

APPLICATION FOR: 60130/APP/2021/2463

59 ELM AVENUE EASTCOTE

COMMITTEE: Minor Apps PC

DATE: 1st September 2021

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No.	Report of the Head of Planning, Transportation and Regeneration
Address	59 ELM AVENUE EASTCOTE
Development:	Proposed demolition of existing dwelling and erection of a residential building comprising 6 no. flats with associated bins and cycle provision, including removal of drop kerb and alterations.
LBH Ref Nos:	60130/APP/2021/2463
Drawing Nos:	Planning, Design and Access Statement (Dated June 2021) Survey Rev. 1st EA59-AP2-1001 Rev. 1st EA59-AP2-1002 Rev. 1st EA59-AP2-1003 Rev. 1st EA59-AP2-1004 Rev. 1st EA59-AP2-1005 Rev. 1st EA59-AP2-1006 Rev. 1st EA59-AP2-1007 Rev. 1st EA59-AP2-1008 Rev. 1st EA59-AP2-1009 Rev. 1st EA59-AP2-1010 Rev. 1st Daylight and Sunlight Assessment Issue 1 (Dated December 2020) Parking Survey (Dated May 2021) WTFR-FRA-2020/12/Q22 Flood Risk Assessment (Dated 5th January 2021)

Date Plans Recieved: 20/06/2021 **Date(s) of Amendment(s):**

Date Application Valid: 20/06/2021

1. SUMMARY

This application seeks permission for the erection of a residential building comprising 6 no. flats. The residential use of the application site for flats is considered generally acceptable. However, the proposed development, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area. It is therefore recommended that the application be refused for the reasons set out in this report.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Reason for Refusal - Design

The proposed development, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

INFORMATIVES

1 171 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2 152 Compulsory Informative (1)

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

3 153 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing

LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a rectangular plot of land of approximately 536 square metres located on the corner of the junction of Elm Avenue and Oak Grove. It currently comprises a detached bungalow which has been extended at the rear and side.

The street scene is residential in character comprising a mix of housing types mainly of semi-detached properties with some detached houses and bungalows. No. 61 Elm Avenue to the West is a chalet bungalow and no. 57 Elm Avenue to the East is a semi-detached two storey property.

Based on the Council's GIS, the site forms part of a Critical Drainage Area. Transport for London's WebCAT planning tool also confirms that the site has a moderate Public Transport Accessibility Level (PTAL) rating of 3.

3.2 Proposed Scheme

This application seeks permission for the erection of a residential building comprising 6 no. flats, including 2 no. 1-bed 2-person flats, 3 no. 2-bed 3-person flats and 1 no. 3-bed 4-person flat with associated bins and cycle provision including demolition of existing dwelling and drop kerb alterations.

3.3 Relevant Planning History

60130/APP/2019/1369 59 Elm Avenue Eastcote

Two x 2-storey, 3-bed detached dwellings with associated parking and amenity space involving demolition of existing bungalow

Decision: 07-08-2019 Not Determined **Appeal:** 08-11-2019 Allowed

60130/APP/2019/98 59 Elm Avenue Eastcote

Two x 2-storey, 3-bed detached dwellings with associated parking and amenity space involving demolition of existing bungalow

Decision: 14-03-2019 Refused

60130/APP/2020/4166 59 Elm Avenue Eastcote

Erection of a residential building comprising 4 x 2-bed flats and 2 x 1-bed flats with associated bin storage and cycle provision including demolition of existing dwelling and corner drop kerb and installation of drop kerb and widening of front drop kerb.

Decision:

Comment on Relevant Planning History

Application reference 60130/APP/2019/1369 sought permission for two x 2-storey, 3-bed detached dwellings with associated parking and amenity space involving demolition of existing bungalow. The application was refused for the following reason:

The proposed development, by reason of its siting, massing, architectural style, size, scale, bulk, and design would appear as a cramped form of development, providing a poor quality of urban design which would be detrimental to the openness of this prominent corner plot. The proposal therefore fails to complement the established character and visual amenity of neighbouring properties in Elm Avenue and in the immediate locality and represents an incongruous and intrusive form of development in the Elm Avenue street scene, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document (SPD) HDAS: Residential Layouts.

This proposal was allowed under appeal reference APP/R5510/W/19/3232952. The Inspector stated the following:

"The proposed dwellings would be modest in size and would be in keeping with the scale of built development in the area. Whilst the proposed properties would appear prominent on the corner plot, they would not be visually intrusive due to the separation with neighbouring properties. The highway junction and surrounding verges maintains visual relief within the built form. The proposal, due to its size and positioning would not encroach on this visual gap and would not have a detrimental effect on openness. The proposed dwellings are sensitive in scale and would not appear as cramped or dominating features within the street scene or surrounding area."

Subsequently, an application was submitted for the erection of a residential building comprising 6 flats (4x 2-bed flats and 2x 1 bed-flats) under ref. 60130/APP/2020/4166. Before this could be determined by the LPA, an appeal was lodged with the Planning Inspectorate (ref. APP/R5510/W/21/3273062). This appeal is still pending.

Nevertheless, the proposal was considered by the North Planning Committee on 19th May 2021. If the application was not otherwise under appeal for non-determination, the planning committee resolved to refuse the application for three reasons. These reasons concerned the design and scale of the scheme and the impact this would have on the character and visual amenities of the area; the proposed unit mix which did not include family-sized units; and highway safety concerns with the proposed on-site parking and vehicle access. Specifically, the wording of these reasons are as follows:

Reason 1: The proposed development, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the London Plan (2021) and the National Planning Policy Framework (2019).

Reason 2: The proposed development leads to the loss of a family sized residential unit and by reason of the proposed unit mix fails to provide sufficient family sized units, as required by the latest information on housing need in the Borough. The proposed development fails to contribute towards mixed and balanced communities and the range of housing types required within the Borough contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2019).

Reason 3: The proposed development includes the provision of 4 on-plot car parking spaces on the Elm Avenue frontage, close to the junction of Elm Avenue and Oak Grove. The proposed vehicle footway crossover would not be in accordance with the Council's Domestic Vehicle Footway Crossover Policy of 5th April 2019 which requires that a crossover must not be within 5m of an existing road junction, measured from the nearest part of the crossover to the extended kerb line of the joining road. This standard is to ensure that sight lines are maintained. Since August 2016 there have been 2no. recorded personal injury road traffic accidents at this junction both involving drivers pulling out of Oak Grove failing to observe other road users. Cars parked on the proposed driveway would exacerbate conditions that are detrimental to public/highway safety contrary to Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

This application currently before the Planning Committee for consideration has sought to address the latter two reasons for refusal. Specifically, the proposed housing mix has been revised to include one larger family-sized unit (3-bed, 4-person) to replace the existing family unit that would be lost on site through the redevelopment. The proposal would therefore consist of an appropriate mix of unit sizes, in accordance with Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy H10 of the London Plan (2021).

In terms of potential highway safety impacts, the proposed on-site parking has been reduced from 4 to 2 spaces. For the reasons discussed in the 'consultation' and 'highways' sections of this report, this quantum of provision is considered acceptable. Due to a reduction in on-site parking spaces and the removal of a redundant crossover closest to Oak Grove, the number of crossovers for the site would reduce from three to one. This would reduce the number of conflict points for highway users when vehicles enter and egress the site, and would ensure that the crossover would be more than 5m from the junction of Elm Avenue and Oak Road. Furthermore, if it had been minded to recommend approval, a condition would have been included requiring any front boundary wall to not

exceed 0.6m in height. This would ensure that pedestrian/vehicle sightlines for highway users when vehicles enter and exit the site would be maintained. Therefore, the proposal would not result in adverse impacts on highway safety. Accordingly the proposal is compliant with Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

However, the outstanding reason for refusal has not been addressed in this revised application. For the reasons discussed in this report, the proposed development, due to its siting, scale, bulk and design, would fail to harmonise with the established local context. This would have a detrimental impact on the character, appearance and visual amenities of the street scene and the wider area. It is therefore recommended that the application be refused.

4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

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

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment
PT1.EM6 (2012) Flood Risk Management
PT1.EM7 (2012) Biodiversity and Geological Conservation
PT1.EM8 (2012) Land, Water, Air and Noise
PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMH 1 Safeguarding Existing Housing
DMH 2 Housing Mix
DMH 4 Residential Conversions and Redevelopment

DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Letters were sent to neighbouring properties and all forms of consultation expired on 11th August 2021.

A petition in objection to the proposed development has been received with 47 signatories. A total of 34 comments have also been received and are summarised as follows:

- The development would not harmonise with the street scene or character of the area.
- The construction would compromise the safety of residents.
- The proposal is an overdevelopment of the site.
- The increase of waste water and sewage is going to cause problems.
- The development removes family housing and replaces it with inadequate flats.
- The development compromises the safety of pedestrians and increase the likelihood of accidents.
- The development will increase traffic and pollution in the area.
- The parking submission does not appear to take into account of all the roads in the area and is not taken at peak time.
- Parking in Oak Grove is often full.
- The Oak Grove bridge also has a weight restriction.
- At times during incidents on Field End Road Oak Grove is a diversion route and becomes gridlocked.
- Delivery vehicles are likely to park on the pavement on Elm Road and increase risk to pedestrian and highway safety.
- Adding more people to the area increases the pressure on local services, including local doctors.
- The development will impact on property value.
- The development will generate noise disturbance to neighbours.
- The development will impact on the light received by neighbouring properties.
- The development does not provide solar panels or ground source heat pumps.
- The application does not explain how it will maintain the integrity of the rising path and road of Oak Grove leading up to the railway bridge, both during and after the development.
- There is no room for ramps to be installed to make the amenity space accessible.

PLANNING OFFICER COMMENT:

The impact of a development on property value is not a material planning consideration. All material planning considerations are addressed within the main body of the report.

COUNCILLOR MAKWANA:

The Cavendish ward councillors object to this planning application and fully support the views and comments submitted by the local residents. The design change to accommodate a three-bedroom flat on the Ground Floor only stands to increase the bulk and depth of the building. In addition, the reduction of parking spaces from 4 to 2 will inevitably increase congestion and parking in the surrounding roads.

EASTCOTE RESIDENTS' ASSOCIATION:

This is now the 4th Application for this site. The third is still awaiting appeal and the 2nd was actually allowed at appeal. This latter was for the more acceptable 2 x 2-storey, 3-bedroom detached houses which, as the Appeal Officer stated would be modest in size and in keeping with the scale of the built development in the area.

Once again, the applicant makes much of this appeal, referencing it as a positive material consideration in this instance. Once again, we must say that the exact opposite is true. The substantial scale and mass of this 2.5 storey building is not in keeping with the rest of the built environment and cannot be positively compared to the design and scale of the two detached properties with the degree of separation between them.

This current application purports to address the Council's reasons for refusal of the 3rd application but there has been little alteration and what there has been has actually exacerbated the reason relating to the development's siting, scale, bulk and design and its failure to harmonise with the established local context.

The additional ground floor extensions to the right-hand side at the back and the front take away the symmetry of the design and any attempt to fulfil the suggestion that the overall design reflects semi detached houses in the road. They actually contribute to an even bulkier and more angular building of greater scale.

Presumably, the 3-bedroom, 4-person flat, created by these external additions is an attempt to provide family accommodation. The overall size is very little over the standard minimum required, there is one living space which appears to be only large enough to accommodate a kitchen and a seating area, and there is still no access to the related garden, directly from the flat. To get to their private space, a passage, which is for the communal use of residents of all the flats, has to be used by any residents of this flat, including children.

The window of the side single bedroom faces onto this communal passageway and the Oak Grove pedestrian walkway. It could therefore look out onto an 1800mm fence just over 1.3 metres away or, as suggested in the application, to mitigate this prospect, onto a section of open metal railings which allow full visibility by all passing pedestrians. Equally, and at odds with this, is Page 19 of the D&A Statement which details that all side windows will be fixed and have obscured glass - thus, this and the relevant drawing, show there will be no opening window and no outlook from this bedroom, with very restricted natural light to it. None of these options offer an acceptable environment.

Page 13 of the D&A statement also continues to state that bedrooms will be stacked above bedrooms and living areas above living areas. As with the previous application this is not the room layout shown on the drawings. Page 3 of the D&A statement shows the roof flats 5 & 6 as being 2-bedroom - it is presumed the drawing that still shows 1-bedroom units is correct.

It is accepted that reducing the number of car parking spaces to 2, requiring only the use of 1 crossover, has allowed this to be placed more than 5 metres from the corner of Elm Avenue and Oak Grove. However, now only the two ground floor flats have on-site parking and both spaces are crammed in in front of the left-hand side flat just one metre from the main living space window of that flat. There is a potential for 10 people, living in the 1st and 2nd floor flats, to be needing their own vehicles and this is a sufficient number to effect on-street parking in the area. The parking survey provided is dated May 21 but was carried out in October '20. As with the previous application it continues to refer to outdated 2011 Census information for the Cavendish Ward.

We accept that a lift is not a viable option in a development of this size. However, details are still not given of how compliance with M4(2) Part M will be achieved and the sizes and layout of the ground floor flats and their entrances do not suggest that accessibility would be easily achieved.

There continues to be no acknowledgement of the railway embankment and the potential for this development to affect it, both during construction and ongoing.

Once again, we ask that this application be refused.

Internal Consultees

TREES AND LANDSCAPING OFFICER:

This site is occupied by a bungalow on an exceptionally wide plot at the junction of Oak Grove. There is evidence that some conifers lining the sloping boundary of Oak Grove have been removed relatively recently, albeit this did not require the permission or notification of the LPA. There are no TPO's or Conservation Area designations affecting the site, although there are mature trees at the end of the garden, lining the railway corridor.

Comment: This submission follows a number of previous submissions, most recently application ref. 60130/APP/2020/2463. An extant development proposal was approved at appeal. No trees will be affected by the proposal. The current proposal seeks to provide two parking spaces in the front garden which provides an opportunity for some soft landscape (planting) enhancement in the front garden, notably on the corner with Oak Grove. A large bin store is prominent in the front garden and should be re-sited or, at least, well-designed and screened with planting. There is a significant change of level between Oak Grove and the site as the road approaches the bridge over the railway line. Details of the changes of level and any retaining structures will be required. There is a large expanse of paving to one side of the building which will be of little use to the owner of one ground-floor flat. Conversely additional footpaths may be required to provide better access to the rear communal garden - without having to approach it from the public highway. The back garden should be carefully designed and maintained in a way which accommodates different households in an attractive setting. Attention to these details should be addressed by condition.

Recommendation: If you are minded to approve this application, please add conditions RES9 (parts 1,2, 5 and 6).

ACCESS OFFICER:

Having reviewed this application, and despite a lift overrun shown on the elevation plan, it is clear from the floor plans that step free access to the proposed flats above ground floor would not be possible for wheelchair users and other persons unable to use a staircase. Paragraph 3.7.6 of the 2021 London Plan recognises that the application of M4(2), which requires lift access (a step free approach to the principle private entrance), may have particular implications for developments of four storeys or less where historically the London Plan may not have required a lift. Local Planning Authorities are therefore required to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. Unless the applicant submits a clear, well evidenced and compelling case to the LPA as to why lift access cannot be provided, the application should not be supported on the grounds of non-compliance with the 2021 London Plan policy D7. Particular attention should also be paid to the size and layout of the entrance lobbies, and to spatial requirements within the bedrooms, bathrooms, kitchens and living areas. The plans should be amended accordingly to demonstrate compliance with the technical specifications within Approved Document M to the Building Regulations (2015 edition). Conclusion: unacceptable. Details should be submitted prior to any planning approval.

PLANNING OFFICER COMMENT:

Please see Section 07.12 of the report.

HIGHWAYS OFFICER:

Site Characteristics & Background

The site is located within a predominantly residential catchment in Eastcote. The site is occupied by

a detached 2-bedroom bungalow located on the corner of Elm Avenue (designated as 'classified') and Oak Grove which is to be demolished and replaced with a single block containing 2x1,3x2 and 1x3 bedroom flatted units. 2 on-plot car parking spaces are proposed on the frontage together with 6 cycle spaces to the rear. An existing carriageway crossing (cc) that serves the site envelope on the junction of Elm Avenue/Oak Grove is to be extinguished with modification (i.e. widening) to the other remaining cc on Elm Avenue.

The surrounding properties exhibit reasonably sized frontages with on-plot parking facilities and the area is situated on the edge of a controlled parking zone (CPZ) operating from 9am to 5pm - Monday to Saturday with double yellow lines on the immediate road junction. However neighbouring roads such as Oak and Lime Grove lie outside of the CPZ and are therefore unrestricted. The address exhibits a public transport accessibility level (PTAL) rating of 3 which is considered as moderate and as such heightens dependency on the ownership and usage of private motor transport.

A previous application for 2x3 bedroom detached dwellings (60130/APP/2019/1369) with a total of 2 on-plot parking spaces was appealed on the basis of non-determination and allowed thereafter without any identified highway related issues.

Parking Provision

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The maximum requirement for the 6 flatted units amounts to 1-1.5 on-plot spaces per unit with the exception of the 3- bedroom unit which requires up to 2 spaces. 7 to 9 spaces are therefore required. 2 spaces are proposed to be allocated to the two ground-floor flats hence there is a deficit in provision. By contrast for a PTAL rating of 3, the London Plan (2021) parking standard demands up to 0.75 spaces per unit (not exceeding 2 bedrooms) with 1 space for the larger 3-bedroom flat which would result in a significantly lesser requirement of 4.75 spaces.

It is also noted that the previous application for 2x3 bedroom detached dwellings (allowed on appeal) accepted a lower on-plot provision of 2 spaces where 4 would normally have been required if the maximum parking standard was applied at that time.

To assist in justifying the lower provision for the current application, the applicant has undertaken parking stress surveys within the locality in order to catalogue the levels of parking demand in all roads within a walking distance of 200m of the site. Industry recognised methodology has been applied and the findings indicate that during the recommended surveyed periods there appears to be in excess of 40% spare parking capacity which can be legitimately used on the surrounding roadways. As there is no evidence to the contrary as confirmed by random checks by council officers, the findings are considered robust and relevant. This aspect in combination with the lower parking requirement demanded by the London Plan, therefore supports a lower on-plot parking quantum. The Planning Inspectorate is likely to take a similar view if the application were to be refused and appealed thereafter hence there is no objection raised to the proposed on-plot quantum.

Electric Vehicle Charging Points (EVCP's)

In line with the London Plan (2021), within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive'

provisions. In this case, a single space should be made 'active' in order to future proof for anticipated demand with the remaining space designated as 'passive'. This aspect should be secured by way of planning condition.

Cycle Parking Provision

1 secure and accessible cycle space per unit should be provided in order to conform to the Council's adopted cycle parking standard. 6 communal spaces are indicated to the rear of the property with an acceptable positioning of a secure and accessible compound indicating conformity to the standard.

Revised Carriageway Crossing

There is no objection to the principle of the existing crossing on Elm Avenue being widened with the other, located on the nearby road junction, extinguished. However, the widened access point should be dimensioned accordingly in line with the council's 'Domestic Vehicle Footway Crossover' Policy 2019 i.e. with a width of 3.6m at the back of footway and 4.8m (with taper kerbs) at the edge of kerb. Differing dimensions at the 'back of footway' have been indicated on plan which would be remedied post-permission when final detail together with extinguishment of the existing crossing and corresponding reinstatement of footway on the junction corner would be implemented to the council's construction standard executed under a S184 of the Highways Act 1980 and at the applicant's/developer's expense.

In highway safety terms, effort should be made to maintain a low frontage wall treatment onto Elm Avenue in order to help ensure conformity to the relevant mutual inter-visibility sight-line requirements, as per DfT (Manual for Streets (MfS) circa 2007) best practice for new development road and parking layouts guidance, between vehicles leaving the site and extraneous vehicles/pedestrians on Elm Avenue itself. In order to assist with improving sight-lines at both site entrances for vehicles and pedestrians, it is therefore recommended that any front boundary wall height should not exceed 0.6m to achieve the aim of improved visibility. This aspect can be secured via planning condition.

Vehicular Trip Generation

Local Plan: Part 2 Policies - DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposal would produce a marginal increase in traffic generation from the site as compared to the existing single dwelling unit however peak period traffic movement into and out of the site would not be expected to rise beyond 2-3 vehicle movements during the crucial peak morning and evening hours. Hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse Requirements

In order to conform to the Council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste is positioned at a collection point within this set distance. The proposed positioning of the bin storage area on the frontage therefore indicates conformity. There are no further observations.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

RESIDENTIAL DEVELOPMENT

Policy H1 of the London Plan (2021) states that in order to ensure that ten-year housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially on sites with PTAL ratings of 3-6.

Policy H2 of the London Plan (2021) also states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community-led housing
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

In accordance with the London Plan, there is planning policy support for the principle of residential development.

FLATS

Policy DMH 4 of the Hillingdon Local Plan: Part 2 (2020) states that residential conversions and the redevelopment of dwellings into new blocks of flats will only be permitted where:

- i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats;
- ii) On residential streets longer than 1km the proposed redevelopment site should be taken as the midpoint of a 1km length of road for assessment purposes;
- iii) the internal floor area of the original building to be converted is at least 120 sqm; and
- iv) units are limited to one unit per floor for residential conversions.

The redevelopment of dwellings into new blocks of flats can enable more effective use of sites to be achieved. However, this type of development must seek to enhance the local character of the area. Large concentrations of flats have resulted in a range of problems, including increased on-street parking and resultant congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation.

Based on a 1km survey of Elm Avenue, the proposed redevelopment of the application site into a block of flats would not result in more than 10% of properties being redeveloped into flats. Accordingly, the proposed development is not contrary to Policy DMH 4 of the Hillingdon Local Plan: Part 2 (2020).

UNIT MIX

Policy H10 of the London Plan (2021) notes that new development should consist of a range of unit sizes. It is also noted that one and two bed units have a role in freeing up existing family housing.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties, as identified in the Strategic Housing Market Assessment 2016.

In accordance with Policy DMH 2, developments should demonstrate how the provision of family housing has been optimised, to address local needs. The proposed development would provide 2 no. 1-bed 2-person flats, 3 no. 2-bed 3-person flats and 1 no. 3-bed 4-person flat. Accordingly, one family unit would be provided to replace the existing family unit to be lost as part of the proposal. The proposal would consist of an appropriate mix of unit sizes and is considered to accord with Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy H10 of the London Plan (2021).

7.02 Density of the proposed development

Policy D3 of the London Plan (2021) establishes the design-led approach which requires that all development make the best use of land that optimises the capacity of sites. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 of the London Plan (2021) which states that Boroughs should proactively support well-designed new homes on small sites below 0.25 hectares in size.

The site is moderately accessible with a PTAL rating of 3 and approximately 300 metres from Eastcote Town Centre. Accordingly, a higher density of development would generally be considered to be acceptable in such a location.

The form, layout, quality and character of the proposed development is considered under Section 07.07 of the report. The experiential factors of the proposed development are considered under Sections 07.08 and 07.09.

Based on these considerations, the proposed density of the development is considered to be appropriate and is not contrary to Policy D3 of the London Plan (2021).

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

Not relevant to the consideration of the application.

7.04 Airport safeguarding

Not relevant to the consideration of the application.

7.05 Impact on the green belt

Not relevant to the consideration of the application.

7.07 Impact on the character & appearance of the area

Policy BE 1 of the Hillingdon Local Plan: Part 1 (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
- architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The policies quoted above are supported by Policies D3 and D6 of the London Plan (2021).

The street scene is residential in character comprising a mix of housing types mainly of semi-detached properties with some detached houses and bungalows. No. 61 Elm Avenue to the West is a chalet bungalow and no. 57 Elm Avenue to the East is a semi-detached two storey property.

The proposal would consist of a two storey building with habitable roof space, measuring 14.9 metres in width, 13.7 metres at its deepest point and 9.6 metres at its highest point. It would be sited approximately 5.2 metres back from the Elm Avenue footway and 1.7 metres back from the Oak Grove footway. Relative to neighbouring properties, the building would be sited approximately 1.7 metres back from the front building line and 6.5 metres passed the rear building line established by properties located along Elm Avenue.

It is noted that planning appeal reference APP/R5510/W/19/3232952 granted permission for 2 no. 2-storey, 3-bed detached dwellings. Each of the approved units measured 6.5 metres in width, 11.5 metres in depth and 8.1 metres in height. Evidently, the development currently proposed would increase the footprint and volume of development proposed on this corner plot by increasing the height, width and depth of the building proposed. Although the height and width of the proposed building would be broadly

comparable to some neighbouring properties, the depth would be considerably greater. In this sense, the proposed development is failing to harmonise with the local context.

Notably, the proposed detached house would utilise a flat roof form. The street scene comprises of hipped roof forms with no set precedent for such a roof form. Part B)(viii) of Policy DMHD 1 of the Hillingdon Local Plan: Part 2 (2020) specifically states that large crown roofs on detached houses will not be supported. Accordingly, the proposal for a flat roof form measuring approximately 46 square metres in area is considered inappropriate and would result in an obtrusive form of development which would be to the detriment of the character, appearance and visual amenities of the street scene and the wider area.

Given the above considerations, the proposed development is considered contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 (2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice".

The proposed building would protrude approximately 6.5 metres past the rear building line of no. 57 Elm Avenue but would not interrupt a 45 degree line drawn from the nearest rear facing habitable room window. Although the development may have some impact in terms of outlook enjoyed from no. 57 Elm Avenue, it would not be considered to such an extent that a refusal reason could be justified.

The application is also supported by a Daylight and Sunlight Assessment relating to the form of development proposed under application reference 60130/APP/2020/4166. This

includes nos. 48, 50, 57 and 61 Elm Avenue within the scope and confirms that the effect on Vertical Sky Component (VSC) is within the 80% guidance value in all cases, meaning that there will be no adverse impact on neighbouring residents in terms of daylight. The assessment also confirms that all windows retain in excess of 80% of their current values, meaning the proposed development accords with BRE guidance in relation to sunlight. The proposed development is not considered to be significantly different with regards to the impact on daylight and sunlight. As such, the findings of the report are considered to be applicable to the current application and the proposal is considered to be acceptable with regard to its impact on the daylight and sunlight received by neighbouring properties.

The proposed development would include side facing dormer windows, both of which would serve bathrooms. If recommended for approval, a planning condition would ensure that the windows are obscure glazed and non-opening below 1.8 metres measured from the internal finished floor level.

Given the above considerations, the proposal is not considered contrary to Part B) of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7.09 Living conditions for future occupiers

INTERNAL LIVING CONDITIONS

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet or exceed the most up to date internal space standards.

Table 3.1 of Policy D6 of the London Plan (2021) states that a:

- one storey dwelling with 1 bedrooms and 2 occupants should provide at least 50 square metres gross internal floor area (GIA);
- one storey dwelling with 2 bedrooms and 3 occupants should provide at least 61 square metres GIA; and
- one storey dwelling with 3 bedrooms and 4 occupants should provide at least 74 square metres GIA.

Any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

The proposed development would provide the following:

- Flat 1 - 2b3p measuring 62 square metres GIA
- Flat 2 - 3b4p measuring 77.5 square metres GIA
- Flat 3 - 2b3p measuring 62 square metres GIA
- Flat 4 - 2b3p measuring 62 square metres GIA
- Flat 5 - 1b2p measuring 50 square metres GIA
- Flat 6 - 1b2p measuring 50 square metres GIA

In view of the above, the proposed flats would provide sufficient internal floorspace for their purpose.

A one bedspace single bedroom must have a floor area of at least 7.5 square metres and be at least 2.15 metres wide. A two bedspace double bedroom must have a floor area of at least 11.5 square metres. The bedrooms proposed would comply with this requirement.

All habitable rooms would also be provided with a window to facilitate the receipt of natural light and provide outlook. It is noted that one bedroom in Flat 2 would be provided with a window facing south-west towards Oak Grove. Next to the window, the 1.8 metre high wooden fence is also replaced with railings in order to provide better outlook. It is noted that this would, however, reduce the privacy of this room. On balance, this is accepted.

Accordingly, the proposed development would achieve the internal floorspace standards required and would comply with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) and Policy D6 of the London Plan (2021).

PRIVATE AMENITY SPACE

Generally, private outdoor amenity space needs to be well located, well designed and usable for the private enjoyment of the occupier. In assessing the quality of all amenity space in development proposals, consideration will be given to the shape and position and whether the layout has regard to matters such as daylight and sunlight, noise, enclosure and privacy. Outdoor amenity space will be required to provide an appropriate mix of hard and soft landscaping, including grass, shrubs and trees.

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 (2020) states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Specifically, Table 5.3 states that:

- 1 bedroom flats should be provided with access to at least 20 square metres of private amenity space;
- 2 bedroom flats should be provided with access to at least 25 square metres of private amenity space; and
- 3 bedroom flats should be provided with access to at least 30 square metres of private amenity space.

The proposed development would provide 2 no. 1-bed 2-person flats, 3 no. 2-bed 3-person flats and 1 no. 3-bed 4-person flat, requiring 145 square metres amenity space in total. Based on the plans submitted, Flat 1 would be provided with 25 square metres of private amenity space at ground floor and Flat 2 would be provided with 30 square metres of private amenity space at ground floor. The remaining flats would have access to approximately 148 square metres of communal amenity space.

It is noted that the 'private' amenity space for Flats 1 and 2 cannot be accessed directly from either flat and are instead accessed via the side pathway and a garden gate. Unless these spaces are kept locked at all times, these could be accessed by anyone from any of the other flats. These spaces are, however, demarcated as private spaces and would be located next to the allocated flats. This is not considered to be an issue which warrants a refusal reason.

Paragraph 5.70 of the Hillingdon Local Plan: Part 2 (2020) states:

"Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building. Houses and ground floor flats should have private gardens. The Council is keen to improve the quality of housing in the Borough and therefore communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits."

Given the residential context of the application site, the provision of balconies for the

upper floor flats is not considered appropriate. As such, the communal provision of amenity space is considered acceptable. Accordingly, the proposed development would provide a sufficient quantity and quality of amenity space to serve the flats proposed, in compliance with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 (2020).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

PARKING PROVISION

Appendix C of the Hillingdon Local Plan: Part 2 (2020) states that 1 and 2 bed flats should be provided with a maximum of 1 to 1.5 car parking spaces per unit and 3 to 4 bed flats should be provided with a maximum of 2 spaces per unit. Based on this, the proposal for 2 no. 1-bed 2-person flats, 3 no. 2-bed 3-person flats and 1 no. 3-bed 4-person flat would require a maximum of 7 no. to 10 no. car parking spaces.

It should be highlighted that Policy T6.1 of the London Plan (2021) states that development of 1 to 2 bedroom units in outer London with a PTAL rating of 2 to 3 should provide a maximum of 0.75 car parking spaces per dwelling. Development of 3+ beds in these areas should provide a maximum of 1 car parking space per dwelling. For the proposed development, this would equate to 5 no. car parking spaces.

A parking stress survey has also been submitted in order to catalogue the levels of parking demand in all roads within a walking distance of 200m of the site. The findings indicate that during the recommended surveyed periods there appears to be in excess of 40% spare parking capacity which can be legitimately used on the surrounding roadways. The Council's Highways Officer considers this to be robust. The on-plot parking quantum is considered to be justified and is not considered to be a robust reason for refusal in an appeal scenario.

ELECTRIC VEHICLE CHARGING POINTS

Part G) of Policy T6 and part C) of Policy T6.1 of the London Plan (2021) states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. Accordingly, one car parking space should be provided with an active electric vehicle charging point and one car parking space should be provided with passive electric vehicle charging infrastructure. If the application had been recommended for approval, this would be secured by condition.

ACCESSIBLE PARKING

Part G) of Policy T6.1 of the London Plan (2021) requires that residential development proposals delivering ten or more units must ensure that for 3% of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. The proposed development would not provide any disabled persons parking. However, as the proposed development would deliver less than ten units, it is not considered reasonable to recommend refusal on this basis.

CYCLE PARKING

A minimum of 1 secure and accessible cycle space per unit should be provided in order to conform to the Council's adopted cycle parking standard. 6 communal spaces are proposed to the rear of the property and is considered acceptable.

VEHICULAR ACCESS

The proposed development would remove an existing dropped kerb on the corner of Elm Avenue and Oak Grove and widen an existing dropped kerb on Elm Avenue. The Council's Highways Officer accepts the principle of such provisions, although with revised dimensions to comply with the Council's Domestic Vehicle Footway Crossover Policy (2019). If the application had been recommended for approval, revisions could be secured by planning condition.

In order to maintain inter-visibility sight-line requirements between vehicles leaving the site and extraneous vehicles/pedestrians on Elm Avenue, it is recommended that any front boundary wall should not exceed 0.6 metres in height. If the application had been recommended for approval, this would be secured by planning condition.

TRIP GENERATION

The proposal would produce a marginal increase in traffic generation from the site as compared to the existing single dwelling unit. The peak period of traffic movement into and out of the site would not be expected to rise beyond 2-3 vehicle movements during

the crucial peak morning and evening hours. This uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

REFUSE

The proposed positioning of the bin storage area on the frontage would be accessible for collection.

SUMMARY

The proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policy T4 of the London Plan (2021) and the NPPF (2021).

7.11 Urban design, access and security

URBAN DESIGN

Please see Section 07.07 of the report.

ACCESS

Please see Section 07.12 of the report.

SECURITY

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

If the application had been recommended for approval, a secure by design condition would be attached to achieve appropriate accreditation. Subject to such a condition, the proposal would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020).

7.12 Disabled access

Policy D7 of the London Plan (2021) states that in order to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the

Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Although the proposed development would not provide lift access, it is accepted that these are less viable on smaller residential schemes and it would compromise the external design of the proposed building. If the application had been recommended for approval, planning conditions would be required to secure the details of step free access via the principal private entrance and require that the ground floor units are constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015. Subject to such conditions, the proposed development would not be contrary to Policy D7 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of the application.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) states:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

The application site does not form part of a Conservation Area and is not subject to a Tree Preservation Order. Approximately 31.5 square metres of soft landscaping would be created towards the front of the site, equalling circa 30% of the site frontage.

If the application had been recommended for approval, a detailed landscape scheme would be secured by condition, alongside conditions to ensure the protection of on-site trees. Subject to such conditions, the proposed development would accord with Policy G1 of the London Plan (2021) and Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020).

ECOLOGY

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

If the application had been recommended for approval, an ecological enhancement plan

would be secured by condition. Subject to this condition, the proposal is considered to accord with the NPPF (2021), Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

7.15 Sustainable waste management

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Bin storage is proposed on the frontage and can be easily accessed for collection. Accordingly, the proposed development is considered to accord with part D) of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7.16 Renewable energy / Sustainability

There are no specific energy requirements for a minor scale form of development. The development would, however, incorporate energy efficiency measures including insulation, high efficiency boilers and low energy lighting.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) requires that development proposals ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) also requires that development proposals utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). Notably, proposals that fail to make appropriate provision of flood risk and surface water flooding mitigation will be refused.

If the application had been recommended for approval, a planning condition would secure the detail of a sustainable water management scheme. Subject to such a condition, the proposal would accord with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

NOISE

The proposed development would continue to utilise the application site for residential purposes. As such, noise is not considered to be an issue with the proposed development.

AIR QUALITY

The application site is not located within an Air Quality Management Area or Air Quality Focus Area. As such, the proposal is not considered an issue with regard to air quality.

7.19 Comments on Public Consultations

Please see Section 06.1 of the report.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for

development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

i) to secure the provision of affordable housing in relation to residential development schemes;

ii) where a development has infrastructure needs that are not addressed through CIL; and

iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, no planning obligations are to be secured via a Section 106 legal agreement.

COMMUNITY INFRASTRUCTURE LEVY

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

The proposal produces a net increase of 264 square metres gross internal floorspace. If the application was approved, it would be liable to the following.

Hillingdon CIL £35,238.99

London Mayoral CIL £15,984.00

Total CIL £51,222.99

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be

proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

In conclusion, the proposed erection of a residential building comprising 6 no. flats, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area. For these reasons it is recommended that the application be refused.

11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Michael Briginshaw

Telephone No: 01895 250230