

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

**Address** LAND WEST OF WOODFIELD TERRACE AND DOVEDALE CLOSE  
HAREFIELD

**Development:** Outline application with all matters other than access reserved, for a 9 dwelling development.

**LBH Ref Nos:** 66148/APP/2009/1453

**Drawing Nos:** Transport Statement  
Ecology Survey  
Design and Access Statement (Studio One, June 2009)  
Planning Statement dated 1 July 2009

**Date Plans Received:** 02/07/2009

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

**Date Application Valid:** 22/09/2009

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### SUMMARY

Outline planning permission is sought for a residential development comprising 9, three and four bedroom detached and semi detached houses, with access to the site achieved by the creation of a new road leading from the existing driveway between 69c and 69d Dovedale Close. Only approval of the principle of the development and access are sought at this stage, with all other matters reserved.

The steeply sloping site consists of mainly dense woodland, bounded to the south, west and northwest by the Green Belt, to the north by allotment gardens and a public footpath and to the east by Harefield Village Conservation Area. The site is designated a Nature Conservation Site of Borough Grade 1 Importance.

17 letters of objection and a petition bearing 740 signatures have been received, objecting to the proposal.

It is considered that that the applicant has failed to make a robust case that there are specific circumstances in terms of local housing need that justify the development of this site, which would lead to the loss of open land within a Nature Conservation Site of Borough Grade I Importance. Furthermore, the application has failed to demonstrate that the scheme could be completed without detriment to the recognised ecological value of this area. The principle of residential development on this site cannot therefore be supported.

In addition, the proposal fails to make adequate provision for the long-term retention of the woodland, on and close to this important woodland site, while the level of residential development in this location would result in urban sprawl encroaching into the open countryside, which would be alien to the rural character of the area generally and would be detrimental to the visual amenities of the Colne Valley Regional Park and surrounding Green Belt.

The Council's Highway Engineer also raises objections to the proposed means of both vehicular and pedestrian access to and within the site, which is considered inadequate to serve the proposed development.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The proposal would result in the loss of land within a Nature Conservation Site of Borough Grade I Importance and the submitted ecological assessment has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area. The proposal is therefore contrary to policy EC1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and policy 3D.14 of the London Plan and the provisions of PPS9 (Biodiversity and Geological Conservation).

#### **2 NON2 Non Standard reason for refusal**

The applicants have failed to demonstrate that the proposed access to the site is adequate to serve the proposed development. As a result, the development would give rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **3 NON2 Non Standard reason for refusal**

The proposed access road, by reason of its location and the likely volume of pedestrian movement and vehicular traffic generated by the proposed parking spaces, would be detrimental the residential amenity of adjoining occupiers, due to noise disturbance. The proposal is therefore contrary to Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

#### **4 NON2 Non Standard reason for refusal**

The proposed development makes inadequate provision for the long-term retention of the woodland, on and close to the site. The loss of the woodland, which is a landscape feature of merit, and its replacement by nine houses on the sloping site, would be detrimental to the visual and natural amenity and wooded character of the locality and the openness and visual amenity of the Green Belt/countryside, and would have a significant impact on its surroundings and the landscape of this part of the Colne Valley. The proposed development is therefore unacceptable in tree/woodland and landscape terms, contrary to Policies BE38, OL9, OL26 and OL5 of the Hillingdon Unitary development Plan Saved Policies September 2007 and Policy 3D.8 of the London Plan.

#### **5 NON2 Non Standard reason for refusal**

The proposal, by reason of the extent of the built form, the associated infrastructure, the domestic nature of the development and the generation of domestic activity, would result in the loss of open space and the recreational value of the site and would cause detrimental harm to the visual amenity of the Colne Valley Regional Park and adjoining Green Belt, contrary to Policies OL5 and OL9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), London Plan Policy 3D.8 and Planning Policy Guidance Note 2 Green Belts.

#### **6 NON2 Non Standard reason for refusal**

The proposed layout raises concerns related to steep gradients leading to and within the site, which are considered likely to cause difficulties for people with disabilities and conflict with lifetime homes standards. As such, the development would provide an inadequate living environment for future occupiers, contrary to Policies 3A.5, 4B.1 and 4B.5 of the

London Plan (February 2008) and the design principles contained within the adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Accessible Hillingdon.

**7 NON2 Non Standard reason for refusal**

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of education). The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007, and the adopted Supplementary Planning Document 'Planning Obligations.'

**INFORMATIVES**

**1 I52 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).

**2 I53 Compulsory Informative (2)**

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

OL5	Development proposals adjacent to the Green Belt
OL26	Protection and enhancement of trees, woodland and landscape features
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
EC5	Retention of ecological features and creation of new habitats
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM15	Provision of reserved parking spaces for disabled persons
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities

BE22	Residential extensions/buildings of two or more storeys.
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LPP3D.9	Green Belt
LPP 3D.8	
LPP 3D.14	
PPG2	Green Belts
PPS	PPS9 Biodiversity and Geological Conservation
OL9	Areas of Environmental Opportunity - condition and use of open land

### **3. CONSIDERATIONS**

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

The site is approximately 0.5565 ha in extent and is located beyond the edge of the residential areas of Harefield Village (Conservation Area), is bordered by open Green Belt land to the south and west and open land (allotments) to the north. The site is found in a side valley on the eastern side of the Colne Valley escarpment, and slopes, steeply in parts, with the land falling about 16m from east to west.

The upper and middle part of the site and adjacent Green Belt land to the south is covered by secondary woodland, which is dominated by Oak and includes a few glades. The lower part of the site is largely covered by scrub. The oak woodland is a large landscape feature and forms part of a much larger area of wooded land on the escarpment that wraps around and defines the western edge of this part of Harefield Village.

The site is designated a Nature Conservation Site of Borough Grade 1 Importance within the UDP. Part of the southern wood is a Site of Special Scientific Interest.

The site is bordered by existing residential properties to the north east, which form part of the Harefield Village Conservation Area. A private driveway serving 7 and 8 Woodfield Terrace is accessed between Nos.69c and 69d Dovedale Close and runs parallel to the eastern boundary of the site. To the north runs a public footpath, beyond which lie allotment gardens. To the south, west, and north west, the site is bordered by the Metropolitan Green Belt.

#### **3.2 Proposed Scheme**

Outline planning permission (with all matters other than access reserved) is sought for residential development. Information submitted with the application indicates a development comprising 9, three and four bedroom detached and semi-detached houses. It is proposed to divide the site into 9 plots varying between 320 and 700 sq metres in area, with a wetland area provided in the south west corner of the site.,

Access to the site is to be achieved by the creation of a new road, between 69c and 69d Dovedale Close at the existing turning head.

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

\* Planning Statement

The report in the form of a covering letter provides a summary of the proposals and assesses them against policy and planning guideline considerations.

\* Design and Access Statement

This report outlines the context for the development and provides an analysis of the layout, scale and access for the proposed development.

\* Transport Assessment

This document deals with the transportation issues relating to the proposed development and the effects that the development would have on the local highway network. It concludes that the impact of the development on the local and wider road network is likely to be insignificant.

\* Ecological Survey

This report comprises a Phase 1 Habitat Survey and Protected Species Assessment and is based on a desk top study and field survey, providing an overview of the site's ecological interest and basis for recommending any additional Phase 2 surveys. The evidence provided in the report suggests that the site has a high potential to provide ideal habitats for badgers and bats.

### **3.3 Relevant Planning History**

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

There is no relevant planning history pertaining to this site, which was historically used as an orchard.

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

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

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

#### Part 1 Policies:

- |        |  |
|--------|--|
| PT1.13 | To seek to ensure the provision of 8000 additional dwellings in the Borough between 1 January 1987 and 31 December 2001.   |
| PT1.15 | To enable the conversion of residential properties to create more units, provided the additional units are suitable to live in and the character of the area and amenities of the adjoining occupiers are not harmed.  |
| PT1.6  | To safeguard the nature conservation value of Sites of Special Scientific Interest, Sites of Metropolitan Importance for Nature Conservation, designated local nature reserves or other nature reserves, or sites proposed by English Nature or the Local Authority for such designations. |
| PT1.7  | To promote the conservation, protection and enhancement of the archaeological heritage of the Borough.   |
| PT1.8  | To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities.  |

#### Part 2 Policies:

OL5	Development proposals adjacent to the Green Belt
OL26	Protection and enhancement of trees, woodland and landscape features
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
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R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
BE22	Residential extensions/buildings of two or more storeys.
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LPP3D.9	Green Belt
LPP 3D.8	
LPP 3D.14	
PPG2	Green Belts
PPS	PPS9 Biodiversity and Geological Conservation
OL9	Areas of Environmental Opportunity - condition and use of open land

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

**5.1** Advertisement Expiry Date:- Not applicable

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

## **6. Consultations**

### **External Consultees**

85 neighbours were consulted in the surrounding area including Harefield Tenants and Residents

Association Association and Botwell Tenants' & Residents Association. 17 letters of objection have been received, the contents of which are summarised below:

1. Access to the site is unsuitable;
2. Entrance to the site is only wide enough for a car, with no room for a footpath;
3. Access would not be suitable for heavy goods vehicles;
4. Dovedale Close/Woodfield Terrace is too narrow;
5. Additional traffic would be a danger to children playing in Dovedale Close/Woodfield Terrace;
6. No access for emergency services;
7. No access for construction traffic;
8. Additional traffic generation;
9. Proposed style of houses not in keeping with the village;
10. The proposal will spoil the countryside;
11. Existing wild life would be destroyed;
12. The area should remain as a natural wildlife habitat;
13. The proposal would erode the natural beauty and ecology of land surrounding Harefield;
14. The site is not derelict land;
15. Loss of privacy;
16. The development would be visually obtrusive;
17. The proposal would interfere with drainage from the adjoining allotments;
18. The proposal would create an undesirable precedent;
19. Loss of views (not a valid planning consideration);
20. Decrease in property values (not a valid planning consideration);
21. Subsidence problems;
22. The applicant does not appear on the company register;

In addition, a petition signed by 740 persons has been received objecting to the proposal on the following grounds:

1. This is not derelict land. It is a well loved local copse, rich in wildlife and part of the green heritage of Harefield. Building houses will destroy this. It is in the Colne Valley Regional Park, on the edge of the Green Belt.
2. Traffic congestion at the junction of Dovedale Close and Woodfield Terrace is already a serious problem for local residents. Adding more houses will make this situation intolerable and unsafe.
3. Access for emergency vehicles is already a serious problem. The development will only make it worse.

#### ENGLISH HERITAGE ARCHAEOLOGY

The site is situated in an area where archaeological remains may be anticipated. It lies on the floodplain of the River Colne, which is a favoured location for prehistoric settlement and numerous finds from this period are known from the immediate vicinity. Harefield itself is a medieval centre, with buildings dated to the 15th Century still standing on Church Hill.

Archaeological work on and around Church Hill has recovered remains from the Roman, Saxon and Medieval periods. The application site has not been subject to previous development and as such any archaeological deposits are likely to be non truncated and undisturbed. The proposed development may therefore affect remains of archaeological importance.

English Heritage does not consider that any further work need be undertaken prior to determination of this planning application, but that the archaeological position should be reserved by attaching a condition to any consent granted under this application.

#### NATURAL ENGLAND

This development will affect 11% of Harefield Pit Site of Borough Importance. According to the documents provided with the application it will lead to the removal of 18-20 trees of varying maturity in addition to under-story vegetation.

There are a number of regional and borough level policies relating to development which would affect SINC's, including London Plan Policy 3D.14 and UDP Saved Policy EC1. The Council should assess whether this development complies with such policies.

The Council should assess whether the adverse impacts on the nature conservation value of the site are fully mitigated/compensated and whether the proposals will lead to overall enhancement of the site's nature conservation value. For example, the Council could seek a commitment from the applicant to carry out management of the part of the SINC outside the development boundary through a Section 106 Agreement to improve its overall quality.

#### Ecological Mitigation and Management Plan

If the Council is minded to grant permission for this application we strongly recommend that the Council requires the applicant to produce an Ecological Mitigation and Management Plan (EMMP) as a mechanism for formalising and delivering any mitigation and enhancement measures and this should include details of how these will be monitored, managed and funded in the future. This should include details of how the proposed wetland area will be managed to maintain 30-40% open water etc (as detailed in the Ecology Survey Report).

#### Protected species

The Ecology Survey Report states that one ground level inspection of the trees was completed in May and a number of trees were identified as having potential to support bat roosts. Additionally, the report states that the trees were in leaf and some features of potential value to roosting bats were hidden and that the surrounding habitat suggests that a large bat population is likely to be present, increasing the likelihood of occupancy of roost sites.

The report states that the survey undertaken only constitutes an initial survey and is not a substitute for more detailed surveys. It also recommends that further surveys are undertaken prior to development. We recommend that further surveys are undertaken, but that these are completed before planning permission is granted. This is in line with Paragraph 98 of ODPM Circular 06/20051 which states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'

'However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'

In relation to lighting, the report acknowledges that additional lighting from the proposed development has the potential to affect bats and sets out recommendations relating to bats and lighting from the Bat Conservation Trust. If the Council is minded to grant permission for this development we recommend that they require the applicant to produce a lighting strategy to ensure that the development does lead to unacceptable impacts on bats.



The Ecology Survey report states that the allotments were not accessible and therefore could not be surveyed for badger signs. The assessment also states that although no badger setts were found on site, a possible badger path on site from the allotments was found, and that a pre-development survey should be undertaken. Again, the above paragraphs from Circular 06/2005 apply and an additional survey should be undertaken to determine whether badgers are using the site.

#### HERTS & MIDDLESEX WILDLIFE TRUST

We object to this development due to loss of part of a Site of Importance for Nature Conservation.

The location of this proposed development is on an identified Site of importance for Nature conservation (Harefield Chalk Pit SINC), one of the old chalk pits in the east Colne Valley, comprising of a strip of dense woodland on steeply undulating raised ground to the south, and a wooded seasonally damp basin to the north. Part of the southern wood is a Site of Special Scientific Interest.

We would suggest that an alternative location be sought. PPS9 outlines the new 'alternative sites principle'. This favours the location of any development which stands to compromise biodiversity at an alternative sites resulting in no or less harm.

However, should the Council be minded to permit this development we request the following conditions be attached to any permission to protect the integrity of the SINC. We recommend that the management of the rest of the site be secured through a sS106 Agreement, to ensure commitment to ongoing management in perpetuity and monitoring of the site.

- 1 Habitat Management Plan
- 2 All materials and building works to be kept within the confines of the suggested footprint
- 3 No removal of trees, shrubs or hedges during bird breeding season
- 4 Control of external lighting
- 5 Provision of bat boxes on trees
- 6 No works or site clearance until a badger survey has been carried out
- 7 Tall vegetation in the western part of the site to be cleared under a 'watching brief' from an ecologist
- 8 Bat and bird boxes to be provided on buildings
- 9 Green roofs should be considered
- 10 Consider including grey water recycling
- 11 Aim towards sustainable energy usage

#### BRITISH WATERWAYS

After due consideration of the application details, British Waterways has no comments to make.

#### INLAND WATERWAYS ASSOCIATION.

We have reviewed all aspects of the information available and consider that this development would have minimal impact on the nearby Grand Union Canal. Thus we do not raise any objections to it.

#### HAREFIELD TENANTS AND RESIDENTS ASSOCIATION

Our members object to this application which would be detrimental to an area which has been identified as a Nature Conservation Area of Grade 1 significance in the emerging LDF proposal map. It is certainly not damaged and derelict land as referred.

The proposed access is totally unsuitable for a new development of houses, it being very narrow and on an awkward incline, it crosses a drive of a private residence and through a privately owned

part of the copse where there are mature trees which are visual from the street scene.

These trees would undoubtedly be damaged by any foundations needed to be laid for a roadway through the copse. Although there is some reference to a right of way over the land in question it does not refer to a road access.

The roads in the vicinity are already crowded and have parking problems this proposal would only worsen the situation.

We noted that the swept path analysis refers to proposed new Harefield Cemetery.

We request refusal.

## HAREFIELD VILLAGE CONSERVATION PANEL

The Panel object vigorously to the application for the following reasons:

1. The well wooded Greenfield site is designated as a Nature reserve.
2. The access to the site is owned and used by another for access to his property and he will certainly not sell or share this land.
3. The space between adjoining properties at the proposed access point is only 3.16 metres wide. This is quite inadequate for a new vehicle access point.

This well prepared but optimistic application must be refused on all possible grounds as it would appear from the details submitted that the applicant is prepared to go to appeal in the event of a refusal.

### **Internal Consultees**

#### **POLICY AND ENVIRONMENTAL PLANNING**

##### **1. The Principle**

The site is designated a Site of Borough Grade 1 Importance within the UDP. This is the highest borough level designation that can be given to a site. There are only 15 sites of borough grade 1 importance detailed within the UDP.

The UDP was adopted in 1998 with policies saved in 2007. The UDP does not take into consideration the tougher stance on ecological issues outlined in PPS9 which was published after the adoption. PPS9 provides the primary steer regarding the biodiversity policies and in particular Key Principle VI states:

The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place.

Given the designation of the site, it would be reasonable to prevent its development unless it was proven absolutely necessary to do so. The information provided by the applicant infers there is a shortage of housing across London and that Hillingdon is struggling to meet their housing requirements. However, this assessment only takes account of completed projects and not the availability of land. The economic downturn has impacted heavily on the building industry and in turn it is likely that Council's have struggled to meet housing targets. This does not mean the land is not available and that Council's need to disregard conservation designations in the pursuit of housing

targets.

In addition to the planning support within PPS9, proposal 70 of the London Biodiversity Strategy states:

The Mayor will measure the success of this Strategy primarily against two targets, to ensure:

- \* that there is no net loss of Sites of Importance for Nature Conservation, and
- \* that the Areas of Deficiency in accessible wildlife sites are reduced.

I would suggest there is no overriding need for the Council to see this important conservation site developed to meet housing targets. The applicant will have to provide a more robust argument to justify the development of this site.

## 2. The Details

If the applicant could demonstrate the need to develop the site as outlined above, there is still a need for more information to be submitted to show the site will not have an adverse impact on wildlife.

The phase 1 survey should allow for suitable conclusions to be made regarding the need for more intensive studies. The evidence provided in the report would suggest that the site has a high potential to provide ideal habitats for badgers and bats. Despite limited suitable surveys for bats and badgers, there is sufficient evidence to warrant further investigations, particularly when applying the precautionary approach outlined in PPS1. The conclusions of the report that the site is of low value is not appropriate given the evidence available and limitations of the surveys. In addition, the report suggests the potential for UK Biodiversity Action Plan reptiles and insects species to be on the site. These too should be investigated in more detail. There is substantial planning policy support for asking for more detailed information prior to the granting of planning approval:

Paragraph 98 of 06/2005 states:

The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

Paragraph 99 of 06/2005 states:

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Proposal 8 of the London Biodiversity Strategy states:

Where biodiversity assessments are submitted, the Mayor expects the options to be refined only after full investigation of the existing ecological conditions and consideration of the potential impacts of options.

## Conclusion

Refusal is recommended, due to the impact it would have on a conservation site of great importance to the borough.

RIGHTS OF WAY OFFICER

- \* Surfacing of public footpath as part of access improvements to fit in with the rural nature of the

path.

- \* Current fencing which borders path to be removed and if replaced, with appropriate style.
- \* Land bordering the footpath must be managed to avoid area becoming overgrown and without management.
- \* Site visit to arranged prior to development.
- \* Existing footpath line to be clearly marked to avoid encroachment from development.

## ENVIRONMENTAL PROTECTION UNIT

The application is not on the Church Hill Landfill area according to historic maps. However it may be attached in ownership to the landfill area. Housing is proposed for the fields and woode copse north but very near to the landfill. The survey referenced in the planning report by Soi Environment Services was for Saracen Developments. The report did not cover the 'clean' ground attached to the landfill that is the subject of this application. However it reconfirmed high gas levels in the landfill.

Gas levels in the landfill are still significant. Therefore, should the application be recommended for approval, a gas survey and remediation condition is necessary.

In terms of noise and air quality, no conditions are recommended with respect to this application.

## TREES AND LANDSCAPE OFFICER

The woodland on and close to the site is highly visible from the public footpath (part of the Hillingdon Trail) that runs alongside the northern boundary of the site, and from the footpaths across the open Green Belt land to the west. The woodland has a high (visual) amenity value, in addition to its nature conservation/ecological value as part of a Borough Grade 1 site of nature conservation interest, and contributes to the wooded character of the locality and the openness and character of the Green Belt.

The Planning Policy Statement refers to several Saved Policies of the UDP, but does not mention Saved Policies BE39 and OL26 (Trees & Woodland), which refer to the protection of trees and woodlands, or paragraphs 3.44 to 3.46 of the published version, although Saved Policy OL26 is mentioned in the Ecology Survey/Report (appendix 4 - legislation and policy). In terms of the relevant policies, the woodland is a landscape feature of merit which should be retained, and merits the protection afforded by a tree preservation order. The London Plan also contains policies relating to the improvement of the open environment ('realising the value of open spaces and green infrastructure') including green spaces such as woodlands and natural habitats (policy 3D.8).

The application includes a site survey and an ecological survey (with some tree information in the context of the bat assessment). The application does not include a tree survey/report or arboricultural impact assessment (based on the recommendations of BS 5837:2005) as required by policy BE38. Whilst the applicants have stated that it is proposed the mature trees will be retained, in the absence of this vital baseline tree-related information, and a layout (other than indicative) for 9 houses on this sloping site, and associated works, they have not demonstrated that the retention of any of the woodland trees is feasible. Furthermore, the outline application does not include proposals for landscaping and tree planting.

The loss of the woodland and the development of nine houses on the site would have a significant negative landscape and visual impact on the local environment, which would not be avoided by the planting of new trees (around the 9 houses) in replacement of the woodland trees.

The proposed development makes inadequate provision for the long-term retention of the woodland, mostly oak, on and close to the site. The loss of the woodland, which is a landscape feature of merit,

and its replacement by nine houses on the sloping site, would have a significant impact on its surroundings and the landscape of this part of the Colne valley, because it would be detrimental to (a) the visual and natural amenity and wooded character of the locality, and (b) the openness and visual amenity of the Green Belt/countryside. The proposed development is therefore unacceptable in tree/woodland and landscape terms, and does not comply with Saved Policies BE38, OL9 and OL26 (and relevant Green Belt policies) of the UDP and policy 3D.8 of the London Plan.

#### S106 OFFICER

An education contribution is likely to be sought as a result of this outline application. Due to the nature of the application the level of the contribution cannot be ascertained at this stage. However a contribution in line with the formula for educational facilities from the Planning obligations SPD, July 2008 will be sought if the application proceeds to approval and reserved matters.

#### CONSERVATION OFFICER

**BACKGROUND:** This site lies adjacent to the Harefield Village Conservation Area, within the Colne Valley Regional Park and adjacent to the Green Belt. It slopes and is currently quite densely wooded. The trees provide a backdrop to the Conservation Area in views outwards from Woodfield Terrace and in views into the area from the valley below. There are also views looking out from the open fields to the rear of The Old Orchard, which is located within the north western part of the Conservation Area.

**RECOMMENDATIONS:** Whilst it is considered that the proposal would have a very limited impact on the character and appearance of the Conservation Area itself, the impact on views from and into the area, as identified by the applicant in their supporting information, have not been fully considered.

It is likely that the new development would require the loss of much of the existing woodland that currently occupies the area. Given the topography of the site and its context, the new houses would, therefore, be visible in longer views from the north western part of the Conservation Area and in views into the area from the lower slopes of the valley. Currently, these views are largely of houses within a wooded setting, although some of the more recent developments have begun to erode this feature. Given the number of properties proposed and the lack of proposed screening, particularly at the north western part of the site, it is likely that the new houses would be a visible and rather urban feature.

Objections are raised, as insufficient information has been provided on this matter.

#### HIGHWAY ENGINEER

The access road needs to be at least 4.1 metres wide to allow two way access. It currently averages at 3.2 metres. The proposed footway along the existing roadway is on land within the curtilage of no.69c and outside the red line with no certainty of being delivered.

No finished levels have been provided for the access road. There is a drop in level of around 15 metres from the access to the end of the site ie a steep gradient of 1 in 4 which is unacceptable. Gradients for pedestrians and cyclists should not exceed 1 in 20. The on site road is also substandard in width at 3.1m. The drawings submitted are not to scale. The applicant needs to demonstrate that a refuse lorry can access and turn around within the site.

The application as it currently stands cannot be supported on highway grounds.

## **7. MAIN PLANNING ISSUES**

## 7.01 The principle of the development

The site is designated a Site of Borough Grade 1 Importance within the UDP. This is the highest borough level designation that can be given to a nature conservation site.

Policy EC1 of the UDP states that the Council will not permit development which would be unacceptably detrimental to sites of Borough (Grade I) Importance for Nature Conservation and where appropriate, an Ecological Assessment must be submitted.

Planning Policy Statement 9: Biodiversity and Geological Conservation provides the primary and most up to date guidance regarding the biodiversity policies and outlines the new 'alternative sites principle'. This favours the location of any development which stands to compromise biodiversity at alternative sites resulting in no or less harm.

In particular Key Principle VI states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place.

In addition, London Plan Policy 3D.14 states that where development is proposed which would affect a site of importance for nature conservation or important species, the approach should be to seek to avoid adverse impact on the species or nature conservation value of the site, and if that is not possible, to minimise such impact and seek mitigation of any residual impacts. Where, exceptionally, development is to be permitted because the reasons for it are judged to outweigh significant harm to nature conservation, appropriate compensation should be sought."

Proposal 70 of the London Biodiversity Strategy states that the Mayor will measure the success of this Strategy primarily against two targets, to ensure:

- \* that there is no net loss of Sites of Importance for Nature Conservation, and
- \* that the Areas of Deficiency in accessible wildlife sites are reduced.

Given the designation of the site, it is considered reasonable in accordance with national, local and London Plan policies to prevent its development, unless it was proven absolutely necessary to do so. The argument put forward by the applicant is that there is a shortage of housing across London and that Hillingdon is struggling to meet its housing requirements. However, it is noted that this assessment only takes account of completed projects and not the availability of land and is therefore fundamentally flawed.

It should also be noted that the economic downturn has impacted heavily on the building industry and in turn, it is likely that Council's generally have struggled to meet housing targets because of this. This does not mean the land is not available and that Council's need to disregard conservation designations in the pursuit of housing targets.

The Borough is continuing to meet its housing targets, though it has been slightly below its affordable housing target of 50%. The Council published its 'Statement of Five Year Supply of Deliverable Land or Housing' in October 2007. It has indicated that it anticipates no need to use the application site to meet this need.

It is considered that the applicant has failed to provide a robust or satisfactory argument

that there are specific circumstances, in terms of local housing need, that justify the development of this site, which would lead to the loss of, or harm to nature conservation interests in this instance. There is no overriding need for this important conservation site to be developed to meet Borough housing targets and the principle of residential development on this site cannot be supported, as it is contrary to local, London Plan and national policy.

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

London Plan Policy 3A.3 seeks to maximise the potential of sites, compatible with local context and design principles in Policy 4B.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in Table 3A.2 (Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

The site has a Public Transport Accessibility Level (PTAL) of 1b on a scale of 1 to 6 where 1 represents the lowest level of public accessibility. Table 3A.2 recommends that developments within suburban residential setting with a PTAL score of 1 should be within the ranges of 150-200 hr/ha and 35-55 units/ha. The proposed density for the site would be 16 units/ha, which is below the London Plan guidelines.

However, had the principle of residential development been acceptable on this site, no objections would be raised to the proposed density, given site specific issues,(which are all dealt with elsewhere in the report), including the site's designation as a Borough Grade 1 Nature Conservation Area, Its proximity to the Green Belt and to the Harefield Village Conservation Area.

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

In terms of archaeology, English Heritage considers that the site is situated in an area where archaeological remains may be anticipated. Since the site has not been subject to previous development any archaeological deposits are likely to be non-truncated and undisturbed. The proposed development may therefore affect remains of archaeological importance.

English Heritage does not consider that any further work need be undertaken prior to determination of this planning application, but that the archaeological position should be reserved by attaching a condition to any consent granted under this application. Had the application been acceptable in other respects, it is considered that the archaeology of the site could be addressed by a suitable condition.

With regard to the impact of the development on the Harefield Village Conservation Area, Policy BE4 requires any new development within or on the fringes of a Conservation Area to preserve or enhance those features that contribute to its special architectural and visual qualities, and to make a positive contribution to the character or appearance of the conservation area.

The Conservation Officer notes that whilst it is considered that the proposal would have a very limited impact on the character and appearance of the Conservation Area itself, the impact on views from and into the area, have not been fully considered.

It is likely that the new development would require the loss of much of the existing woodland that currently occupies the area, with the result that the new houses would be visible in longer views from the north western part of the Conservation Area and in views into the area from the lower slopes of the valley. Currently, these views are largely of houses within a wooded setting, although some of the more recent developments have begun to erode this feature. Given the number of properties proposed and the lack of

proposed screening, particularly at the north western part of the site, it is likely that the new houses would be a visible and rather urban feature. Whilst this is not considered to be a sustainable reason to refuse the application alone, it adds weight to concerns expressed elsewhere in the report, regarding the loss of open space and adverse impacts on the surrounding countryside/Green Belt.

#### **7.04 Airport safeguarding**

The illustrative plans indicate that the proposal does not exceed height restrictions and no wind turbine is proposed. There are therefore no airport safeguarding objections to this application.

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

London Plan Policy 3D.8 seeks to promote and improve access to London's network of open spaces, to realise their current and potential value to communities and protect their many benefits, including biodiversity and the environment.

Although the site does not form part of the Green Belt, The London Plan includes woodland and natural habitats such as this site, as forming part of London's open spaces, which are considered to be an integral part of the spatial character of the city. Open spaces play a vital role in providing a resource and focus for local communities, providing a respite from the built environment and promoting health, well being and quality of life.

Harfield Village is one of, if not the last remaining 'village' in the Greater London Area and is almost completely surrounded by Green Belt and open countryside. The tree covered open spaces and fields that bound the village are an important element of the character of the area and form a rural backdrop and setting to the houses within the village.

The application site forms part of the rural edge of the village and has a rural character and appearance, especially when viewed from the adjoining Green Belt to the northwest, west and south. It is not derelict land, as stated by the applicant. The site comprises a combination of grass/shrub land areas and mixed species woodland, reminiscent of a rural countryside and is bordered at the southern boundary by mature woodland. This impression is not substantially reduced when viewed from the unmade tracks to the west or the public footpaths path to the north and north west, although at distance the detail of the various trees merge into a homogeneous feature.

Paragraph 3.10 of the Hillingdon Unitary development Plan saved Policies (September 2007) states that the Local Planning Authority wishes to ensure that there is no undue intensification or enlargement of buildings within or adjacent to the Green Belt that collectively may injure the visual amenities of the countryside.

Policy OL5 seeks to ensure that development adjacent to or conspicuous from the Green Belt should not injure the visual amenities of the Green belt by reason of siting, materials, design, traffic or activities generated.

A series of sections submitted with the application demonstrate that the site would not be visible from longer views to the south and south west from the Grand Union Canal and lakes, due to the surrounding topography. However it is considered that the spacious, green character of the site, which is dependant to a large extent on the visual continuity with the adjoining countryside is clearly visible from surrounding Green Belt land to the south, south west, and higher ground to the west and north west, from short to medium views.

The development would remove many of the trees and replace them with houses.



Indicative plans show the proposed houses comprising a mixture of semi detached and detached properties, each with individual curtilages, arranged in two rows. The houses would be two storeys with pitched roofs. The proposal would include not only the built development in the form of the dwellings, but associated roads, hard surfacing, garden fences and street lighting. Because of the severe slope of the land, it is likely that terracing would be required to accommodate the built form.

As a complete development, the design and layout would be akin to a housing estate. There would be changes to the character and appearance of the vegetation, even without delineation of individual space, and also the introduction of hard areas, leading to the appearance being far removed from its current rural character. After dark there would be lit windows and during the day these features would appear to dominate and will inevitably have an urbanising influence on the site and adjacent Green Belt. It is not considered that management regimes to prevent domestic paraphernalia and conditions could be used to effectively limit further changes to the character and appearance of the land.

It is considered that the proposed development would give the site a suburban appearance, which would effectively extend the existing urban conurbation westwards. The finished effect of developing this open, rural site for residential purposes would be of an extension of the residential area of Harefield, projecting urban development into the surrounding Green Belt. In effect, the development would result in residential sprawl encroaching into the surrounding countryside and would be alien to the rural character of the area generally.

It is considered that notwithstanding any tree screen that might remain, the dispersal of the proposed buildings together with the enclosed gardens and other paraphernalia associated with residential development would result in a significant urbanising effect, particularly when viewed from the open Green Belt land to the south and west, and result in a reduction in the openness of the Green Belt. The proposal would seriously and permanently diminish the intrinsic character of the adjoining Green Belt, by transforming the open rural nature of the area to a harder, urban character, fragmenting the existing, spacious green landscape and influencing important views and vistas to and from the Green Belt.

While there is scope for soft landscape enhancement in the form of new/replacement planting within the proposed layout, it is not considered that this would mitigate against the built development, which will be visually prominent on this sloping green field site. If permitted, the development could create pressure, which may be hard to resist, to release the adjoining allotment site to the north and surrounding Green Belt land for future development.

The concerns outlined above also apply to the designation of the site in the Colne Valley Regional Park. The development is considered to be contrary to the objectives of improving the environmental quality of land within the Regional Park, outlined under Policy OL9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

In conclusion, it is considered that the proposal would result in the loss of open space and the loss of the recreational value of the site and cause detrimental harm to the visual amenity of the Colne Valley regional Park and the adjoining Green Belt by reason of the extent of the built form, the associated infrastructure, the domestic nature of the development and the generation of domestic activity, contrary to Policies OL5 and OL9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policy 3D.8.

## **7.06 Environmental Impact**

The historic use of the site appears to be for agriculture. However, the site is adjacent to a former land fill site and the survey referenced in the planning report confirms high gas levels in the landfill.

The Environmental Protection Unit has recommended that should the application be approved, a gas survey and remediation condition should be imposed. Had the development been acceptable in other respects, it is considered that the issue of land contamination and gas migration could have been dealt with by way of a condition.

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

The site is surrounded on all sides either by the Green Belt or the Harefield Village Conservation Area and the impact of the development on the visual amenities of both the Green Belt and Conservation Area has been considered elsewhere in the report.

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

In relation to outlook, Policy BE21 of the UDP saved policies September 2007 requires new residential developments to be designed to protect the outlook of adjoining residents. The SPD 'Residential Layouts' advises that for two or more storey buildings, adequate distance should be maintained to avoid over dominance. A minimum distance of 15m is required, although this distance will be dependent on the extent and bulk of the buildings.

Given the indicative height and layout of the proposed dwellings and their distance to adjacent properties to the east, it is considered unlikely that this would result in unacceptable impacts, in relation to over-dominance.

Policy BE24 of the UDP saved policies September 2007 states that the development should be designed to protect the privacy of future occupiers and their neighbours. The Council's Supplementary Planning Document HDAS - 'Residential Layouts' also provides further guidance in respect of privacy, stating that adequate distance should be maintained to any area from which overlooking may occur. In particular, that the distance between habitable room windows should not be less than 21 metres distance. Finally, from the ground floor, a fence would prevent overlooking.

Given the indicative design and layout of the proposed dwellings and their distance to adjacent properties to the east, it is considered unlikely that this would result in unacceptable impacts, in relation to loss of privacy.

In relation to sunlight, Policy BE20 of the UDP saved policies September 2007 seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses. Given the layout and height of the proposed buildings and their distance and orientation with respect to adjacent dwellings, it is considered unlikely that this would result in unacceptable impacts, having regard to current British Research Institute (BRE) guidance. Although a detailed analysis has not been submitted by the applicant, the proposal is unlikely to result in overshadowing or loss of sunlight for adjoining residents, in compliance with Policy BE20 of the UDP saved policies September 2007.

However, with regard to the proposed site access, it is considered that the additional disturbance, as a result of the vehicular and pedestrian movements to and from the proposed development, would have an unacceptable impact on the residential amenities of 69c and 69d Dovedale Close, which directly abut the access drive. It is considered that the passage of private vehicles and refuse lorries to and from the proposed dwellings along the new access road is likely to cause undue disturbance from noise and possibly vibration to occupiers of these properties, contrary to Policy OE1 of the UDP.

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

In relation to outlook and privacy, Policies BE21 and BE24 of the UDP saved policies September 2007 require new residential developments to be designed so as to ensure adequate outlook and privacy for occupants of the site. In relation to sunlight access, Policy BE20 of the UDP saved policies September 2007 seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses. The indicative drawings suggest that all of the units could be designed to benefit from an acceptable level of privacy, outlook and light. However, the potential impacts of the retained trees on light levels into the proposed units would need to be considered and mitigated. Had the scheme been acceptable in other respects, these details could have been addressed at reserved matters stage.

Policy BE23 of the UDP saved policies September 2007 requires the provision of external amenity space, sufficient to promote the amenity of the occupants of the proposed and surrounding buildings, and which is usable in terms of its shape and siting. The Council's SPD HDAS: Residential Layouts specifies amenity space standards for dwellings and states that 60 sq.m should be provided for 2 and 3 bedroom houses and 100 sq. m for 4+ bedroom houses.

Illustrative plans indicated that private amenity space could be provided in the form of individual gardens for the houses, in excess of the Council's minimum private amenity space standards, given in the SPD HDAS: Residential Layouts in accordance with Policy BE23 of the UDP of the UDP saved policies September 2007.

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

The Council's standards allow for the maximum provision of 2 spaces per dwelling, a total of 18 spaces in this case. Layout is not being considered at this stage. Nevertheless, illustrative drawings indicate that adequate space could be provided for parking at two spaces per dwelling, although it has not been demonstrated how these could be accessed on the steeply sloping ground. In addition, secure storage for bicycles in each of the dwellings could be provided in individual gardens. Details could have been secured by condition at reserved matters stage, had the application been acceptable in other respects. In terms of the potential to provide adequate parking, subject to adequate access arrangement, the application could comply with Policies AM9, AM14 and AM15 of the UDP saved policies September 2007.

With regard to the impact of traffic generated by the development on the local highway network, the Highway Engineer considered that this would be minimal for the 9 units proposed. However, vehicular access can only be achieved via an existing driveway, located to the east of the site, which currently serves two of the properties fronting Woodfield Terrace. This driveway descends steeply from an existing turning head at Dovedale Close with a gradient of approximately 1 in 5.

The Highway Engineer considers that this access, which is only 3.2 metres wide between 69c and 69d Dovedale Close, is inadequate to serve the proposed development. The access would need to be 4.1 metres wide to support two-way traffic flow. In addition, the proposed footway along the existing driveway is on land within the curtilage of No.69c and outside the site boundary, with no certainty of being delivered.

The Highway Engineer notes that no finished levels have been provided within the site. There is a drop in level of around 15 metres from the site access to the western end of the site, which would result in a steep gradient of 1 in 4 for the internal estate road. This slope, in common with the 1:5 gradient of the existing driveway is unacceptable in highway safety

terms, as gradients for pedestrians and cyclists should not exceed 1 in 20.

It is therefore considered that the applicants have failed to demonstrate that the proposed access to the site for both vehicles and pedestrians is adequate to serve the proposed development. As a result, it is likely that the development would give rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 and from the Borough's adopted Unitary Development Plan Saved policies (September 2007).

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

Only the principle of the development and access are to be determined at this stage. Issues relating to design, access to individual plots and security are reserved for future determination at reserved matters stage. The indicative details of the proposed layout of the site, the density, height, massing and character of the proposed buildings and their design do not raise major issues from an urban design point of view at this stage. However, the general principle of residential development in a location which is unsuitable for this purpose, remains an overriding concern which has been addressed elsewhere in the report.

#### **7.12 Disabled access**

The SPD HDAS: Residential Layouts requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided on floor space standards for new residential development to ensure sound environmental conditions are provided on site.

There are no details of the size of the units as only the principle of the development and access are to be determined at this stage, although the design and access statement refers to complying with DDA requirements.

Although details have not been provided, one of the units could be designed to full wheelchair accessible standards. Had the scheme been acceptable in other respects, (including access to the site referred to below) a condition could have been recommended requiring the submission of internal layout details, to ensure compliance.

However, concerns remain with regard to pedestrian access to the development. Pedestrian access to the development is via the existing access drive between Nos.69c and 69d Dovedale Close, with a gradient of approximately 1:5. Thereafter the site slopes down a further 16 metres from east to west. No details of finished levels have been provided. However, given the topography of the site, it is likely that the internal estate road would have a gradient in excess of 1:5.

HDAS: Accessible Hillingdon recommends that that any access should have the lowest practical gradient, preferably not exceeding 1:15. In order to comply with lifetime home standards, it is preferable to have a level approach. However, where the topography prevents this, a maximum gradient of 1:12 is permissible on an individual slope of less than 5 metres, or 1:15 if it is between 5 and 10m, and 1:20 where it is more than 10m.

Clearly, the 1:5 gradient to the site and likely gradient of the internal access road do not meet HDAS: Accessible Hillingdon, BS 8300:2001 or lifetime homes criteria. It is therefore considered that the proposal as a whole does not incorporate inclusive design and would fail to provide adequate access for future occupiers and visitors to the development, contrary to Policies 3A.5, 4B.1 and 4B.5 of the London Plan (February 2008) and the design principles contained within the adopted SPD's HDAS: Residential Layouts and Accessible Hillingdon.

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

The scale of the development does not trigger a requirement for affordable housing.

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

#### **TREES**

Saved Policies BE39 and OL26 (Trees & Woodland) of the UDP, refer to the protection of trees and woodlands. Policy BE38 seeks the retention of topographical and landscape features and provision of new planting and landscaping in development proposals. The London Plan policy 3D.8 relates to the improvement of the open environment, including green spaces such as woodlands and natural habitats.

The upper and middle parts of the site and adjacent Green Belt land to the south is covered by secondary woodland, which is dominated by Oak and includes a few glades. The lower parts of the site are largely covered by scrub. The oak woodland is a large landscape feature, and forms part of a much larger area of wooded land on the escarpment that wraps around and defines the western edge of this part of Harefield Village.

The woodland on and close to the site is highly visible from the public footpath (part of the Hillingdon Trail) that runs alongside the northern boundary of the site, and from the footpaths across the open Green Belt land to the west. The Trees and Landscape Officer considers that the woodland has a high visual amenity value, in addition to its nature conservation/ecological value as part of a Borough Grade 1 site of nature conservation interest, and contributes to the wooded character of the locality and the openness and character of the Green Belt. It is considered that the woodland is a landscape feature of merit which should be retained.

The ecological report suggests that development will not result in the loss of many trees from the site. However, the site currently slopes significantly from east to west. There is approximately a drop of 15m from the eastern site entrance to the western part of the site. If there are any proposals for earthworks on the site to provide a more level gradient, then these would impact heavily on the remaining trees. Details of the earthworks and the impacts on trees have not been provided. In addition, the outline application does not include proposals for landscaping and tree planting.

The Tree and Landscape Officer notes that although the application includes a site survey and an ecological survey, it does not include a tree survey/report or arboricultural impact assessment, as required by policy BE38. Whilst the applicants have stated that the mature trees will be retained, insufficient baseline tree-related information has been provided to demonstrate that it is feasible for a development of 9 houses on this sloping site, together with associated works, to be achieved without the loss of the woodland trees.

It is considered that the loss of the woodland and the development of nine houses on the site would have a significant negative landscape and visual impact on the local environment, which would not be avoided by the planting of new trees around the houses in replacement of the woodland trees.

Overall, the Tree and Landscape Officer considers that the proposed development fails to make adequate provision for the long-term retention of the woodland, on and close to this important woodland site. The loss of this landscape feature and its replacement with residential development would have a significant negative impact on its surroundings and the landscape of this part of the Colne Valley, would be detrimental to the visual and natural amenity and wooded character of the locality, and the openness and visual amenity of the

Green Belt/countryside. The proposed development is therefore unacceptable in tree/woodland and landscape terms, contrary to Saved Policies BE38, OL9 and OL26 of the UDP and Policy 3D.8 of the London Plan.

## ECOLOGY

London Plan Policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Where appropriate, measures may include creating, enhancing and managing wildlife habitat and natural landscape and improving access to nature.

Where development is proposed which would affect a site of importance for nature conservation or important species, the approach should be to seek to avoid adverse impact on the species or nature conservation value of the site, and if that is not possible, to minimise such impact and seek mitigation of any residual impacts. Where, exceptionally, development is to be permitted because the reasons for it are judged to outweigh significant harm to nature conservation, appropriate compensation should be sought.'

UDP Saved Policy EC1 states that the local planning authority will not permit development which would be unacceptably detrimental to sites of Metropolitan or borough (grade 1) Importance for Nature Conservation, designated local nature reserves and other nature reserves. If development is proposed on or in the near vicinity of such sites, applicants must submit an ecological assessment where considered appropriate by the local planning authority to demonstrate that the proposed development will not have unacceptable ecological effects.

Natural England, the statutory body responsible for nature conservation notes that this development will affect 11% of Harefield Pit Site of Borough Importance and will lead to the removal of at least 18-20 trees of varying maturity in addition to under storey vegetation.

Where development will lead to the loss of a Site of Importance for Nature Conservation, Natural England would expect the applicant to demonstrate categorically that the adverse effects will be sufficiently mitigated or compensated and overall the development will lead to enhancement of the site. Although paragraph 4.18 of the Ecology Survey Report submitted with the application sets out enhancement and compensation measures, Natural England is of the opinion that it is not clear whether these will be sufficient to mitigate/compensate for the loss of part of the SINC.

The submitted ecological survey report with the application contains a Phase 1 Habitat survey carried out on 12 May 2009 and preliminary Protected Species Survey. This offers a limited evaluation of the biodiversity value of the site and recommends a strategy to mitigate for various potential ecological impacts. The key findings are summarised below.

### Bats

The report acknowledges the possibility for significant bat activity and has excellent potential for foraging and commuting bats, with some roosting potential (including resting places). The reported bat sightings from members of the public would support the evidence contained in the report. Having acknowledged the site's importance to the local bat population, the report does not recommend further investigations, but suggests that potential for bat roosts is low to medium.

Furthermore, the conflicting conclusion between 'reasons for consideration' and 'likelihood of occurrence' is an issue for concern. The limitations section acknowledges the findings in the report are only based on an initial assessment, made outside the optimum survey period, and not a full tree assessment.

However, the available evidence suggests this site is of significant importance to bats, either in isolation or as part of a wider habitat network. The conclusion that this site is of low value is therefore considered to be inappropriate, as it should not be based on a limited bat survey, particularly as this survey finds the site has potential significant importance for bats.

In terms of legislative framework, bats and their habitats are protected under the 1994 Conservation Regulations and the Wildlife and Countryside Act 1981 as amended Countryside and Rights of Way Act 2000 Natural Environment and Rural Communities Act 2006. Many species of bat are protected under the Habitats directive and are UK Biodiversity Action Plan Species. Bats are therefore a material planning consideration and applying the principles of PPS9 and the London Biodiversity Strategy, the impacts on this species should be thoroughly investigated prior to a planning decision.

Natural England recommend that further surveys are undertaken, but that these are completed before planning permission is granted. This is in line with Paragraph 98 of ODPM Circular 06/20051 which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

Applying a precautionary approach detailed in Paragraph 26(vi) of PPS1, it is not considered that the application should be approved until it can demonstrate using sound scientific evidence that the development will not have detrimental impact on bats and their habitats.

## Badgers

The badger survey was carried out on 22nd and 24th of July. The ideal time to conduct a badger survey is when ground cover is at its lowest density, ideally between November and April. The report acknowledges the problems with access to certain parts of the site due to dense scrubland and the supporting photographs would support this assessment. Furthermore the report does not detail the methodology used to determine the presence of badgers, or adequately describe how badgers were investigated. The report suggests the site would provide an ideal location for badger setts, but then goes on to say that dog walking and child's play would deter badgers from the site. However this latter statement cannot be supported, as the site is heavily overgrown, limiting childrens' play. In addition there is recorded presence of badgers near the allotment site alongside the public right of way. If badgers have been recorded here, then they are more likely to be recorded within the wooded area, particularly towards the south eastern part of the site, away from the public right of way.

The report concludes that there is evidence of a badger path through the site and that it would be an ideal location for badgers to construct setts. This evidence combined with

reported sightings from the public, would suggest it is inappropriate to determine the site of low ecological value. Applying the principles of PPS9 and the London Biodiversity Strategy, the impacts should be thoroughly investigated prior to a planning decision.

Paragraph 124 of Circular 06/2005 states that the likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.

Badgers are protected under the Badgers Act 1973 and badger setts under the Badgers Act 1991. The Protection of Badgers Act 1992 consolidated the earlier legislation. Applying a precautionary approach detailed in Paragraph 26(vi) of PPS1, the application should not be approved until it can be demonstrated using sound scientific evidence that the development will not have a detrimental impact on badgers or badger setts.

#### Reptiles and Insects

The report also concludes that there is a medium chance of reptiles such as grass snake to be present on the site. Grass Snake is considered a priority biodiversity action plan species and must be taken into account when assessing planning applications. In addition, the report suggests stag beetles could be present on the site and they too are priority biodiversity action plan. There is sufficient evidence within the phase 1 assessment to suggest a more robust appraisal of these species.

Natural England recommend that further surveys are undertaken, but that these are completed before planning permission is granted. This is in line with Paragraph 98 of ODPM Circular 06/20051 which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

In conclusion, it is considered that the proposal would result in the loss of open land within a Nature Conservation Site of Borough Grade I Importance, while the submitted ecological assessment has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area. It is therefore considered that the ecological interests of the site and locality would not be protected, contrary to Policies EC1 of the Unitary Development Plan Saved Policies (September 2007), London Plan Policy 3D.14 and PPS9 (Biodiversity and Geological Conservation).

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

The dwellings should incorporate in their design storage provision for an average of 2 bags of recycling and 2 bags of refuse per week, plus 3 garden waste bags every 2 weeks. Had the development been acceptable in other respects, conditions could have secured these details.

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

The planning statement suggests that the development will provide eco housing. This is a very broad terminology and the applicant has related this to the Housing Quality Indicator (HQI), with an aspiration to achieve Code 4. However, the HQI is not assessed using codes, but a points scoring system. The commitment to comply with Code 4 of the HQI



therefore seems meaningless and implies little consideration has been given as to how these houses will qualify as 'Eco' homes. The development should have been assessed against the Code for Sustainable Homes, with a target of Code 4 at the very least. This could have been secured by way of a condition, in the event that planning permission was forthcoming.

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

Policies OE7 and OE8 of the UDP seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding.

The Ecological report acknowledges the presence of a watercourse on the site but provides very limited information. The channel has been reported as overflowing during times of heavy rain, suggesting an inconsistent presence of water. The information included within the report does not demonstrate the watercourse has been properly assessed and information regarding finished levels has not been provided. However, had the scheme been acceptable in other respects, a condition could have been imposed requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

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

The Environmental Protection Unit have not identified any issues other than gas migration from the adjoining land fill site, which is dealt with elsewhere in the report.

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

There has been an extensive public response to this application. Most of the issues raised relate to the principle of the development, the impact on the Green Belt, the impact on ecology and loss of wild life habitat, parking and traffic concerns. These matters have been dealt with in the appropriate sections of the report and in many cases, incorporated into the recommended reasons for refusal.

#### **7.20 Planning Obligations**

Policy R17 of the Hillingdon UDP is concerned with securing planning obligations to supplement the provision recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These UDP policies are supported by more specific supplementary planning guidance.

As the application is being recommended for refusal, no negotiations have been entered into with the developer in respect of these contributions. However, if the application were to be considered for approval, an education contribution is likely to be sought as a result of this outline application. Due to the nature of the application, the level of the contribution cannot be ascertained at this stage. However, a contribution in line with the formula for educational facilities from the Planning obligations SPD, (July 2008) could be sought, once the quantum of development had been established should the scheme reach reserved matters stage.

No legal agreement to address this issue has been offered. As such, the proposal fails to comply with Policy R17 of the UDP and it is recommended the application should be refused on this basis.

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

There are no enforcement issues relating to the site.

#### **7.22 Other Issues**

None

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

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

## **10. CONCLUSION**

It is considered that there is no overriding need for the Council to see this important conservation site developed to meet housing targets and the principle of residential development on this site cannot be supported.

It is considered that the proposed development makes inadequate provision for the long-term retention of the woodland on and close to the site, while the level and nature of development would inevitably have an urbanising influence and be visually prominent from the adjoining Green Belt.

The net effect of the development at this location would result in residential sprawl encroaching into the open countryside and would effectively extend the existing urban conurbation westwards, to the detriment of the visual amenity and openness of the Green Belt.

Furthermore, the application has failed to demonstrate that the proposed development

could be completed without detriment to the recognised ecological value of this area.

In terms of access and equal opportunity, insufficient information has been supplied to determine compliance with relevant policy and standards.

In addition, the access arrangements are considered inadequate, to the detriment of the free flow of traffic and highway safety.

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development in respect of education.

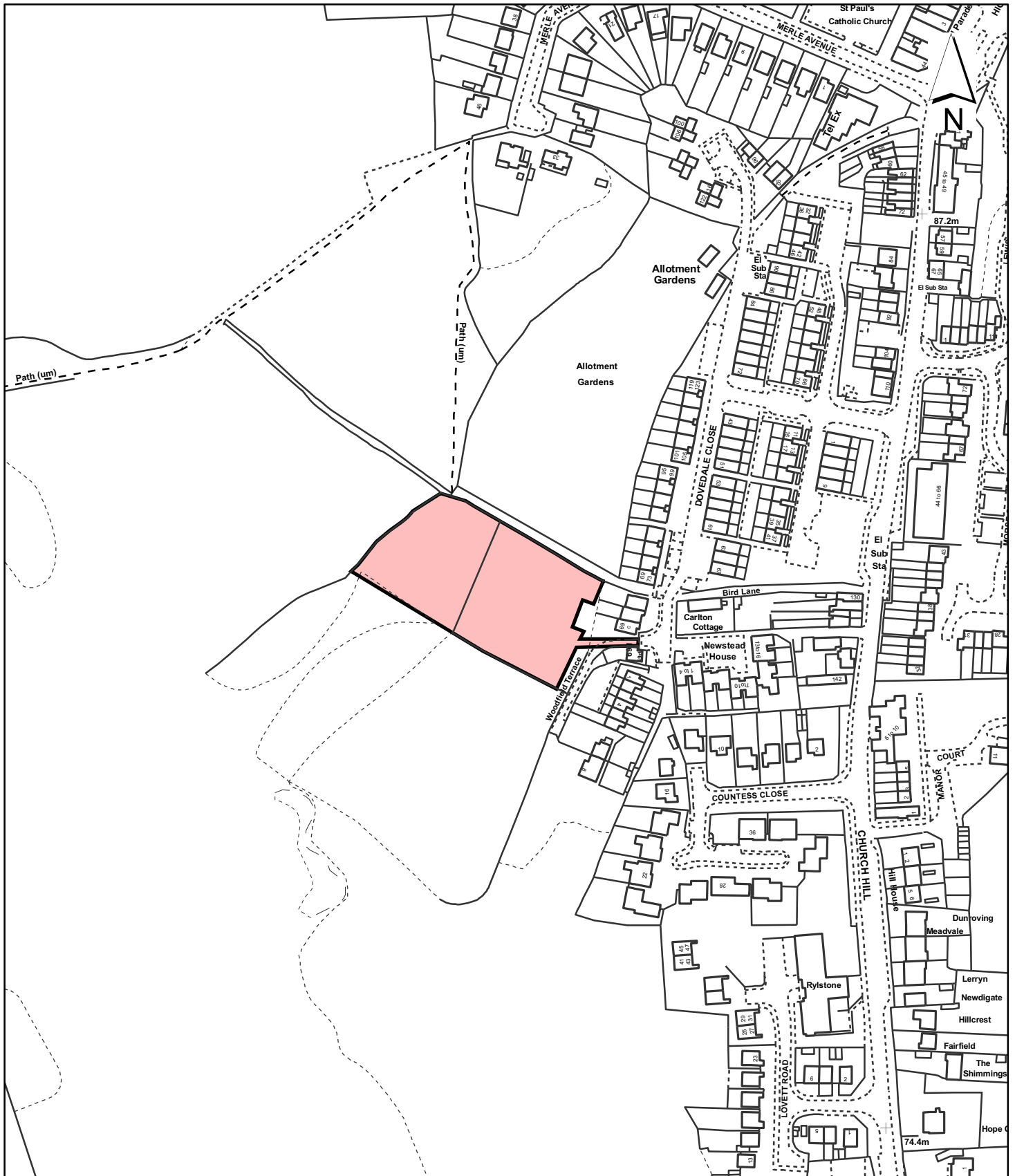
Refusal is recommended accordingly.

## **11. Reference Documents**


Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement 3 (Housing)  
Planning Policy Statement 9 (Biodiversity and Geological Conservation)  
Planning Policy Statement 25 (Development and Flood Risk)  
Planning Policy Guidance Note 2 (Green Belts)  
Planning Policy Guidance Note 13 (Transport)  
Planning Policy Guidance Note 15 (Planning and the Historic Environment)  
Planning Policy Guidance Note 17 (Planning for Open Space, Sport and Recreation)  
Planning Policy Guidance Note 24 (Planning and Noise)  
London Plan Consolidation (February 2008)  
Hillingdon Unitary Development Plan Saved Policies (September 2007)  
Hillingdon Design and Accessibility Statement (HDAS) 'Accessible Hillingdon' and 'Residential Layouts'.  
Council's Supplementary Planning Guidance Community Safety by Design  
Council's Supplementary Planning Guidance Planning Obligations Strategy  
Letters making representations.  
Petition bearing 740 signatures.

**Contact Officer:** Karl Dafe

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**Land west of  
Woodfield Terrace and  
Dovedale Close, Harefield**

Planning Application Ref:  
**66148/APP/2009/1453**

Planning Committee  
**North**

Scale  
**1:2,500**

Date  
**October 2009**

**LONDON BOROUGH  
OF HILLINGDON  
Planning &  
Community Services**

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**HILLINGDON**  
LONDON