

## Report of the Head of Planning, Sport and Green Spaces

**Address** 4 MOORFIELD ROAD COWLEY UXBRIDGE

**Development:** Demolition of existing building and erection of a three storey building to provide 6 x 2-bed self contained flats with associated parking (Outline application)

**LBH Ref Nos:** 42162/APP/2016/915

**Drawing Nos:** 10  
11  
12  
13  
14 Rev. A  
2  
3  
16  
Flood Risk Assessment  
4  
5  
Design and Access Statement

**Date Plans Received:** 03/03/2016

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

**Date Application Valid:** 08/03/2016

### 1. SUMMARY

The application seeks outline planning permission for the erection of a three storey building to create 6 x 2-bed self contained flats with associated parking involving demolition of existing house. The outline application seeks approval for access, layout and scale. Appearance and landscaping are matters reserved for future consideration.

The proposal is considered unacceptable in principle given that the principle of additional dwellings within the flood plain would fail to meet the Sequential Test for such development set out in the National Planning Policy Framework as stated in Policy EM6 of the Hillingdon Local Plan. The proposal would also be likely to impede the flow of flood water and reduce the flood plain storage capacity of the River Pinn, increasing the risk of local flooding with associated safety implications for persons at risk.

It is also considered that the development would detract from the character and appearance of the area. The three storey flat roofed building would not relate to the established layout and character of the area.

The proposal would also result in a loss of residential amenity to occupants of adjacent dwellings by way of an unacceptable loss of outlook and privacy. The proposed layout would also fail to provide amenity space of sufficient size and quality commensurate to the size and layout of the proposed units, resulting in an over-development of the site.

In addition, the proposal would result in a danger and inconvenience to highway and pedestrian users, to the detriment of public and highway safety and has failed to demonstrate that the development will safeguard existing trees on the site.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

**1 NON2 Non Standard reason for refusal**

The proposed additional dwellings within the flood plain would fail to meet the Sequential Test for such development set out in the National Planning Policy Framework and would also be likely to impede the flow of flood water and reduce the flood plain storage capacity of the River Pinn, increasing the risk of local flooding with associated safety implications for persons at risk. The proposal is therefore contrary to Policies BE1 and EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and Policy 5.12 of the London Plan (2011).

**2 NON2 Non Standard reason for refusal**

The proposed development, by reason of its excessive height and bulk, siting, three storey flat roofed design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character, appearance and local distinctiveness of the residential area as a whole. The proposal is detrimental to the visual amenity and character of the surrounding and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, The Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012), NPPF (March 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**3 NON2 Non Standard reason for refusal**

The proposed development, by virtue of its size, scale, bulk, height and proximity, would be detrimental to the amenities of the adjoining occupiers at 2 and 6 Moorfield Road and Chaucer, Cowley Road, by reason of overdominance, visual intrusion, loss of light, overshadowing, loss of outlook and loss of privacy. Therefore the proposal would be contrary to policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**4 NON2 Non Standard reason for refusal**

The proposal would provide a driveway of sub-standard width resulting in danger and inconvenience to highway and pedestrian users, to the detriment of public and highway safety. Therefore the proposal is in conflict with Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**5 NON2 Non Standard reason for refusal**

The proposal fails to provide outdoor amenity space of sufficient size and quality commensurate to the size and layout of the said units. As such the proposal would provide a substandard form of accommodation to the detriment of the amenity of future residents contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**6 NON2 Non Standard reason for refusal**

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore contrary to Policies BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

## **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.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
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
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 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 5.12	(2015) Flood risk management
LPP 5.13	(2015) Sustainable drainage
LPP 5.15	(2015) Water use and supplies
LPP 7.1	(2015) Lifetime Neighbourhoods
LPP 7.2	(2015) An inclusive environment

LPP 7.4	(2015) Local character
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding coastal

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

#### **4**

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. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

### **3. CONSIDERATIONS**

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

The application site comprises of a detached extended bungalow located on the south eastern side of Moorfield Road which lies within the Developed Area and Floor Zone 3 as defined within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The application property occupies a substantial plot extending to approximately 50m in depth. There are a number of mature trees within the rear garden.

#### **3.2 Proposed Scheme**

The application seeks outline planning permission for the erection of a three storey building to create 6 x 2-bed self contained flats with associated parking involving demolition of existing house. The outline application seeks approval for access, layout and scale. Appearance and landscaping are matters reserved for future consideration.

#### **3.3 Relevant Planning History**

42162/APP/2016/912 4 Moorfield Road Cowley Uxbridge

Demolition of existing building and erection of 4 x 3-bed, semi-detached dwellings with associated parking and amenity space (Outline application)

**Decision:**

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

Application reference 42162/APP/2016/912 for the erection of 4 x 3-bed, semi detached dwellings with associated parking and amenity space involving demolition of existing house (Outline application with some matters reserved) is also submitted for consideration.

## **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
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- 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.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- H4 Mix of housing units
- 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
- 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 3.3 (2015) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2015) Quality and design of housing developments
- LPP 3.8 (2015) Housing Choice
- LPP 5.12 (2015) Flood risk management
- LPP 5.13 (2015) Sustainable drainage
- LPP 5.15 (2015) Water use and supplies
- LPP 7.1 (2015) Lifetime Neighbourhoods

LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding costal

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

12 neighbours were consulted by letter dated 8.3.16 and a site notice was displayed to the front of the site which expired on 9.4.16.

6 letters of objection have been received raising the following concerns:

1. Unacceptable on flooding grounds
2. Out of keeping with development in the locality
3. Overdevelopment
4. Dangerous access and inadequate width of driveway
5. Increased demand for on street parking
6. Loss of privacy and outlook

Environment Agency:

Objection to the granting of permission in principle.

The site is located in Flood Zone 3b (functional floodplain) which is defined by the London Borough of Hillingdon's Strategic Flood Risk Assessment. Table 3 of the Flood Zone and Flood Risk Tables sets out flood risk vulnerability and flood zone compatibility and states that development falling within the 'more vulnerable' category such as residential 'should not be permitted' within flood zone 3b.

Therefore following the National Planning Policy Guidance, 'more vulnerable' development is not compatible with areas classified as flood zone 3b.

Ward Councillor:

Requests that the application is considered by the Committee.

### Internal Consultees

Highways Officer:

A new access 2.5m wide (scaled dimension) for the length proposed is not considered adequate for a shared surface between pedestrians and vehicles. Objections are raised on highway grounds.

Floodwater Officer:

The application should be refused as the applicant does not demonstrate that it is appropriate in location and that flood risk is suitably mitigated as required by and Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management of the London Plan (2015) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014).

EPU:

No objection.

Tree Officer:

No tree survey has been submitted and none of the existing trees on, or close to, the site have been shown on plan. Car parking has been indicated along the southern boundary which occupies a significant area of the garden and an area which will be influenced by the existing trees. Trees are material planning consideration and it is possible that a tree survey will indicate that the current layout is unacceptable.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

In order to establish the acceptability of the principle of developing this site for residential purposes, it is necessary consider the principle in the light of currently adopted and emerging policy.

Paragraph 7.29 of the Hillingdon Local Plan: Part 2 suggests that backland development may be acceptable in principle subject to being in accordance with all other policies, although Policy H12 does resist proposals for tandem/backland development which may cause undue disturbance or loss of privacy.

The London Plan (2015) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

The Mayor's Housing Supplementary Planning Guidance, November 2012 now provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.23 advises that when considering proposals which involve the loss of gardens, regard should be taken of the degree to which gardens contribute to a communities' sense of place and quality of life (Policy 3.5), especially in outer London where gardens are often a key component of an area's character (Policies 2.6 and 2.7). The contribution gardens make towards biodiversity also needs to be considered (Policies 7.18 and 7.19) as does their role in mitigating flood risk (Policies 5.12 and 5.13). Gardens can also address the effects of climate change (Policies 5.9 - 5.11).

The NPPF (March 2012), at paragraph 53, advises that LPAs 'should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

The Council has also adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk.

Within the Council's emerging Local Plan: Part 2 - Development Management Policies (Proposed Submission Version, September 2014), paragraph 4.16 advises that the Council, in general will not accept proposals for development on back garden land. Policy DMH6: Garden and Backland Development states:

'There is a presumption against the loss of back gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- rear garden land which contributes either individually or as part of a larger swathe of green space to the amenity of residents or provides wildlife habitats must be retained;
- neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- development on backland sites must be more intimate in mass and scale and lower than frontage properties;
- Features such as trees, shrubs and wildlife habitat, which are important to character, appearance or wildlife must be retained or re-provided.'

While there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of substantial proportion of the back garden in this location would be detrimental to the local and historical context of the area and would have a detrimental impact on the character and appearance of the area.

It is also considered that the development appears very cramped within its site boundary, with no outdoor amenity area. It would not relate to the established open and spacious character of the area and would set an unwanted precedent of similar development, the cumulative effect of which is severely detrimental to the character and appearance of the wider area.

When balanced against the limited contribution the developments would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, guidance within The London Plan Housing Supplementary Planning Guidance (November 2012) and the NPPF (March 2012).



The application site is also located within Flood Zone 3b (Functional Floodplain of the nearby River Pinn). According to table 2 of the Planning Practice Guidance 'residential development is defined as more vulnerable use. In Table 3 more vulnerable development is not permitted in Flood Zone 3b. For these reasons therefore, the proposal would conflict with the objectives of the NPPF, and Policies OE7, OE8 and EM6 of the Hillingdon Local Plan in regard to flooding matters.

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

The London Plan (2015) in Table 3.2 suggests that an appropriate residential density for this site which has a PTAL score of 2 and a suburban setting would range from 150-250 habitable rooms per hectare (hr/ha) and 40-80 units per hectare (u/ha) for units with a typical size of 3.1-3.7 habitable rooms per unit (hr/u). The Council's HDAS: Residential Layouts further advises that larger rooms over 20sqm and capable of subdivision should be counted as 2 rooms.

The scheme equates to a density of 120 u/ha and 480 hr/ha which exceeds with the Mayor's guidance. However, density guidelines are of limited use on small infill sites as it will be more important to ensure that the scheme successfully harmonises with its neighbours whilst still affording appropriate living conditions for its future occupants. This is dealt with in an other relevant sections of this report.

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

Not applicable to this application.

#### **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**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The proposal would replace the existing bungalow on the application site and introduce a three storey flat roofed building measuring 9m in height. The building would measure 23m in depth with three rows of side facing windows in the northern elevation, a blank wall in the southern elevation and windows in the front and rear. The character of the area is defined by a mixture of both single storey and two storey dwellings with hipped and gabled roofs. There are no examples of three storey flat roofed flatted buildings within the vicinity. Having regard to the excessive height of the proposed building and its flat roofed design and unsympathetic fenestration details, the proposal would result in a incongruous form of development which would be severely detrimental to the character and appearance of the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and BE22 of the Hillingdon Local Plan - Saved UDP Policies (November 2012), the Council's Supplementary Planning Document HDAS: Residential Layouts and Policies 3.5 and 7.4 of the London Plan.

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

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in a number of ways. The effect of the

siting, bulk and proximity of a new building on the outlook and residential amenity of these adjoining occupiers are considered under Policy BE20, whilst potential impacts on daylight/sunlight (Policy BE21) and privacy (Policy BE24) are also assessed.

Paragraph 4.9 of the SPD, the Hillingdon Design & Accessibility Statement: Residential Layouts (July 2006) further advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore a minimum of 21m overlooking distance should be maintained.

Paragraph 4.9 of the adopted HDAS SPD: Residential Layouts (July 2006) gives advice that adequate distance should be maintained to overcome possible domination of neighbouring properties, particularly where a two or more storey building abuts a property or its boundary. It specifies that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m.

Paragraph 4.11 of the HDAS SPD gives advice on sunlight and daylight considerations, and that the 45 degree line of sight principle will be applied to new development, to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.12 of the HDAS SPD requires a minimum of 21m distance between facing habitable room windows in new and adjacent properties to prevent overlooking and loss of privacy.

The proposed building would project approximately 12m to the rear of the two storey element of adjacent property, 6 Moorfield Road. Given this projection at three storey height, the proposal would result in a serious loss of light and outlook to the occupants of this property. Furthermore, three rows of windows in the northern elevation looking toward the rear gardens with oblique views towards the rear elevation of Number 6, would result in an unacceptable loss of privacy to the occupants of this property. Concerns are also raised in respect of the impact upon the occupants of number 2 Moorfield Road which would achieve a separation distance of 8m from its rear windows, and adjacent bungalow, Chaucer, Cowley Road, which would achieve a separation distance of approximately 11m. It is considered that the proposed building, at a height of 9m, would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan - Saved UDP Policies (November 2012), the Council's Supplementary Planning Document HDAS: Residential Layouts.

#### **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 and they have been adopted by The Mayor of London in the form of Housing Standards Minor Alterations to The London Plan (March 2016). This sets out how the existing policies relating to Housing Standards in The London Plan should be applied from March 2016. Table 3.3 sets out how the minimum space standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standards.

Policy 3.5 and Table 3.3 of The London Plan (March 2015), specify that the minimum internal floor space area/standard for a 2 bedroom (4 person) flat is 70 square metres. The

nationally described space standards defines the Gross Internal Area (GIA) or internal floor space area of a dwelling as 'the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. At a floor space of 70 square metres the proposed flats would adhere to this minimum standard.

The proposal identifies no outdoor amenity space for the flats whereas the Council's minimum requirement is for 25sqm per flat. Therefore The proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Document HDAS: Residential Layouts.

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

Hillingdon Local Plan: Part Two Policy AM7 considers the traffic generation of proposals and will not permit development that is likely to prejudice the free flow of traffic or pedestrian safety generally.

The submitted plans show the provision of 9 x parking spaces (1.5 spaces per dwelling) along the side boundary accessed by a single width driveway. The Highways Officer has raised an objection to application reference 42162/APP/2016/912 on the grounds that a new access 2.5m wide for the length proposed is not considered adequate for a shared surface between pedestrians and vehicles. The same access and driveway is proposed under this application. The proposal therefore, due to the substandard width of the proposed shared driveway would result in danger and inconvenience to highway and pedestrian users, to the detriment of public and highway safety. Therefore the proposal is in conflict with Policy AM7 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

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

The issues are addressed in the section above.

#### **7.12 Disabled access**

No issue raised

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

Not applicable to this application.

#### **7.14 Trees, landscaping and Ecology**

Hillingdon Local Plan Part Two Policy BE38 seeks the protection and retention of existing trees and landscape features of merit and considers where appropriate the provision of additional landscaping as part of a proposed development.

Whilst the application is in outline form, with landscaping being a reserved matter for future consideration, the current application does seek approval for the layout of the development. It is noted that there are a number of trees within the rear garden and adjacent to the site boundary, which are of visual amenity merit. The trees have not been identified on the proposed layout plan and the application form confirms that no trees are to be removed to facilitate the development. The proposed car parking spaces and dwellings to the rear of the site would be sited in close proximity to these trees. As such in the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837: 2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore contrary to Policies BE38 of the Hillingdon Local Plan - Saved

UDP Policies (November 2012).

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

Provision for the siting of suitable refuse storage facilities could be made the subject of conditions should the application have been considered acceptable in all other respects.

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

No issues raised.

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

The site falls within Flood Zone 3b (Functional Floodplain of the nearby River Pinn. According to table 2 of the Planning Practice Guidance 'residential development is defined as more vulnerable use. In Table 3 more vulnerable development is not permitted in Flood Zone 3b.

Policy EM6 of the Local Plan requires that all proposals for new development within Flood Zones 3 should be accompanied by a Flood Risk Assessment that provides evidence of the Sequential Test for such development in accordance with the National Planning Policy Framework. Policy OE7 of the Hillingdon Local Plan states that in areas liable to flooding, planning permission will not be granted for new development without flood protection measures (in consultation with the Environment Agency). In addition, permission will not be granted for development which would result in an increased flood risk due to additional surface water run off unless attenuation measures (Policy OE8).

No evidence has been provided that such development could not take place elsewhere outside of the flood plain or that it can otherwise be treated as an exception and therefore the proposal fails to meet this general test. The Council has to be able to accept that the benefits of the development outweigh this risk by determining there is no available land at a lower risk of flooding. It is for the applicant to satisfy the Council as to why a new development should be located in this area. Without suitable evidence the Council should look to alternative sites at a lower risk to fulfil its housing needs. The majority of the Borough is outside of flood zones 2 and 3, including its main centres. The Council's housing land studies suggest that there are many locations across the Borough not at risk of flooding.

To overcome the objection the applicant would need to demonstrate that there is clear justification for developing this area ahead of sites at a lower risk of flooding. The Floodwater Management Officer has further advised that the submitted Flood Risk Assessment does not meet the requirements of a site specific flood risk assessment and does not include a detailed assessment of the risk to and from the site. It also does not demonstrate that the proposal does not increase the flood risk to the surrounding area and in accordance with the requirements of the exception test reduce that risk as well as managing the flood risk to the property. The proposal expands the building footprint within the functional floodplain. This footprint would take up space otherwise occupied by flood water and increase flood risk to the surrounding properties and adjacent school. No mitigation is provided for this loss. The resilience measures provided is considered limited in detail and there is no detailed flood evacuation plan provided for the development.

For these reasons therefore, the proposal would conflict with the objectives of the NPPF and Policies OE7, OE8 and EM6 of the Hillingdon Local Plan in regard to flooding matters.

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

Not applicable to this application.

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

The comments raised through the consultation process are addressed above.

#### **7.20 Planning obligations**

The Council's Community Infrastructure Levy Charging Schedule was adopted on 1st August 2014. The additional habitable floor space created will be chargeable at £95 per square metre.

On the 1st April 2012 the Mayoral Community Structure Levy came into force. The London Borough of Hillingdon falls within Charging Zone 2, therefore, a flat rate fee of £35 per square metre would be required for each net additional square metre added to the site as part of the development.

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

Not applicable to this application.

#### **7.22 Other Issues**

No other issues raised.

### **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 application seeks outline planning permission for the erection of a three storey building to create 6 x 2-bed self contained flats with associated parking involving demolition of existing house. The outline application seeks approval for access, layout and scale. Appearance and landscaping are matters reserved for future consideration.

The proposal is considered unacceptable in principle given that the principle of additional dwellings within the flood plain would fail to meet the Sequential Test for such development set out in the National Planning Policy Framework as stated in Policy EM6 of the Hillingdon Local Plan. The proposal would also be likely to impede the flow of flood water and reduce the flood plain storage capacity of the River Pinn, increasing the risk of local flooding with associated safety implications for persons at risk. It is also considered that the development would detract from the character and appearance of the area. The three storey flat roofed building would not relate to the established layout and character of the area. The proposal would also result in a loss of residential amenity to occupants of adjacent dwellings by way of an unacceptable loss of outlook and privacy. The proposed layout would also fail to provide amenity space of sufficient size and quality commensurate to the size and layout of the proposed units, resulting in an over-development of the site. In addition, the proposal would result in a danger and inconvenience to highway and pedestrian users, to the detriment of public and highway safety and has failed to demonstrate that the development will safeguard existing trees on the site.

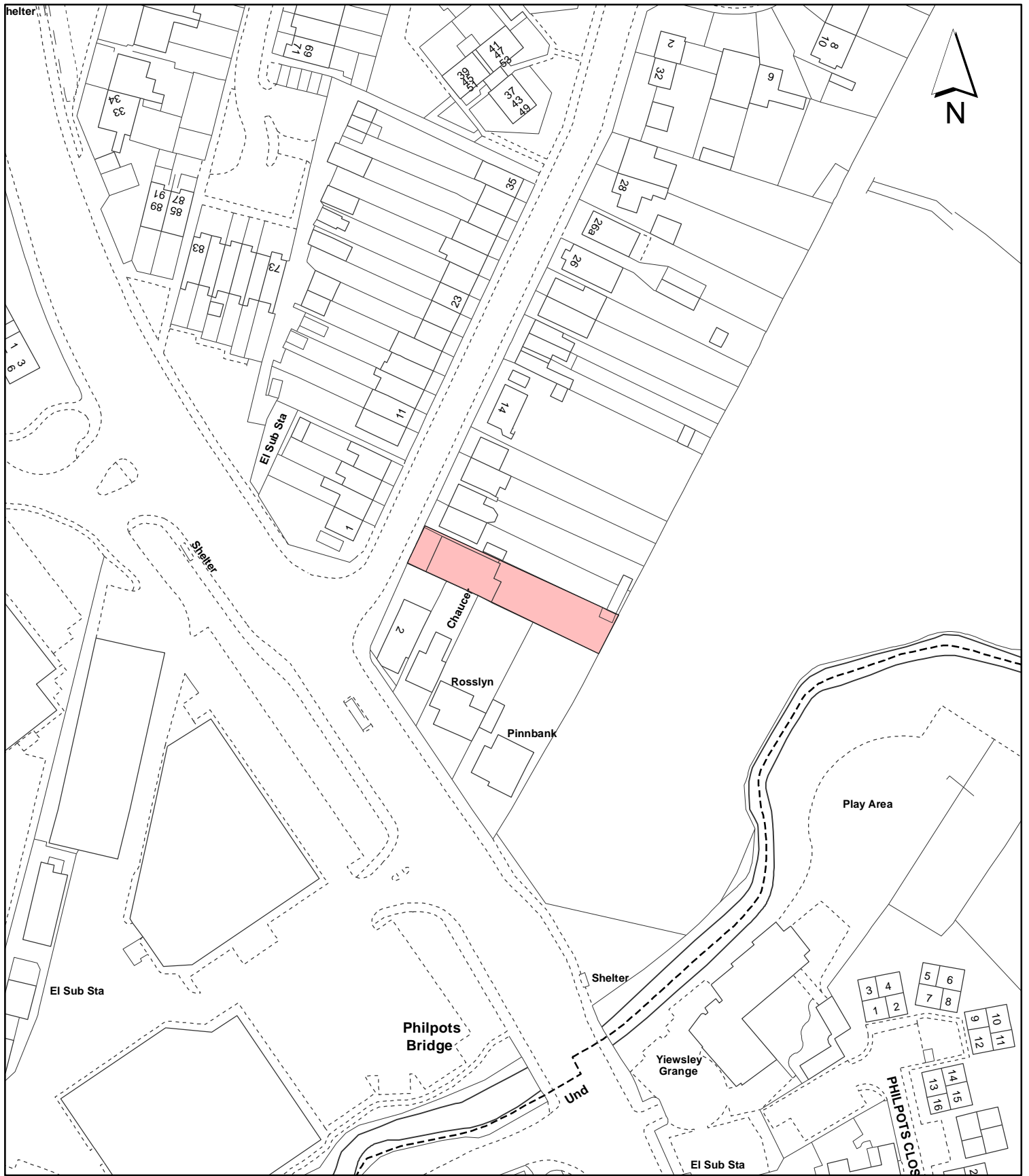
#### **11. Reference Documents**

The London Plan (2015).  
Hillingdon Local Plan Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
Mayor of London's Housing Supplementary Planning Guidance (November 2012)  
Housing Standards Minor Alterations to The London Plan (March 2016)  
Parking Standards Minor Alterations to The London Plan (March 2016)  
Supplementary Planning Document HDAS: Residential Layouts (July 2006)

Supplementary Planning Document HDAS: Accessible Hillingdon (January 2010)  
National Planning Policy Framework (March 2012)

**Contact Officer:** Nicola Taplin

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**Notes:**

 Site boundary

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**LONDON BOROUGH  
 OF HILLINGDON**  
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 Planning Section

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 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**42162/APP/2016/915**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**May 2016**



**HILLINGDON**  
 LONDON