

## **Report of the Head of Planning, Trading Standards and Environmental Protection**

**Address:** CAR PARK REAR OF 1-16 SYDNEY COURT, PERTH AVE, HAYES

**Development:** ERECTION OF 12 FLATS (8 TWO BEDROOM, 4 PERSON FLATS, 3 TWO BEDROOM, 3 PERSON FLATS AND 1 ONE BEDROOM, 2 PERSON WHEELCHAIR ACCESSIBLE FLAT), IN A SINGLE BLOCK WITH 12 ASSOCIATED CAR PARKING SPACES; DEMOLITION OF EXISTING GARAGES ADJACENT TO MELBORNE HOUSE AND NUMBER 83 PERTH AVENUE; AND PROVISION OF OPEN CAR PARKING AREAS.

**LBH Ref Nos:** 65936/APP/2009/2629

**Drawing Nos:** AS PER ORIGINAL COMMITTEE REPORT.

**Date application approved at Committee** 9<sup>th</sup> March 2010

**S106 Agreement** That the recommendation to enter into a Supplemental Deed of Variation to the Statement of Intent dated 31 March 2010, as proposed below, is approved.

This is in order to permit the transfer of the education contribution (which is not now required) to deliver road safety measures in the immediate vicinity of the Brookside School.

### **1.0 CONSULTATIONS**

#### **1.1 Internal Consultees**

Planning Officer	Obligations	The Deed of Variation is considered acceptable given that the scheme will not accommodate any school aged children and has been supported by both the education, housing and elected members.
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Education Officer

There was initially an expectation that the building might be occupied by persons with children.

It is now apparent that this accommodation will be specifically for older persons (aged over 55 years or older) and as such there will not be any school aged children living in the scheme.

It is recognised that there is a road safety issue outside of the school and the use of these funds to provide safe crossing is supported.

## **2.0 RECOMMENDATION**

**a) That the Statement of Internet dated 31 March 2010 be varied as follows:**

**i) that the definition for education contribution be deleted;**

means the education contribution in the sum of forty one thousand and twenty pounds (£41,020) referred to in Schedule Two towards the costs of providing education or educational improvements or facilities in the Authority's Area including (but not limited to): New school facilities, including ancillary facilities; Improvements, adaptations or enhancements to existing school facilities [in order to accommodate extra children]; or Improvements and expansion of playground and external leisure spaces, including equipment and maintenance contributions;

**ii) Replaced with the following definition**

means the education contribution in the sum of forty one thousand and twenty pounds (£41,020) referred to in Schedule Two towards the costs of improving traffic calming measures for the direct benefit of Brookside Primary School, Perth Avenue Hayes, Middlesex.

- c) That the owner and Council meet their respective costs in the preparation of the Deed of Variation to the Statement of Intent and any abortive work as a result of the agreement not being completed.
- d) That if the Deed of Variation to the Statement of Intent is not finalised within a period of 6 months from the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Trading Standards and Environmental Protection, then the application may be referred back to the Committee for determination.
- e) That subject to the above, the application be deferred for determination by the Head of Planning, Trading Standards and Environmental Protection under delegated powers, subject to the satisfactory completion of the Deed of Variation to the Statement of Intent that was entered into by way of Notice under Regulation 3 of the Town and Country Planning General Regulations 1992 which shall ensure only for the benefit of the land) that the applicant being the local authority being the only legal entity with an interest in the land which is the subject of this application, and hence being unable to enter into a section 106 Agreement with the local planning authority, completes a Statement of Intent (Statement) to make provision for the planning obligation as approved on 31 March 2010 as would a third party developer under a section 106 planning obligation.
- f) That if the application is approved, it be subject to the conditions and informatives agreed by the Central and South Planning Committee on 9 March 2010 (detailed in the Committee report and minutes) and attached to this report.

### **3.0 KEY PLANNING ISSUES**

- 3.1 The current planning application was lodged on the 16<sup>th</sup> of December 2009, and was reported to the Central and South Planning Committee on the 9<sup>th</sup> of March 2010. The report is attached as Appendix A and the minutes of that meeting are attached as Appendix B.
- 3.2 At the time the application was reported to the Central and South Planning Committee the applicants had agreed to meet an education obligation of £41,020. It should be noted that at the time of reporting it was not known that there was to be an age restriction on future residents who would be allowed to occupy the development, and as such a standard education obligation was sought and agreed.
- 3.3 Since the approval of the scheme it has now transpired that there is be an age restriction imposed, where by no residents under 55 years of age can occupy the building. With this sort of age restriction it is standard practice not to seek

an education contribution due to limited likely child yield arising from the scheme.

- 3.4 It is worth noting that the housing department undertook consultation with the local residents and school and had offered to assist with providing for safer pedestrian crossing facilities near Brookside School. The funding no longer required for education places could be used to cover the cost of traffic calming measures.
- 3.5 Following the resolution to grant planning permission a statement of intent was entered into and all of the financial obligations have since been met with respect to this agreement.
- 3.6 It is proposed to that the terms of the agreement be amended to allow the use of the education contribution for the implementation of traffic calming measures (for the direct benefit of the local area and Brookside School).
- 3.7 Accordingly, approval is recommended, subject to the conditions and informatives contained within the report heard by the Central and South Planning Committee on 9th of March 2010.

## **OBSERVATIONS OF 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'.

## **OBSERVATIONS OF THE DIRECTOR OF FINANCE**

The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

### **Reference Documents**

- (a) Central and South Planning Committee Agenda 9<sup>th</sup> March 2010. Report for application reference 65936/APP/2009/2629.
- (b) Central and South Planning Committee Minutes 9<sup>th</sup> March 2010.

**Contact Officer:** VANESSA SCOTT

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## APPENDIX A

## Report of the Corporate Director of Planning & Community Services

<b>Address</b>	CAR PARK REAR OF 1-16 SYDNEY COURT PERTH AVENUE HAYES		
<b>Development:</b>	Erection of 12 flats (8 two-bedroom, 4-person flats, 3 two-bedroom 3-person flats and 1 one-bedroom 2-person wheelchair accessible flat), in a single block with 12 associated car parking spaces; demolition of existing garages adjacent to Melbourne House and number 83 Perth Avenue; and provision of 3 open car parking areas.		
<b>LBH Ref Nos:</b>	65936/APP/2009/2629		
<b>Drawing Nos:</b>	Design and Access Statement Air Quality Assessment (Ref: BV/AQ/AGGX2205065/PB/2596) Arboricultural Report (Ref: 08/086) Parking Statement Rev C 0725(69)PL01 Rev B (Existing Site Photographs) 0725(69)PL02 Rev B (Existing site information) 0725(69)PL03 Rev B (Proposed Site Plan) 0725(69)PL04 Rev D (Proposed Site Plan - Part) 0725(69)PL05 Rev C (Proposed Ground Floor Plan) 0725(69)PL06 Rev C (Proposed First Floor Plan) 0725(69)PL07 Rev (Proposed Second to Fourth Floor Plan) 0725(69)PL08 Rev B (Proposed Roof Floor Plan) 0725(69)PL09 Rev C (Proposed South Elevation) 0725(69)PL10 Rev B (Proposed West Elevation) 0725(69)PL11 Rev B (Proposed East Elevation) 0725(69)PL12 Rev B (Proposed North Elevation) 0725(69)PL13 Rev A (Proposed Section) 0725(69)PL14 Rev D (Existing Site Information - Location Plan) 0725(69)PL15 Rev A (Proposed Typical Bathroom Layouts) 0725(69)PL17 (Proposed section through carparking) 0725(69)PL18 (Proposed Materials)		
<b>Date Plans Received:</b>	03/12/2009	<b>Date(s) of Amendment(s):</b>	16/12/2009
<b>Date Application Valid:</b>	16/12/2009		25/02/2010

### **DEFERRED ON 18th February 2010 FOR FURTHER INFORMATION .**

The application was deferred from the Central and South Planning Committee due to concerns that a newly constructed building on the neighbouring school site was not shown on the plans. It is noted that the building was not present on the plans due to the recent nature of its construction, however the building was present on site at the time of the officers site visit and the implications of this building were taken into account within the previous report.

In order to address these concerns the plans have been amended to correctly show this building and additional comment on the building and its implications is provided below.

Temporary planning permission (ref: 3739/APP/2009/78) was granted on 07/04/2009 for a building in this location to be utilised as parent and toddler centre, subject to planning conditions. The removal of the building and the reinstatement of the land would be required on or before 07/04/2012.

The building in question is single storey building utilised for parent & toddler sessions, a parent zone drop in centre and for parents courses. The temporary building is located approximately 25m from the nearest corner of the proposed building, which contains no facing windows, accordingly there would be no intervisibility or privacy issues arising from the proposal. Nor is it considered that the proposal would give rise to any harm by way of overshadowing or loss of daylight to the temporary building.

This report has also been updated to reflect the addendum items from the previous Committee and any additional correspondence received. The recommendation remains for approval.

## 1. SUMMARY

The application seeks permission for the erection of a block of 12 residential units on a derelict site which has been historically utilised as a car park.

The design, scale and massing of the building are considered to be appropriate and in keeping with the character and appearance of the surrounding area.

The proposal would not detrimentally impact on the residential amenity of neighbouring occupiers and would provide an area of soft landscaped amenity space for the benefit of the neighbouring estate. In addition the proposal would provide an appropriate residential environment for future occupiers.

The proposed scheme would provide an appropriate level of accessibility and the proposal does not give rise to any concerns with regard to highway or pedestrian safety.

The application proposes an acceptable solution for the relocation of parking for tenants with parking rights in their lease agreements and by doing so would reduce the number of cars parking on the surrounding streets in comparison to the existing situation. The proposal does not give rise to any concerns regarding pedestrian or highways safety.

The application is therefore recommended for approval, subject to conditions and a legal agreement to secure the provision of affordable housing and planning obligations.

## 2. RECOMMENDATION

**(This authority is given by the issuing of this notice under Regulation 3 of the Town and Country Planning General Regulations 1992 and shall enure only for the benefit of the land)**

**a) That the applicant being the local authority and being the only legal entity with an interest in the land which is the subject of this application, and hence being unable to enter into a section 106 Agreement with the local planning authority, completes a Statement of Intent (Statement) to make provision for the following matters as would a third party developer under a section 106 planning obligation:**

- i) The provision of 100% affordable housing by habitable room.**
- ii) A refuse/recycling management strategy.**
- iii) The provision of a contribution of £41,020 towards educational facilities.**
- iv) The provision of a contribution of £3,902 towards healthcare facilities.**
- v) The provision of a contribution of £10,000 toward community facilities.**
- v) The provision of a contribution of £414 towards local library facilities**



vi) A contribution of £2,500 for every £1 million build cost to provide for construction training.

vii) A cash contribution equal to 5% of the total cash contribution to enable the management and monitoring of the requirements of the legal agreement.

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

c) That planning officers be authorised to negotiate and agree details of the proposed Statement.

d) That if by 17th March 2010, the Statement has not been completed, delegated powers be given to the Director of Planning and Community Services, at their discretion, to refuse planning permission for the following reasons:

1. The applicant has failed to provide, through an appropriate Statement of Intent or other appropriate legal agreement, an adequate provision of on site affordable housing. The proposal is therefore contrary to Policy Pt1.17 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007, Policies 3A.10 and 3A.11 of the London Plan (February 2008) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

2. The development is not considered to have made adequate provision, through planning obligations, for contributions towards educational facilities, healthcare facilities, community facilities, library facilities, construction training and monitoring. Given that a Statement of Intent, or other appropriate legal agreement, has not been secured to address this issue the proposal is considered to be contrary to Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Document for Planning Obligations (Adopted July 2008).

2. The development has failed to provide adequate facilities for the storage and collection of refuse and recycling contrary to policy 4A.22 of the London Plan.

e) That subject to the above, the application be deferred for determination by the Director of Planning and Community Services under delegated powers, subject to the completion of the Statement.

f) That if the application is approved, the following conditions be attached:-

1            SP01            **Council Application Standard Paragraph**

(This authority is given by the issuing of this notice under Regulation 3 of the Town and Country Planning General Regulations 1992 and shall enure only for for the benefit of the land)

2            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.

**3 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.

**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).

**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 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 and BE15 the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 NONSC Winter Gardens**

Prior to the commencement of the development hereby approved plans demonstrating the details design of the winter gardens and terrace balustrade shall be submitted to, and approved in writing by, the Local Planning Authority. The submission shall demonstrate the use of obscure glazing up to the top level of the balustrade which shall be to a minimum height of 1.2m.

**REASON**

To ensure an appropriate visual appearance and to prevent overlooking to adjoining properties in accordance with policies BE13, BE19 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and in accordance with the Council's Adopted SPD - Accessible Hillingdon.

**6 M5 Means of Enclosure - details**

Before the development is commenced, details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

**REASON**

To safeguard privacy to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7 H7 Parking Arrangements (Residential)**

The parking area servicing the proposed residential block shown on the approved plans, shall be marked out; designated and allocated for the sole use of the occupants; and constructed prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

## **8 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) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

### **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).

## **9 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 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.

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

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been 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).

#### **11 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 (including details of access to amenity 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.

The landscaping details shall address landscaping within the main application site; landscaping to the frontage of and within the proposed open car parking area adjacent to Melbourne House; landscaping to the parking area adjacent to 83 Perth Avenue; and, if necessary, replacement planting adjacent to the Norwood Gardens Access.

#### 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).

**12 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 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

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

**13 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).

**14 TL21 Tree Protection, Building & Demolition Method Statement**

Prior to development commencing on site, a method statement outlining the sequence of development on the site including demolition, building works and tree protection shall be submitted to and approved by the Local Planning Authority, and the scheme thereafter implemented in accordance with the approved method statement.

**REASON**

To ensure that trees can be satisfactorily retained on the site in accordance with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**15 TL20 Amenity Areas (Residential Developments)**

None of the dwellings hereby permitted shall be occupied, until the outdoor amenity area serving the dwellings as shown on the approved plans (including balconies where these

are shown to be provided) has been made available for the use of residents of the development. Thereafter, the amenity areas shall so be retained.

**REASON**

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in accordance with policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

**16 SUS2 Energy Efficiency Major Applications**

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 Mayors 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 20% of the sites energy needs through on site renewable energy generation. 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).

**17 SUS4 Code for Sustainable Homes details**

No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 4 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance with level 4.

**REASON**

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

**18 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) /if appropriate/ 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.

**19 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, including the 3 open parking areas. 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 excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to 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.

**20 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).

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

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users, and provide a space for the storage and charging of mobility scooters and/or electric wheelchairs as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: 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.

**22 NONSC Platform Lift**

Prior to the commencement of development hereby approved, details of the platform lift to serve the wheelchair accessible unit shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the lift shall be installed in accordance with the approved details and permanently retained and maintained.

**REASON**

In order to ensure the development achieves an appropriate level of accessibility in accordance with Policy 3A.5 of the London Plan and the HDAS - Accessible Hillingdon.

**23 MCD10 Refuse Facilities**

No development shall take place until details of facilities to be provided for signposted, screened and secure storage and collection of refuse and recycling at the premises have

been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

No storage of refuse or recycling shall take place external to the approved stores or building envelope.

**REASON**

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

**24 NONSC Cycle Storage**

No part of the development hereby permitted shall be occupied until the 12 covered and secure cycle storage spaces shown on the approved plans has been provided on site. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

**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).

**25 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 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).

**26 H6 Car Parking - Layout, Lighting and Security**

The development hereby approved shall not be commenced until the details scheduled below relating to the 3 open car parking areas have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the scheme shall be implemented in



accordance with the approved details.

Schedule:

Parking layouts, including the marking out of spaces;

Lighting arrangements; and

Additional security measures, including specific measures to address access between the neighbouring residential estate and the car parking area accessed off Norwood Gardens.

REASON

To ensure that the facilities is provided have an appropriate layout and design in accordance with Policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and in pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to 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.

**27        SUS8        Electric Charging Points**

Before development commences, plans and details of 2 electric vehicle charging points, 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.

**28        NONSC        Non Standard Condition**

Prior to the commencement of the development hereby approved details of the access gate to the undercroft car park, incorporating facilities for its operation by disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access gate shall be installed in accordance with the approved details and maintained for so long as the development remains on site.

REASON

In order to ensure the development achieves an appropriate level of accessibility in accordance with Policy 3A.5 of the London Plan and the HDAS - Residential Layouts.

**29        NONSC        Non Standard Condition**

Prior to the commencement of development details of a scheme of waiting restrictions in Perth Avenue at, and opposite, the site access bell mouth shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the occupation of the development.

REASON

In order to provide safe and unobstructed access into and out of the site access in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## INFORMATIVES

### 1 152 **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).

### 2 153 **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.

PT.10

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

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

R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes

AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

(i) Dial-a-ride and mobility bus services

(ii) Shopmobility schemes

(iii) Convenient parking spaces

(iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

OE1 Protection of the character and amenities of surrounding properties and the local area

OE5 Siting of noise-sensitive developments

BE23 Requires the provision of adequate amenity space.

**3**            11                    **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.

**4**            12                    **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**            13                    **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).

**6**            15                    **Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- 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. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

**7**            16                    **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.

**8**

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

- (i) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between

the hours of 0800 and 1300 on Saturday. No such work should be carried out on Sundays and Bank Holidays. All noise generated during such works should be controlled in compliance with British Standard 5228;

(ii) Measures shall be taken to eliminate the release of dust and odours caused by the works that may create a public health nuisance.

(iii) No bonfires on the site should be allowed to take place at any time.

## **9**

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 Councils central CCTV system.

## **10**

The applicant is encouraged to incorporate an in sink waste disposal system to the scheme in order to reduce the level of landfill waste generated by the proposal.

### **3. CONSIDERATIONS**

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

The application site consists of three separate areas of land, including the main site and two garage sites. The garage sites are located in proximity to the main site with one being adjacent to Melbourne Court and one being adjacent to nos. 83-87 Perth Avenue, they contain 38 and 19 garages respectively. The garages are currently only available to those willing to rent them and at presently 21 of the garages are rented, although it should be noted that these may be utilised for storage rather than car parking.

The main site is a roughly rectangular area of land accessed via a private road from Perth Avenue and a second access leads to the site from Norwood Gardens, the existing hard play areas to the rear of Sydney Court are also included within the application site.

The site was formerly a car parking area, however it has been unused for some time and is currently fenced off with the hardstanding damaged in places. There are no marked out parking bays and in its current condition the site is not capable of use as for car parking without substantive repairs. The site lies within the developed area as defined within the Saved Policies UDP and has a public transport accessibility level of 2.

It is approximately 1m below the level of the surrounding ground, which includes a school and neighbouring flats.

The surrounding area is predominantly residential in character with properties in the immediate vicinity consisting of post-war Council blocks, which are four storeys in height. Immediately to the north of the site lies Brookside Primary School and Melbourne House. A 13 storey Council block lies slightly to the south west.

#### **3.2 Proposed Scheme**

Planning permission is sought for a residential development to provide 12 flats (11 two

bedroom and 1 one bedroom) with associated parking and landscaping.

The proposed block would be approximately 16m (five storeys) in height, 12.6m wide and 23m deep. It should be noted that the change in levels means this would only be 15m above the surrounding ground level.

Private terraces totalling 123 sq.m would be provided to the south of the block serving three of the first floor units, these would be located above the undercroft car park and be approximately 2m above neighbouring ground level.

Each flat above first floor level would be provided with a 4.68sq.m winter garden (in effect a balcony enclosed by glazing). A communal amenity space totalling 400 sq.m would be provided for the future occupiers and a soft landscaped amenity area totalling 450sq.m would be provided for the benefit of residents within the neighbouring estate.

One of the existing hard surfaced play areas within the neighbouring estate would be replaced with landscaping and re-provided as a new 190sq.m play space to the rear of the site for the benefit of existing and future occupiers.

The equipped play area to the rear of Sydney Court is not altered by the proposals, however the adjacent hard surface play area would be replaced with soft landscaping. A replacement hard surfaced play area is proposed to the rear of the main application site, adjacent Lyttleton Court.

The existing vehicular access from Perth Avenue would be utilised to serve the new block of flats and would lead to a total of 12 car parking spaces (1 of which would be disabled standard) within an undercroft parking area. The undercroft area would also provide for refuse/recycling storage, secure cycle storage and general stores for use by future residents.

14 new car parking spaces would be provided to the rear of the main application site and access via the existing road from Hobart Close.

On the garage sites a total of 45 garages would be demolished and replaced with formal parking areas containing a total of 58 parking spaces (38 adjacent to Melbourne Court and 20 adjacent to No. 83 Perth Avenue).

### **3.3 Relevant Planning History**

65936/APP/2009/713 Car Park Rear Of 1-16 Sydney Court Perth Avenue Hayes

Residential development to provide 11 two-bedroom flats and 1 one-bedroom flat with associated parking and landscaping.

**Decision:** 21-09-2009 Withdrawn

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

A previous application for the redevelopment of the main site (Ref: 65936/APP/2009/713) was deferred by the Central and South Planning Committee on the 08/09/2009 due to concerns relating principally to car parking issues, although further information was also requested relating to the density of the wider estate. The current application seeks to address the concerns relating to parking and additional information has been provided within the density section of this report.

There are no conditions or other planning restrictions within the history of the main site or the garage sites which require the provision of parking on these sites or allocate parking on these sites to occupiers of any neighbouring buildings.

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

See above.

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

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

##### Part 1 Policies:

- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing.

##### Part 2 Policies:

PT.10

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- 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
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  
(i) Dial-a-ride and mobility bus services  
(ii) Shopmobility schemes  
(iii) Convenient parking spaces  
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons

- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE5 Siting of noise-sensitive developments
- BE23 Requires the provision of adequate amenity space.

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

**5.1** Advertisement Expiry Date:- **6th January 2010**

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

## **6. Consultations**

### **External Consultees**

The application was advertised in a local newspaper, site notices posted and 371 local owner/occupiers notified including the Yeading Residents Association, Hayes Town Centre Residents Association and the Hayes Town Partnership.

3 petitions have been received objecting to the proposal for the following reason:

- (i) Noise and disturbance arising from building works;
- (ii) Overlooking of existing homes and school;
- (iii) Loss of light/overshadowing; Increased traffic on a dangerous road, in particular due to proximity of the school; and
- (iv) Loss of car parking.

7 letters of objection raising the following concerns:

- (a) The estate is already overcrowded;
- (b) Will create increased car parking;
- (c) The proposal will cause disruption during construction;
- (d) Object to the loss of the garages which are rented by residents of Melbourne House and provide secure parking; and
- (e) Concerns relating to vandalism within the open parking areas.

LETTER FROM JOHN MCDONNELL MP

Objects to the proposal for the following reasons:

The proposal is too dense and intensive;

The proposal will have an overbearing impact on nearby dwellings and the school playing field;

The proposal will increase traffic generation; and

Consideration should be given to the use of the site as a play area.

THAMES WATER

No objection.

### **Internal Consultees**

TREES AND LANDSCAPE OFFICER

This advice is offered after reference to the drawings submitted with the application, Simon Pryce's Arboricultural Report dated 21 August 2008 and a recent site visit.

The site is a disused car park with the only significant trees situated at either end of the site near the access roads and off-site in the open space to the north. An arboricultural report (August 2008)

has been submitted which assesses the quality and value of eleven trees on and close to the site. There are several other trees on land adjacent to the site.

Three Birches are, situated at the west end of the site, alongside the access road off Perth Avenue. These trees are categorised 'R' (for removal), because they are dying or in severe decline and their removal is justified on the grounds of good arboricultural management.

The eight trees situated at the eastern end of the site (off-site - on Council land) are of varying quality and value. The Cherry trees (Nos. 10 & 11 on the survey) nearest to Hobart Road are valuable features, allied to the clump of similar trees on the small green east of Westport Court, and should be retained as part of any development.

The other trees (No.s 4-9) are situated off-site on sloping land in proximity to the proposed car parking area (and widened drive). Depending on how the parking spaces are to be constructed, there may have to be changes in ground levels and/or retaining walls close to the trees, which may well put them in jeopardy, but no details have been provided. If any of these trees are affected and/or have to be removed to facilitate this part of the development, there is space on land which lies in the ownership of the applicant (blue site outline) to plant new trees in replacement of them.

While some tree loss is proposed and justified, and more may be necessary, a commitment to tree retention and replacement as part of a detailed landscape scheme is made in the Design and Access Statement. The layout indicates that there will be space and opportunity for a high quality landscape scheme in accordance with Saved Policy BE38.

Subject to conditions TL1, TL2, TL3, TL5, TL6, TL7 and TL21, the application is acceptable in terms of Saved Policy BE38.

#### ENVIRONMENTAL PROTECTION UNIT - NOISE AND AIR QUALITY

No objections are raised to the proposal and no conditions are considered necessary in relation to these issues.

#### ENVIRONMENTAL PROTECTION UNIT - CONTAMINATION

There is no contaminative use of the land. It appears there is some limited landscaping. I would suggest adding the soil landscaping condition below so any soil used for the amenity areas is tested to make sure it is clean and uncontaminated.

#### SECTION 106 OFFICER

The proposed scheme would give rise to the need for the following planning obligations:

1. Education: in line with the SPD a contribution of £41,020 towards education.
2. Health: in line with the SPD a contribution of £3,902.23 is required in order to meet the healthcare needs of the proposed development.
3. Community Facilities: in line with the SPD a contribution in the sum of £10,000 is required in order to improve facilities at the Hayes Recreation Centre.
4. Libraries: in line with the SPD a contribution equal to £414 is sought in order to improve local library facilities.
5. Construction training: in line with the SPD if the construction period exceeds 3 months or costs



over £2m then a contribution equal to £2,500 for every £1m build cost will be required.

6. Project Management and Monitoring: in line with the SPD if a s106 agreement is entered into then a contribution equal to 5% of the total cash contributions will be sought to enable the management and monitoring of the resulting agreement.

#### URBAN DESIGN OFFICER

The proposal regards the erection of a single block of flats on an existing brownfield site, at the Northern edge of a flatted development site. The application site, which is currently used as a car park, adjoins extensive playing fields to the North. The flat roofed 4 storey block is considered to integrate well with the existing built context as well as the wider surroundings in terms of scale, height, massing and general design concept. The development of the car park is not considered to have any detrimental impact on the character of the adjacent playing fields, as the application area is an existing built up area, and views of the future development and proposed landscaping as opposed to the existing car park is considered to enhance the appearance and character of the site as a whole. The proposed materials; stock facing bricks on the ground floor and coloured render on the upper storeys, are well established in the area. The introduction of decorative panels in the form of murals and coloured render on the North elevation; which provide interest, ensure architectural quality and assist in reducing the visual impact of the building; is welcomed.

The proposed amenity spaces with rigorous new tree planting are strongly supported, as they create new recreation areas, but also provide an important visual and ecological green link to the adjacent playing fields.

The apartments benefit from extensive winter gardens with full height sliding glass doors, which provide additional amenity space and increase daylight levels. The first floor apartments benefit from secluded private gardens. The building is partly sunken into the ground and provides car parking space and plant on the lower level. The proposed scheme benefits from high standards of design, materials and details, and includes sustainable high tech solutions such as solar panels and rain water harvesting, which is strongly supported.

#### HIGHWAYS

Refuse bins should be located within 10 metres of the public highway. The storage area is shown to be over 35 m from the public highway. However the plans indicate a waste collection point by the gable wall of Sydney Court. Subject to a management plan for refuse bins to be transferred to the collection point and back being included within a Section 106 agreement the proposed arrangement is acceptable.

Car parking provision meets the Council's maximum standards. One cycle space per flat has been provided.

The provision of the 3 parking courts would increase the availability of parking facilities to occupiers of the estate and is likely to result in a reduction of on-street parking. Conditions should be imposed to secure details of the layout, drainage and lighting of these areas. Subject to no concerns being raised by the Council's Access Officer no objection is raised to the lack of disabled parking spaces in these parking areas, which would be some distance from the units they are intended to serve.

No objections are raised on highway grounds.

#### ACCESS OFFICER

No objection, subject to conditions to secure the wheelchair unit and implementation of Lifetime

Homes.

In relation to the car parking sites (satellite) there is no objection to the lack of disabled parking within these areas, given the purpose of their provision and the distance from the units they are intended to serve.

## **7. MAIN PLANNING ISSUES**

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

The proposal seeks permission for the erection of a residential development on a disused car parking site. The proposals would also provide a soft landscaped amenity area in the centre of the neighbouring residential estate and a replacement hard surfaced play area to the rear of the site for use by neighbouring residents.

There is no objection to the principle of a residential development on the application site and the provision of additional amenity space for the residents of the neighbouring estate is supported.

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

The main application site has an area of approximately 0.29 hectares and benefits from a public transport accessibility level of 2. The low level buildings and open space of the neighbouring school, combined with the 4 storey and 13 storey blocks within the locality provide a mixture of characteristics from both urban and suburban contexts, however the site is predominantly within a suburban setting.

Policy 3A.3 of the London Plan seeks to maximise the level of development on sites, subject to compatibility with the local context and all other relevant planning policy. Table 3A.2 of The London Plan recommended densities of 150-250 hr/ha and 50-95u/ha for a suburban setting.

The proposal seeks a density of 148 hr/ha or 41 u/ha which is considered to be appropriate for the area having regard to the London Plan Guidance and surrounding context.

At the Central and South Planning Committee on the 08/09/2009 members sought to obtain additional information relating to the density of the wider area. In relation to this issue density is the ratio of the number of units or habitable rooms and the area, the appropriate area for such a calculation is a subjective issue while information on this issue is provided below, this is 'approximate only' and it is not considered it would be sound to rely on such information in decision making.

\* Immediately neighbouring estate to the south (Sydney Court, Hawke Court, Christchurch Court, Lyttleton Court, Westport Court, Auckland Court and Wesport Court) approximately 78u/ha.

\* Opposite estate (Melbourne Court, 1-23 Dunedin Way and 1 - 23 Perth Avenue) approximately 124 u/ha.

In determining this planning application the density of the proposed scheme should be treated on its own merits in accordance with the adopted development plan and current guidelines within the London Plan. In the case of an existing area the material implications of the density (or number of occupiers) present themselves within the existing conditions within the area, such as capacity of amenity space and levels of on street parking. The impact of the proposal having regard to these existing conditions is assessed within the relevant sections of this report and the application is not considered to result in any

detrimental outcomes.

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

The application site is not located within proximity to an archaeological priority area, a conservation area, an area of special local character or any listed buildings. The proposal does not raise any concerns relating to these matters.

#### **7.04 Airport safeguarding**

The proposal does not give rise to any concerns regarding airport or aerodrome safeguarding.

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

The application site is not located in proximity to the Metropolitan Green Belt.

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

The proposal would involve the erection of a 5 storey (16m high) block on a disused car parking site. The indicative materials palette consists of stock facing bricks on the ground floor and coloured render on the upper storeys which are well established in the area.

The context within the surrounding area is primarily four storey post war Council blocks, with the 13 storey Melbourne house forming a significant part of the areas character. The site is set approximately 30m behind the primary building line on Perth Avenue and it is considered that the flat roofed block would integrate well with the neighbouring estate and the built context of the wider area in terms of scale, height, massing and general design concept.

In addition, the main application site is currently a vacant area of hardstanding which is not currently maintained to a high standard and does not positively contribute to the character of the area or the amenity of surrounding properties. It is considered that the proposed development, which includes landscaping and amenity areas to serve future and existing occupiers, would enhance the appearance of the site benefiting both the character of the area and providing a higher level of amenity for nearby occupiers.

The relocation of an the hard play surface within the neighbouring residential estate to the rear of the main application site would allow for the provision of a soft landscaped amenity area, which would enhance the appearance of the existing estate and total level of open space available to neighbouring occupiers while maintaining a commensurate level of play facilities.

The garages which are proposed for demolition are brick built with metal garage doors, they are of no particular architectural merit. There would also be the opportunity to provide soft landscaping to the road frontage with Perth Avenue adjacent to the largest proposed open parking area adjacent to Melbourne Court which would serve to enhance the amenity value of the street scene.

Accordingly, the development is considered to positively integrate and enhance the character of the existing area in accordance with policies BE13 and BE19 of the Saved Policies UDP.

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

Policy BE24 the Saved Policies UDP and guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts require that the design of new buildings protects the privacy of occupiers and their neighbours.

In relation to overlooking all of the proposed windows are over 21m from habitable room windows within Sydney Court, Lyttleton Court and Napier Court. It is therefore considered

that the proposed development would not result in any detriment to neighbouring owners or occupiers as a result of overlooking and that the scheme complies with policy BE24 of the Saved Policies UDP.

The HDAS - Residential Layouts and Policy BE20 of the UDP seek to ensure that all new developments maintain appropriate provision of daylight and sunlight to neighbouring properties and avoid overshadowing. Policy BE21 of the UDP and guidance within HDAS - Residential Layouts requires that proposals for new buildings would not result in a significant loss of residential amenity by reason of their, siting, bulk or proximity. The proposed development is located such that it would not be detrimental to the amenity of neighbouring occupiers through overshadowing or dominance.

The proposed development would also involve the provision of a 190sq.m hard surfaced play area to the rear of the main site, for use by the existing neighbouring occupiers, and involve the soft landscaping of part of the existing play surfaces within the neighbouring estate. This would increase the visual amenity of the central area of the estate and level of external amenity space currently available to the benefit of the occupiers of neighbouring properties.

It is not considered that the proposal to replace the garages with open car parking areas would have any detrimental impacts on the occupiers of 83,85 or 87 Perth Avenue or Melbourne Court. Nor is it considered that the introduction of the small parking area adjacent to Westport Court would have any detrimental impact on the amenity of these occupiers.

In summary, it is considered that the proposed development would have a satisfactory relationship with, and maintain an appropriate level of residential amenity to, neighbouring residential properties.

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

Policy BE24 the Saved Policies UDP and guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts require that the design of new buildings protects the privacy of occupiers and their neighbours.

The design and layout of buildings, winter gardens and roof top amenity space within the scheme is such that there are no instances of overlooking to habitable windows internal to the scheme which would be a cause of concern with regard to privacy. The scheme also achieves appropriate levels of separation from neighbouring properties so as to avoid overlooking.

The HDAS - Residential Layouts and Policy BE20 of the UDP seek to ensure that all residential developments and amenity space receives adequate daylight and sunlight. It is considered that that the proposed residential units and their associated amenity space would all benefit from an appropriate level of daylight.

The HDAS - Residential Layouts seeks to ensure that an appropriate living environment is ensured for future occupiers through the provision of adequate internal floorspace within residential units. As such, for one-bedroom and two-bedroom units it seeks a minimum internal floorspace provision of 50m<sup>2</sup> and 63m<sup>2</sup>, respectively. All of the units within the proposed development would provide adequate floorspace in accordance with the Council's requirements.

The HDAS - Residential Layouts recommends as a minimum 20m<sup>2</sup> of amenity space be

provided per one bedroom unit and 25m<sup>2</sup> per two bedroom unit. This area must be in a convenient location in relation to the flats they serve and be of a usable size. For the proposed development this would equate to 295sq.m of amenity space. The proposal would provide a 400sq.m communal amenity space, three private terraces totalling 123sq.m and a number of winter garden balconies would also be provided. It would therefore provide adequate amenity space to ensure the amenity of future occupiers.

Overall, the development would provide an appropriate residential environment for future occupiers.

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

The proposal seeks to provide the following levels of car parking:

12 spaces (including 1 disabled space) on the main application site to provide for the future occupiers;

14 spaces on the main site to re-provide for occupiers of the adjoining residential estate;

38 spaces on the garage site adjacent to Melbourne Court to re-provide for occupiers of the adjoining estate; and

20 spaces on the garage site adjacent to 83 Perth Avenue to re-provide for occupiers of the adjoining estate.

In relation to car parking there are three main considerations, whether the proposed parking for future occupiers is acceptable; whether there is a loss of parking from the main site; whether the proposals for the garage sites will result in increased on-street parking; and whether the parking provision for neighbouring occupiers would be appropriate.

#### **WHETHER THE PROPOSED PARKING FOR FUTURE OCCUPIERS IS ACCEPTABLE**

The proposal would provide 12 parking spaces for the 12 residential units proposed. One of which would be provided to disabled standards.

This level of parking is considered to comply with the Council's maximum parking standards and the recommendations of the London Plan and accordingly, there would be adequate parking for future occupiers of the development.

#### **WHETHER THERE IS A LOSS OF PARKING FROM THE MAIN SITE**

The history of the application site (the main site and the two garage sites) is particularly relevant to this consideration.

The main site was developed as part of the Yeading Green estate in the mid 1960's and provided a multi-storey car park for the estate. The planning history for the site does not contain any requirement that the site be utilised or retained for the purposes of car parking.

The multi-storey car park was demolished in the 1970's and was converted to provide 72 car parking spaces, this area was subject to a number of problems including flooding and this resulted in the Tenant's association at the time electing to cease use of the site and secure it. The exact date of the closure of the car park is unclear, however it is known to have been more than five years ago and anecdotal evidence provided by residents at the previous Committee meeting would suggest the closure took place a significant time ago.

However, there are a number of leaseholders within the Yeading Green estate who have a

right to park on the site or such other area or areas as the Lessor in its absolute discretion from time to time determines. This in itself is a civil matter, rather than a planning issue, however the need for the lessor to re-supply parking elsewhere has potential implications and therefore the application identifies locations for this re-provision on two existing garage sites at Melbourne Court and adjacent 83 Perth Avenue. The re-provision proposals would provide 72 parking spaces for residents of the neighbouring estate, which is the same number of spaces which were historically located on the application site.

In conclusion, there is no planning requirement for the site to be utilised for parking, and given the length of time that the site has been closed the proposal would not result in the displacement of car parking from the main site or any implications for the operation of the highway network. The proposal addresses the matter of re-provision of parking for future occupiers and the redevelopment of the main site does not therefore raise any material issues relating to car parking.

#### WHETHER THE PROPOPOSALS FOR THE GARAGE SITES WILL RESULT IN INCREASED ON-STREET PARKING

The planning history indicates that the garage sites sites at Melbourne Court and adjacent to 83 Perth Avenue are not linked to any surrounding properties by way of any conditions or restrictions. They are currently rented out on an individual basis and the applicant has confirmed there are no leasehold interests in these garages.

36 of the 57 existing garages are currently vacant, which means demolition of the garages would result in a maximum of 21 spaces being displaced from these areas (although it is considered likely that a number of the rented garages are utilised for general storage rather than parking and that a lower number of vehicles would be displaced).

However, the proposal as a whole would provide 72 spaces for the use of occupiers of the residential estate, who in the existing situation would be required to park on the street. It is therefore considered that overall, the proposal is would reduce the level of on-street parking and any associated impacts within the the vicinity of the application site.

#### WHETHER THE PARKING PROVISION FOR NEIGHBOURING OCCUPIERS WOULD BE APPROPRIATE

In terms of the number and specification of the proposed open parking areas, they would represent a like for like replacement for those which were historically located on the main application site. While a number of the parking courts lie a greater distance from the units they would serve, these spaces have the benefit that they do not lie on lower land, meaning users will not have to traverse a relatively steep slope in order to utilise the facilities.

There is no provision of disabled parking spaces within the proposed open parking areas, however the parking areas adjacent to Melbourne Court and 83 Perth Avenue are located at a distance where the provision of disabled parking within these areas would provide little benefit to the users. Similarly, the 14 spaces to the rear of the main application site are located at a lower level than the units they are intended to serve and their use by disabled persons would not be practical.

In considering this issue it should also be taken into account that all of the units above

ground floor level within the existing residential estate are accessed only by stairs and that given these units were built in the 1960's they are not constructed in a manner which makes them readily accessible by, or easily converted for use by, disabled persons.

In this instance it is not considered that the lack of disabled parking spaces within these parking areas represents a significant concern, nor would it represent sufficient grounds on which to refuse the scheme.

In terms of layout the these parking areas are considered to be acceptable.

## CYCLE PARKING

The proposal would provide cycle parking facilities within the basement in accordance with the Council's requirements.

## ACCESS ARRANGEMENTS

The proposed block and car parking areas on the main application site would utilise the existing site accesses and the proposed development would result in fewer vehicular movements than if the site were brought back into use as a car park.

Similarly, the re-provided parking spaces on the garage sites would be accessed utilising the existing accesses and the total number of spaces proposed within each area would result in no increase in the level of use of these accesses, above that which would occur if the current garages were fully utilised.

Accordingly the Council's Highways Engineer has raised no objections to the scheme in terms of access or traffic generation.

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

Issues relating to design have been addressed within the 'Impact on the character & appearance of the area' section above.

Issues relating to access have been addressed within the 'Disabled Access' section below.

Subject to a condition requiring the development to meet Secured by Design standards the proposal is not considered to give rise to any concerns regarding security.

### **7.12 Disabled access**

Policy 3A.5 of the London Plan and guidance within the HDAS - Accessible Hillingdon requires new residential developments to achieve Lifetime Homes Standards and for 10% of the units to be easily adaptable for wheelchair users.

The Council's Access Officer has reviewed the application in detail and considers that the proposal would represent a development which fully complies with Lifetime Homes Standards and would provide a wheelchair unit with two potential access routes.

Accordingly, the proposal complies with policy 3A.5 of the London Plan and guidance within HDAS - Accessible Hillingdon.

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

The London Plan and guidance within the Council's Supplementary Planning Document

for Planning Obligations requires that 50% of all residential units are provided as affordable housing on schemes of this size.

The application has been submitted on behalf of the Council's Housing Department and all of the units within the scheme would be provided as affordable. The proposal would therefore exceed the requirements of adopted policy relating to affordable housing.

#### **7.14 Trees, landscaping and Ecology**

An arboricultural report has been submitted which assesses the quality and value of 11 on and off site trees. 1 of these trees are Birch, situated at the west end of the site, alongside the access road off Perth Avenue and are proposed for removal within the scheme, these trees are rated 'R' because they are in decline and their removal is justified on the grounds of sound arboricultural management. The indicative details demonstrate an intention to provide replacement planting in this area.

The other 8 trees are situated at the east end of the site. These trees are given 'B' and 'C' ratings (fair and poor). These trees are marked for retention and subject to appropriate tree protection measures would not be directly affected by the proposed development.

There are also other trees situated on sloping land to the east of the site, in proximity to the proposed car parking area (and widened drive). It is unclear from the submitted details whether the construction of the car parking area in this location will be detrimental to these trees. However, the trees are not considered to be of a particularly high standard and their is scope to secure replacement planting within land under the ownership of the applicant by condition.

In the existing situation the application site is a fenced off area of hard landscaping which has been poorly maintained and overgrown. The proposal would provide a soft landscaped amenity area to the rear for future residents and additional soft landscaping area within the neighbouring estate.

There would also be the opportunity to provide soft landscaping to the road frontage with Perth Avenue, which lies within the applicants ownership, adjacent largest of open parking area adjacent to Melbourne Court. This would help to screen and soften the appearance of the parking area and enhance the landscape value of the street scene.

The layout indicates that there will be space and opportunity for a high quality landscape scheme in accordance with saved Policy BE38. Subject to conditions securing an appropriate landscaping scheme, it is considered that the proposed development would enhance the landscaping of the site in accordance with Policy BE38 of the Saved Policies UDP.

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

The proposal would provide adequate provision for the storage of waste and recycling within the undercroft parking area. The storage area is over 30m from the public highway and that there is inadequate space within the proposed development to manoeuvre a refuse vehicle, accordingly a refuse collection point has been specified adjacent to the access road and the refuse bins would be moved from the storage area on collection days.

Subject to a condition to secure details of the setting out of the collection area and the management of the bins on collection days being secured through an appropriate legal agreement there is no objection to the proposed development in terms of refuse and recycling storage.



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

Policies within section 4A of the London Plan require developments to provide for reductions in carbon emissions, including the provision of 20% of the developments energy needs through on site renewable technology.

The application is supported by an assessment which indicates that the development has been designed to achieve level 4 of the Code for Sustainable Homes and that a significantly more than a 20% carbon dioxide reduction (based on regulated emissions) would be provided through the installation of solar thermal and solar photovoltaic panels to the roof of the proposed building.

While the submitted energy report does not appear to take account of unregulated energy usage within the proposed development adequate information has been provided to indicate that the development is capable of providing for a 20% reduction in total carbon dioxide emissions and this issue could be appropriately addressed through the imposition of a condition requiring a revised energy strategy.

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

Subject to a condition requiring the use of sustainable urban drainage on site it is not considered that the proposal would give rise to any concerns relating to flooding or drainage.

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

The application seeks permission for a residential development within a residential area. It is not considered that the proposal gives rise to any concerns regarding noise for either future or neighbouring occupiers of the main site or neighbouring occupiers of the existing garage sites.

The application is accompanied by an Air Quality Assessment, which concludes that the development would not have a detrimental impact on local air quality. The Council's Environmental Protection Unit have reviewed the submission and raise no concerns in relation to Air Quality.

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

The application was advertised in a local newspaper, site notices posted and 371 local owner/occupiers notified including the Yeading Residents Association, Hayes Town Centre Residents Association and the Hayes Town Partnership.

#### **PETITIONS**

3 petitions have been received objecting to the proposal for the following reason:

- (i) Noise and disturbance arising from building works;
- (ii) Overlooking of existing homes and school;
- (iii) Loss of light/overshadowing;
- (iv) Increased traffic on a dangerous road, in particular due to proximity of the school; and
- (v) Loss of car parking.

Comment on the petitions:

Issues (ii), (iii) and (iv) are addressed within the body of the report.

Issues (i) pertains to construction impacts which could be appropriately mitigated by condition.

Issue (iv) relates to concerns of increased traffic and highways safety. These issues are addressed within the body of the report and the Council's Highways Engineer does not have any concerns regarding the proposal with regard to traffic generation or highway/pedestrian safety.

## INDIVIDUAL OBJECTIONS

2 letters of objection raising the following concerns:

- (a) The estate is already overcrowded;
- (b) Will create increased car parking; and
- (c) The proposal will cause disruption during construction;

Comment on individual objections:

Issues (a) and (b) are addressed within the report.

Issue (c) pertains to construction impacts which could be appropriately mitigated by condition.

Issue (d) pertains to the loss of garages rented by residents of Melbourne House. There is no planning requirement for the retention of these garages. The parking issues are discussed in detail within the body of the report and overall it is considered that the proposal is likely to reduce the level of on street parking in the vicinity.

Issue(e) pertains to concerns relating to vandalism within the proposed open parking areas, the concerns are noted and conditions are recommended to ensure that appropriate measures are implemented with regard to security in these areas.

## LETTER FROM JOHN MCDONNELL MP

Objects to the proposal for the following reasons:

The proposal is too dense and intensive;

The proposal will have an overbearing impact on nearby dwellings and the school playing field;

The proposal will increase traffic generation; and

Consideration should be given to the use of the site as a play area.

Comments on objection from John McDonnell MP:

The first 3 issues are addressed within the body of this report.

The fourth issue relates to a potential alternative use for the site. There is no planning policy which requires the site to be utilised for other purposes and each scheme must be considered on its own merits. No objection is raised to the principle of the development as addressed in the body of the report.

### **7.20 Planning obligations**

The Council's S106 Officer has advised that the scheme would give rise to the need for the following planning obligations:

1. Education: in line with the SPD a contribution of £41,020 towards education.
2. Health: in line with the SPD a contribution of £3,902.23 is required in order to meet the

healthcare needs of the proposed development.

3. Community Facilities: in line with the SPD a contribution in the sum of £10,000 is required in order to improve facilities at the Hayes Recreation Centre.

4. Libraries: in line with the SPD a contribution equal to £414 is sought in order to improve local library facilities.

5. Construction training: in line with the SPD if the construction period exceeds 3 months or costs over £2m then a contribution equal to £2,500 for every £1m build cost will be required.

6. Project Management and Monitoring: in line with the SPD if a s106 agreement is entered into then a contribution equal to 5% of the total cash contributions will be sought to enable the management and monitoring of the resulting agreement.

Subject to an appropriate legal agreement being entered into, the proposed development would provide for the required obligations.

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

N/A

#### **7.22 Other Issues**

None.

### **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**

## 10. **CONCLUSION**

The application seeks permission for the erection of a block of 12 residential units on the site of a derelict car park.

The design, scale and massing of the building are considered to be appropriate and in keeping with the character and context of the surrounding area.

The proposal would not detrimentally impact on the residential amenity of neighbouring occupiers and would provide an area of soft landscaped amenity space for the benefit of the neighbouring estate. In addition the proposal would provide an appropriate residential environment for future occupiers.

The proposed scheme, as amended, would provide for an appropriate level of accessibility and the proposal does not give rise to any concerns with regard to highway or pedestrian safety.

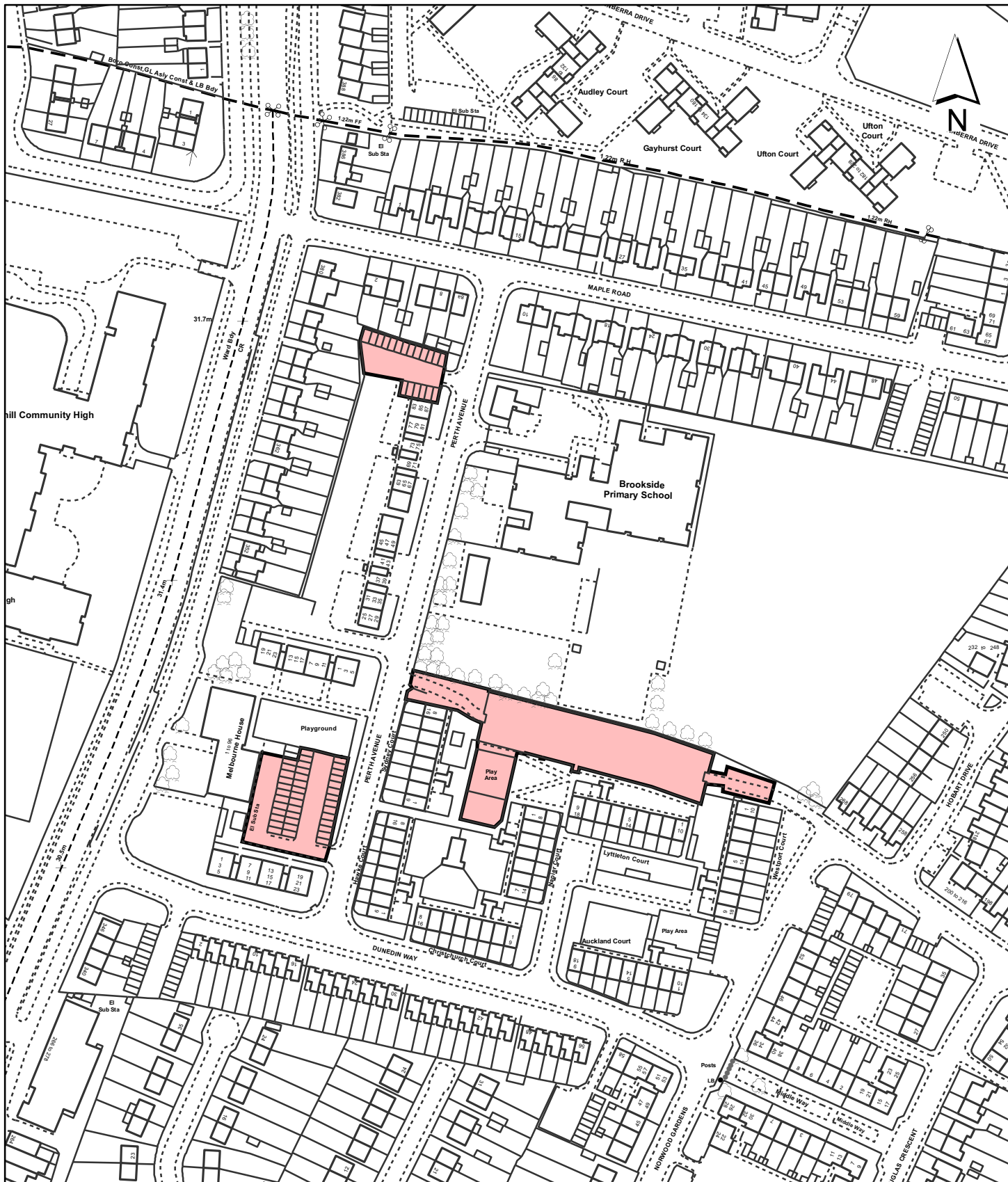
The application is therefore recommended for approval, subject to conditions and a legal agreement to secure the provision of affordable housing and the necessary planning obligations.

## 11. **Reference Documents**

- (a) The London Plan
- (b) PPS1
- (c) PPS Planning and Climate Change
- (d) PPS3
- (e) HDAS - Residential Layouts
- (f) HDAS - Accessible Hillingdon

**Contact Officer:** Adrien Waite

**Telephone No:** 01895 250230



**Notes**

 Site boundary

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Site Address

**Car park at rear of  
1 - 16 Sydney Court  
Perth Avenue, Hayes**

Planning Application Ref:

**65936/APP/2009/2629**

Planning Committee

**Central and South**

Scale

**1:2,000**

Date

**February 2010**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning &  
Community Services**

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



**HILLINGDON**  
LONDON

## APPENDIX B

<p><b>124.</b></p>	<p><b>Car park rear of 1-16 Sydney Court, Perth Avenue, Hayes - 65936/APP/2009/2629</b></p> <p>In accordance with the Council's constitution a representative of 2 petitions received objecting to the proposal and the agent addressed the meeting.</p> <p>The petitioners made the following points:-</p> <ul style="list-style-type: none"> <li>• There are two schools within 20 yards of the site and the dust from the removal of the concrete will have an impact on the playgrounds as they are in constant use.</li> <li>• The proposal would not be a benefit to the estate.</li> <li>• The estate is already overcrowded with a number of occupiers needing re-housing.</li> <li>• Traffic problems due to the construction traffic entering and leaving the site.</li> <li>• There are 4 schools within 10 minutes walk of the site and construction traffic would cause congestion throughout the school drop off and pick up times.</li> <li>• Perth Avenue is used as a rat run for everyday traffic without the additional construction traffic for this site.</li> <li>• Parking problems already exist in the area and speed of traffic already an issue.</li> <li>• Where are the cars displaced by this development going to park.</li> <li>• Vandalism to cars already occurs due to the current situation in relation to parking.</li> <li>• Demolition of 59 garages and creation of two car parks would mean decrease of parking places available .</li> <li>• Replacement parking spaces were being provided for leaseholders and not tenants.</li> <li>• Quality of life for residents of Melbourne House would be affected by disturbance, noise and pollution.</li> <li>• Demolition of garages should not be allowed as Hillingdon has double the average car crime.</li> <li>• There was a lack of parking for people with disabilities.</li> <li>• The five storey block would be out of character with the surrounding area.</li> <li>• The effect the proposal would have on the school should be taken into account.</li> <li>• An application to extend the school would conflict with the proposed plans for this site.</li> <li>• If this proposal was allowed the school playing field would flood.</li> <li>• There are no facilities for young people in the area.</li> </ul> <p>The agent made the following points:-</p>	<p><b>Action By:</b></p> <p><b>James Rodger Nigel Bryce</b></p>
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- Site has been securely fenced and not used as a car park for many years.
- Funding has been secured for the proposal from Homes and Community Agency and would be an opportunity to stop the site from deteriorating still further.
- The development proposes 12 units and a condition restricting the occupiers to over 55s would be acceptable.
- There would be lift access to all floors.
- Council standards have been met in regard to sustainability.
- There would be no overlooking from the development to existing properties.
- The proposal would improve the appearance of the site with the ball court being relocated.
- The proposal would provide 72 car parking spaces at no cost to residents.
- Consultation has been undertaken with the Head Teacher at the school and concerns regarding the construction process discussed.
- Calming measures have been welcomed by the school.

The Ward Councillor addressed the meeting making the following points:-

- Supported the petitioners objecting to the proposal
- BE13 not complied with in regard to layout and appearance
- The proposal does not complement or improve the area.
- The flat roof would be out of keeping with the surrounding area as the building adjoining the site had pitched roofs.
- If allowed the proposal would give the feeling of a ghetto effect.
- All neighbouring residents affected by the proposal had objected to the proposals.

The Chairman asked officers for clarification of the points raised in relation to construction management, anti social behaviour, parking provided and the Clean Air Act.

In regard to the construction management, officers reported that condition 25 covered the concerns raised by the petitioners in relation to noise, vehicle movements and hours of use.

Officers acknowledged that the school was a sensitive neighbour and the traffic management contained in condition 25 v should be amended to include avoidance of school drop off and pick up times. The committee agreed the amendment to condition 25 v.

In regard to the concerns raised in relation to vandalism and anti social behaviour conditions 19 and 26 sought to address these issues. Condition 19 – Secure by design would require sign off by the Police.



A question was raised in relation to density to which officers advised that page 32 contained the information requested at the previous meeting. The density for the proposal was within the range contained in the London Plan.

The parking provided replaced the 72 garages lost as a result of this development. There are currently only 17 garages occupied.

Members were informed that in regard to the query in relation to the Clean Air Act this was included as an informative as there was more powers under separate legislation to enable immediate action.

A member raised concerns in relation to the openness of the site and that if allowed this application would close this visual gap changing the character of the estate. The flat roof would be out of keeping and would not harmonise with the surrounding area. It was acknowledged that the school had flat roofs but the buildings were lower.

In answer to a number of issues made in relation to security and flooding, officers reported that:

i) The Crime Prevention Officer was aware of the Anti Social Behaviour (ASB) in the area. In the light of this a robust condition was sought to address the issues of ASB. This application gave the opportunity to redesign the parking to improve the security of the area providing security lighting and CCTV. It was suggested and agreed that condition 26 be amended to include additional parking for people with disabilities.

ii) In relation to the issue raised in relation to flooding officer advised that the site was not the subject of any Environment Agency Flood Hazard. The site was historically subject to poor drainage but there was no evidence of excessive flooding from the school playing field.

The recommendation with conditions 25 and 26 amended and an additional condition added was moved, seconded and on being put to the vote there were 4 in favour and 2 against. The recommendation was therefore agreed.

The dissent of Councillors Allam and Duncan was recorded against this decision.

### **Resolved**

**That this authority is given by the issuing of this notice under Regulation 3 of the Town and Country Planning General Regulations 1992 and shall enure only for the benefit of the land)**

	<p><b>a) That the applicant being the local authority and being the only legal entity with an interest in the land which is the subject of this application, and hence being unable to enter into a section 106 Agreement with the local planning authority, completes a Statement of Intent (Statement) to make provision for the following matters as would a third party developer under a section 106 planning obligation:</b></p> <ul style="list-style-type: none"> <li><b>i) The provision of 100% affordable housing by habitable room.</b></li> <li><b>ii) A refuse/recycling management strategy.</b></li> <li><b>ii) The provision of a contribution of £41,020 towards educational facilities.</b></li> <li><b>iii) The provision of a contribution of £3,902 towards healthcare facilities.</b></li> <li><b>iv) The provision of a contribution of £10,000 toward community facilities.</b></li> <li><b>v) The provision of a contribution of £414 towards local library facilities</b></li> <li><b>vi) A contribution of £2,500 for every £1 million build cost to provide for construction training.</b></li> <li><b>vii) A cash contribution equal to 5% of the total cash contribution to enable the management and monitoring of the requirements of the legal agreement.</b></li> </ul> <p><b>b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Statement and any abortive work as a result of the agreement not being completed.</b></p> <p><b>c) That planning officers be authorised to negotiate and agree details of the proposed Statement.</b></p> <p><b>d) That if by 17th March 2010, the Statement has not been completed, delegated powers be given to the Director of Planning and Community Services, at their discretion, to refuse planning permission for the following reasons:</b></p> <ul style="list-style-type: none"> <li><b>1. The applicant has failed to provide, through an appropriate Statement of Intent or other appropriate legal agreement, an adequate provision of on site affordable housing. The proposal is therefore contrary to Policy Pt1.17 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007, Policies 3A.10 and 3A.11 of the London Plan (February 2008) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.</b></li> </ul>	
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**2. The development is not considered to have made adequate provision, through planning obligations, for contributions towards educational facilities, healthcare facilities, community facilities, library facilities, construction training and monitoring. Given that a Statement of Intent, or other appropriate legal agreement, has not been secured to address this issue the proposal is considered to be contrary to Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Document for Planning Obligations (Adopted July 2008).**

**3. The development has failed to provide adequate facilities for the storage and collection of refuse and recycling contrary to policy 4A.22 of the London Plan.**

**e) That subject to the above, the application be deferred for determination by the Director of Planning and Community Services under delegated powers, subject to the completion of the Statement.**

**f) That if the application is approved, the conditions and informatives set out in the officer's report, addendum sheet condition 25 and 26 as amended and an additional condition be attached.**

**Amend condition 25 replacing the words:**

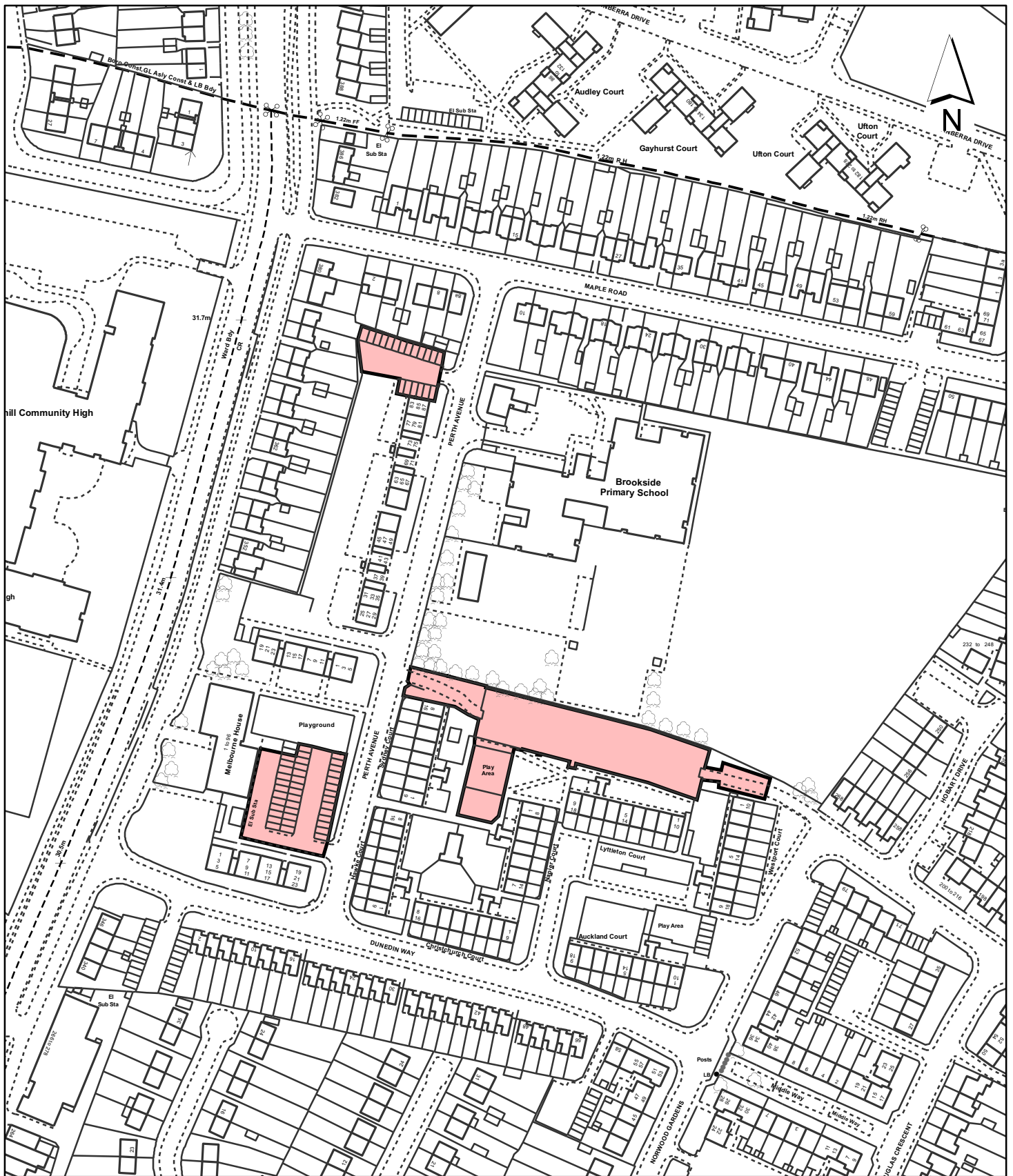
**"Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval"**

**with the words "Prior to development commencing, a demolition and construction management plan shall be submitted to and (in consultation with the adjoining school) be approved in writing by the Local Planning Authority."**


**Also amend condition 25 (v) - by inserting the words "and to avoid school drop off and pick up times" after the words "peak hours"**

**Amend condition 26 by - inserting the words "The final approved scheme shall be implemented prior to the occupation of the dwellings" after the words "approved details" which are at the end of the second sentence.**

	<p><b>Also amend condition 26 - by inserting the words "and provision of 10 percent of all the spaces being designed for use by disabled persons"</b></p> <p><b>Additional Condition –</b></p> <p><b>None of the dwelling units hereby approved shall be occupied at any time by any person other than:</b></p> <p><b>(a) A person or persons aged 55 years of age or over; or</b>  <b>(b) A person aged 45 years of age or over residing in the same unit with their spouse or partner aged 55 years or over, as "a couple"; or</b>  <b>(c) A person falling wholly within the scope of (b) above who continues to reside in the same unit upon and following the demise of such older spouse or partner.</b></p> <p><b>Reason:</b>  <b>To safeguard the residential amenities of the occupiers of the units, to safeguard the adequacy of ancillary vehicular parking provision at the site and to mitigate the impacts of the development on local educational facilities and to accord with policies BE19, AM14, R17 of the London Borough of Hillingdon Unitary Development Plan, Saved Policies (September 2007)."</b></p>	
<p><b>125.</b></p>	<p><b>1 &amp; 1A Bath Road, Harlington - 35805/APP/2009/2433</b></p> <p><b>Demolition of existing buildings and erection of a five storey, 192-bedroom hotel, basement and surface level car parking, bar/restaurant, meeting rooms and other associated works.</b></p> <p><b>35805/APP/2009/2433</b></p> <p>In accordance with the constitution a representative of the petitioners in support of the application addressed the meeting.</p> <p>The petitioner in support of the application made the following points:-</p> <ul style="list-style-type: none"> <li>• The proposed Hotel is of a high quality design establishing a higher standard of Hotel along the Bath Road.</li> <li>• The proposed Hotel had been reduced to 5 storeys with 192 rooms with the main feature being retained.</li> <li>• Planter boxes make a feature linking to the proposal to the Green Belt.</li> <li>• Landscaping was important and enhances the area and this would be maintained.</li> </ul>	<p><b>Action By:</b></p> <p><b>James Rodger</b>  <b>Nigel Bryce</b></p>



**Notes**

 Site boundary

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Site Address	
<b>Car park at rear of 1 - 16 Sydney Court Perth Avenue, Hayes</b>	
Planning Application Ref:	Scale
<b>65936/APP/2009/2629</b>	<b>1:2,000</b>
Planning Committee	Date
<b>Central and South</b>	<b>February 2010</b>

**LONDON BOROUGH  
OF HILLINGDON**

**Planning &  
Community Services**

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



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