

Report of the Head of Planning, Sport and Green Spaces

Address LAND BETWEEN 64A & 74 AND LAND BETWEEN 44 & 76 PEERLESS DRIVE HAREFIELD

Development: 1 x two storey, 3-bed dwelling and 1 x two storey, 4-bed dwelling with associated parking and amenity space, installation of 1 x vehicular crossover and public space to side

LBH Ref Nos: 71520/APP/2016/145

Drawing Nos: 15.192/06 Rev A
15.192/07
15.192/01 Rev A
15.192/02 Rev A
15.192/03 Rev A
15.192/04 Rev A
15.192/05 Rev A
Design and Access Statement

Date Plans Received: 14/01/2016

Date(s) of Amendment(s):

Date Application Valid: 25/01/2016

1. SUMMARY

The proposal is to construct two new dwellings on linked plots of land, in the applicant's ownership, which has served as informal recreational open space for residents of the Peerless Drive estate since it was built in the early 1980's.

The application site is in an established built up area, excluded from the surrounding Green Belt, where residential infill development is acceptable in principle. The sites are of sufficient size to be capable of accommodating two new dwellings within an appropriate density range for this locality and the proposal would be acceptable in terms of design, form and standard of internal living accommodation in terms of light and outlook for its future occupants.

However, the proposal has given rise to a number of objections from residents mostly concerned with the loss of the valuable open green space and the loss of the existing on-street parking spaces in front of the site that would result. This is in an area which is considered by many to already be overdeveloped and congested and where such space is limited.

An assessment of the proposals has shown that there are other layout and technical deficiencies in the proposed scheme. Those identified include inadequate separation distances (to avoid direct overlooking of the existing dwellings to the rear/front), inadequate internal living accommodation for the occupants of the new dwellings, a failure to demonstrate adequate parking provision could be achieved and the tree protection for an existing Birch which is threatened. The dimensions of the proposed vehicular crossovers also exceed the Council's standing advice for these and would be inconvenient for pedestrians.

For these reasons therefore, it is considered that the proposal falls contrary to a number

of adopted Local Plan policies and criteria contained in the Residential Layouts SPD.

It is therefore recommended for refusal.

The Ward Member has requested the application be called in for a decision by the North Committee.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed developments (Birch House and Canal House) by reason of their bulk and proximity, would result in an overdominant relationship with the neighbouring properties, Nos. 46; 48 and 50 Peerless Drive, and in particular would create opportunities for direct overlooking with associated loss of privacy between the rear windows and gardens. It would therefore be contrary to Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and to the Hillingdon Design and Accessibility Statement - Residential Layouts (July 2006).

2 NON2 Non Standard reason for refusal

The proposal would provide substandard bedroom sizes and therefore gives rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers, contrary to Policy 3.5 of the London Plan, the Mayor of London's adopted Housing SPG (March 2016), The Mayor of London's Housing Standards (MALP 2016) and the Technical Housing Standards-Nationally described space standard adopted 2015.

3 NON2 Non Standard reason for refusal

The application is not accompanied by a tree survey or topographic survey and thus fails to demonstrate that the existing Birch tree will be unaffected by the development and makes no provision for its long term protection.

As such, the proposal is contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved Unitary development Plan Policies (November 2012) and to the adopted SPD, the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008).

4 NON2 Non Standard reason for refusal

The provision of a crossover to the front of the new dwelling 'Birch House' would result in an excessively wide dropped kerb and lowered footpaths that would be inconvenient and dangerous to pedestrians. The loss of existing spaces from the public highway is also likely to cause additional on-street parking stress to the detriment of highway and pedestrian safety. The development would therefore be contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

5 NON2 Non Standard reason for refusal

The design of the proposed unit referred to as Canal House is considered to be out of keeping within the character and appearance of the surrounding area and is detrimental to the views from the Grand Union Canal by virtue of its excessive scale and massing. Therefore the proposals fails to fails to respect the character of the areas and fails to comply with policies BE13, BE15 and BE19 of the Hillingdon Local Plan Part 2 Saved Policies (Nov 2012).

6 NON2 Non Standard reason for refusal

The proposed development, by reason of the proximity of 'Canal House' to no. 46 Peerless Drive, would fail to provide a satisfactory residential environment by reason of restricted outlook to habitable rooms within the proposed development. As such, the proposal would provide a poor standard of residential accommodation, contrary to Policy 3.5 of the London Plan (March 2015) and Policies BE19, BE21, BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (2015) and the Council's HDAS 'Residential Layouts'.

7 NON2 Non Standard reason for refusal

The proposal fails to make adequate provision for collection of refuse and recycling for the 'Canal House' development which should be less than 30 metres from the public highway collection point, the proposals is therefore contrary to Policies OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS 'Residential Layouts'.

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) 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 (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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.
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
OL5	Development proposals adjacent to the Green Belt
R4	Proposals that would involve the loss of recreational open space
LPP 3.4	(2015) Optimising housing potential

LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
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

3 159 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), the London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. This is in part a resubmission of a previously refused scheme, where the Officer Report identified issues to be addressed, which were reflected in the reasons for refusal, allowing the opportunity to address those issues within this submission.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the western side of Peerless Drive and is virtually divided into two separate plots by the rear gardens of nos. 45-50. Both plots are surrounded on three sides by residential units with the front plot 'Birch House' fronting Peerless Drive and the rear plot 'Canal House' bordered by an open area of land with the Grand Union Canal beyond.

The street scene is residential in character with primarily two storey terraced properties adjacent to the site. The street scene is characterised by off street parking bays and areas of open grass in front of and between the buildings with some specimen trees.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

The proposal is for the demolition of the existing dwelling and the erection of 1 x two storey, 3-bed dwelling and 1 x two storey, 4-bed dwelling with associated parking and amenity space, installation of 1 x vehicular crossover and public space to side.

3.3 Relevant Planning History

Comment on Relevant Planning History

69179/APP/2013/1210 - 2 x two storey, 2-bed, semi-detached dwellings with associated parking and amenity space and installation of 2 x vehicular crossovers to front

The previous proposal for the front plot adjacent to Peerless Drive was refused on the basis of the bulk and proximity resulting in an over dominant relationship with the neighbouring properties; loss of privacy; inadequate floor space and amenity space for the proposed dwellings; excessive crossovers detrimental to highway safety; impact on the existing Birch tree and the ability to provide 25% soft landscaping to the front.

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.
- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- 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.
- BE32 Development proposals adjacent to or affecting the Grand Union Canal
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

- H4 Mix of housing units
- OL5 Development proposals adjacent to the Green Belt
- R4 Proposals that would involve the loss of recreational open space
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2015) Quality and design of housing developments
- LPP 3.8 (2015) Housing Choice
- 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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **26th February 2016**

6. Consultations

External Consultees

36 neighbours were consulted for a period of 21 days expiring on the 17 February 2016. The site notice (expiring 26 February) was also erected on the lamp post directly in front of the site between 64a and 74 Peerless Drive. 22 responses were received from near by neighbours who raise the following points:

- The development would affect the security and safety of my children in my own back garden
- Loss of privacy
- Impact on the surrounding properties
- Accessing the land as a cut through for the rest of the estate
- The rear plot is landlocked how will it be built
- This is communal land as demised to the leaseholders of the flats in Peerless Dive who have legal rights over the land
- Loss of natural habitat
- Loss of light
- How would the residents of the western building access the proposed parking area when existing resident exercise their lawful right to park outside their homes in Peerless Drive
- Increased pressure on existing services
- Flood risk due to proximity of Canal House to the Canal
- Landfill area and a risk assessment should be undertaken
- The applicant seems to have not noticed the presence of a mature Apple tree and 2 Birch trees on site
- As stated by the Applicant the western site is gated and accessible to and enjoyed by local residents, obviously not the representative 1 person 'consulted' by them
- The proposal is speculative and insulting and has no benefit to the local community or environment
- As a leaseholder I own the right to use and have used the amenity land described within the application as run down and inaccessible. The land has been gated by the leaseholders to prevent anti social behaviour and access is available from one of the keyholders as identified in the AGM 2014
- The area is not run down but is sympathetically managed by residents to preserve the natural habitat. The developers enhancement misleads anyone who not seen the wildlife garden and it would certainly be inappropriate to kick a football about as illustrated, which would cause disturbance to the adjoining neighbours
- Lack of adequate notification by the landowner or Council, no notices posted
- Nuisance during construction and afterwards especially for those on shift work
- Overdevelopment and overcrowding
- Increased demand for on street parking which is already heavily congested, potential problems for access for emergency vehicles and council waste collections
- In order to comply with the requirements of the NPPF additional appropriate provisions for wildlife would need to be provided
- No provision for key worker homes
- Detrimental to the character and appearance of the area
- Detrimental to the quality of life to the existing residents
- Regis is responsible for the maintenance and management of the estate. If the application is for a 'neglected area' this is because they have failed in their duty to maintain it
- As close neighbours the land has never been a problem with anti-social behaviour to the extent suggested by the applicant

- The Grand Union Canal can be viewed from the site unlike assertions in the D & A Statement
- Disengenuous to suggest they will be providing recreational space as this whole area is designated as recreational space
- The remaining small area identified as public amenity land following development is insufficient to support the indicated activities
- The provision of the two car parking spaces appears to encroach on land belonging to 74 and 72 Peerless Drive
- Impact on the value of the existing properties
- Loss of outlook, overbearing and enclosure
- Impact on crime rate

Harefield Tenants and Residents Association - I am lead to believe the land in question has leases allowing rights of access to the land for leisure purposes. When planning was originally approved is was given on the understanding that the green land should remain forever. Parking is also a problem.

Herts and Middlesex Wildlife Trust - NPPF states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: - opportunities to incorporate biodiversity in and around developments should be encouraged." Changes should be made to the plans to reflect this or features for wildlife could be secured by condition. This application should not be approved without suitable features clearly marked on the plans or a suitably worded condition.

Aerodrome Manager - The site is within the Aerodrome Traffic Zone and flight path. It is inevitable that any occupants will both hear and see aircraft and should be made aware of the Juxtaposition of the sites

Internal Consultees

Environmental Protection - No response

Access Officer - No response

Highways - In terms of parking two spaces each dwelling is in accordance with car parking standards and cycles can be stored within the rear gardens.

Width of the crossover to Peerless Drive should be reduced and centrally located to ensure visibility splays. Access for two car parking spaces for the second house will be gained by removing part of the footway to extend the road, which would need to dedicated as highway land as a continuation of Peerless Drive. The works will require a S38/S278 agreement. Any construction related costs for relocating services will need to be borne by the developer. The pedestrian footway leading to the proposed house will need to be lit. Residents of the rear house would be required to walk 75m for refuse collections, significantly more than the maximum 30m.

Trees/Landscaping - The D & A Statement claims the Birch tree will be retained, however no tree survey has been submitted. The plans indicate it will be surrounded by new hard surfacing well within the RPA. It is therefore unlikely the tree will survive. The application has failed to demonstrate the tree will be unaffected and has not made provision for its long term protection. The application should be refused.

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 none of the nearby buildings are Listed. The Green Belt is situated

approximately 38m to the east and separated from the site by the Grand Union Canal.

Hillingdon Local Plan: Part Two Policy OL5 considers development proposals that are adjacent to or conspicuous from the Green Belt. These are permitted if they do not injure the visual amenities of Green Belt land by reason of siting, materials, design, traffic or activities generated.

Hillingdon Local Plan: Part Two Policy R4 advises that the Local Planning Authority will not normally grant planning permission for proposals which involve the loss of land used (or where the last authorised use was) for recreational open space (including publicly accessible open space).

The existing areas of open space at this site were provided as open space since their construction in the 1980's. The front site is an open and easily accessed valuable amenity and children's play space. The described use of the rear site is somewhat conflicted, with the applicant asserting that this is a run down inaccessible section of land which is currently blocked off due to excess amounts of anti-social behaviour and the tenants who have right of access advising the gates have been installed to prevent potential anti social behaviour on a lightly managed greenspace which is designed to encourage wildlife and biodiversity.

Notwithstanding this, the proposal includes the retention of a part of the rear plot for a more formalised area of open space to the side of the proposed dwelling Canal House and a made up pathway connecting Peerless Drive running alongside Birch House. Whilst the level of proposed open space retained is limited in respect of the overall site, it is also noted that there are other green spaces within the estate and a large open field with a children's play area along with other sports facilities to the rear of Harefield Community Centre situated very close by. It is therefore considered that it would be unreasonable to refuse permission on this basis.

The NPPF has a requirement to encourage the effective use of land by re-using land. These are two separate areas of open space set within an existing residential area, where there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable, in accordance with the Hillingdon Local Plan (November 2012).

The current scheme also proposes the retention of a publicly accessible pedestrian path which would provide connectivity from Peerless Drive to the Canal side and also proposes the provision of an area of public open space adjoining the canal, fitted with seating and lawned area. Whilst the area of public open space would be smaller than the current provision, the overall proposals are considered to on balance provide an acceptable layout which ensures accessibility and open space are retained within the development site. in accordance with policies BE19, BE31 and BE32 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Given the residential character of the surrounding area, there is no policy objection to the development of the site to provide additional residential accommodation, subject to an appropriate density and design, and the proposal being in accordance with all of the relevant planning policies and supplementary guidance.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2015) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport

capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

The site has a Public Transport Accessibility Level (PTAL) of 1b (very poor). The London Plan (2015) range for sites with a PTAL of 0 to 1 in an urban area is 35-65 units per hectare. Based on the site area proposed for residential of 0.0314ha the site would have a residential density of 64 units per hectare, which is within an acceptable level.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings and its impact on adjoining occupiers.

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

Not applicable to this application.

7.04 Airport safeguarding

No objection from Aerodrome Manager.

7.05 Impact on the green belt

Hillingdon Local Plan: Part Two Policy OL5 considers development proposals that are adjacent to or conspicuous from the Green Belt. These are permitted if they do not injure the visual amenities of Green Belt land by reason of siting, materials, design, traffic or activities generated.

However, the site is sufficiently beyond the Green Belt boundary here, which runs alongside the tow-path on the opposite side of the Grand Union Canal, and within the established built up area of South Harefield (there are two rows of houses between the site and the Canal) so as not to have any likely detrimental impact on visual amenities.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF (2011) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The proposed dwellings are of a contemporary design and incorporate some of the design features within the estate. Birch House has a characteristic half dormer above the main first floor window and small single storey front projection. It also has a half timbered detail which corresponds to the tile detail of the adjacent properties. Canal house is slightly larger and proposes a two storey glazed gable ended rear projection, which is not characteristic of the area. The proposed dwelling has a much larger and bulkier appearance to the adjacent properties and although it is acknowledged this is set within the rear plot and would not be readily visible from the wider street scene, it would be very visible from the retained area of open space to the side of the property and from the area to the rear across the Grand Union Canal. As such in terms of design the proposal is considered to be out of keeping with the character and appearance of the surrounding area.

Therefore the proposal fails to respect the architectural character and appearance of the

wider area and fails to comply with the requirements of Policies BE13, BE15 & BE19 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination.

Birch House is set on a similar front building line with the adjacent property no 64a Peerless Drive whilst the rear building line projects approximately 1m beyond the main wall of that dwelling. It is set back 0.9m from the boundary and 1.55m from its flank wall. There are no proposed windows on the side elevation facing this property. To the south, the nearest adjacent property is no 74 Peerless Drive, which is situated over 8m away and separated by the proposed access path. The proposal includes side facing secondary windows to the bedrooms facing no. 74 and even though there are no side windows to that property, as secondary windows, these could be conditioned to be obscure glazed and fixed shut below 1.8m to ensure no potential loss of privacy to the adjacent property or its private amenity space to the rear.

The rear of the proposed dwelling is situated 7.7m from the boundary with no. 50 Peerless Drive and will look into the rear garden of that property. For this reason, the proposal would thus represent an overdominant form of development likely to be detrimental to the amenities of the adjoining residential occupiers through loss of privacy contrary to Policy BE24.

Canal House is set in a corner position back from nos. 44 and 46 Peerless Drive. It is set back 1.75m from the boundary with no. 44 and 4.35m from the flank wall of that property. There are no side windows in the flank wall and the only side window of the proposed dwelling would serve a bathroom, which could be conditioned. The proposed dwelling would not compromise a 45 degree line of sight from the rear windows of that dwelling. The front of the proposed dwelling faces the flank wall of no 48, 4.85m to the east. Whilst there are no side windows to that property, the first floor bedroom windows will be in very close proximity and directly overlook that properties rear conservatory and garden, resulting in a significant loss of privacy to the occupiers of that dwelling. For this reason, the proposal would thus represent an overdominant form of development likely to be detrimental to the amenities of the adjoining residential occupiers through loss of privacy contrary to Policy BE24.

As such it is considered that the proposal is an un-neighbourly form of development and complies with the requirements of Policies BE20, BE21 & BE24 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

7.09 Living conditions for future occupiers

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the

minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. Birch House has a floor area of approximately 89sqm against a requirement of 84sqm plus 2.5sqm of built in storage, based on a 3 bedroom 4 person property, which meets the minimum requirement. However national technical standards indicate a minimum area for a single bedroom would be 7.5sqm and at 6sqm one of the bedrooms falls below this standard. Canal House has approximately 119sqm of floor area against a requirement of 97sqm plus 3sqm of built in storage, based on a 4 bed 5 person property, which again meets the minimum requirement. However at 5.2sqm and 7.1sqm two of the bedrooms also fail to provide an adequate level of accommodation.

It is considered that the majority of proposed habitable rooms, would have an adequate outlook and source of natural light. However Canal House will be in very close proximity and directly overlook at oblique angles, no. 46 Peerless Drive, providing a poor outlook to the future occupiers of the Canal House property. The proposed development, by reason of the proximity of 'Canal House' to no. 46 Peerless Drive, would fail to provide a satisfactory residential environment by reason of restricted outlook to habitable rooms within the proposed development. As such, the proposal would provide a poor standard of residential accommodation, contrary to Policy 3.5 of the London Plan (March 2015) and Policies BE19, BE21, BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (2015) and the Council's HDAS 'Residential Layouts'.

The proposal provides 90sqm and 113sqm of usable private amenity space for Birch House and Canal House respectively in excess of the Council's adopted standard. The proposal therefore complies with policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by the proposed development is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a provision of 2 spaces per dwelling.

The proposed plans indicate the provision of two spaces to the front of Birch House with a vehicle crossover of 4.2m at the back of the footway and 6.25m at the kerb line. Highways have advised that this should be reduced to 3m and 4.5m respectively and the access should be centrally located to achieve satisfactory visibility splays. Whilst this could be amended to meet highway requirements, this would bring the proposed cross over and parking area closer to the Birch Tree, which may in turn have a detrimental impact upon the tree. This is addressed elsewhere in the report.

It is also considered that the loss of on-street parking at Peerless Drive could lead to parking stress in the local area.

The proposed parking provision for Canal House, would involve the extension of Peerless Drive. The extended highway should be dedicated as highway and such works would require a S38/S278 agreement.

Therefore in the current format the proposal has failed to demonstrate that it can provide suitable parking provision and as such fails to comply with requirements of Policy AM14.

7.11 Urban design, access and security

Secured by Design is now covered by Part Q of the Building Regulations.

7.12 Disabled access

If the scheme is found acceptable a condition would be recommended to secure the development was built to M4(2) in accordance with Policy 3.8 c of the London Plan.

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, Landscaping and Ecology

The Design and Access Statement identifies that the Birch tree will be retained as part of the development and correctly refers to the need to respect the Root Protection Area (RPA) of the tree. However, no tree survey has been submitted and therefore the RPA is not known. Furthermore the tree will be surrounded to the north, south and west by new/proposed hard surfacing, most of which will be laid well within the RPA of the birch, a tree noted for its shallow rooting pattern. The Tree/Landscape Officer has advised that if the application was recommended for approval it is very likely that the Birch tree would not survive. Therefore in the absence of a tree survey/arboricultural impact assessment and supporting documentation the applicant has failed to demonstrate that the tree will be unaffected by the development and has not made provision for its long term protection and as such is unacceptable.

7.15 Sustainable waste management

At present the refuse collection arrangements are not detailed sufficiently within the planning submission. However, the proposed Birch House property could be adequately served by refuse collection vehicles from the front of the property on Peerless drive itself, as is the current arrangement for the adjoining properties. However, the Canal House proposed unit fails to provide a refuse collection point within the 30metre collection distance required by the Refuse Collection teams. Under the current proposals, the collection team would be required to travel 75metres to the property entrance in order to make the necessary collection which exceeds the council standards and is deemed unacceptable. With collections not being within the required collection distance criteria, the scheme has the potential to create environmental nuisance problems as well as leading to highways and pedestrian safety issues if collection vehicles are stopped for excessive amounts of time. The proposal is therefore contrary to Policies OE1, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS 'Residential Layouts'.

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

Concern has been raised with regard to the potential for the proposed property Canal house to be at risk of flooding due to the close proximity to the Grand Union Canal. This area is not identified as being at risk of flooding and the proposed property is in line with others set in the same position and distance. As a managed waterway, the levels of the canal can be controlled with more provision to prevent overtopping of the bank.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

Issues of tenancy and rights of access are civil issues and not material planning considerations. Any subsequent grant of planning permission would not over-ride any other

legislation or civil agreement and the ability to implement such permission would still be subject to compliance with the terms of any other agreement. In such issues I would refer the tenants of any leasehold to a Solicitor for further guidance. Similarly issues of property values are also not material planning considerations. Any potential pressure upon existing services would be dealt with through building regulations or by the applicant directly with the service provider. Also as this is a small developer there is no requirement to incorporate specific key worker accommodation.

All other issues raised have been addressed appropriately in the report.

7.20 Planning Obligations

The proposal would necessitate the provision of planning obligations to secure S278 works to the external highways at Peerless Drive to secure car parking for Canal House and based on the information before officers at this stage it would be liable for payments under the Community Infrastructure Levy.

7.21 Expediency of enforcement action

Not Applicable

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning

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

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

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

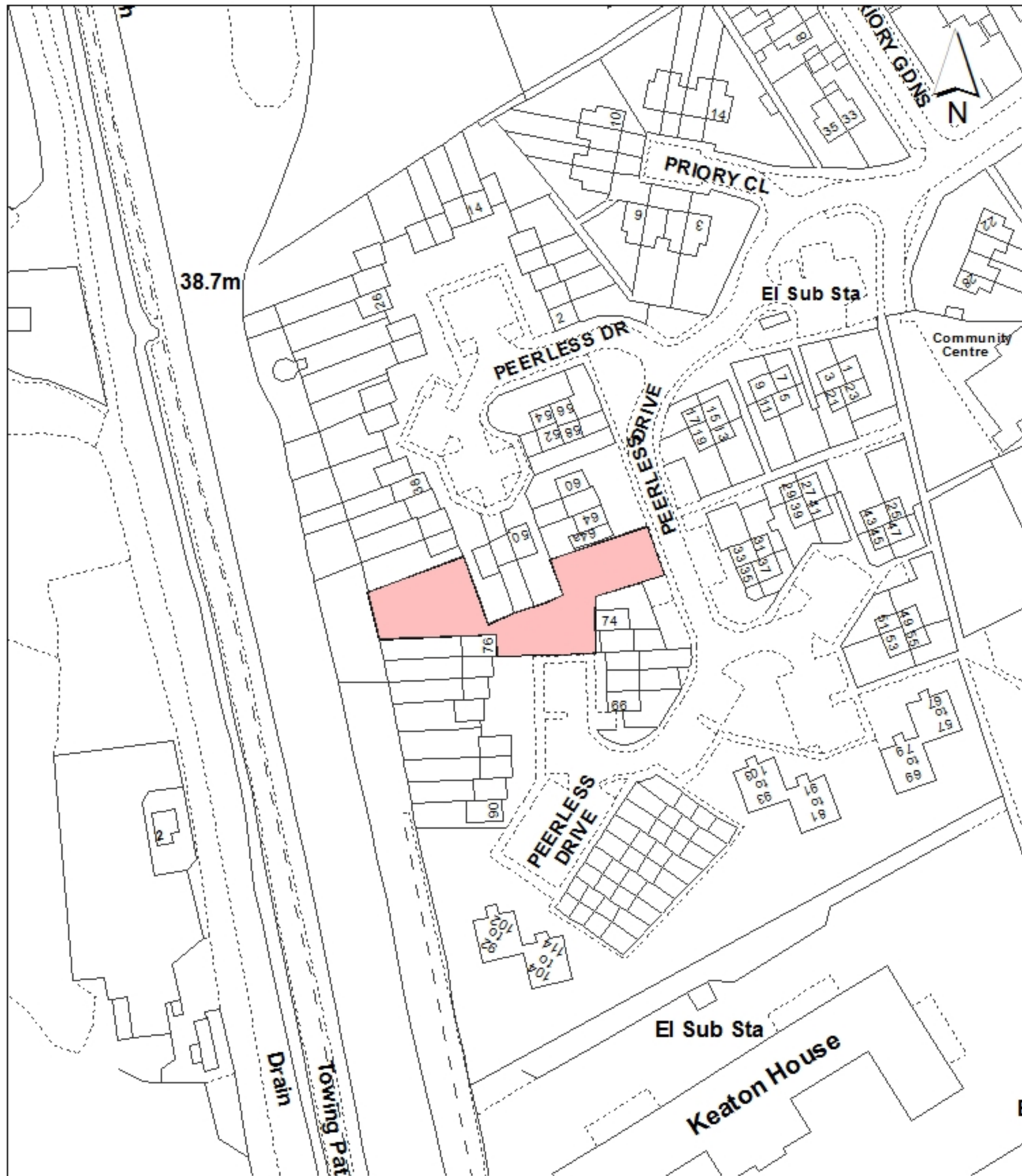
The proposed dwellings fail to provide adequate internal living accommodation for the occupants of the new dwellings. It also fails to include adequate separation distances from existing properties resulting in a loss of privacy to the occupiers of those dwellings. The proposal also fails to demonstrate how adequate parking provision can be provided or tree protection for an existing Birch tree to the front of the site. As such, the proposal is considered contrary to policies in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the SPD HDAS: Residential Layouts: and The London Plan (March 2015)

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (2015).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

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Notes:

 Site boundary

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Site Address: **Land Between 64A & 74
Land Between 44 & 76
Peerless Drive
Harefield**

**LONDON BOROUGH
OF HILLINGDON**
Residents Services
Planning Section
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:
71520/APP/2016/145

Scale:
1:1,250

Planning Committee:
North

Date:
April 2016



HILLINGDON
LONDON