



Appeal Decisions

Hearing held on 26 September 2013

Site visit made on 26 September 2013

by I Radcliffe BSc(Hons) MCIEH DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2013

Appeal A - Ref: APP/R5510/A/13/2194584

Block H1, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Wimpey West London against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10189/APP/2012/108, dated 11 January 2012, was refused by notice dated 13 September 2012.
 - The development proposed is the change of use of 3 No 1 bedroom Sui Generis live/work units to provide 6 No 1 bedroom Use Class C3 residential dwellings within Block H1 of development approved under planning permission ref: 10189/APP/2007/3046.
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Appeal B - Ref: APP/R5510/A/13/2194591

Block R, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Wimpey West London against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10189/APP/2012/106, dated 11 January 2012, was refused by notice dated 13 September 2012.
 - The development proposed is the change of use of 2 No 1 bedroom and 1 No 2 bedroom Sui Generis live/work units to provide 5 No 1 bedroom and 1 No 2 bedroom Use Class C3 residential dwellings within Block R of development approved under planning permission ref: 10189/APP/2007/3046.
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Appeal C - Ref: APP/R5510/A/13/2194594

Block J, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Wimpey West London against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10189/APP/2012/112, dated 11 January 2012, was refused by notice dated 13 September 2012.
 - The development proposed is the change of use of 3 No 1 bedroom Sui Generis live/work units to provide 6 No 1 bedroom Use Class C3 residential dwellings within Block J of development approved under planning permission ref: 10189/APP/2007/3046.
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Appeal D - Ref: APP/R5510/A/13/2194600

Block L, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Wimpey West London against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10189/APP/2012/109, dated 11 January 2012, was refused by notice dated 13 September 2012.
 - The development proposed is the change of use of 3 No 1 bedroom Sui Generis live/work units to provide 6 No 1 bedroom Use Class C3 residential dwellings within Block L of development approved under planning permission ref: 10189/APP/2007/3046.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for the change of use of 3 No 1 bedroom Sui Generis live/work units to provide 6 No 1 bedroom Use Class C3 residential dwellings within Block H1 of development approved under planning permission ref:10189/APP/2007/3046 at Block H1, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL in accordance with the terms of the application, Ref 10189/APP/2012/108, dated 11 January 2012, subject to the conditions in schedule A at the end of this decision.

Decision – Appeal B

2. The appeal is allowed and planning permission is granted for the change of use of 2 No 1 bedroom and 1 No 2 bedroom Sui Generis live/work units to provide 5 No 1 bedroom and 1 No 2 bedroom Use Class C3 residential dwellings within Block R of development approved under planning permission ref: 10189/APP/2007/3046 at Block R, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL in accordance with the terms of the application, Ref 10189/APP/2012/106, dated 11 January 2012, subject to the conditions in schedule B at the end of this decision.

Decision – Appeal C

3. The appeal is allowed and planning permission is granted for the change of use of 3 No 1 bedroom Sui Generis live/work units to provide 6 No 1 bedroom Use Class C3 residential dwellings within Block J of development approved under planning permission ref: 10189/APP/2007/3046 at Block J, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL in accordance with the terms of the application, Ref 10189/APP/2012/112, dated 11 January 2012, subject to the conditions in schedule C at the end of this decision.

Decision – Appeal D

4. The appeal is allowed and planning permission is granted for the change of use of 3 No 1 bedroom Sui Generis live/work units to provide 6 No 1 bedroom Use Class C3 residential dwellings within Block L of development approved under planning permission ref: 10189/APP/2007/3046 at Block L, Former RAF Eastcote, Lime Grove, Ruislip HA4 8RL in accordance with the terms of the application, Ref 10189/APP/2012/109, dated 11 January 2012, subject to the conditions in schedule D at the end of this decision.

Procedural matters

5. I note that the living accommodation of the live/work units has been built out as two bedroom flats, rather than as one bedroom flats shown on the submitted plans. However, as conversion of the work space of the units into separate flats has not yet occurred I have determined the appeal on the basis of the submitted plans, which show one bedroom flats, rather than what has been built.
6. At appeal stage landscape enhancements to the largest areas of shared open amenity space that serve the whole estate were proposed by the appellant (drawing ref WIM 16329 19). The red lines that define each appeal site have been drawn around individual apartment blocks and exclude the areas where these landscape improvements are proposed. As a result, the proposed landscaping does not form part of the development before me.
7. The saved policies of the Hillingdon Unitary Development Plan cited in the reasons for the conditions are consistent with the National Planning Policy Framework.

Main issues

8. The main issues in all four appeals are;
 - whether if the proposed development went ahead there would be satisfactory living conditions in relation to amenity space provision for future occupiers and existing residents; and,
 - the effect of the proposed development on parking and highway safety.

Reasons

Appeals A,B,C & D

9. The live / work units subject of the appeals are within new apartment buildings constructed as part of the residential redevelopment of RAF Eastcote. Saved policy LE4 of the Hillingdon Unitary Development Plan (UDP) supports the loss of employment land in certain circumstances. These include there being no realistic prospect of the land being used for employment generating use in the future and its unsuitability for alternative employment uses.
10. In relation to the first matter, the appellant submitted a marketing report with the application which stated that despite comprehensive marketing for over two years, and price reductions, the units remained empty. The officer report accepted these findings. In terms of alternative employment uses, the officer report concluded that due to the minimal amount of car parking serving these units, the restricted servicing arrangements and the proximity of dwellings, other employment uses were not realistic. On the basis of the constrained setting of the live work units, and the analysis of alternative uses carried out by the appellant, I agree that the proposed development would comply with saved policy LE4 of the UDP. As a result, residential conversion of the live work units is acceptable in principle, subject to site specific considerations.

Amenity space provision

11. In accordance with national planning policy the residential redevelopment of RAF Eastcote has made an efficient use of land. Whilst a significant number of

the 385 dwellings that have been built on the estate are houses with their own private amenity space, the remainder are apartments which predominantly rely on shared open amenity spaces within the estate. The shared open amenity space in total amounts to approximately 7,400sqm. The proposed developments would create 12 additional residential units, but would not provide any additional amenity space.

12. The Council's Design and Accessibility Statement is a supplementary planning document (SPD) to which I have due regard. Its guidelines are that as a minimum 20sqm of amenity space should be provided per one bedroom flat and 25sqm per 2 bedroom flat. On the basis of the 12 additional residential units proposed (11 x 1 bedroom units, 1 x 2 bedroom unit) this would lead to shortfall of 245sqm. However, reliance on compliance with minimum guidelines cannot be decisive in determining if there is adequate amenity space provision. Site specific circumstances need to be taken into account.
13. The proposed 1 bedroom dwellings would not constitute family housing. This is because it is likely that they would be occupied by single people or couples. Small additional amounts of landscaping have been provided immediately surrounding the apartment buildings. Whilst their primary purpose is to improve the setting of the buildings these areas would provide sufficient space to allow a few of the occupants of each block to sit out in and relax during fine weather. In the unlikely event there was insufficient space free within the estate's communal areas of open space to comfortably sit out in, residents would be able to readily access nearby parks. In this context, a single additional 2 bedroom apartment, which could accommodate a family with children, would not materially add to the demands on the open space within the estate.
14. In my assessment therefore, the absence of additional amenity space would not materially increase the pressure on the existing areas of communal open space within the estate to the degree that living conditions would be demonstrably harmed.
15. For all of these reasons, I therefore conclude that the amenity space provision for future occupiers of the new apartments and existing residents would be satisfactory. As a result, the development would comply with the objectives of saved policy BE23 of the UDP which seeks to prevent such harm.

Parking provision

16. At present the live/work units have 2 parking spaces. One space is allocated for the residential element and one space for the work element. In the proposed development a single parking space would be provided to each apartment. It was confirmed that no visitor spaces would be lost.
17. The Council has maximum parking standards of 1.5 spaces per dwelling across a development. At present, across the whole estate, parking is provided at 1.59 spaces per dwelling. If the development went ahead parking would drop to 1.54 spaces per dwelling. Parking provision, assessed to a single decimal place, would therefore accord with saved policy AM14 of the UDP which requires compliance with the Council's adopted car parking standards.
18. Demand for parking spaces within the estate appears to be greater than the number of spaces available. As a result, parking spills over onto the access roads that pass through the estate. Examples of such parking have been

provided in photographs in the Council's statement. If the proposed flats had more than one car each then parking on the access roads could be exacerbated by the development. However, the estate roads have been laid out with raised platforms, changes in direction and shared surfaces. The design of the road therefore limits traffic to a slow speed and creates a pedestrian friendly environment. As a result, whilst parking on the carriageway reduces the intervisibility between drivers and pedestrians, drivers have more time to respond and are able to stop in a shorter distance. As a consequence, there would not be a material increase in the risk of collision. I recognise that vehicles parked on the carriageway may hinder the free flow of traffic, but given that vehicles are travelling at slow speeds and the roads are internal to the estate, this would not adversely affect the wider highway network.

19. Parking from the estate associated with the four apartment buildings could be displaced onto Lime Grove. However, given that the level of parking provision meets the requirements of the development plan any overspill parking off the estate is likely to be limited. As a consequence, it would not materially harm highway safety, or the free flow of traffic.
20. Taking all these matters into account, I therefore conclude that the proposed development would be acceptable in terms of highway safety and its effect on the operation of the highway network. As a result, the development would comply with the objectives of saved policies AM7 and AM14 of the UDP which seek to prevent such harm.

Other matters

Affordable housing

21. To address the need for affordable housing policies 3.12 and 3.13 of the London Plan requires provision to be made as part of new residential development. The Council's 'Planning Obligations' Supplementary Planning Document requires, in accordance with the London Plan, that schemes of 10 or more dwellings provide 50% of the units as affordable housing. Although individually the appeals would each create only 3 new dwellings, collectively they would result in 12 new dwellings. As a result, the requirement of the Planning Obligations SPD is triggered. In the absence of a completed section 106 agreement this requirement can be secured by the attachment of a suitably worded condition to each permission. The collective provision of 6 affordable housing units would help address the demand for affordable housing in the Borough.

Housing land supply

22. It is common ground that the Council has in excess of a 5 year supply of housing land. The proposed development, as an unexpected windfall, would add to this supply.

Sustainable development

23. Sustainable development and the presumption in its favour are at the heart of the Framework. There are 3 dimensions to sustainable development: environment, economic and social. Socially, the absence of additional amenity space provision within the estate would not demonstrably harm the living conditions of future and current residents. The provision of half of the homes

as affordable would help to address the shortage of such dwellings in the Borough.

24. In terms of the environment, the proposed developments would bring vacant units back into use and avoid the risk of vandalism associated with empty properties. In relation to the economy, the works of conversion and furnishing the units would generate some employment that would support economic growth. I therefore conclude that the proposal would be a sustainable development.

Fallback position

25. The appellant has referred to a fallback position that may allow the conversion of the workspace within all of the live/work units to apartments without the provision of any affordable housing. However, as I have found that the proposed development would be acceptable in planning terms there is no need to explore this position further.

Conditions

26. For the avoidance of doubt, and in the interests of proper planning, I shall identify the approved plans in a condition attached to the permissions and require that the development is carried out in accordance with them. In order to provide satisfactory living conditions with regard to noise transmission between flats, and to ensure that the dwellings are suitable for occupation by all ages, a sound proofing scheme and construction of the flats to the 'Lifetime Homes' Standards is necessary. To help address the need for affordable homes half of the units need to be affordable.
27. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Circular 11/95 '*The Use of Conditions in Planning Permissions*'.
28. It is not necessary to condition the scheme of landscape enhancements proposed by the appellant. This is because I have concluded that the effect of the proposed development on amenity space provision is acceptable. A condition was suggested requiring a cycle storage scheme. However, as a scheme has already been provided it was agreed at the hearing that this condition was not necessary. I concur with that assessment.

Conclusion

29. For the reasons given above, and having regard to all of the matters raised, I therefore conclude that all the appeals should be allowed. In reaching this decision the view of local residents have been taken into account.

Ian Radcliffe

Inspector

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule of plans attached to the Council's decision notice reference 10189/APP/2012/108, dated 13 September 2012.
- 3) Prior to commencement, details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between the ground and first floor shall be submitted to the local planning authority for approval.
- 4) The residential units hereby approved shall be built in accordance with 'Lifetime Homes' Standards as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.
- 5) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 50% of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or, if no Registered Social Landlord is involved, the arrangements for the management of the affordable housing;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Schedule B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule of plans attached to the Council's decision notice Ref 10189/APP/2012/106, dated 13 September 2012.
- 3) Prior to commencement, details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between the ground and first floor shall be submitted to the local planning authority for approval.
- 4) The residential units hereby approved shall be built in accordance with 'Lifetime Homes' Standards as set out in the Council's Supplementary

Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.

- 5) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 50% of housing units;
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 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or, if no Registered Social Landlord is involved, the arrangements for the management of the affordable housing;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Schedule C

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule of plans attached to the Council's decision notice Ref 10189/APP/2012/112, dated 13 September 2012.
- 3) Prior to commencement, details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between the ground and first floor shall be submitted to the local planning authority for approval.
- 4) The residential units hereby approved shall be built in accordance with 'Lifetime Homes' Standards as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.
- 5) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 50% of housing units;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or, if no Registered Social Landlord is involved, the arrangements for the management of the affordable housing;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Schedule D

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule of plans attached to the Council's decision notice Ref 10189/APP/2012/109, dated 13 September 2012.
- 3) Prior to commencement, details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between the ground and first floor shall be submitted to the local planning authority for approval.
- 4) The residential units hereby approved shall be built in accordance with 'Lifetime Homes' Standards as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'
- 5) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 50% of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or, if no Registered Social Landlord is involved, the arrangements for the management of the affordable housing;

- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

APPEARANCES

FOR THE APPELLANT:

Miss Parry	Cornerstone Barristers
Mr Armstrong	Armstrong Rigg Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr Volley MSc MRTPI Planning Appeals Manager	London Borough of Hillingdon
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INTERESTED PERSONS:

Mr Bathurst	local resident.
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 London Borough of Hillingdon Development Plan Authority
Monitoring Report 2011/2012

PLANS SUBMITTED AT THE HEARING

- A Open Space/ Landscaping, Sandringham Phase 1, Drawing Ref 1SO-
/OSPACE1 Rev A
- B Open Space/ Landscaping, Sandringham Phase 2/3 Drawing Ref 1SO-
/OSPACE2 Rev A