

## Report of the Head of Planning & Enforcement Services

**Address** FORMER REINDEER PUBLIC HOUSE MAXWELL ROAD NORTHWOOD

**Development:** Erection of a part two, part three, part four storey building comprising 12 flats, with associated surface and basement car parking, secured cycle parking, bin store and alterations to vehicular access.

**LBH Ref Nos:** 18958/APP/2011/873

**Drawing Nos:** Design and Access Statement  
Planning Statement  
Trees and Development Report  
TCP-01  
TPP-01  
Environmental Noise Survey & PPG24 Assessment Report  
Energy Assessment  
L1A 2006 Checklist: Design - Draft  
Energy Statement - Appendix 2  
Report on a Ground Investigation  
Sun Study  
Photomontage 1 & 2  
112-09-PL-003 Rev. B  
112-09-PL-004 Rev. A  
112-09-PL-005 Rev. A  
112-09-PL-006 Rev. A  
112-09-PL-007 Rev. B  
112-09-PL-008 Rev. A  
112-09-PL-009 Rev. A  
112-09-PL-010 Rev. A  
112-09-PL-011 Rev. A  
112-09-PL-012 Rev. A  
112-09-PL-013 Rev. A  
112-09-PL-014  
112-09-PL-015 Rev. A  
112-09-PL-017 Rev. A  
112-09-PL-018 Rev. A  
112-09-PL-019 Rev. A  
112-09-PL-020  
112-09-PL-021

**Date Plans Received:** 06/04/2011

**Date(s) of Amendment(s):**

**Date Application Valid:** 13/04/2011

### 1. SUMMARY

Planning permission is sought for the erection of a part two, part 3, part 4 storey 'U' shaped block of 12 flats comprising 1 x 1 bedroom, 4 x 2 bedroom and 7 x 3 bedroom apartments. The proposal includes parking for 13 cars at basement and surface level, 12 secure cycle spaces and a bin store at basement (lower ground) level.

4 letters of objection have been received, objecting to the proposal on the grounds of inadequate parking, traffic congestion, the scale of the development, impact on residential

amenity and construction impacts. In addition, one petition bearing 20 signatures and a letter from Northwood Residents' Association have been received, objecting to the application.

The principle of a residential development and the mix of units are considered acceptable in this edge of town centre location. The layout, siting and scale of the development is compatible with surrounding built form and would respect the established character of the area. The proposal would not detract from the amenities of adjoining residents and provides satisfactory accommodation for future occupiers. Parking provision accords with the Council's standards and the Council's Highway Engineer raises no objection to the proposed means of access.

The current scheme addresses the reasons for refusal of a previous scheme and the subsequent appeal, which was dismissed on the grounds of failing to adequately secure public open space contributions. A Unilateral Obligation has been completed, securing contributions towards the funding of additional school places, health care, construction training, libraries, public open space and management and monitoring. This application is therefore recommended for approval.

## **2. RECOMMENDATION**

**1. That in advance of, or at the time of implementation of the development, the Council enter into a legal agreement with the applicants under Section 278 of the Highways Act 1980 (as amended) or other appropriate legislation to deliver the off site highway works.**

**2. That delegated powers be given to the Head of Planning and Enforcement to grant planning permission, subject to the following conditions:**

**1 T8 Time Limit - full planning application 3 years**

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 M1 Details/Samples to be Submitted**

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) fenestration and doors
- (ii) balconies
- (iii) boundary walls and railings
- (iv) external lighting
- (v) comprehensive colour scheme for all built details

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 M3 Boundary treatment - details**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials

and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied or in accordance with a timetable agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved, as listed in the attached schedule, unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 DIS1 Facilities for People with Disabilities**

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

**6 DIS5 Design to Lifetime Homes Standards & Wheelchair Standards**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further, one of the units hereby approved shall be designed to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

**7 A21 Parking for Wheelchair Disabled People**

Two parking spaces (with dimensions of 4.8m x 3.6m to allow for wheelchair transfer to and from the side of car) shall be reserved exclusively for people using wheelchairs and clearly marked with the Universal Wheelchair Symbol both vertically and horizontally. Such parking spaces shall be sited in close proximity to the nearest accessible building entrance which shall be clearly signposted and dropped kerbs provided from the car park to the pedestrian area. These parking spaces shall be provided prior to the occupation of the development in accordance with the Council's adopted car parking standards and details to be submitted to and approved by the Local Planning Authority. Thereafter, these facilities shall be permanently retained.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances, in accordance with Policy AM15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**8 H1 Traffic Arrangements - submission of details**

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide or at least 3.0m wide where two adjacent bays may share an unloading area.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

**9 H13 Installation of gates onto a highway**

No gates shall be installed which open outwards over the highway/footway.

**REASON**

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM7 and AM8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

**10 NONSC Non Standard Condition**

The access for the proposed development shall be provided with 2.4m x 2.4m pedestrian visibility splays in both directions and the visibility splays 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 interest of highway safety in accordance with Policy AM7 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

**11 NONSC Non Standard Condition**

Development shall not begin until details of the shuttle signals with a vehicle detection system at the entrance and exit of the access ramp have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the works which have been approved by the Local Planning Authority have been completed. Thereafter, these facilities shall be permanently retained.

**REASON**

In the interests of highway safety and in compliance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**12 H12 Closure of Existing Access**

The existing vehicular access at the site, shall be closed, the dropped kerb removed and

the footway reinstated to match the adjoining footway within one month of the new access hereby approved being completed.

**REASON**

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM7 and AM8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

**13 H15 Cycle Storage - In accordance with approved plans**

The development hereby permitted, shall not be occupied until the cycle storage facilities for 11 bicycles have been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of cyclists.

**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 AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

**14 NONSC Non Standard Condition**

Development shall not begin until details of the new vehicular access off Maxwell Road, including details of the pedestrian crossing point (tactile paving) and the relocation of the on street parking bays in Maxwell Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works which have been approved by the Local Planning Authority have been completed.

**REASON**

In the interests of highway safety and in compliance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**15 N1 Noise-sensitive Buildings - use of specified measures**

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road traffic and other noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet acceptable internal noise design criteria. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road traffic and other noise, in accordance with Policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

**16 OM11 Floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources, light spillage and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

#### REASON

To safeguard the amenity of surrounding properties and in the interests of highway safety, in accordance with Policies BE13 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

#### **17 OM14 Secured by Design**

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

#### **18 OM19 Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

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

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

#### REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

#### **19 OM2 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 relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**20 OM5 Provision of Bin Stores**

The secure and screened storage facilities for refuse and recyclables as shown on the approved plans shall be provided prior to the occupation of any units within the site and thereafter the facilities shall be permanently retained.

**REASON**

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**21 SUS1 Energy Efficiency Major Applications (full)**

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The energy efficiency report shall demonstrate how the Mayor's Energy Hierarchy will be integrated into the development, including a full assessment of the site's energy demand and carbon dioxide emissions, measures to reduce this demand and the provision of an 18.16% reduction in the site's carbon dioxide emissions needs through on-site renewable energy generation. The energy strategy should clearly define the baseline energy usage which takes account of regulated energy (in accordance with Building Regulations) and unregulated energy (energy use not covered by Building Regulations). The renewable energy figure should be based on the whole energy use. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained.

**REASON**

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

**22 SUS5 Sustainable Urban Drainage**

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

**REASON**

To ensure that surface water run-off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

**23 TL1 Existing Trees - Survey**

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The

plan must show:-

- (i) Existing and proposed site levels.
- (ii) Routes of any existing or proposed underground works and overhead lines including their manner of construction.

#### REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **24 TL2 Trees to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at 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 and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **25 TL3 Protection of trees during site clearance and development**

Prior to the commencement of any site clearance or construction work, the fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained as indicated in Arbtech Consulting Ltd's Tree Report and drawing No. TPP-01, shall be erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior



written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **26 TL5 Landscaping Scheme - (full apps where details are reserved)**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **27 TL6 Landscaping Scheme - implementation**

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 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 Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**28 TL7 Maintenance of Landscaped Areas**

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

**29 NONSC Non Standard Condition**

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval to 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 off site receptors, in accordance with Policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**30 NONSC Non Standard Condition**

No part of the development shall be occupied until details of the method of control for the designation and allocation of parking spaces has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be retained for the sole use of the individual flats in accordance with the approved details.

REASON

In order to ensure that sufficient parking is provided, in accordance with Policies AM14 and AM15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**31 NONSC Non Standard Condition**

No development shall take place until details of all balconies, including obscure screening have been submitted to and approved by the Local Planning Authority. The approved screening, where necessary, shall be installed before the development is occupied and shall be permanently retained for so long as the development remains in existence.

REASON

To ensure that the development presents a satisfactory appearance and to safeguard the privacy of residents in accordance with Policies BE13 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**32 NONSC Non Standard Condition**

Prior to development commencing, the applicant shall submit a refuse management plan to the Local Planning Authority for its approval. The plan shall detail how the refuse and recycling bins shall be moved to a predefined collection point and how the service road is to be kept clear of parked vehicles on collection day. The approved measures shall be implemented and maintained for so long as the development remains in existence.

#### REASON

To safeguard the amenity of surrounding areas and in the interests of highway and pedestrian safety, in accordance with Policies OE1 and AM7 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

### **33 NONSC Non Standard Condition**

Before development commences, plans and details of one electric vehicle charging point, serving the development and capable of charging multiple vehicles simultaneously, shall be submitted to and approved in writing by the Local Planning Authority.

#### REASON

To encourage sustainable travel and to comply with London Plan Policy 4A.3.

### **34 D2 Obscured Glazing**

The Oriel windows and non habitable windows in the north east and south west elevations shall be glazed with obscure glass and non-opening except at top vent level, as detailed on approved drawing nos. 112-09-PL-109 Rev. A, 112-09-PL111 Rev. A and 112-09-PL114, for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties, in accordance with Policy BE24 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

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

### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS	Residential Layouts
BE22	Residential extensions/buildings of two or more storeys.

### **3            I6                    Property Rights/Rights of Light**

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

### **4            I2                    Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

### **5            I1                    Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **6            I11                    The Construction (Design and Management) Regulations 1994**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

### **7            I12                    Notification to Building Contractors**

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

## **8**            I14C            **Compliance with Building Regulations Access to and use of**

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice.  
AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6 and 8.

## **9**            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 should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**10            I16                    Directional Signage**

You are advised that any directional signage on the highway is unlawful. Prior consent from the Council's Street Management Section is required if the developer wishes to erect directional signage on any highway under the control of the Council.

**11            I19                    Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.  
Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

**12            I21                    Street Naming and Numbering**

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

**13            I25A                    The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

**14            I3                      Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as -

the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

**15**            19                    **Community Safety - Designing Out Crime**

Before the submission of reserved matters/details required by condition x you are advised to consult the Metropolitan Police's Crime Prevention Design Advisor, Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel. 01895 250538).

**16**

It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system. The hard standing shall therefore be so designed and constructed that surface water from the private land shall not be permitted to drain onto the highway or into the highway drainage system.

**17**

With regard to the external materials (condition 2), you are advised that it will be important to ensure that the materials match those older buildings in the locality. The drawings are annotated as being dark red/brown tiles and these are considered appropriate. The drawings also show stock brick, which should be a deep red, rather than the yellow/buff shown in the perspectives.

**18**

In seeking to discharge condition 30 (car parking), the applicant is advised that the preferred solution is to allocate 2 parking spaces each for the 3 bedroom flats and 1 space each for the smaller units.

**19**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. With regard to water supply, this comes within the area covered by the Three Valleys Water Company.

**20**

Specific security needs identified for the application site include CCTV coverage of certain key areas within the development, namely the underground car park and the main vehicular entrance to the development. This could be a simple fixed camera system for deterrence and retrospective investigation only and not monitored system. You are advised to submit details to expedite the specified security needs. In addition to the above, for this site to achieve 'Secured by Design' accreditation, you are advised to consult with the local Police Crime Prevention Design Adviser (CPDA). The CPDA's contact number is 0208 246 1769.

**21**

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon Education and Business Partnership.

## **22**

Your attention is drawn to conditions 2, 4, 8, 10, 11, 14, 16, 17, 18, 20, 21, 22, 24, 26, 28, 30, 31 and 34, which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of these conditions. For further information and advice contact: Planning and Community and Environmental Services Group, Civic Centre, Uxbridge (Tel: 01895 250230).

## **23**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Acts.

## **24**

The applicant is encouraged to discuss with Council officers in conjunction with the Metropolitan Police Crime Prevention Officer whether on site CCTV cameras can be linked to the Council's central CCTV system.

### **3. CONSIDERATIONS**

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

The site formally comprised the Reindeer Public house plus ancillary accommodation, an ancillary six bedroom residential apartment and 20 off-street parking spaces. In addition land to the front of the former public house building was utilised for a further three car parking spaces. The building has already been demolished and the site is currently cleared and boarded.

The site has an area of approximately 0.1493 hectares and is located in Green Lane Northwood Minor Town Centre. The site is positioned between the Primary Shopping Area and a residential area to the west, outside the town centre boundary. To the north west is a small non-designated commercial business area. The site is within an aviation height restriction area.

The site falls within the Northwood Town Centre, Green Lane Conservation Area, which was designated on 2 December 2009.

#### **3.2 Proposed Scheme**

Planning permission is sought for the erection of a part two, part 3, part 4 storey 'U' shaped block of 12 flats comprising 1 x 1 bedroom, 4 x 2 bedroom and 7 x 3 bedroom apartments. The proposal includes parking for 11 cars, 12 secure cycle spaces and a bin store at basement (lower ground) level. Two additional parking bays are located at the front of the block, with the remainder of the site frontage soft landscaped.



A landscaped communal courtyard is located to the rear, with private amenity space (45sq.m) for flat 1 (lower ground) and balconies provided for flats 2, 6, 7 and 10.

The main pedestrian access to the site will be from Maxwell Road. Vehicular access will be via the existing service road, into the car park at lower ground floor level. A secondary pedestrian access is also proposed off the service road.

The application is supported by a number of reports that assess the impact of the proposal. A summary and some key conclusions from these reports are provided below:

- Planning Statement

The statement describes the development and provides a policy context and planning assessment for the proposal. The statement concludes that the proposal represents an efficient use of this previously developed site, provides a new active frontage to this part of the town centre and contributes towards housing needs requirements

- Design and Access Statement

This report outlines the context for the development and provides a justification for the design, number of units, layout, scale, landscaping, appearance and access for the proposed development.

- A Tree Assessment Report

The report has identified 13 trees, which are on or close to the site. The statement has been prepared to ensure good practice in the protection of trees during the construction and post construction phases of the development.

- Energy Assessment

The assessment concludes that the use of a gas community heating system with CHP. The sustainability credentials of the scheme are assessed in respect of renewable energy resources.

- Report on Ground Investigation

The report concludes that the level of contaminants encountered are not considered sufficient to pose any significant threats to end users of the site for residential purposes.

- Noise Report

the report contains the results of a noise survey, compares the noise levels with PPG24 Criteria and details the results of the preliminary external building fabric assessment. The report concludes that suitable internal noise levels can be achieved with appropriate sound insulation.

### 3.3 Relevant Planning History

18958/APP/2008/1996 The Reindeer Ph Maxwell Road Northwood

Erection of two blocks comprising 14 flats and 468m<sup>2</sup> of commercial space with associated parking.

**Decision:** 29-10-2008 Refused **Appeal:** 08-05-2009 Dismissed

18958/APP/2009/2210 Former Reindeer Public House Maxwell Road Northwood

Erection of a part two, part three, part four storey building comprising of 1 one-bedroom flat, 4 two-bedroom flats and 7 three-bedroom flats, with associated surface and basement car parking, secured cycle parking, bin store and alterations to vehicular access.

**Decision:** 08-06-2010 Refused

**Appeal:** 24-02-2011 Dismissed

18958/APP/2010/2210 Former Reindeer Public House Maxwell Road Northwood

Erection of a part two storey, part three storey, part four storey building comprising 1, one-bedroom flat, 4, two-bedroom flats and 6, three-bedroom flats, with associated car parking, secured cycle parking, bin store and alterations to vehicular access

**Decision:**

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

Planning permission was refused under delegated powers on 29/10/2009 for the erection of two blocks comprising 14 flats and 468sq.m of commercial space (ref: 18958/APP/2008/1996) on the following grounds:

1. Overdevelopment/Impact on visual amenity.
2. Impact of noise from adjoining commercial uses.
3. Inadequate living accommodation.
4. Inadequate access for people with disabilities.
5. Inadequate vehicular access.
6. Impact on adjoining residents.
7. Renewable Energy.
8. Planning obligations.

A subsequent appeal(ref. APP/R5510/A/08/2089396) was dismissed on grounds 1, 3, 4, and 6.

Planning permission was refused on 12/6/2010 for the erection of a part two, part three, part four storey building comprising of 1 one-bedroom flat, 4 two-bedroom flats and 7 three-bedroom flats, with associated surface and basement car parking, secured cycle parking, bin store and alterations to vehicular access (ref:18958/APP/2009/2210) for the following reasons:

1.The proposal, by reason of its overall scale, siting, and design would constitute an inappropriate development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the Northwood Town Centre Green Lane Conservation Area and the area generally. The proposal is therefore contrary to Policies BE4, BE13 and BE19 of the Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (Supplementary Planning Document) 'Residential Layouts'.

2. The proposal fails to provide amenity space of sufficient size and quality so as to be commensurate with the size and layout of the development. As such the proposal would provide a substandard form of accommodation for future residents, contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), and the Council's HDAS (Supplementary Planning Document) 'Residential Layouts'.

The application was the subject of an appeal. A local inquiry was held on 30/11/2010. This appeal was dismissed, but only on the basis that the Unilateral Undertaking for the public open space contribution was not acceptable (in terms of the triggers for payment). In

order to rectify this matter, the developers have submitted the current application to the Council, with a revised Unilateral Undertaking, to address the Inspector's reason for refusal.

On 17/9/2010 a planning application was submitted for a part two, part 3, part 4 storey 'U' shaped block of 11 flats comprising 1 x 1 bedroom, 4 x 2 bedroom and 6 x 3 bedroom apartments. The North Planning Committee resolved on 3 February 2011, to grant planning permission subject to legal agreement/s to deliver the off site highway works, conditions and the submitted Unilateral Undertaking. However, there are legal problems with the Unilateral Undertaking submitted with this application, and until these legal issue are resolved, the Local Planning Authority is not in a position to issue the decision notice for this scheme.

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

The Replacement London Plan

The Replacement London Plan EiP Panel Report was published on 3rd May 2011. Overall, the Inspector found the Plan to be Sound. The key recommendations in relation to housing policies relevant to this application are as follows:

Policy 3.5: Quality of Design and Housing Developments. Removal of the presumption against development on back gardens from part A of the policy. Replaced with new provisions allowing local authorities to introduce 'policies to control such development.

Policy 3.5: Quality of Design and Housing Development: Table 3.3 (Minimum Space Standards) amended to incorporate indicative space standards for 1 bed/studios of 37sqm. The plan should also include a definition of 'family accommodation'.

Policy 3.12: Affordable Housing Targets: Part A of the policy to be changed so that boroughs should aspire towards securing 50% of all new housing as affordable.

#### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

- |      |   |
|------|---|
| AM14 | New development and car parking standards.  |
| AM15 | Provision of reserved parking spaces for disabled persons   |
| AM2  | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity               |
| AM7  | Consideration of traffic generated by proposed developments.  |
| AM9  | Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities |
| BE13 | New development must harmonise with the existing street scene.  |
| BE19 | New development must improve or complement the character of the area.   |
| BE21 | Siting, bulk and proximity of new buildings/extensions.   |
| BE23 | Requires the provision of adequate amenity space.   |

BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS	Residential Layouts
BE22	Residential extensions/buildings of two or more storeys.

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

**5.1** Advertisement Expiry Date:- **9th May 2011**

**5.2** Site Notice Expiry Date:- Not applicable

25th May 2011

## 6. Consultations

### External Consultees

This application has been advertised under Article 8 of the Town and Country Planning General Development Procedure Order 1995 as a Major Development. The application has also been advertised as a development likely to affect the character and appearance of the Northwood Town Centre and Green Lane Conservation Area. A total of 195 surrounding property owners/occupiers have been consulted. 4 letters of objection have been received, together with a letter of objection from the Northwood Residents' Association. The issues raised are summarised below:

1. The area is already very busy. Because of its proximity to Northwood College the area is at a virtual standstill between 8-9:30am and 3-4:30 pm. Maxwell Road is a major bus route and is also used by school coaches and fore cars dropping off and collectinmg pupils.
2. Two parking spaces per flat & enough room at the front for delivery persons/workers should be provided otherwise this area will see accidents, as the current residents/shop owners having to fight for places to park. It will be a nightmare for everyone already living in the community our quality of life should be the priority here.
3. One public parking bay will be removed to make a new entrance, there is already a huge shortage of parking in the area.
4. Not enough parking is being provided for the proposed residents who will be living in the block.
5. The scheme will result in disruption to the local community during construction and as a result of the amount of new people moving into the area.
6. This company is only thinking about profits & not thinking about realistic planning to provide quality living for both new tenants & old alike.
7. I belive their new access uses up current parking spaces owned by the freeholder of the shops & flats block adjacent.
8. I need to be able to park near my home, I have a 5 year old child & cannot be expected to park far down the street and walk back with a child & shopping on my own.
9. No objection to two or three storeys, but a 4 storey building or a building that is partly four storeys would be out of keping with the character of the area which is now after all a conservation area.

In addition, one petition bearing 20 signatures, organised by the Northwood Residents' Association has been received objecting to the application.

### NORTHWOOD RESIDENTS' ASSOCIATION

The Northwood Residents' Association wishes to formally object to the proposed development on the site of the former Reindeer Public House.

The application identified above is identical to that previously submitted (18958/APP/2009/2210) and which was rejected by Hillingdon Council Planning North Committee and refused at appeal (APP/R5510/A/10/2134397) by the appointed Planning Inspector.

The Inspector made his decision based on two main issues 1) the enhancement or preservation of the character of the Conservation Area by the proposal and 2) the effect on living conditions of the amenity space to be provided.

The Resident's Association does not have a problem with the proposal in terms of the positioning or general size and shape of the development, however it is opposed to the inclusion of a dominant

turret. The inspector advises that the character of the area would not be adversely impacted if proper attention is paid to achieving good design. He later describes turrets as unusual design features. Later still he notes that 'The turret would add interest'. The Association contends that here the inspector is expressing personal opinion rather than applying the relevant planning rules and thus his comments should hold no greater weight than those of the indigenous population who do not see the turret as advantageous to the design.

In relation to the amenity space the Inspector notes that the requirement to meet the 330sq.m can only be met by the inclusion of that portion of the ground to the front of the development which would be both noisy and heavily polluted by passing traffic. There is a suggestion that balconies to the flats provide additional amenity space. However the Association argues that amenity space in the context of a development such as that proposed must be available to all and thus space restricted to only a proportion of the residents cannot be truly considered amenity space. For example the amenity space adjacent to flat 1 identifies itself on the plans as being for that flat solely!

Since it is improbable that space safe for children to play could be made available in the development it would of course normally be possible to make allowances for such a lack by funding improvements to locally available play space. However in this instance the nearest such space is some 500m distant and would involve the crossing of at least two major roads.

Finally the Association believes that the design has one major flaw in that the 21 metre rule which would require the development to absolutely prohibit one flat from having unrestricted viewing access to another cannot be met in a number of instances.

The Association respectfully requests the Planning Committee to reject this application.

#### THAMES WATER

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. With regard to water supply, this comes within the area covered by the Veolia Water Company.

#### METROPOLITAN POLICE

There should be access control to the basement car park with CCTV. The development should achieve Secure by Design accreditation.

#### **Internal Consultees**

##### POLICY AND ENVIRONMENTAL PLANNING

###### 1. Site

The proposed development is an area of approximately 0.1493 hectares. The cleared site is located in Green Lane Northwood Minor Town Centre as defined in the Unitary Development Plan Saved Policies 2007 and is positioned between the Primary Shopping Area and a residential area

to the west outside the town centre boundary. To the north west is a small non-designated commercial business area. The site has a history of land contamination and is within an aviation height restriction area.

## 2. London Plan Issues

### Residential

The London Plan states the need for housing density to relate to location and setting in terms of existing building form and massing, and the index of public transport accessibility when considering new developments. The Public Transport Accessibility Level for the site is 2. London Plan Policy 3A.3 seeks to maximising the potential of sites, compatible with local context and design principles in Policy 4B.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in Table 3A.2 (Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

London Plan Policy 3A.5 (Housing Choice) encourages Boroughs to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups, all new housing is built to Lifetime Homes standards and 10% of new housing to be wheelchair accessible. Local guidance is provided in Hillingdon Design and Accessibility Statement (HDAS) the Council's Supplementary Planning Document, which contains more details of lifetime homes on pages 8 and 9.

Guidance on the application of the housing policies is provided in the Mayor's Supplementary Planning Guidance on Housing (November 2005). The SPG also provides guidance on overall housing mix. This is based on the GLA's Housing Requirements Study, which has estimated that the London wide net housing requirement over the next 15 years to meet both current unmet demand and projected household growth, incorporating assumptions about the extent of voluntary sharing by single person households, is divided between household sizes as follows:

Overall housing mix - 1 bedroom household 32%, 2/3 bedroom household 38%, 4 bedroom or larger household 30%

Specific proportions of affordable housing within the above overall figures, are based on the Council's Housing Register. Information from the Housing Supply Team has been that Housing Services are working to the West London sub-region agreed unit mix for providing affordable housing either in the case of S106 provision or in the case of a 100% affordable development by a Registered Social Landlord.

The mix required is:

1 bed - 15%, 2 beds - 35%, 3 beds - 25%, 4 beds - 15%, 5 beds - 10%.

This will enable the borough to provide the affordable housing to meet the need as established by the Housing Needs Survey 2005.

### Town Centres

The London Plan sets out the Mayor's strategic objectives for the viability and vitality of Town Centres and the creation of a Town Centre Network through Policies 2A.8 Town centres and 3D.1 Supporting town centres of the Plan. Annex 1 of the Plan, London's strategic town centre network expands further on the Mayor's hierarchy of town centres with a general description and importance of each type of centre. Northwood is defined as a District Centre.

### Transport Links and Car Parking

The London Plan refers to the need for all developments that will be major generators of traffic to

submit a Transport Assessment and Green Travel Plan (Policy 3C.2).

### 3. Main UDP Policy Issues

Given that the site is now vacant and there are no saved policies to protect public houses as community facilities, the principal of the development is not contested. In policy terms the key issue for consideration relates to the density of development, whether this is appropriate for the site and is in accordance with the indicative thresholds contained in Table 3A.2 of the London Plan. Also relevant is the appeal decision for a mixed use scheme of 14 flats and ground floor commercial uses on the same site (APP/R5510/a/08/2089396).

#### Residential Density

In terms of density Table 3A.2 of the London Plan is relevant. 12 units with 52 habitable rooms would equate to 80u/ha and 348hr/ha at an average density of 4.33 hr/u. The London Plan, for sites with an urban character close in town centres where the Public Transport Accessibility Level (PTAL) score is 2-3 has an indicative density range of 200-450 hr/ha and 45-120 u/ha. The proposed density would be considered appropriate provided site specific issues including those points raised by the Inspector on the previous scheme (impact on the character and appearance of the area, access for people with disabilities, living conditions of neighbouring properties particularly outlook and amenities of future occupiers) are addressed.

#### Housing Mix

Policy H4 requires where possible, a mix of housing units, particularly units of one or two bedrooms, to reflect the changing housing demands of the Borough. The scheme provides 1 x 1 bed, 4 x 2 bed and 7 x 3 bed.

The supporting text to this policy states that the Council will have regard to the units most urgently required in different parts of the borough. Particular consideration will be given to family homes and ethnic minorities in assessing the need for larger dwellings, either in new development or through extensions to existing dwellings.

#### Affordable Housing

50% affordable housing is sought for schemes of 10 or more units. Lower provision would need to be supported by a robust economic viability assessment. No affordable housing is proposed. The accompanying economic viability assessment justification for no affordable housing provision would need to be supported by the implementation team.

#### SUSTAINABILITY OFFICER

The information provided suggests that the development will meet the efficiency targets of the London Plan (4A.7) through the submission of an energy statement (required by policy 4A.4). The Energy Assessment lacks information on how un-regulated energy has been considered. The SAP calculations they have used only relate to regulated and are therefore missing out on a considerable proportion of energy usage.

However, the information provided gives a good framework, but needs more work prior to agreement. A condition should therefore be imposed requiring a 20% reduction in CO2 emissions from renewable technologies and a condition/informative be included advising the developer as follows:

The energy strategy needs to clearly define the baseline energy usage which takes account of regulated energy (in accordance with building regulations) and un-regulated energy (energy use



not covered by building regulations). The 20% renewable energy figure should be based on the whole energy use.

## S106 OFFICER

### Proposal:

Erection of a part 3, part 4 storey building comprising of 1 x 1 bed flat, 4 x 2 bed flats and 7 x 3 bed flats with associated surface and basement car parking, secured cycle parking, bin store and alterations to vehicular access.

1 x 1 bed flat @ 2hrms and 1.51 pop

4 x 2 bed flats @3hrms and 1.5 pop

7 x 3 bed flats @ 4hrms and 1.93 pop

total population: 21.02

### Proposed Heads of Terms:

1. Transport: a s278 agreement will be required to secure the relocation of the parking bays at the front of the site and any other identified highways works.
2. Education: education have sought a financial contribution for nursery and primary school places in the sum of: £28,287.
3. Health: the PCT have sought a contribution towards local primary health care facilities in the sum of £4,554.40.
4. Community facilities: a contribution in the sum of £10,000 is sought towards expansion of local community facilities.
5. Libraries: a contribution in the sum of £483 towards library books has been sought.
6. Open space: a contribution in the sum of £28,000 has been sought towards local open space and recreation improvements (this is in line with the previous application).
7. Construction Training: could you please advise if the construction cost exceeds £2m and the construction period is proposed to be longer than 3 months? if so then the formula kicks in seeking £2,500 for every £1m build cost or a recognised in-kind scheme could be considered.
8. Project Mgmt and Monitoring: In line with the SPD a contribution towards project management and monitoring is sought equal to 5% of the total cash contributions secured from this proposal. (Note: These sums have been agreed by the applicant and a Unilateral Undertaking has already been signed.)

## ENVIRONMENTAL PROTECTION UNIT (EPU)

### Noise

The Environmental Protection Unit has considered the noise report prepared by RBA Acoustics (ref. 3253/PPG). Account has also been taken of the comments on noise contained in the appeal decision dated 8th May 2009 (Appeal ref: APP/R5510/A/08/2089396) on the previous application (ref: 18958/APP/2008/1996) relating to a similar development on the same site. The revised development does not include commercial premises at ground floor (as provided with the previous development).

The RBA Acoustics noise report identifies the main noise source affecting the site as road traffic, but also notes that there would be some noise from the small industrial estate adjacent to the western boundary of the site. The appeal decision recognised that there could be noise from the small industrial estate, for example in the form of early morning waste collections. It was, however, stated that noise from these sources can be controlled through statutory regulation and that sound insulation of the new residential properties would also provide a degree of noise mitigation. In view of the ruling in the appeal decision, I accept that noise from the small industrial estate does not form a reason for refusal of the present application.

The RBA Acoustics noise report contains results of a noise survey carried out at locations

representative of the eastern, north and western facades of the proposed building. The report uses the measured noise levels to establish the suitability of the site for new residential development using the noise exposure categories of PPG24. The measured noise levels show that the site is in noise exposure category B of PPG24. The appropriate advice in PPG24 for category B is that noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

In view of the above, no objections are raised to the application on noise grounds, subject to ensuring adequate sound insulation and associated ventilation, by imposition of a condition requiring the submission, approval and implementation of a sound insulation and ventilation scheme for protecting the proposed development from road traffic and other noise.

In order to avoid nuisance during demolition and construction, it is recommended that the standard control of environmental nuisance from construction work informative be attached.

#### Contaminated Land

The report is very limited and only 5 samples from the top 1 metre from two boreholes were tested for contamination. They identified made ground to a depth of 0.6 m and 0.8 m in each borehole, underlain by what was identified as natural soils. Contaminant levels were below the residential with garden criteria used in the report. There was no gas monitoring information provided (no indication to suggest one may be required).

The report and the application seems to imply the development will be almost all covered by hardstanding and building with just the trees at the boundary of the site retained. It also appears at least part of the site will have a basement. As a residential development, it could still be considered a sensitive end use.

With the application in its current form, a contaminated land condition does not appear to be necessary, as long as proper consideration (including for contamination) is given under the Building Regulations.

However, a standard contaminated land condition may be appropriate, if there is a possibility of amendments to the landscaping at the site, or if soil is likely to be imported in relation to the retained trees.

#### EDUCATION AND CHILDRENS' SERVICE

There will be an education contribution sought for nursery & primary school places and amounts to £28,287.

#### URBAN DESIGN AND CONSERVATION OFFICER

COMMENTS: In view of the recent planning history of this site the conservation team do not wish to forward any comments on this application.

#### TREE AND LANDSCAPE OFFICER

BACKGROUND: The site is vacant plot on the edge of Northwood Town Centre and lies within a recently designated Conservation Area. There are no significant landscape features on the site which constitute a constraint on development. However, there are a number of trees, close to the site which have been surveyed by Artech Consulting. Selected trees on the adjoining site, in Anthus Mews, are protected by TPO No. 305. The large offsite Oak, to the front of the site in the front garden of 8 Maxwelll Road is protected (T25 on the schedule).

PROPOSAL: The application is a re-submission of a earlier scheme, ref. 2009/2210 to erect a residential block of twelve flats with associated surface and basement parking.

#### LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- The tree survey (Arboricultural Method Statement) recommends that tree Nos. 1666 and 1668 be removed, to which no objection is raised. These are C rated (poor quality) trees.
- Tree Nos. 1670, 1671 and 1672 are A and B category trees including the protected Oak (T25). These will be protected and retained. Special measures will be taken regarding the removal of hard surfacing within their root protection areas. All other trees will be protected and retained.
- The report also notes that tree Nos T2, 1667 and 1670 will have some pre-emptive pruning of lateral branches to prevent snagging during construction work.
- The report is supported by plan Nos. TCP-01 and TPP-01.
- There is no objection to the proposal on tree grounds. However, a method statement should be secured to ensure that the site is managed, and work implemented, in accordance with the protective measures outlined by Arbtech. Site monitoring by Arbtech should be secured in accordance with recommendations set out in section 15.2.
- The landscape proposals shown on drawing No. 112-09PL-017 are sketchy and heavily dependent on podium level planting. However, the drawing indicates that structure planting, including trees hedges and shrubs, will be provided. These landscape features will be an essential requirement, as part of a high quality landscape scheme if the proposal is to satisfy BE38.
- Due to the presence of shared/communal external spaces a management/maintenance plan is required to ensure that the landscape is maintained in accordance with the landscape proposals.

RECOMMENDATIONS: No objection, subject to the above observations and conditions TL5, TL6, TL7 and TL21.

#### ACCESS OFFICER

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document Accessible Hillingdon adopted January 2010.

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan. In addition, 10% of new housing should be built to wheelchair home standards and should accord with relevant policies, legislation and adopted guidance.

The following access observations are provided:

1. A minimum of one flat should be designed in accordance with wheelchair home standards and guidance detailed in the above mentioned Supplementary Planning Document. It is suggested that the proposed flat no. 3 is designated the wheelchair standard home, given its proximity to the proposed accessible parking spaces.
2. In line with the GLA Wheelchair Housing BPG, the bathroom within the proposed wheelchair accessible supported living unit should be fitted with a level access shower from the outset. To this end, the plan should be amended accordingly.
3. Good practice recommends that communal car parks, as part of a Lifetime Home development, should provide at least one accessible parking space. Furthermore, the parking layout and landscape design should be conducive to Lifetime Home principles and allow for further accessible parking bays to be created according to demand.

4. To support the Secured by Design agenda, accessible car parking bays should not be marked. Car parking spaces should be allocated to a specific unit, allowing a disabled occupant to choose whether the bay is marked.

REASON: Bays that are not allocated would not guarantee an accessible bay to a disabled resident. Similarly, a disabled person may not necessarily occupy an accessible home allocated a disabled parking space. Marking bays as disabled parking could lead to targeted hate crime against a disabled person.

5. At least one bathroom/ensuite facility in each flat should be designed in accordance with Lifetime Home standards. To this end, 700mm should be provided to one side of the WC, with 1100mm provided between the front edge of the toilet pan and a door or wall opposite. This is currently not the case for all flats.

6. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gulley drainage.

7. Consideration must be given to ensure that adequate means of escape for disabled people, or those who cannot use stairs, to escape from the building during an emergency. Details in this regard should be submitted.

Conclusion: Whilst the plans go some way towards meeting the Lifetime Home Standards, further amendment should be requested as a pre-requisite to any planning approval.

Officer Comment: Revised plans have been received addressing Access Officer's concerns.

#### WASTE MANAGER

With respect to the flats, the plans indicate a bin provision area. The required ratio is of 1100 litre bins on a ratio of 1:10 + 1 per waste stream as a minimum. For this development, the minimum requirement would be 3 x 1100 litre refuse bins and 3 recycling bins. Concerns are however raised that the bin store will not be readily accessible at lower ground level and would not meet the necessary pulling distance and vehicle access requirements. It is recommended that the bin store area be relocated to the front of the building on Maxwell Road. Historically access to this site has always been limited, due to the location and proximity to shops.

Alternatively, there is no objection to Management arranging for the bins to be wheeled up from the basement to the bin collection area, provided that parking restrictions are in place, so that no vehicles park along the service road. In addition to ensuring adequate design of the bin chambers, there is a requirement for a Site Waste Management Plan.

#### HIGHWAY ENGINEER

It is proposed to relocate the existing access approximately 14m (centre to centre) to the north east. The access layout (including the access road) would be adequate for two vehicles to pass each other and for the Council's refuse vehicles. Pedestrian crossing point with buff coloured tactile paving should be provided at the proposed vehicular access.

The proposed access arrangements would affect the on-street parking. The applicant should provide plans clearly showing the effect of the proposals on the on-street parking and the proposal to relocate the parking spaces.

All off-site highway works shall be carried out at the developer's expense. A grampian type condition should be applied to cover the details of the new vehicular access including the

pedestrian crossing point(footway) and on-street parking to be submitted before commencement of the development and works completed before occupation of the development. An informative should be attached informing the applicant to enter into a S278 Agreement for the off-site highway works.

Gradient of the proposed access ramp leading to the car parking area is 1:15, which is considered acceptable. The width of the access ramp is not suitable for two vehicles to pass each other and visibility including inter-visibility and those entering and exiting the ramp would be poor. Shuttle signals with vehicle detection system should therefore be provided at the entrance and exit of the access ramp. This issue should be covered through a grampian type condition for the details to be submitted before commencement of the development and works completed before occupation of the development.

Lighting within the access road and car parking should be provided in accordance with the current British Standards. This issue should be covered through a condition for the lighting to be completed to the LPA's satisfaction before the occupation of the development.

### Car Parking

A total of 13 car parking spaces have been proposed, 11 spaces on the lower ground floor level and 2 spaces within the front forecourt area. The car parking provision is in accordance with the Council's maximum standards. The parking spaces would have adequate turning area. Details of the car parking allocation should be covered through a suitable planning condition.

Two car parking spaces within the forecourt area are proposed as disabled bays, which is in accordance with the Council requirement of 10% spaces to be suitable for disabled users. In addition to the 1.2m transfer space to the side of the disabled bays, there should also be a 1.2m wide safety zone at the vehicle access end of each bay to provide boot access or for use of a rear hoist. All transfer spaces should be clearly marked. A disabled logo should also be marked within the disabled bays.

Parking bays 2 and 3 are also proposed as disabled bays. Due to the columns being proposed within the proposed hatched areas, these spaces are not considered to be suitable for disabled bays.

(Note: These spaces have been converted to normal parking bays).

Details of the car parking including disabled spaces and allocation should be covered through a suitable planning condition.

### Surface water

It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system. The hardstanding shall therefore be so designed and constructed that surface water from the private land shall not be permitted to drain onto the highway or into the highway drainage system.

(Note: This has been covered by an informative)

### Walking & Cycling

The surrounding roads typically have footways. Main pedestrian access is proposed at the front of the development and a footway to the side of the access road could also be used by the pedestrians.

12 cycle storage spaces are proposed. The provision and maintenance of cycle parking should be

covered through a suitable planning condition.

#### Traffic Impact

The proposed development is not considered to result in such level of traffic generation in comparison with the sites permitted use, which would be prejudicial to highway safety and free flow of traffic.

Trip generation was not a reason for refusal on the previous planning application and/or subsequent dismissal of the appeal.

The revised application is a reduction of two residential units and removal of approximately 468sq.m of commercial space compared to the original application. The traffic impact is therefore considered to be less than the previous application.

#### Public transport

The site is shown to be in an area with a PTAL accessibility rating of 2, (on a scale of 1-6, where 6 is the most accessible), as indicated on maps produced by TfL. The site is therefore shown to have a low level of accessibility to public transport. However, the site is close to Northwood Station and bus routes.

#### Refuse

The developer has agreed the refuse collection arrangement with the Council's refuse department. The arrangement would involve refuse bins being wheeled from the lower ground floor to the north western side of the building by the site management. The refuse and recycle vehicles would need to reverse into the site from the highway for collection.

This type of arrangement is not desirable from the highway safety and free flow of traffic point of view and could set a precedent leading to proliferation of similar refuse collection arrangements, resulting in the refuse/recycle vehicles reversing into other relatively small-medium size developments.

Notwithstanding the above, given the developer has agreed this arrangement with the Council's refuse department, the proposals are not considered to merit refusal on this ground.

In addition, the trundling of refuse bins to the northern access point could result in Health and Safety issues due to the weight of the bins distance required to be covered, and ramp gradient. These issues would typically fall under Building Regulations.

#### Conclusion & Recommendation

No objection is raised on the highways and transportation aspect of the development subject to the above issues being covered by suitable planning conditions.

Conditions to cover;

1. Sightlines for 43m.
2. Pedestrian visibility splays.
3. Access and off-site highway works
4. Shuttle signals
5. Lighting
6. Details of car parking, allocation, and disabled spaces

7. Surface water drainage
8. Cycle parking
9. Refuse Management

Informative to cover;

1. Off-site highway works costs and S278 Agreement.
2. Surface water drainage

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The site is located within the Green Lane Northwood Minor Town Centre as defined in the Unitary Development Plan Saved Policies 2007. It is positioned between the Primary Shopping Area and a residential area to the west, outside the town centre boundary. Whilst general policies are supportive of residential development in principle, this is subject to compliance with a number of detailed criteria, including the consideration of the loss of any existing use of the site.

The authorised use of the site is for a public house, although the site is now cleared. There are no Hillingdon UDP policies that prevent the loss of a public house. In addition, the proposal is consistent with Central Government advice contained in PPS3, which encourages the re-use of previously developed land more efficiently. There is therefore no objection in principle to residential development on the site, subject to the proposal satisfying other saved policies within the UDP.

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

Density guidelines are provided by the London Plan. These guidelines take into account public transport accessibility, the character of the area and type of housing proposed. Sites with an urban character close to town centres, where the Public Transport Accessibility Level (PTAL) score is 2-3 have an indicative density range of 200-450 hr/ha. and should achieve a density within the range of 45-120 u/ha.

In terms of the current proposal, the 12 units with 52 habitable rooms would equate to 80u/ha and 348hr/ha at an average density of 4.33 hr/u. The development therefore does not exceed the London Plan density guidance and is therefore considered appropriate, subject to site specific issues, including impact on the character and appearance of the area, access for people with disabilities, living conditions of neighbouring properties and amenities of future occupiers, which are addressed in other sections of this report.

The acceptability of this level of development was also supported by the Inspector in determining the previous appeal scheme for 12 units, the Inspector noted that the efficient use of land for housing is sought by Planning Policy Statement 3: Housing (PPS3). The density of development at 348 habitable rooms per hectare (hrph) would be near the middle of the range of 200-450 hrph sought by the London Plan. Whilst the site is within a conservation area, as PPS3 notes in relation to the intensification of use, if proper attention is paid to achieving good design new development opportunities can be taken without adversely impacting the character and appearance of such an area.

Saved Policy H4 of the UDP also seeks to encourage additional housing in town centres. The supporting text states:

"The Council recognises the importance of residential accommodation in town centres as a part of the overall mix of uses which is necessary to ensure their vitality and attractiveness. Such housing offers particular advantages in terms of accessibility to town

centre facilities, employment opportunities and public transport. In order to maximise the residential potential of town centre sites, residential development within them should comprise predominantly one or two-bedroom units."

In terms of the mix of units, the application proposes 1 x 1 bedroom, 4 x 2 bedroom and 7 x 3 bedroom apartments. It is considered that this represents an acceptable mix of units, providing smaller dwelling units in an accessible town centre location and contributing to the vitality of the centre in accordance with the Council's policies.

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

The site does not fall within an archaeological priority area.

The site falls within the Northwood Town Centre, Green Lane Conservation Area, which was designated on 2 December 2009. Policy BE4 states that new development within or on the fringes of conservation areas will be expected to preserve or enhance the features, which contribute to the Conservation Area's special architectural or visual qualities.

In terms of architectural style the Conservation Area is characterised by good quality buildings of different styles including Arts and Crafts, Neo Classical and individually designed late Victorian and Edwardian properties. Unusual design features such as turrets and cranked gables are also noted. The street scene within the town centre is generally of a very high standard, made more interesting by the topography of the area. Whilst there are some modern developments such as Clive Parade to the north of the application site, the area nevertheless has a very strong character and a high proportion of good quality commercial and public buildings.

The current scheme is identical in terms of physical appearance as the previously refused 12 unit scheme (ref:18958/APP/2009/2210). Although the latter was dismissed on appeal, due to the inadequacy of the Unilateral Undertaking, the comments of the Inspector are considered relevant to this resubmitted scheme. The Inspector noted that the Conservation Area is focused on Green Lane, which is the main commercial and transport centre for this part of the Borough. The public house which occupied the site was demolished before the designation of the Conservation Area. As a consequence, the site, secured by hoardings around its perimeter amidst an otherwise built up frontage on Maxwell Road, is an ugly gap, that detracts from the Conservation Area and is ripe for redevelopment.

The Urban Design and Conservation Officer has not provided specific comments on this resubmitted scheme. However, the comments provided on the previous identical scheme are considered relevant. The Conservation Officer noted that the site is on higher ground, which drops down towards the Rickmansworth Road to the north-west and that the proposed development, at three and four storeys would thus be elevated from the rear. The building would also be higher than the two-storey residential properties down Maxwell Road. However, the block steps down to two storey on the south western side elevation, following the topography of the road and it is considered that this provides an effective transition between the commercial centre and the residential development that adjoins it. The overall massing of the block and its relationship with surrounding built development has been dealt with elsewhere in the report. The Conservation Officer considered that in general, the design reflects the broad vernacular style and variation of features, materials and building line found in the area. Therefore, the visibility of the development would not necessarily be an issue.

However, the Conservation officer did raise concerns regarding the roofs, which at 50



degrees, would be uncharacteristically steep and this would draw attention to the bulk of the roofscape, and lead to a resultant increase in the unattractive areas of flat crown roofs. In response, the applicant submitted that a reduction to the pitch of the roof to reduce the size of the crown would result in a number of difficulties, including the inability to provide the necessary Photo Voltaic (PV) panels on the crown of the roof, as the scheme is utilising the whole area for this purpose.

With regard to this criticism, that the pitch of the roof was too steep, with its crown form unduly adding to the bulk of the building, the Inspector, in assessing the previous identical scheme, made reference to the Council's supplementary planning document Hillingdon Design and Accessibility Statement, Residential Layouts (SPD), which notes that a diverse roofline, where this adequately respects the wider street scene, is considered to improve the richness of the townscape. Given that the area is characterised by a variety of roof pitches, including a number of crown roofs, which are found on the 3 mid terrace shops facing the appeal site, the Inspector opined that the pitch and form of the roof would complement the varied roof scape of the area. It is considered that considerable weight should be attached to the Inspector's views on this aspect of the design.

A classical turret creates a distinct feature at the eastern corner along Maxwell Road, which is considered to contribute positively to the character and appearance of the street scene. This view was shared by the Inspector, who, in assessing the identical scheme, opined that gables on the front elevation and a turret on the corner of the building would be in keeping with the variety of features found within the Conservation Area. Even though the turret would not be subservient in height to the roof and would project slightly forward of the front elevation, it would not be so tall as to dominate a building of such length and mass as is proposed. Furthermore, in relation to Clive Parade, with the land rising towards Green Lane and the varied building line of the Parade, its 1.5m greater height would not be an unduly prominent feature.

The Inspector therefore concluded that in views from Maxwell Road and Murray Road, the proposed building would sit comfortably in the streetscene and the turret would add interest to the building. In addition, the proposal would not adversely affect the setting of the Grade II listed Police Station diagonally opposite.

Overall, it is considered that the scheme will introduce a built form that is appropriate to its Conservation Area context and will improve the townscape character of the area, with a high quality built form. The scheme is therefore considered to comply with the aims of Saved Policy BE4 of the Unitary Development Plan.

#### **7.04 Airport safeguarding**

There are no airport safeguarding objections to this proposal.

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

There are no Green Belt issues related to this application.

#### **7.06 Environmental Impact**

A Ground Investigation report has been submitted as part of this application. The report states that sources of contamination include possible migration of contamination from the local industrial land use and potential made ground imported onto the site. The report has identified made ground to a depth of between 0.6m and 0.8m underlain by natural soils. Contamination levels were assessed as being below the criteria for residential development without soft landscaped gardens. The development will comprise mainly hard standing and building with the trees at the boundary of the site retained. At least part of the site will have a basement. Soft landscaping will be provided at the front and rear of

the block, in the lower ground floor court yard and the rear amenity area. However it is likely that the soil for these areas would be imported.

The Environmental Protection Unit has reviewed the report and advises that although the residential development is considered a sensitive end use, a contaminated land condition will not be necessary, as long as proper consideration is given under the Building Regulations. However, it has advised that as a new development, it is important that the soils in any landscaped or garden areas are suitable for use. A condition controlling the quality of soil likely to be imported in relation to the soft landscaping is therefore recommended.

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

Saved Policies BE13 and BE19 of the UDP attempt to ensure that new development makes a positive contribution to the character and amenity of the area in which it is proposed. Policy BE13 states that, in terms of the built environment, the design of new buildings should complement or improve the character and appearance of the surrounding area and should incorporate design elements which stimulate and sustain visual interest. Policy BE38 of the UDP requires new development proposals to incorporate appropriate landscaping proposals. More specifically, in respect of town centres, Policy BE26 seeks to ensure that the design, layout and landscaping of new buildings reflects their role, overall scale and character as a focus of shopping and employment activity. The buildings should be designed so that they contribute to the security and safety of pedestrians and other footway users by overlooking pedestrian spaces and avoiding hidden recesses in accordance with Policy BE18.

In terms of the scale and siting of the development, the scheme has undergone a complete re-design following the refusal of the original 2008 mixed use scheme and dismissal of a subsequent appeal. Instead of the two separate blocks in the first refused scheme, the current proposal is laid out as an elongated U-shape, with the main built element stretching along the north-eastern boundary. The main development is accommodated to the rear of the site, utilising the change in levels, creating a discrete access point to the underground car parking from the rear of the site. The development benefits from a well designed inner courtyard, which provides communal amenity space for future residents. Private amenity space is provided for in the form of private balconies and a private patio garden.

The Inspector, in assessing this scheme on the previously submitted application, noted that the pattern of development of the houses adjacent to the plot and within the southern half of the Conservation Area is characterised by large rear gardens. In contrast, the appeal site faces, and on 2 sides abuts, the commercial core of Northwood where a higher density of development predominates. Owing to the reverse 'C' shape of the proposed building, its long length would extend some 41m along almost the entire length of the shared access road separating the site from Clive Parade. In so doing, the Inspector was of the view that it would complement the scale and mass of development on the town centre side of the site. Similarly, the enclosed communal amenity space which occupies the majority of the site behind the Maxwell Road elevation would respect the open character of the rear gardens of the houses to the south. Given the screening effect of Clive Parade and the narrow width of the access road, views of the side of the building from Maxwell Road would be limited and the front elevation would be the dominant aspect of the building within the street scene. For these reasons the Inspector held that scale of the proposal would be in keeping with its context.

The front elevation facing Maxwell Road generally respects the established building line.

The overall height and massing of this element of the scheme has been significantly reduced when compared to the first refused scheme. In this case, the front wing facing Maxwell Road steps down to two storey on the south western side elevation, following the topography of the road and providing an effective transition between the commercial centre and the residential development that it adjoins.

In addressing this aspect of the proposal, the Inspector noted that the previous building on the site was staggered so that the main part of its front elevation was in line with No 8 and its front gable, which projected forward approximately 2.5m, was in line with Clive Parade. The appeal proposal would reverse matters, with the majority of the building in line with Clive Parade and only a short initial set back close to the boundary in line with No 8. However, the inspector considered that given the fact that the proposed building and its neighbours are some 10m or more from the back of the pavement, the movement of the majority of the facade of the building forward by 2.5m would not result in an unduly prominent building when viewed from the highway.

The Inspector also noted that the width of the proposal would be in keeping with the public house which previously stood on the site and occupied the vast majority of the plot. Although the majority of the building would be taller than the public house, it would be less tall than Clive Parade. Towards the side boundary with No. 8 the roof would step down to the same height as that of the public house. As a consequence, the height of the proposed building would successfully bridge the difference in height between development on either side of the site.

Taking all these matters into account, the Inspector therefore concluded that the proposal would preserve the character and appearance of the Northwood Town Centre Green Lane Conservation Area. As a consequence, the proposal would comply with the objectives of Saved policies BE4, BE13 and BE19 of the UDP, the SPD and PPS5. This is a material consideration to which considerable weight should be attached.

In conclusion, it is considered that subject to a condition controlling external materials, the design, layout and scale of the development is compatible with surrounding built form and would respect the established character of the area, in compliance with relevant UDP Saved Policies, Supplementary Design Documents and National guidance.

#### **7.08 Impact on neighbours**

In relation to outlook, Policy BE21 requires new residential developments to be designed to protect the outlook of adjoining residents. The design guide 'Residential Layouts' advises that for two or more storey buildings, adequate distance should be maintained to avoid over dominance. A minimum distance of 15m is required, although this distance will be dependent on the extent and bulk of the buildings.

In terms of height and massing, the building has a three storey core element which steps down to two storeys adjacent to No. 8 Maxwell Road, thereby protecting the setting and residential amenity of that property. Furthermore, this element would not project beyond the rear of 8 Maxwell Road, while the three storey element would be approximately 7 metres away from the side boundary with 8 Maxwell Road. It is not therefore considered that this element of the proposal would result in an over dominant form of development which would detract from the amenities of that property, when seen from the habitable room windows on the rear elevation and both the front and rear of 8 Maxwell Road.

In terms of the relationship with residential development to the west, the overall height of the scheme has been significantly reduced and the siting of the rear element has been set

back from the north west and south west boundaries. A distance of approximately 15.6 metres is maintained between the 3/4 storey rear element and the 3 storey residential block at 20-28 Anthus Mews. It is proposed to retain a large Ash tree in the western corner of the site which will mitigate against the impact of the building. The massing of the block relative to the adjoining Clive Parade is considered satisfactory, as the massing of the block steps down, following the fall in levels along the service road. It is therefore considered that the proposal would not result in an over dominant form of development which would detract from the amenities of neighbouring occupiers, in compliance with Policy BE21 of the UDP.

Policy BE24 states that the design of new buildings should protect the privacy of occupiers and their neighbours. In terms of privacy, the balconies have full height privacy screens and where appropriate, oriel windows are proposed facing Clive Parade and the rear garden of 8 Maxwell Road. Obscure glazing is proposed to non habitable rooms. These can be secured by conditions. To the rear, the units overlook car parking areas and the adjoining industrial units, while screen planting is proposed along the southern boundary with 8 Maxwell Road.

Subject to conditions, it is not considered that there would be a loss of privacy to adjoining occupiers, in accordance with Policy BE24 of the UDP Saved Policies (September 2007) and relevant design guidance.

In relation to sunlight, Policy BE20 of the UDP seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses. It is not considered that there would be a material loss of day or sunlight to neighbouring properties, as the proposed building would be orientated or sited a sufficient distance away from adjoining properties.

#### **7.09 Living conditions for future occupiers**

##### **LIFETIME HOMES AND WHEELCHAIR COMPLIANCE**

HDAS was adopted on the 20th December 2005 and requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided on floor space standards for new residential development to ensure sound environmental conditions are provided on site. As a guide, the recommended minimum standards for 1` bedroom flats is 50sq.m, 63sq.m for 2 bedroom flats and 77sq.m for 3 bedroom flats. Where balconies are provided, the floor space of the balconies can be deducted from these standards, up to a maximum of 5sq.m. Additional floorspace would be required for the wheelchair units.

The floor plans indicate that the development achieves HDAS recommended floor space standards for all of the units and that Lifetime Home Standards could be met for these flats in terms of size.

Although not identified, one of the units could be designed to full wheelchair accessible standards.

The Access Officer is satisfied with the level of facilities provided subject to minor revisions to the internal layout of the units to ensure full compliance with all 16 Lifetime Home standards (as relevant) and Wheelchair Home Standards for one of the units. Subject to a condition to ensure compliance, it is considered that proposed development is in accord with the aims of Policies 3A.4, 4B.5 of the London Plan, the Hillingdon Design and Access Statement (HDAS) Accessible Hillingdon and Policy AM15 of the UDP.

## AMENITY SPACE

Policy BE23 of the UDP requires the provision of external amenity space, sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The Council's SPD Residential Layouts specifies amenity space standards for flats. In accordance with the above mentioned standards, a total of 330sq. metres of amenity space would be required to serve the development.

Due to site constraints and the fact that the site lies within a town centre, the applicants have submitted that it is not feasible to provide extensive areas of amenity space. The design does however incorporate balconies to flats 2, 6, 7 and 10. A private courtyard some 45sq.m in extent is allocated to the lower ground floor flat(unit 1), while a communal garden/courtyard amounting to 174sq.m is provided at the rear of the block. The total amenity spaces provision amounts to 247sq.m, equating to an average of 20.5 sq m. This equates to a shortfall of 83sq. metres from the Council's standards.

In mitigation, landscape gardens are proposed at the front of the block and at the rear an amenity strip is proposed between the block and vehicular access ramp, amounting to some 148sq. metres. In assessing the refused 12 unit scheme, officers were of the view that these areas would be of limited amenity value, given their potential exposure to noise and disturbance. The Inspector in determining the subsequent appeal agreed that in the absence of the barrier effect of the building, the front garden would experience significantly higher levels of road noise than amenity space to the rear. In addition, whilst a hedge or fence could be erected around the front garden increasing its privacy it could not create a front garden completely free from overlooking by passers by without obscuring the contribution of the building to the streetscene.

However, the Inspector went on to conclude that the consideration of whether such amenity space in terms of noise and privacy is usable for sitting out in and relaxing, or reading, is not clear cut. For some it would be acceptable, for others more sensitive to noise and the gaze of passers by it would be less so. The inspector noted that PPS3 requires that local planning authorities achieve a mix of housing to support a wide variety of households and found that on balance, the quality of amenity space at the front of the building, in combination with that provided to the rear, would be adequate to ensure acceptable living conditions for future residents in relation to noise and overlooking. Furthermore, prospective occupiers would be free to make up their own minds regarding the quality of amenity space provided.

On balance therefore, the Inspector concluded that the amount of amenity space provision would exceed the minimum sought by the SPD. In addition, private amenity space in the form of garden or balconies for over half of the 12 flats would be provided. Whilst recognising that concerns exist regarding the degree to which balconies would be enclosed by screens, the Inspector ruled that through the attachment of a suitably worded condition the correct balance between privacy and excessive enclosure of the balcony could be reached. It is considered that considerable weight should be attached to the Inspector's findings, as the appeal decision is relatively recent (February 2011) and there have been no changes since then, to national, London Plan or local policies which would affect his conclusions on this matter.

In addition, the site is within a town centre where there is considered to be flexibility concerning the level of amenity space provided, and it is noted that the site is not in an area of local open space deficiency. In addition, a contribution towards public open space enhancement has been secured by way of a Unilateral Undertaking, to mitigate the impact

of the development. Overall, the amenity space provided is considered acceptable, in compliance with the Hillingdon Design and Accessibility Statement (HDAS) Residential Layouts and Saved Policy BE23 of the UDP.

7 of the 12 flats would be 3 bedroom apartments. As such they would be large enough to house families with children. The nearest children's public play area is approximately 500m away. In such circumstances the SPD seeks on site provision of a safe play space for children. No such provision is proposed on site. In the absence of such on site provision, policy R17 of the UDP supports supplementing provision through planning obligations. An agreement made under section 106 of the Act has been submitted to address this deficiency. In considering this issue the Inspector commented as follows:

"For any such agreement to be taken into account in a planning decision it must pass the tests in Circular 5/2005 and the requirements of Regulation 122 of the Community Infrastructure Regulations 2010. The sum sought in relation to open space of £28,000 would be spent on improving the facilities at the nearest children's public play area. I find the financial contribution sought is directly related to the development, necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind to the development. It therefore satisfies the tests and is in accord with the Regulation. As a consequence, it would address the absence of onsite provision for safe play space for children and is a matter that weighs in favour of the appeal.

However, as the undertaking states that payment would only be triggered once the development is fully occupied, retaining only a small part of the development vacant could result in the payment never becoming due. As a consequence, it is not certain that this payment would be made. Therefore as it stands, I conclude that the proposal would fail to address the need for play space resulting from the development and result in unacceptable harm to the living conditions of future occupiers. This would be contrary to the objectives of policy BE23 of the UDP and the SPD."

The issue of when the payment is triggered has now been resolved and thus the scheme now meets the only reason for the appeal being dismissed.

Each of the units benefit from a reasonable level of privacy, outlook and light and overall, it is considered that good environmental conditions can be provided for future occupiers in compliance with relevant UDP saved policies and supplementary design guidance.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

##### Traffic Generation

The applicant has submitted a Transport Assessment to consider the traffic impacts on the existing road capacity. The development is forecast to add 15 additional two way trips during the am peak hour and a similar number during the pm peak. This level of increase in peak hour traffic can be accommodated on Maxwell Road. The Highway Engineer notes that trip generation was not a reason for refusal on the previous planning application and/or subsequent dismissal of the appeal. In addition, the revised application has resulted in a reduction of two residential units and removal of approximately 468sq.m of commercial space compared to the originally refused scheme. The traffic impact is therefore considered to be less than the previous application. The highway Engineer therefore raises no objections on traffic generation grounds.

## Parking

The application proposes a total of 13 parking spaces, including 2 spaces for people with a disability. These comprise 11 spaces in the basement and 2 spaces for people with a disability at the front of the building. The Council's standards allow for a maximum provision of 1.5 spaces per residential unit, a total of 18 spaces in this case. The site has a PTAL rating of 2 and the Council's Highways Engineer has raised no objection to the level of car parking and has confirmed that all parking spaces would be of sufficient dimensions and usable. As such, it is considered that the application complies with UDP Saved Policies AM14 and AM15.

In addition, the submitted plans indicate that secure cycle storage can be provided within the basement for 12 cycles. Although the Council's minimum cycle parking standards stipulate a requirement of 19 spaces, it is considered the 12 secure cycle parking spaces (one space per flat) stipulated in condition 13 are sufficient to serve this town centre development. Subject to compliance with this condition, the scheme would be in accordance with the Council's standards and Saved Policy AM9 of the UDP.

## Refuse Collection

In terms of refuse collection, refuse/recyclable storage is provided on the lower-ground floor, next to the car parking spaces. A collection point has been identified on the plans at the rear of the site and a management company will move the bins to the collection point ready for collection. The new access onto Maxwell Road will enable the refuse vehicles to access the service road to the rear of Clive Parade either in forward or reverse gear. This cannot be achieved at present due to the existing awkward access arrangements (dog leg). There would therefore be no need to push the bins all the way up the service road to the Maxwell Road frontage.

The Waste Manager is satisfied with this arrangement, provided the service road is kept clear of parked cars on the day of collection. The Highway Engineer has commented that this type of arrangement is not ideal from a highway safety and free flow of traffic point of view and could set a precedent leading to proliferation of similar refuse collection arrangements, resulting in the refuse/recycle vehicles reversing into other relatively small-medium size developments. However, given the developer has agreed this arrangement with the Council's refuse department and that the proposed arrangements are an improvement on the existing situation in relation to the properties in Clive Parade, the proposals are not considered to merit refusal on this ground.

The Highway Engineer also notes that the trundling of refuse bins to the northern access collection point by the management company could result in Health and Safety issues, due to the weight of the bins, the distance required to be covered, and the ramp gradient. However these are matters covered by separate legislation, including Building Regulations. (It is noted that Part H of the Building Regulations is silent on trundling distances for bins and merely specifies a gradient not exceeding 1:12. The access ramp has a shallower gradient of 1:15 and is therefore compliant). It is therefore recommended that a condition be imposed, requiring details of a refuse management plan, detailing how the site management company will address the issues raised above.

## Vehicular access

With regard to vehicular access to the basement car park, this is via a ramp at the rear of the site, leading from the private access road running along the northeast boundary of the

site. This access road also serves the rear of commercial premises fronting Clive Parade and Green Lane. This arrangement is similar to that proposed in the refused scheme. It is noted that the Inspector, in considering the subsequent appeal, took the view that access to the car park would be from a private road. Therefore, although the gradients and overall design standards might be sub-standard for a public highway, this was not sufficient justification to dismiss the appeal scheme.

The Highway Engineer considers that the gradient of the proposed access ramp leading to the car parking area at 1:15, is acceptable. However, the width of the access ramp is not suitable for two vehicles to pass each other and visibility including inter-visibility and those entering and exiting the ramp would be poor. Shuttle signals with vehicle detection system should therefore be provided at the entrance and exit of the access ramp. The applicant has agreed to this solution and can be secured by way of a condition in the event of an approval.

The proposal involves the creation of a new vehicular access to the service road, off Maxwell Road which would require the relocation of parking bays on the public highway and the closure of an existing access. The applicant would be required to fully fund these highway works, which are to be secured by way of a condition in the event of an approval, such that detailed design of these works are submitted and approved prior to implementation.

In light of the above considerations, it is considered that both the vehicular and pedestrian access to the development is adequate and is unlikely that the development would give rise to conditions prejudicial to free flow of traffic and highway and pedestrian safety. The development is therefore in accordance with Policy AM7 of the Unitary Development Plan Saved Policies (September 2007).

#### **7.11 Urban design, access and security**

Issues relating to urban design have been dealt with elsewhere in the report.

#### **7.12 Disabled access**

HDAS was adopted on the 20th December 2005 and requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This together with the Mayor's Supplementary Planning Guidance 'Accessible London: achieving an inclusive environment' underpins the principles of inclusive design and the aim to achieve an accessible and inclusive environment consistently across London.

The Access Officer considers that the proposal is by and large acceptable subject to minor revisions to address Lifetime Home standards (as relevant). In addition, one apartment should comply fully with Wheelchair Home Standards, in accordance with relevant policies, legislation and adopted guidance.

Amended plans have been submitted, in order to address the Access Officer's outstanding concerns.

The following provisions are included within the scheme:

- 1) The proposals provide 2 parking bays capable of meeting the disabled parking space standard. These are located at entrance level.
- 2) The entrance level spaces are 12 metres from the front entrance of the apartments.
3. The approach to the main building entrance is level. The secondary entrance is via a maximum grade 1:20 ramp, 1200mm minimum width with intermediate landings.
- 4) The entrances are covered, illuminated and have a level threshold. Communal stairs



have been designed to provide easy access and the lifts are DDA compliant and fully accessible. Entrances and hallways meet the necessary criteria.

5) In terms of wheelchair accessibility, there is space for turning a wheelchair in dining areas and living rooms and adequate circulation space for wheelchairs elsewhere.

6) All Apartments are single level. Therefore the bed spaces are at entrance level for each. In addition wheelchair accessible entrance level WCs will be provided, with drainage provision enabling a shower to be fitted in the future. Walls in the bathroom and WC will be made capable of taking adaptations such as handrails.

It is considered that the revised scheme has addressed deficiencies in the refused scheme and comments by the appeal Inspector regarding access issues. Any outstanding issues can be secured by condition. Overall, the proposal is considered to be in accordance with London Plan Policies 3A.5 and 4B.5 and the Hillingdon Design and Accessibility Statement (HDAS): Accessible Hillingdon.

#### **7.13 Provision of affordable & special needs housing**

The London Borough of Hillingdon Affordable Housing SPD (May 2006) seeks to secure a minimum of 50% affordable housing on new build schemes that contain 15 units or more. This should then be split in 70% social rented and 30% shared ownership/intermediate housing. The Council's Planning Obligations SPD (July 2008), together with the London Plan Consolidation (2008) supersedes these requirements and schemes with 10 units or more shall secure 50% affordable housing unless a Financial Viability Assessments indicates otherwise. A Financial Viability Assessment (FVA) has been provided, which confirms that no affordable housing can afford to be delivered as a result of this scheme.

#### **7.14 Trees, Landscaping and Ecology**

Policy BE38 of the Unitary Development Plan Saved Policies states, amongst other things that development proposals will be expected to retain and utilise topographical and landscape features of merit.

The scheme involves the removal of three low quality, 'C' rated, trees from the west the site. All other trees including the off site Oak tree in the front garden of 8 Maxwell Road (protected by TPO No 305) and a Lime which is a street tree, situated within the roadside footway in front of the site, are to be protected. The almost total site coverage of built development of the site provides little opportunity for landscape enhancement apart from a small courtyard area between the blocks.

The Design & Access Statement refers to landscaping and confirms that the Arboricultural Report supports the development in that any potential conflicts between trees and the proposed building have been satisfied in the Arboricultural Implications Assessment. The landscape report also states that the layout of pedestrian pathways have been designed to provide easy access for all areas of the building and communal areas.

The proposal will include landscaped gardens at the front of the development and a south-facing landscaped courtyard within the 'U'-shaped building. New tree planting is indicated indicated along the southern boundary (north boundary of Anthus Mews).

A method statement has been conditioned to ensure that the site is managed and work implemented in accordance with the protective tree measures outlined in the submitted documentation.

The Tree and Landscape Officer comments that the landscape quality of the scheme will depend largely on the design objectives and detailing of the shared/communal amenity courtyard. It should be noted that most of this space is above the basement car park and

significant planting is therefore likely to be constrained by, what is effectively, a roof garden. Nevertheless, some tree planting is proposed along the south western boundary with *Anthus mews* and the rear garden of 8 Maxwell Road, which will provide some screening of the development from surrounding properties.

It is considered that the landscape quality on the Maxwell Road frontage will be improved and be more residential in character, with the existing roadway/parking area converted into a front garden with 2 disabled access bays. This would provide a satisfactory setting for the building and an effective transition between the more commercial town centre to the north and the residential character of Maxwell Road to the south.

The Tree/Landscape Officer considers that the revised scheme is on the whole acceptable and in compliance with Saved Policy BE38 of the UDP, subject to relevant tree/landscape conditions, modified to take into account tree protection information already provided with the application.

#### **7.15 Sustainable waste management**

Refuse is provided on the lower-ground floor next to the car parking spaces. The Waste Manager initially raised concerns over the location of the bin store, as it would not be readily accessible at lower ground level, or meet the necessary pulling distance and vehicle access requirements. However, the applicants have proposed that a management company will move the bins to a predefined collection point by the service road and then return them after they have been emptied. Refuse trucks will then have a choice of either driving straight into the service road off Maxwell Road, collecting refuse and then reversing out, or alternatively, the refuse vehicle could reverse into the service road and drive out in forward gear.

The Waste Manager is satisfied with this arrangement. In the event of an approval, a condition requiring further details of refuse collection is recommended, in order to ensure the proposed facilities comply with Council guidance.

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

London Plan (February 2008) policies 4A.4 and 4A.7 require the submission of an energy demand assessment based on sustainable design and construction; a demonstration of how heating and cooling systems have been selected in accordance with the Mayor's energy hierarchy; and how the development would minimise carbon dioxide emissions, maximize energy efficiencies, prioritise decentralised energy supply, and incorporate renewable energy technologies, with a target of 20% carbon reductions from on-site renewable energy.

The applicant has submitted a renewable energy assessment as part of the application. The report addresses how to reduce carbon emissions and sets out the most suitable and viable forms of renewable energy generators for the scheme. 92sq.m of solar PV are proposed. This is the preferred technology to deliver the renewables target for the scheme. Although the Energy Assessment provides a good framework, the calculations on energy usage only relate to regulated energy. The report lacks information on how unregulated energy has been considered. The assessment is therefore missing out on a proportion of energy usage.

It is recommended that a condition be imposed requiring details of how the renewable energy can be implemented as part of the development, to contribute at least 20% CO2 reduction, in accordance with the aims of Renewable Energy Policy 4A.7 and 4A.9 of the London Plan (February 2008). Subject to compliance with this condition, it is considered that the scheme will have satisfactorily addressed the issues relating to the mitigation of

and adaptation to climate change and to minimising carbon dioxide emissions, in compliance with relevant London Plan (February 2008) policies.

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

There are no specific flooding or drainage issues associated with this application. However, in the event that this application is approved, it is recommended that a sustainable urban drainage condition be imposed.

#### **7.18 Noise or Air Quality Issues**

The application site is on a busy high road. It is therefore reasonable to expect that traffic noise is likely to be high enough to affect the residential amenities of future occupiers. Although the site falls within NEC B as defined in PPG24, it is considered that flatted development is acceptable in principle, subject to adequate sound insulation.

The noise report submitted with the application while identifying the main noise source affecting the site as road traffic, also notes that there would be some noise from the small industrial estate adjacent to the western boundary of the site. The appeal decision on the refused application recognised that there could be noise from the small industrial estate, for example in the form of early morning waste collections. It was, however, stated that noise from these sources can be controlled through statutory regulation and that sound insulation of the new residential properties would also provide a degree of noise mitigation. In view of the ruling in the appeal decision, the Environmental Protection Unit accepts that noise from the small industrial estate does not form a reason for refusal of the present application.

The acoustic assessment contains recommendations which, if implemented, would reduce noise to levels that comply with reasonable standards of comfort, as defined in British Standard BS 8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice'. It is considered that the issue of sound insulation can be addressed by the imposition of a suitable condition. Subject to compliance with this condition, it is considered that the scheme is in compliance with Saved Policy OE5 of the UDP.

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

The main issues raised have been dealt with in the main body of the report. Damage to adjoining properties during construction activities is subject to separate legislation and is not a planning matter. The applicants have advised that they intend to use a CFA auger piling rig, which effectively bores a hole and does not drive or ram the ground (the latter could cause vibrations and thus cause damage to neighbouring properties).

#### **7.20 Planning Obligations**

Policy R17 seeks to supplement the provision of recreational open space and other community, social and educational facilities through planning obligations. To offset the impact of the proposed development on local facilities, a range of planning obligation contributions have been agreed with the applicants:

1. Education: A financial contribution for nursery and primary school places in the sum of £28,287.
2. Health: The Primary Care Trust have sought a contribution towards local primary health care facilities in the sum of £4,554.40.
4. Community facilities: A contribution in the sum of £10,000 towards expansion of local community facilities has been agreed.
5. Libraries: A contribution in the sum of £483 towards library books has been agreed.
6. Open space: a contribution in the sum of £28,000 has been agreed towards local open space and recreation improvements (this is in line with the previous application).
7. Construction Training: A contribution of £ 5,000 towards the cost of providing construction skills training within the Borough has been agreed.

8. Project Management and Monitoring: A contribution towards project management and monitoring has been agreed, equal to 5% of the total cash contributions secured from this proposal.

It is noted that the Inspector, in refusing the previous identical 12 unit scheme (ref:18958/APP/2009/2210) took the view that he had little information to indicate what shortage local to the immediate area in relation to school places, primary health care provision, community facilities or libraries existed and what the impact of the proposal would be on these services. Furthermore there was insufficient detail as to on what and where the money sought would be spent. The Inspector considered that the construction training contribution was not necessary to make the development acceptable in planning terms, whilst the payment towards the cost of a monitoring officer was also not justified, as this forms part of the statutory duty of planning control. For these reasons, the Inspector was of the view that the financial contributions sought towards education, healthcare, community facilities, libraries, construction training and monitoring did not satisfy the relevant tests and therefore did not accord with Regulation 122 of the Community Infrastructure Regulations 2010. As a consequence, the Inspector was unable to take the undertaking in relation to these matters into account in reaching his decision.

However, the applicants have agreed to these contributions based upon the figures as originally agreed under planning application ref:18958/APP/2009/2210 and have signed a Unilateral Undertaking to that effect, to address these issues.

In terms of off site highway works, the proposal includes the formation of a new access off Maxwell Road, which would affect on street parking bays. The details of any off site highway works required in connection with the development (and implementation of the works prior to occupation), have been secured by condition 11. The recommendation also requires the developer to enter into a S278 Agreement, to enable the delivery of the said works.

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

There are no enforcement issues associated with this site.

#### **7.22 Other Issues**

There are no other issues relating to this application.

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

#### **9. Observations of the Director of Finance**

This is not applicable to this application.

#### **10. CONCLUSION**

The application seeks to develop a site in Green Lane Northwood Town Centre for residential purposes. It will bring into use a site which has been vacant for a considerable period of time.

The proposed scheme will make a valuable contribution to the Borough's housing stock in the form of smaller dwellings, in accordance with the aims and objectives of the UDP housing policies. The scheme would also contribute towards the vitality and viability of the Town Centre.

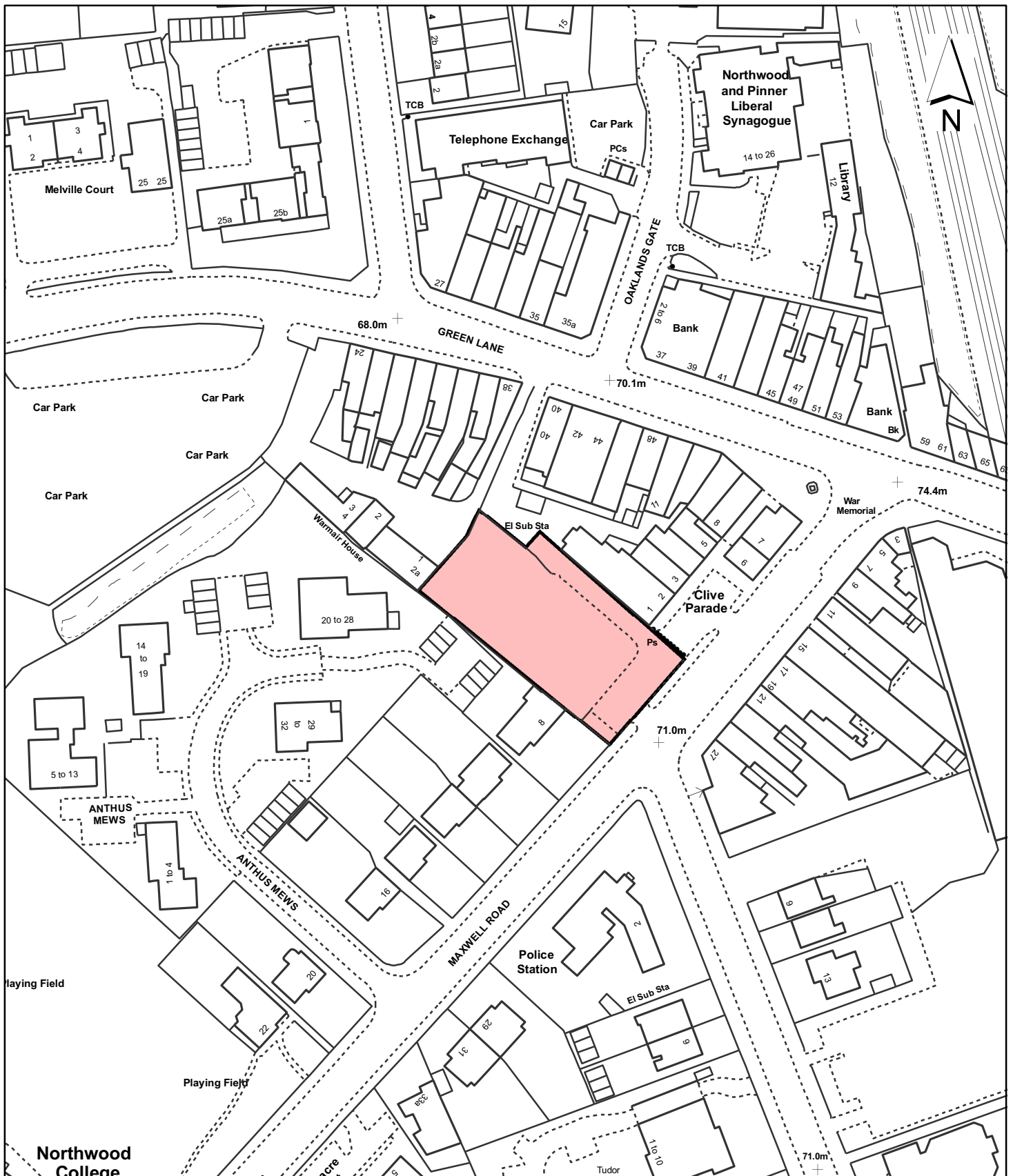
It is considered that the proposal will not detract from the visual amenities of the street scene or the character and appearance of the recently designated Conservation Area. It provides a satisfactory form of accommodation for future residents and the amenities of adjoining residents would not be adversely affected by the proposals. It is considered that highway and pedestrian safety issues have been satisfactorily addressed. The proposal is considered to satisfy the relevant policies of the UDP and as such the application is recommended for approval, subject to the recommended conditions and the signed Unilateral Obligation securing contributions towards the provision of school places, health care facilities, construction training, public open space, management and monitoring.

#### **11. Reference Documents**


Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement 3 (Housing)  
PPS6 (Town Centres And Retail Developments)  
Planning Policy Guidance Note 13 (Transport)  
Planning Policy Guidance Note 24 (Planning and Noise)  
The London Plan

**Contact Officer:** Karl Dafe

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>Former Reindeer Public House, Maxwell Road, Northwood</b>	
Planning Application Ref:	Scale
<b>18958/APP/2011/873</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>June 2011</b>

**LONDON BOROUGH OF HILLINGDON**

**Planning, Environment, Education & Community Services**

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



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