

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Building Control, Sport & Green Spaces**

Address LAND ADJACENT TO 171 NORTH HYDE ROAD HAYES

Development: Erection of two storey building comprising ground floor shop, two bedroom flat at first floor level and associated parking (Part Retrospective)

LBH Ref Nos: **11980/APP/2015/1160**

Drawing Nos: Design and Access Statement
171/UB34NS/002 Rev. A
11/UB34NS/001 Rev. B

Date Plans received : 09/04/2015 **Date(s) of Amendment(s):** 30/03/2015
Date Application Valid: 09/04/2015 08/04/2015

1. SUMMARY

The application is a re-submission of a previously allowed scheme 11980/APP/2012/708 - granted permission on 28/05/2012). However the scheme built does not equate to the approved drawings and several unauthorised alterations were made. The existing plans show what has been built and the proposed plans now show what is acceptable to the LPA and these have taken several revisions. The scheme is recommended for approval subject to the revisions and the removal of the unauthorised rear dormer, first floor side gable window and the walls and gates around the car port.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 11/UB34NS/001 Rev. B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

2 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 COM9 Landscaping (including refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.a Means of enclosure/boundary treatments (including proposed bollards)
 - 2.b Car Parking Layouts
 - 2.c Hard Surfacing Materials
 - 2.d External Lighting
3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and 5.17 (refuse storage) of the London Plan.

4 RES18 Lifetime Homes/Wheelchair Units

The residential unit within the development hereby approved shall be built in accordance with Lifetime Homes Standards and level access provided from the street to the main entrance lobby.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (2015) Policies 3.1, 3.8 and 7.2

5 NONSC Non Standard Condition

The development shall not be occupied until a scheme for protecting the proposed residential unit from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet acceptable noise design criteria both indoors and outdoors. The scheme shall include such combination of sound insulation, internal layout and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure that the amenity of the occupiers of the proposed residential development is not adversely affected by noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

6 NONSC Non Standard Condition

The development shall not be occupied until a sound insulation scheme for the control of noise transmission from the ground floor commercial use to the first floor residential unit has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the

building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (2011).

7 NONSC Non Standard Condition

Unless otherwise agreed in writing by the local planning authority, the A2/B1 office unit hereby approved shall not be used except between 08.00 hours and 18.00 hours Mondays to Saturdays and at no time on Sundays and Bank and Public Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Non Standard Condition

The A2/B1 office unit and associated service/loading area shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON

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

9 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

The removal of the rear dormer

The removal of the rear first floor gable end window

The removal of the eastern wall and the rear timber gates of the car port

Details of the provision of Refuse, Recycling and Cycle Storage Facilities

The removal of the ground floor shower in the A2/B1 office unit

The removal of the door leading from the ground floor A2/B1 office to the car port.

The blocking up of the entrance door between the internal staircase to the first floor flat and the ground floor A2/B1 office unit.

Thereafter the development shall be retained/maintained in accordance with these details and the facilities used for no other purpose for as long as the development remains in existence

REASON

To ensure that the development complies with the objectives of Policies AM7, AM14, H7, H8, BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 5.17 and 3.5 of the London Plan (March 2015).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act

incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.8	(2011) Housing Choice
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 3.5	(2015) Quality and design of housing developments
OE1	Protection of the character and amenities of surrounding properties and the local area

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 I47 Damage to Verge - For Council Roads:

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

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

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

5 I2 Encroachment

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

6 I5 Party Walls

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

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 I6 Property Rights/Rights of Light

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

8 I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The site is by the western corner formed by the junction of North Hyde Road with Roseville Road. The Crane Public House is on the eastern corner. The property is at the eastern end of Cranford Parade, a collection of retail and other commercial units towards the eastern end of Hayes Road North.

The application site is now occupied by the previously approved development comprising a small shop/office unit with accommodation above, rear carport and associated open ground to the front.

3.2 Proposed Scheme

The proposal is to authorise the existing development comprising the erection of a two-storey building with end gable roof with shop/office on ground floor, two bedroom flat on the first floor and an open carport to the rear as shown on drawing no: 11/UB34NS/001 Rev. B received 22nd May 2015. The rear dormer, first floor side gable window and walls and gates surrounding the car port are to be removed as part of this re-submitted scheme. The internal layout of both the shop/office and the upstairs flat have also been revised and are acceptable.

3.3 Relevant Planning History

11980/APP/2012/708 Land Adjacent To 171 North Hyde Road Hayes

Erection of two storey building comprising ground floor shop, two bedroom flat at first floor level and associated parking

Decision: 28-05-2012 Approved

Comment on Planning History

11980/APP/2012/708 is the most relevant previous application. This gave permission to extend from the flank wall of the existing building (no 171 North Hyde Road) with a two storey structure accommodating a small shop unit, cycle store, refuse stores and two garage parking spaces on the ground floor and a two-bedroomed flat on the first floor, with two additional parking spaces on the existing hardstanding to the frontage of the site, with bollards surrounding the parking spaces.

The rear open yard was to be used as a parking space for the shop unit as well as loading/unloading space. The proposed structure was approved with a hip end roof running from the existing built form.

There were 2 previous refusal 11980/APP/2011/2963 and 11980/APP/2011/1634. However 11980/APP/2012/708 was considered to address previous reasons for refusal.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

6. UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
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LPP 3.5	(2015) Quality and design of housing developments
OE1	Protection of the character and amenities of surrounding properties and the local area

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in a number of ways. The effect of the siting, bulk and proximity of a new building on the outlook and residential amenity of these adjoining occupiers are considered under Policy BE20, whilst potential impacts on daylight/sunlight (Policy BE21) and privacy (Policy BE24) are also assessed.

Paragraph 4.9 of the SPD, the Hillingdon Design & Accessibility Statement: Residential

Layouts (July 2006) further advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'.

The proposed flat would not overlook any more than the flats above the existing shop units and, indeed, due to the position of the proposed flat in relation to rear gardens of houses on Roseville Road and the resulting oblique view, far less so. The nearest house would be separated from the proposal by the rear service road at the rear of Cranford Parade. The proposal is considered acceptable with regard to Policies BE20, BE21 and BE24.

7.2 Impact on Street Scene

Local Plan Policies BE13, BE15 and BE19 require all new development to harmonise with the existing street scene and other redeeming features of the area (BE13), proposals for extensions or alterations to existing buildings should also harmonise with the existing building in terms of scale, form, architectural composition and proportions of the original building (BE15), BE19 also requires new development within residential areas to complement or improve the amenity and character of the area.

The proposal has an acceptable impact within streetscene. The proposal "steps down" from the existing built form of the parade and becomes more domestic in scale with the houses on Roseville Road. Although the original hipped roof was more in keeping with the traditional hip roof styles of the dwelling houses in Roseville Road, the original end of the parade of shops was also of gable form and so the proposed building respects the original form of the parade and does not introduce an alien roof form into the streetscene therefore remaining in character. The proposal accords with Local Plan Policies BE13, BE15 and BE18.

7.3 Traffic Impact / Pedestrian Safety

The proposal is at a point where road users expect hazards from the junction and the southern edge of the site adjoins a vehicular access to the rear of shops on the parade.

The application proposal does not propose to widen the crossover and there are 2 parking spaces within the front section of the site parallel with Roseville Road. These were agreed at the time of the previous permission as acceptable along with the introduction of bollards to the frontage.

The service area at the rear of the shop/office was agreed previously with a 3m wide bay and security gates for service deliveries. this is to remain.

The previous application provided 2 open ended car port spaces for 2 covered spaces for the first floor flat. On the sides of the car port was shown an open area with railings which provided visibility as well as security. this arrangement was approved. However, the applicant inserted windows into the areas where railings had been agreed and extended the carport with a 2m high wall on both sides to the service road installing timber gates effectively closing in the carport area. The applicant has stated that this is for security purposes as builders materials and equipment were constantly being stolen and also for the increased security of the future tenants.

However, the walls and the gates are considered to reduce visibility significantly when existing the carport and the Highways officer recommended a refusal based on highways grounds. In previous correspondence stating:

Pedestrian visibility splays of 2.0m x 2.0m are required to each side of the open and covered parking bays where the timber gates meet the rear access road. There should be no obstruction within the visibility splays over a height of 0.6m. The open gates and the supporting walls to the covered car parking bays would present unacceptable obstruction to pedestrian visibility splays.

It was then proposed to reduce the height of the walls to 0.6m with railings above but with the timber gates opening inwards these would still block visibility and further amendments were sought to remove the wall and the rear gates in their entirety. This is shown on the plans received 22nd May 2015 of which the Highways Comments of the 26th May 2015 relate.

7.4 Carparking & Layout

The proposed car parking layout since revised is now considered acceptable and has been agreed with the Highways Officer. The proposed bollards and pedestrian walkway would make provision for pedestrian refuge and would not have an impact on the adjacent bus stop. The proposed parking arrangements are considered acceptable.

7.5 Urban Design, Access and Security Considerations

The proposed flat would have front and rear aspects providing a light and pleasant living environment. However, the proposed residential unit within the development will be subject to noise exposure from North Hyde Road and hence an appropriate condition is recommended to ensure adequate attenuation of noise. In addition, a condition requesting details of noise insulation separating the ground floor commercial and first floor residential use would also be imposed.

Areas have been allocated for bicycle and refuse storage/parking for both the residential accommodation and the ground floor shop/office, however conditions would be recommended to request full details.

The front entrance door to the first floor accommodation is not on level ground and comprises a high step from ground level. This needs to be rectified and a condition imposed to provide level access. There has been no information submitted with regard to Lifetime Homes Standards and although there has been no comments received via the Access officer it is considered prudent to impose a condition requiring this information.

7.6 Other Issues

The London Plan (March 2015) in Policy 3.5 sets out the minimum floor areas required for proposed residential units in order to ensure that they provide an adequate standard of living for future occupants. It states that a two bedroom, 3 person flat should have a minimum of 61 sqm GIA.

The gross internal floorspace for the proposed two bedroom/3 person unit (comprising a single and a double bedroom) would be approximately 63 square metres. Therefore, the level of residential amenity provided for future occupiers would be considered acceptable in accordance with Policy 3.5 of the London Plan (March 2015). Each habitable room has natural light and ventilation and an outlook as required by the London Plan policy 3.5 and Local Plan Policies BE20 and BE21.

The CIL liability for the development has been calculated as £11,623.07.

8. Reference Documents

London Plan (March 2015)

Hillingdon Local Plan, Part One, Strategic Policies (November 2012)

