

Report of the Head of Planning, Sport and Green Spaces

Address 7 NICHOLAS WAY NORTHWOOD

Development: Two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of the existing dwelling

LBH Ref Nos: 16461/APP/2014/2077

Drawing Nos: 637/107
Arboricultural Impact Assessment and Arboricultural Method Statement (R
DS09021301)
Tree Survey Report
Design and Access Statemen
Bat Survey
Planning Report
Habitat Survey
637/101
637/102
637/103
Location Plan to Scale 1:125C
637/104
637/106
S1
P738/001
637/105

Date Plans Received: 13/06/2014

Date(s) of Amendment(s):

Date Application Valid: 19/06/2014

1. SUMMARY

The application seeks planning permission for the erection of a two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling.

The proposal makes inadequate provision for the retention, protection and utilisation of the protected trees of merit on the site. The proposal would therefore be detrimental to the visual amenity and arboreal/wooded character of the Copse Wood Estate Area of Special Local Character, contrary to policy BE38 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal makes inadequate provision for the retention, protection and utilisation of the protected trees of merit on the site. The proposal would therefore be detrimental to the visual amenity and arboreal/wooded character of the street scene and the wider Copse Wood Estate Area of Special Local Character, contrary to policies BE19 and BE38 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012).

INFORMATIVES

1 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. 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.

2 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).

3 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

- | | |
|------|--|
| AM7 | Consideration of traffic generated by proposed developments. |
| AM8 | Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes |
| AM13 | AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services
(ii) Shopmobility schemes
(iii) Convenient parking spaces
(iv) Design of road, footway, parking and pedestrian and street furniture schemes |
| AM14 | New development and car parking standards. |
| BE5 | New development within areas of special local character |
| BE6 | New development within Gate Hill Farm and Copsewood Estates areas of special local character |
| 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. |
| BE20 | Daylight and sunlight considerations. |
| 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.
H3	Loss and replacement of residential accommodation
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
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 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey semi-detached dwelling on the eastern side of Nicholas Way. The dwelling is a modest sized red brick house, with attractive semi-circular headed windows and porch. This site is covered by TPO 393 and also within the Copse Wood Estate Area of Special Local Character (ASLC), which is characterised by large, mature trees (predominantly Oak and Hornbeam) set in large gardens. The building is set 12.5 metres back from the front boundary line by an area of soft landscaping and an in-and-out drive, which provides space to park at least 2 cars. Adjacent to the side boundary line shared with No.9 Nicholas Way is a detached double garage. To the rear of the building is a large rear garden, containing a swimming pool.

The surrounding area is characterised by large detached dwellings set within spacious plots. The site is within a Developed Area and within the Copsewood Estate Area of Special Local Character, which is defined by asymmetric houses within the woodland setting. It is noted that a number of houses have been demolished and rebuilt, with the dwellings not approved at appeal being in keeping with the vernacular appearance of the estate.

3.2 Proposed Scheme

Planning permission for a new house was allowed at appeal (ref.APP/R5510/A/14/2212426). The current scheme is to replace the existing house with a larger two storey detached house. The current scheme differs from the approved scheme by being some 22sq.m in floorspace larger, the house would be wider, but not as deep. The house would be 18.40m

wide at two storeys and 9.55m high. The house would have a pitched roof and a forward projecting two storey element with a half-hipped roof centrally positioned. There would be two dormer windows to the front.

To the rear, the property would have two single storey rear extensions with a two storey rear extension centrally positioned and set down from the main roof of the house. Three dormer windows are proposed to the rear roof slope. To the side of the property on the southern elevation, a single storey flat roof garage is proposed. The materials would match the existing house.

Two trees (Oaks T7 & T8) have been classified as C grade trees and have been shown to be removed to facilitate development.

3.3 Relevant Planning History

16461/APP/2013/1205 7 Nicholas Way Northwood

Two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling.

Decision: 13-09-2013 Withdrawn

16461/APP/2013/3160 7 Nicholas Way Northwood

Two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling

Decision: 24-12-2013 Refused **Appeal:** 28-04-2014 Allowed

Comment on Relevant Planning History

Planning application ref. 16461/APP/2013/1205, which was refused for the following reasons:

1. The proposed development, by reason of its bulk, depth, width, classical design and crown roof would be an incongruous addition to the streetscene and would cause harm to the character and appearance Copsewood Estate Area of Special Local Character. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE5, BE13 and BE19 of the Hillingdon Local Plan (November 2012).

2. The proposal would, by reason of the loss of two protected Oak trees, result in harm to character and appearance of the Copsewood Estate Area of Special Local Character. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE5 & BE38 of the Hillingdon Local Plan (November 2012).

3. 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 facilities). The scheme therefore conflicts with Policy R17 of the Hillingdon Local Plan (November 2012) and the Council's adopted Supplementary Planning Guidance on Planning Obligations.

The application was resubmitted (ref. 16461/APP/2013/3160) and refused on design grounds and failure to comply with Lifetime Home Standards. The application was

overturned at appeal and the inspector commented

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.BE1 (2012) Built Environment

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services
(ii) Shopmobility schemes
(iii) Convenient parking spaces
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- BE5 New development within areas of special local character
- BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character
- 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.
- BE20 Daylight and sunlight considerations.
- 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.
- H3 Loss and replacement of residential accommodation
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- R17 Use of planning obligations to supplement the provision of recreation, leisure and

	community facilities
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
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LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 neighbouring properties have been consulted on 23rd June 2014 and a site notice displayed on 29th June 2014. A petition with 69 signatories has been received, together with individual responses from 3 properties.

The petition is against the development of an unsuitable replacement house at No.7 Nicholas Way involving, inter alia, the removal of two TPO protected oak trees and overall negative impact on the immediate road scene.

The individual responses are summarised below:

1. If the application is approved, informatives for private roads should be included.
2. The oak numbered 27 on the plan is dead and needs removing but I would prefer not to see another Oak planted in its place. We have a small garden and the oak will dominate it and cast significant shadows.
3. Currently we are surrounded by trees and shrubs on both boundaries. Parts of our garden never see the sun and it has disappeared by mid-afternoon. The proposed tree is very close to our house so it may affect our house stability and foundations. It would also only give cover from the new very large house with rear aspect rooms in the roof (2nd floor) in immediate view during the summer. I would therefore prefer to see evergreen suitably high trees that will not have a wide circumference nor encroach on our concreted patio area.
4. There are a number of oaks that will be retained on or close to the site and I have 2 in my plot so we are not short of Oaks. Perhaps planting a new oak in an area that will affect house foundations or interfere with our light would be better.
5. Soakaways may interfere with my garden. Our garden is already very wet and many shrubs and

small trees cannot grow. Any new soakaways must not be positioned to flow towards us particularly as the garden is significantly higher than ours and will drain downwards.

6. Out of character and appearance with the streetscene.

7. The trees to be planted do nothing to enhance the front road streetscene and have roots which will develop underneath the unadopted footpath and unadopted road near to existing gully drains down the side of the road.

8. The position of the tree to the front of the property would become a hazard, given its proximity to the road.

9. Do not wish to see high fences and high gates introduced as they are out of keeping with the road scene.

10. The design of the house is out of character with the streetscene.

11. Object to removal of trees.

12. The scale, design, bulk of the building across the plot and the roof form would not retain the character especially of their older part of Nicholas Way.

13. The gaps between Nos. 7 and 9 Nicholas Way would result in the loss of several protected oak trees.

Northwood Residents Association:

Northwood Residents' Association objects to this application on the ground that two important oak trees would have, without justification, to be removed in order to facilitate construction works.

Officer comment: The above comments are addressed in the main body of the report.

Internal Consultees

Conservation and Urban Design Officer:

The issue on this site has always been the trees at the side, which in the past, the tree officer refused to allow to be felled. This current one removes the trees and goes for a massive crown roof, neither desirable. However the proportions of the roof to the walls and the symmetrical design, does echo that of the existing house, so this would be difficult to criticise. The rear elevation is really quite good - very Art Nouveau!

On balance, and because the design is quite good, I would be inclined to let this through, provided that we are prepared to allow the trees to be felled.

Trees and Landscape Officer:

Tree Preservation Order (TPO)/Conservation Area: This site is covered by TPO 393 and also within the Copse Wood Estate Area of Special Local Character (ASLC), which is characterised by large, mature trees (predominantly Oak and Hornbeam) set in large gardens.

Significant trees/other vegetation of merit in terms of Saved Policy BE38: Of the many trees situated within this site, only a few are visually important. These include the Oak in the front garden (T5 on tree report), the two Oaks to the side of the existing house (T7 & T8 on tree report), three Oaks in the rear garden (T9, T11 & T33 on tree report) and the general mass of trees at the end of the rear garden. These trees significantly contribute to the arboreal/wooded character of the ASLC, collectively have a high amenity value, and are discussed below:

Oak T5: Initially, in a previous application, this tree was classified as a C grade tree and shown to be removed; however the arboricultural consultant revisited the site after the trees had flushed into leaf in the spring and, due to its 'better than expected' condition, it was correctly re-classified as a B category

tree. As before, this tree is due to be retained. The proposed crown reduction by 1-1.5 m is acceptable and may well help to reinvigorate the crown, which is currently suffering from some minor die back at its tips (the details of this minor pruning could be dealt with by condition to ensure the current British Standards (BS3098:2010) are adhered to). To protect the roots of this Oak during construction, temporary ground protection should be used within the tree's root protection area (this matter could be dealt with by an amendment to the plans or by condition).

Oaks T7 & T8: These two trees have been classified as C grade trees and have been shown to be removed to facilitate development. The arboricultural consultant considers the trees to be in decline and to have a remaining life expectancy of about 10-20 years. The trees are, admittedly, not in excellent condition, however they combine with others in the Copsewood locality to form the Sylvan character of the area, where Oaks form the backbone of the landscape, giving a sense of size and maturity within the tree population. Mature Oaks also contribute to biodiversity (acting as host to a wide range of invertebrates), and it is considered that the trees contribute to local biodiversity, the visual amenity and landscape quality of the area, and that such amenity would be degraded if the trees were to be removed. Furthermore, 10-20 years is not an insignificant length of time in which to provide these locally appreciated benefits, and it could also be argued that the life expectancy of these trees could be greater than 10-20 years if carefully managed. It is noted that I agreed with the consultant about the condition of the trees at a previous meeting, however since re-visiting the site, and taking into account the concerns of the local residents, I believe the trees could potentially be retained and incorporated into the scheme.

There are several other Oaks in Nicholas Way in a similar condition (for example outside No. 33). Allowing the removal of Oaks T7 & T8 would likely set an undesirable precedent for removing other trees that are in less-than-excellent condition, which could lead to a risk of serious depletion of the tree stock with a resultant change in the character of the area. Such a change could have serious implications for the amenity value and enjoyment of local residents.

The consultant has not suggested a reason/causation for the slight loss of vigour in these two trees, and it is likely that light pruning and/or aeration of the surrounding soils could improve their health, which would allow them to be retained as mature landscape features for an extended period of time. The protected Oak at No. 8 Nicholas Way and the Oak in the rear garden of 19 Copsewood Way have both been recently pruned to try and re-invigorate their crowns. I believe this shows that local residents are keen to try and retain their existing mature trees and that there is scope/technology to either extend the existing property closer to the Oaks, or to slightly reduce the size of the proposed building to allow them to be retained. There would then be, if the trees were to prematurely die, adequate room to replace them with similar, large-growing trees (this would form part of the conditional planning permission).

Oaks (T9, T11 & T33). These trees are due to be retained and the proposed tree protection is adequate. However, it would be beneficial to demonstrate that there is adequate room within the non-protected areas of the site to accommodate machinery, storage of materials etc. as if this is not the case there would be an increased risk of the protective fencing being moved. It may be the case that temporary ground protection could be used to increase the size of usable space.

Other noteworthy trees: Not mentioned above is the group of Western Red Cedars along the front of the site (G1). These trees have a screening value, but they are not in good condition and are not protected; their removal would allow better views of the various mature Oaks in the front garden and to the side of the house. There is no objection to the removal of this group of trees, nor the other trees shown to be removed (for sound arboricultural reasons).

Landscaping: Assuming the above mentioned advice relating to the on-site trees is followed, it would

be possible to deal with the matter of landscaping at a later stage

Conclusion: The proposal makes inadequate provision for the retention, protection and utilisation of the protected trees of merit on the site. The proposal would therefore be detrimental to the visual amenity and arboreal/wooded character of the Copse Wood Estate Area of Special Local Character, contrary to policy BE38 of the adopted Unitary Development Plan for the London Borough of Hillingdon.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed site is located within the 'Developed Area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The site is not located in a conservation area and the building is not listed. There are no policies which prevent the demolition of the existing building, in principle.

7.02 Density of the proposed development

It should be noted that on a development of the scale proposed, density in itself is of limited use in assessing such applications and more site specific considerations are more relevant

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

The Copsewood Estate is characterised by large detached dwellings of asymmetric and vernacular style set within spacious plots amongst the protected trees. The current proposal is for a large detached dwelling, with a large crown roof and symmetrical design. The principle of the crown roof was considered acceptable by the Planning Inspector. In allowing the appeal he stated:

"by virtue of the subservient nature of its side and rear extensions, would not appear overly bulky or be out of scale with the general tone of the area along this part of Nicholas Way. Furthermore, its design, including its crown roof, would not appear out of character with its surroundings."

The current scheme is wider than that allowed at appeal. The conservation and design officer commented the proportions of the roof to the walls and the symmetrical design, does echo that of the existing house and is of a good design. On balance, the proposed house would not detract from the character and appearance of the Copsewood Estate Area of Special Local Character in compliance with Policies BE5, BE6, BE13 and BE19 of the Hillingdon Local Plan (November 2012).

A number of dwellings have been approved at appeal on the Copsewood Estate which have allowed crown roofs and some classical details. However, the vast majority are not as significant as the current proposal and the over proliferation of this type of dwelling would significantly undermine the original context of the estate.

The applicant has indicated the location of refuse stores to the side of the garage.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

As discussed in para. 7.03.

7.08 Impact on neighbours

DAYLIGHT, SUNLIGHT & OUTLOOK

The proposed dwelling would be set 8.10 metres from the side boundary line shared with No.9 Nicholas Way. Therefore, the proposal would result in no conflict of the 45 degree guideline and no unacceptable loss of light, loss of outlook or overshadowing to the occupiers of this neighbouring dwelling.

No.5 Nicholas Way is set approximately 8 metres from the side boundary line shared with No.7 Nicholas Way. The proposed house would be 2.05 metres set in from the side boundary. Given this distance separation, the proposal would not cause any significant loss of loss of light, loss of outlook or overshadowing to the occupiers of this neighbouring dwelling.

PRIVACY

The development proposes a number of windows at first and second floor level which would overlook the neighbouring occupiers. However, these either service non-habitable rooms or are secondary windows, therefore, these could be conditioned to be obscured glazed. Bedroom 5 has only one window on the side elevation facing No.5. This window would be a minimum 10 metres away and screened by trees. The outlook from the upper floors of the building would only overlook the neighbouring gardens and would not provide additional views which are not already available from the existing dwelling. Therefore, the proposal is considered not to cause unacceptable overlooking of the adjoining occupiers, in compliance with Policy BE23 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

London Plan Policy 3.5 seeks to ensure that all new housing development is of the highest quality, both internally and externally and in relation to their context.

The London Plan sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. Table 3.3 requires a 3 storey, 6 bedroom, 7 person dwelling, which is the closest to the one proposed by this application, to have a minimum size of 132 sq.m. Furthermore, Policy 3.5 states when designing new homes for more than six persons/bedspaces, developers should allow approximately 10sq.metres per extra bedspace/person. The proposed new dwellings would be approximately 795 sq.m and would comply with the required standard resulting in a satisfactory residential environment for future occupiers, in compliance with Policy 3.5 and Table 3.3 of the London Plan and Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Section four of the Council's HDAS: Residential Layouts states that developments should incorporate usable attractively laid out and conveniently located garden space in relation to the dwellings they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area.

The minimum level of amenity space required for a six bedroom house is 100sq.m of amenity space to meet the standard. The scheme provides some 2000sq. metres and would thus far exceed these standards.

The proposed bedrooms would have windows that face the front and rear of the property and would therefore not be overlooked by adjoining properties.

It is also considered, that all the proposed habitable rooms would maintain an adequate

outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2011).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed plans indicate that in excess of two spaces would be provided for the proposed dwelling. The proposal would comply with the Council's adopted parking standards and therefore with policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

SECURITY

Should the application be approved, a condition would be recommended to ensure that the scheme meets all Secured By Design Criteria.

7.12 Disabled access

The proposed dwelling is of a sufficient size, internally to ensure that it could easily meet lifetime homes standards. As such a condition would be recommended requiring this.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

This site is covered by TPO 393 and also within the Copse Wood Estate Area of Special Local Character (ASLC), which is characterised by large, mature trees (predominantly Oak and Hornbeam) set in large gardens. Of the many trees situated within this site, only a few are visually important. These include the Oak in the front garden (T5 on tree report), the two Oaks to the side of the existing house (T7 & T8 on tree report), three Oaks in the rear garden (T9, T11 & T33 on tree report), and the general mass of trees at the end of the rear garden. These trees significantly contribute to the arboreal/wooded character of the ASLC and collectively have a high amenity value.

The tree officer had the following comments:

(i) Oak T5, due to its 'better than expected' condition, it was correctly re-classified as a B category tree. As before, this tree is due to be retained.

(ii) Oaks T7 & T8 combine with others in the Copsewood locality to form the Sylvan character of the area, where Oaks form the backbone of the landscape, giving a sense of size and maturity within the tree population. Mature Oaks also contribute to biodiversity (acting as host to a wide range of invertebrates), and it is considered that the trees contribute to local biodiversity, the visual amenity and landscape quality of the area, and that such amenity would be degraded if the trees were to be removed. The trees could potentially be retained and incorporated into the scheme.

It is considered the proposal makes inadequate provision for the retention, protection and utilisation of the protected trees of merit on the site. The proposal would therefore be detrimental to the visual amenity and arboreal/wooded character of the Copse Wood Estate Area of Special Local Character, contrary to policy BE38 of the Hillingdon Local Plan (November 2012).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. No details have been provided with regard to this issue, however it is considered this could be dealt with by a suitable condition.

7.16 Renewable energy / Sustainability

The redevelopment of the site allows the opportunity to significantly improve the energy

efficiency of the property and accordingly reduce energy demand and CO2 emissions. A condition requiring that the development meets Level 4 of the Code for Sustainable Homes could ensure the necessary standards were the application considered acceptable in other regards.

7.17 Flooding or Drainage Issues

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Concerns raised over the removal of trees, design of the building and impact on neighbours are considered in the main body of the report.

7.20 Planning Obligations

Both the council and the Mayor of London have adopted Community Infrastructure Levy charges. The current combined CiL for this development would be £42,170.94.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations

must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

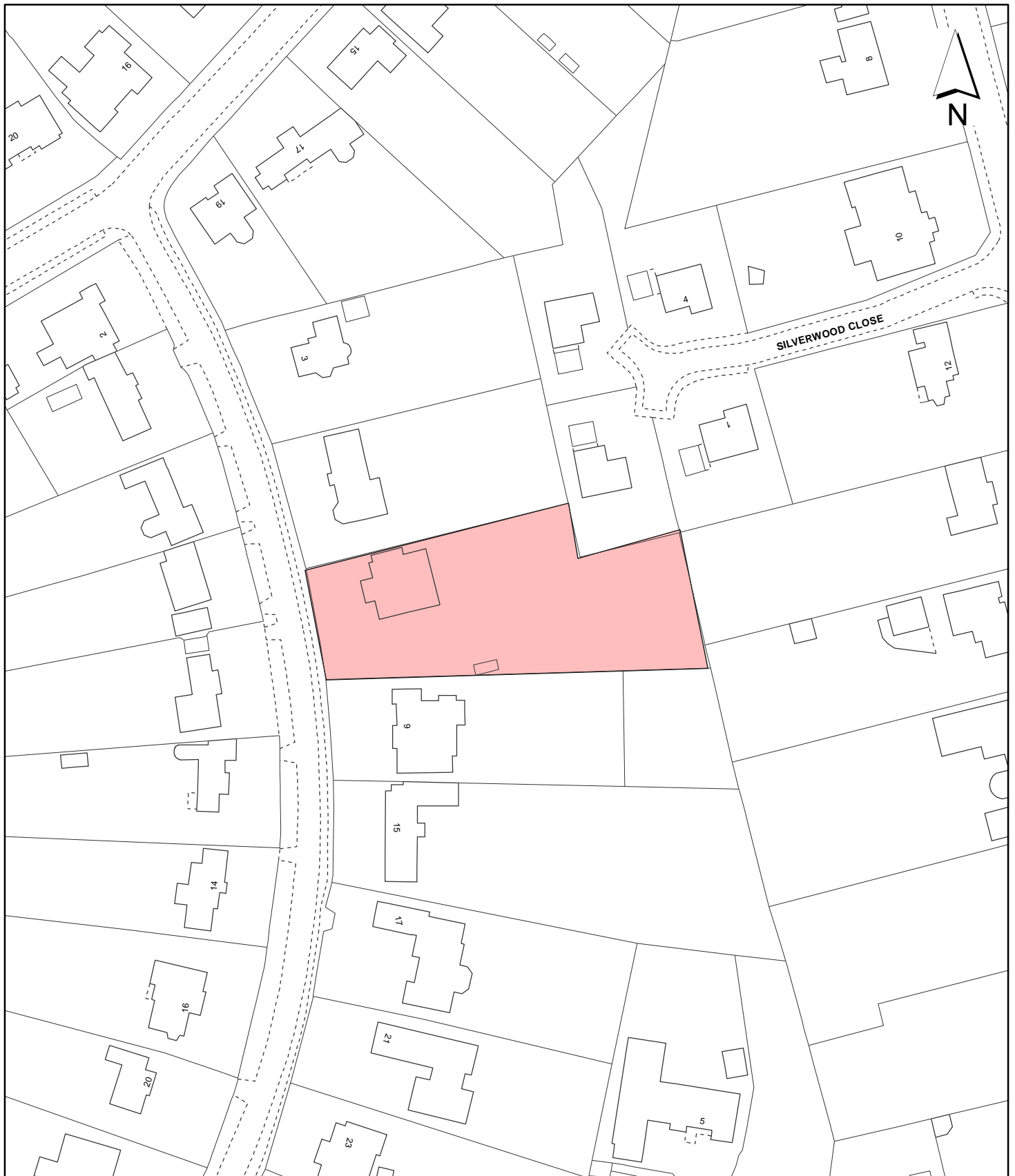
The proposal, by reason of it making inadequate provision for the retention, protection and utilisation of the protected trees of merit on the site would be detrimental to the visual amenity and arboreal/wooded character of the Copse Wood Estate Area of Special Local Character, contrary to policy BE38 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

11. Reference Documents

Hillingdon Local Plan (November 2012);
The London Plan (July 2011);
National Planning Policy Framework;
Hillingdon Supplementary Planning Document: Planning Obligations (July 2008) and Revised Chapter 4 (September 2010);
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006);
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (May 2013);
GLA's Supplementary Planning Guidance - Housing.

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Notes

 Site boundary

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**7 Nicholas Way
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**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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

Planning Application Ref:

16461/APP/2014/2077

Scale

1:1,250

Planning Committee

North

Date

November 2014



HILLINGDON
LONDON