scheme, the proposal is not a complex or strategically important development.
- 7.47 Furthermore, it is not clear what such an agreement referred to in Condition 18 would require from the applicant or how such a control would be effective in the absence of a planning obligation. Moreover, it is not clear from the wording of the condition how this would relate to a restriction on the site rather than on an

individual undertaking an act. Therefore, Condition 18 would fail the tests of precision, reasonableness and be unrelated to the planning permission. It is also uncertain how such a condition would be enforced. For these reasons, there is no objection to the removal of Condition 18.

- 7.48 The proposal would provide four on-site car parking spaces, which is the same number of spaces approved under the parent permission. This level of provision exceeds the London Plan's maximum standards of three on-site car parking spaces. It would therefore be unjustifiable to refuse this current application on the ground of insufficient car parking.

Disabled Access

- 7.49 Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires at least 10% of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings', with all other dwellings meeting Category M4(2) 'accessible and adaptable dwellings'.
- 7.50 In terms of inclusive design, Condition 4 attached to the parent permission required the dwellings to be built in accordance with 'Lifetime Homes' Standards. These standards have since been replaced by Building Regulations Approved Document M. In the event of an approval, a condition would be secured requiring step-free access via the main entrance points and for the dwellings to meet Category M4(2) of Approved Document M.
- 7.51 The development proposal would therefore be acceptable to inclusive access considerations, having regard to the nature of this application being a variation of conditions rather than a full planning application.

Trees and Landscaping

- 7.52 Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.
- 7.53 Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that landscaping and tree planting should enhance amenity, biodiversity and green infrastructure.
- 7.54 This is supported by Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) which states: 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.
- 7.55 The site is not covered by a TPO, nor within a Conservation Area. There are no trees on or adjacent to the site. A compliance condition would be secured to

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ensure the landscaping and boundary treatment is carried out in accordance with the details approved under ref. application 65680/APP/2014/2485. This condition is necessary to protect the verdant character of the area, in accordance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

Ecology

- 7.56 The site does not contain any ponds, open woodland or dense scrub and shrubbery. There are no protected sites of ecological interest adjacent to the site. It is therefore considered that the likelihood of protected species being present at the site is low, and as such, an ecology assessment is not required. This position would be in accordance with 'Circular 06/05: Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System' which states that, "...bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."
- 7.57 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 Habitations and Species Regulations 2017 (as amended).
- 7.58 The proposal therefore accords with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), in terms of not causing harm to protected species.

Sustainable Waste Management

- 7.59 Policy DMHB11 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. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.
- 7.60 In the event of an approval, compliance conditions regarding bin storage facilities would be attached to ensure the development is carried out in accordance with the details approved under application ref. 65680/APP/2014/2485. Subject to this condition, the proposal would accord with Policy DMHB 11 (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

Renewable Energy / Sustainability

- 7.61 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.

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- 7.62 Condition 13 attached to the parent permission (ref. 65680/APP/2011/36) required the development to meet Level 3 of the Code for Sustainable Homes.
- 7.63 Although the government has withdrawn the Code for Sustainable Homes requirement, a compliance condition has been included in this recommendation, requiring the development to be carried out in accordance with the energy efficiency measures approved under application ref. 65680/APP/2014/2485.
- 7.64 As such, the proposal would accord with Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

Flooding and Drainage

- 7.65 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.
- 7.66 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.
- 7.67 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.
- 7.68 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.
- 7.69 The site is in Flood Zone 1 (lowest probability of flooding). However, it is noted that a western section of the site is designated within a Surface Water Management Zone. The proposed amendments would not involve material changes to the physical siting of the building, nor would they increase its ground floor footprint.
- 7.70 A compliance condition would be attached requiring the development to be carried out in accordance with the Surface Water Management/ Sustainable Urban Drainage Systems (SuDS) details approved under application ref. 65680/APP/2014/2485.

Noise

- 7.71 Policy D14 of the London Plan (2021) states that 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.

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- 7.72 The site would be used exclusively for residential purposes. As such, in terms of the operational phase of the proposed development, no significant issues are raised by the proposal, in respect to noise and disturbance.
- 7.73 Notwithstanding the above, a compliance condition would be secured requiring the development to be carried out in accordance with the Construction Management Plan approved under application ref. 65680/APP/2014/326. This condition is necessary to ensure that noise and pollution are minimised as far as practicable during the construction phase.

Air Quality

- 7.74 Policy SI 1 of the London Plan (2021) and Policy DMEI 14 Hillingdon Local Plan: Part 2 - Development Management Policies (2020) require development proposals to be at least Air Quality Neutral.
- 7.75 The proposal would not be able to achieve Air Quality Neutral status due to the number of car parking spaces marginally exceeding maximum London Plan standards. However, as previously stated, the proposed on-site car parking provision is identical to the scheme granted under the parent permission (ref. 65680/APP/2011/36). There is a realistic fall-back option where the applicant could construct the previously approved scheme, which would have a similar impact on air quality as the current proposal.
- 7.76 Considering the above factors, in the overall planning balance, it is considered that the development is acceptable in respect to air quality considerations.

Airport Safeguarding

- 7.77 Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will ensure that uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.
- 7.78 The application site is within 3km of the RAF Northolt Zone. However, as the site is within an established residential area within this zone, it is considered that visibility and audibility of aircraft operations associated with RAF Northolt would not be of significant harm to the living conditions of future occupiers, as per the scheme that was originally granted permission.

8 Other Matters

Human Rights

- 8.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to

the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests, the Development Plan and Central Government Guidance.

Equality

- 8.2 Due consideration has been given to Section 149 of the Equality Act regarding the Public Sector Equality Duty in the assessment of this planning application. No adverse equality impacts are considered to arise from the proposal.

Local Finance Considerations and CIL

- 8.3 The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of new dwellings and is therefore CIL liable.
- 8.4 No s106 Legal Agreement was secured as part of the parent permission, nor is one deemed necessary as part of this s.73 application.

Expediency of Enforcement Action

- 8.5 It is noted that a planning enforcement complaint has been received in relation to the stationing of a temporary building on site. The matter has been referred to the Planning Enforcement Team for investigation. However, it should be noted that this is a separate matter and would not constitute reasonable grounds to delay the determination of this planning application.

9 Conclusion / Planning Balance

- 9.1 For the reasons set out in this Committee Report, it is considered that the proposal would comply with the objectives of national, regional and local planning policies and guidance. It is therefore recommended that the application be approved, subject to the conditions set out in Appendix 1.

10 Background Papers

- 10.1 Relevant published policies and documents taken into account in respect of this application are set out in the report. Documents associated with the application (except exempt or confidential information) are available on the [Council's website here](#), by entering the planning application number at the top of this report and using the search facility. Planning applications are also available to inspect electronically at the Civic Centre, High Street, Uxbridge, UB8 1UW upon appointment, by contacting Planning Services at planning@hillington.gov.uk.

APPENDICES

Planning Application

65680/APP/2023/2256

Appendix 1: Recommended Conditions and Informatives

Conditions

1. RES3 Time Limit (deleted)

(deleted condition)

2. NONSC Materials

The development shall be constructed strictly in accordance with the materials and external surface details specified in the document titled 'External Material Schedule Updated: 18/08/2023 Revision: 1'. Thereafter the development shall be retained 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).

3. NONSC Boundary treatment

The development hereby approved shall be carried out strictly in accordance with the boundary treatment details granted on 11th September 2014 under application reference 65680/APP/2014/2485. Thereafter the development shall be retained in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4. NONSC Category M4(2)

The dwellings hereby approved 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.

5. RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance

with the details shown on the submitted plans, numbers 1158_EXS01_I1, 1158_S01_I2, 1158_GA01_I1, 1158_GE01_I1, 1158_GAR1_I1, 1158_GS01_I2 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).

6. NONSC No extensions, outbuildings, garages or sheds

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) 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)

7. NONSC No roof extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of any dwellinghouse shall be constructed.

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).

8. RES12 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing number 35A and 39 Edwards Avenue.

REASON

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

9. NONSC Finished levels

The development hereby approved shall be carried out in accordance with the finished levels specified on drawing number 1158_GS01_I2.

REASON

To ensure that the development relates satisfactorily to adjoining properties, in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

10. NONSC Vehicular access sight lines

The development hereby approved shall be carried out in accordance with the vehicular access sight line details under application reference 65680/APP/2014/2485 and granted on 11th September 2014. Thereafter the development shall be retained in accordance with the approved details.

REASON

To ensure that adequate sight lines are provided and thereafter retained in the interests of highway safety in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

11. NONSC Front garden details

The front garden area of the development hereby approved, including hard surfacing for car parking, landscape buffers on each side of the front boundaries, pedestrian access, bin stores and surface drainage shall be carried out in accordance with the details approved under application reference 65680/APP/2014/2485 and granted on 11th September 2014. Thereafter the development shall be retained in accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality, in the interests of highway safety and to ensure that surface water runoff is handled as close to its source as possible in accordance with Policies DMEI 9 DMHB 11, DMHB 12, DMHB 14 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

12. NONSC Cycle storage

The development hereby approved shall be carried out in accordance with the cycle storage details granted on 11th September 2014 under application reference 65680/APP/2014/2485. Thereafter the development shall be retained in accordance with the approved details.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy DMT 5 of the Hillingdon Local Plan Part 2 (2020).

13. NONSC Energy efficiency

The development hereby approved shall be carried out in accordance with the energy efficiency details granted on 11th September 2014 under application reference

65680/APP/2014/2485. Thereafter the development shall be retained in accordance with the approved details.

REASON

To ensure the objectives of sustainable development in accordance with Policy DMEI 2 of the Hillingdon Local Plan Part 2 (2020).

14. NONSC **Surface water management**

The development hereby approved shall be carried out in accordance with the surface water management details granted on 11th September 2014 under application reference 65680/APP/2014/2485. Thereafter the development shall be retained in accordance with the approved details.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with Policy DMEI 9 of the Hillingdon Local Plan Part 2 (2020).

15. RES9 **Landscaping scheme**

The development hereby approved shall be carried out in accordance with the landscaping scheme (hard and soft landscaping works, including car parking layout) and details granted on 11th September 2014 under application reference 65680/APP/2014/2485. Thereafter the development shall be retained in 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 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

16. NONSC **Planting schedule**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place or, if planting in the same place

would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

17. NONSC Demolition and construction management plan

The construction works development hereby approved shall be carried out in accordance with the demolition and construction management plan details granted on 11th September 2014 under application reference 65680/APP/2014/2485.

REASON

In order to reduce pressure on existing on-street parking and to ensure that the development does not prejudice the free flow of traffic and conditions of safety along the neighbouring highway in compliance with Policies DMT1, DMT 2, DMT 4 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

18. NONSC Parking permit restrictions (deleted)

(deleted condition)

19. NONSC Obscure glazing

The first floor windows in the side elevations facing Nos. 35A and 39 Edwards Avenue shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part 2 (2020).

Informatives

1. I70 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal

written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

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. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

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

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

3. 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).

4. I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

5. I47 Damage to Verge - For Council Roads:

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

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

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

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

6.

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, if applicable, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below,

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

DMEI 10	Water Management, Efficiency and Quality
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
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 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
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 G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding

NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

Appendix 2: Relevant Planning History

65680/APP/2009/1264 37 Edwards Avenue Ruislip

Erection of 2, two storey three-bedroom semi- detached dwellings with associated parking and vehicular crossover, involving demolition of existing dwelling.

Decision: 07-08-2009 Approved

65680/APP/2009/63 37 Edwards Avenue Ruislip

Erection of a two-storey building to provide 4 two-bedroom flats to include alterations to vehicular crossover (involving demolition of existing dwelling and outbuilding).

Decision: 17-03-2009 Refused **Appeal:** 05-03-2010 Allowed

65680/APP/2011/36 37 Edwards Avenue Ruislip

Erection of 4 two-bedroom back to back two storey dwellings with associated parking and amenity space and installation of new vehicular crossover, involving demolition of existing detached dwelling.

Decision: 15-03-2011 Approved

65680/APP/2014/2485 37 Edwards Avenue Ruislip

Details pursuant to conditions 2 (Materials), 3 (Boundary Treatments), 9 (Finished Levels), 10 (Visibility Sight Lines), 11 (Front Garden), 12 (Cycle Storage), 13 (Code for Sustainable Homes), 14 (Sustainable Urban Drainage), 15 (Landscape Scheme) and 17 (Demolition and Construction Management Plan) of planning permission ref: 65680/APP/2011/36 dated 04/04/2011; Erection of 4 two-bedroom back to back two storey dwellings with associated parking and amenity space and installation of new vehicular crossover, involving demolition of existing detached dwelling.

Decision: 11-09-2014 Approved

65680/APP/2014/326 37 Edwards Avenue Ruislip

Details pursuant to conditions 2 (Materials), 3 (Boundary Treatments), 9 (Finished Levels), 10 (Visibility Sight Lines), 11 (Front Garden), 12 (Cycle Storage), 13 (Code for Sustainable Homes), 14 (Sustainable Urban Drainage), 15 (Landscape Scheme) and 17 (Demolition and Construction Management Plan) of planning permission ref: 65680/APP/2011/36 dated 04/04/2011; Erection of 4 two-bedroom back to back two storey dwellings with associated parking and amenity space and installation of new vehicular crossover, involving demolition of existing detached dwelling.

Decision: 30-04-2014 Refused

65680/APP/2024/624 37 Edwards Avenue Ruislip

Application to confirm commencement of development prior to expiry date pursuant to Condition 1 of planning permission ref: 65680/APP/2011/36 dated 4th April 2011 (Erection of 4 two-bedroom back to back two storey dwellings with associated parking and amenity space and installation of new vehicular crossover, involving demolition of existing detached dwelling) (Application for Certificate of Lawfulness for an Existing Operation)

Decision: 17-07-2024 Approved

Appendix 3: List of Relevant Planning Policies

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

Part 1 Policies:

Part 2 Policies:

DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 14	Air Quality
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 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
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 SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding