

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

**Address** 14 MOORFIELD ROAD COWLEY

**Development:** Conversion of existing dwelling into 2 x 2-bed self contained dwellings with associated amenity space

**LBH Ref Nos:** 69313/APP/2016/1283

**Drawing Nos:** M PA 06 Rev. A  
M PA 04 Rev. A  
Flood Risk Assessment (Ref: C1675) Received 22-08-201  
M PA 05 Rev. E

**Date Plans Received:** 01/04/2016 **Date(s) of Amendment(s):** 01/04/2016

**Date Application Valid:** 05/04/2016

### 1. SUMMARY

The application seeks planning permission for the conversion of existing dwelling into 2 x 2-bed self contained dwellings with associated amenity space. The existing dwelling lies in the flood plain.

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: Part One - Strategic Policies.

The application is therefore recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed additional dwelling within the flood plain would fail to meet the Sequential Test for such development set out in the National Planning Policy Framework and the applicant has not provided evidence of a site search demonstrating that this is the only suitable site. The proposal is therefore contrary to Policy 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), Policy 5.12 of the London Plan (2016), the National Planning Policy Framework and the National Planning Practice Guidance.

#### 2 NON2 Non Standard reason for refusal

The proposed development fails to demonstrate that sufficient off street parking provision which meets the Council's approved parking standards to service the proposed dwellings will be provided. The development would therefore lead to additional on street parking, in an area where such parking is at a premium, to the detriment of public and highway safety and is therefore contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), the Council's adopted car parking standards and the adopted Supplementary Planning Document HDAS: Residential Layout

## INFORMATIVES

### 1 152 **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).

### 2 153 **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	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.15	(2016) Water use and supplies
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) 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

### **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 is located on the Eastern side of Moorfield Road and is occupied by a detached recently extended property. To the front of the property is a small paved area. At the rear there is a substantial garden (44 metres in length) which backs onto the designated Metropolitan Green Belt and a Nature Conservation Site of Borough Grade II of Local Importance.

No. 16, the neighbouring dwelling to the North is one of a terrace of three Victorian cottages, each with an L-shaped footprint and set within a narrow plot. The neighbouring property to the South (No. 12) is one of a pair of unaltered semi-detached inter-war period dwellings.

The surrounding area is primarily residential in character comprising of a mix of housing types including several bungalows, semi-detached and terraced two-storey dwellings. The application site thus forms part of the Developed Area of the Borough as identified in the Hillingdon Local Plan. Most of the site and the road lies within Flood Zones 2/3 of the River Pinn which flows to the South and South East.

The site is also located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning consent.

#### **3.2 Proposed Scheme**

The application seeks planning permission for the conversion of existing dwelling into 2 x 2-bed self contained dwellings with associated amenity space. The conversion includes internal works and external works such as the provision of an entrance door.

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

69313/APP/2013/1907 14 Moorfield Road Cowley

2 x single storey side extensions (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 27-08-2013 Refused

**Appeal:** 23-05-2014 Allowed

69313/APP/2014/1561 14 Moorfield Road Cowley

Single storey detached outbuilding to rear for use as a gym/store (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 02-07-2014 Approved

69313/APP/2014/2213 14 Moorfield Road Cowley

2 x two storey, 3-bed semi detached dwellings with associated parking and amenity space to include the installation of bin stores to sides involving demolition of existing bungalow.

**Decision:** 29-01-2015 Refused

69313/APP/2015/3137 14 Moorfield Road Cowley

First floor extension to side and alterations to elevations

**Decision:** 06-01-2016 Approved

69313/APP/2015/669 14 Moorfield Road Cowley

Raising of roof to create first floor

**Decision:** 21-04-2015 Approved

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

The following planning history is considered to be of relevance to this application:-

69313/APP/2015/3137 - First floor extension to side and alterations to elevations. Approved and recently implemented.

69313/APP/2015/669 for the raising of the roof to create first floor accommodation was approved by Committee and has been implemented.

69313/APP/2014/2213) 2 x two storey, 3-bed semi detached dwellings with associated parking - refused 30-01-2015 for the following reasons:

1. 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. In particular the use of flood voids in the design of the dwellings is not considered to be an acceptable form of flood mitigation. 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. The proposals do not include features to ensure that the accommodation is accessible to disabled and wheelchair bound persons. As such the proposal fails to meet all of the Lifetime Homes criteria and is thus contrary to Policy 3.8 of the London Plan (July 2011), to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

3. The proposed development fails to demonstrate that sufficient off street parking provision which meets the Council's approved parking standards to service the proposed dwellings will be provided, due to the size of the proposed parking spaces. The development would therefore lead to additional on street parking, in an area where such parking is at a premium, to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), the Council's adopted car parking standards and the adopted Supplementary Planning Document HDAS: Residential Layouts.

34264/APP/2012/1322 - 3 x two storey, 3-bed terrace dwellings with habitable roofspace including associated parking and amenity space - refused 05-09-2012).

#### **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
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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**

8 neighbouring properties were consulted by letter dated 7.4.16 and a site notice was displayed to the front of the site which expired on 9.5.16.

Three responses and a petition, with 22 signatures, have been received objecting to the proposal on the following grounds:

1. Inadequate parking.
2. Flood risk.
3. Over-development.
4. If the application is approved a condition should be imposed to secure the removal of permitted development rights.

### **Internal Consultees**

Floodwater Management Officer:

I object to the proposed development, as no justification has been provided as to why this development should be sited in an area with a high probability of flooding - Flood Zone3b, 3a and

flood Zone 2. The Site Specific Flood Risk Assessment states that this proposal is a change of use. However this introduces an additional dwelling into the area at flood risk.

#### Fluvial Flood Risk

##### - Sequential Test

I object to the proposed development as no justification has been provided as to why this development should be sited in an area with a high probability of flooding.

The planning practice guidance in section 11 states that:

"the sequential test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential test, or for applications for minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)."

This site is not allocated in the development plan.

The definition of minor development in relation to flood risk is defined by the planning practice guidance in section 17 as:

"minor non residential extension: industrial/commercial/leisure extension with a footprint less than 250 square metres."

The site as it lies in Flood Zone 3 and 2 requires a sequential test.

The guidance states:

"As set out in the National Planning Policy Framework, the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this sequential approach. Zones 2 and 3 are shown on the flood map with Flood Zone 1 being all the land falling outside Zones 2 and 3. These flood zones refer to the probability of sea and river flooding only, ignoring the presence of existing defences."

This means there is a need for the applicant to undertake a sequential test i.e. demonstrate that there are no other reasonably available sites appropriate for the development in areas with lower probability of flooding (NPPF 101).

It is important to set out the appropriate search area for a Sequential Test. It should be noted that there are large parts of the borough outside of flood zones. This being the only site owned, is not suitable justification for putting people and property at risk of flooding.

The London Plan Policy 5.12 reiterates these requirements in parts B and C.

The site is shown to be within flood zone 3 and 2 and the National Planning Policy Framework on page 23 states:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

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 this new house 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 needs to demonstrate that there is clear justification for developing this area ahead of sites at a lower risk of flooding. This being the only site owned, is not suitable justification for putting people and property at risk of flooding.

#### - Site Specific Flood Risk Assessment

A site specific Flood Risk Assessment (FRA) has been submitted dated August 2016 produced by Nimbus. This confirms the site is at risk from fluvial flooding. It makes a detailed assessment of the risks to the site, and makes a number of recommendations to mitigate those risks which have been taken account of within the planning proposals.

The FRA refers to modelled levels 29.320m AOD finished floor level 29.190m AOD 1 in 100 year plus climate change level. However the Environment Agency has released revised climate change allowances suggesting that an additional 110mm ie 29.30m AOD. Normally with an accepted allowance of 300mm for wave action, there is a high probability of water entering the property over its lifetime.

The National Planning Policy Framework also states that it should be demonstrated: "development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

This proposal separating the dwelling into a second property on this site introduces separate residents into an area of significant risk. People returning to their homes may be inclined to navigate flood waters, or seek to retrieve flooded property (e.g. a vehicle) placing themselves at risk, and putting added burden on emergency services, and there is no assessment of the access and escape routes within this application.

Proposed finished floor levels of the development appear to be at existing level, meaning residents and their property would be at risk from flooding into the property as resistance techniques are not considered. Only resilience measures such as raising electric sockets up which reduce the impact once the house has flooded. This does not prevent the likelihood of flooding within the home. Resistant measures such as flood proof doors should be considered in the first place to ensure residents safety, particularly in a fast responsive catchment such as the River Pinn.

A flood action plan is also proposed tied into a site specific warning system, which would be useful for residents.

However the Sequential Test is not considered by the Council to have been passed, as there has been no demonstration by the applicant there are no reasonably available sites in Flood Zone 1.

Only where the sequential test has been applied and passed would you then consider the Site Specific Flood Risk Assessment.

#### Surface Water

Note: The development should also demonstrate the use of methods to minimise the use of potable water, including water saving measures and equipment, water collection facilities to capture excess rainwater. As well as the use of sustainable drainage methods on the site.

#### RECOMMENDATIONS



I object to the proposed development as the application does not demonstrate that it is appropriate in location and that flood risk is suitably mitigated as required by 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 (2016), National Planning Policy Framework and the National Planning Practice Guidance.

Landscape Officer:

No objection subject to Landscape Conditions.

Access Officer:

No objection

## **7. MAIN PLANNING ISSUES**

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

The application site is located within Flood Zone 3a, 3b and 2 (Functional Floodplain of the nearby River Pinn). According to table 2 of the Planning Practice Guidance 'residential development is defined as a more vulnerable use. In Table 3 more vulnerable development is not permitted in Flood Zone 3b. For these reasons the principle of additional dwellings in this location is unacceptable. The proposal would conflict with the objectives of Policy 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), Policy 5.12 of the London Plan (2015), the National Planning Policy Framework and the National Planning Practice Guidance.

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

The London Plan (2016) 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 20 sqm and capable of subdivision should be counted as 2 rooms.

The scheme equates to a density of 22 u/ha and 100 hr/ha which is below 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 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 does not involve any extensions to the already extended building. External alterations include the bricking up of one first floor rear facing window, the insertion of an additional rear facing first floor window to serve a landing and the addition of a further entrance door to the front. The alterations are not considered to have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **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, HDAS: Residential Layouts 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, 15 m will be the minimum acceptable distance between buildings. Furthermore a minimum of 21 m overlooking distance should be maintained.

The proposal does not involve any extensions to the extended dwelling. The alteration to the first floor fenestration are not considered to give rise to an unacceptable loss of light, outlook or privacy to occupants of adjacent dwellings. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP 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. A two bedroom (4 person) dwelling is required to provide an internal floor area of 79m<sup>2</sup>. At an internal floor area of 107m<sup>2</sup> and 117m<sup>2</sup> respectively, the proposal would comply with the Housing Standards.

The proposal would provide substantial private rear gardens of 350 square metres which would be in excess of the required level of outdoor amenity space in accordance with Policy BE23 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

#### **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.

In this regard, Moorfield Road is regularly parked to capacity. The proposal would provide one off-street parking space per dwelling. The traffic generated in association with one additional dwelling to be created in this location would have little or no significant effect on general traffic conditions in the immediate vicinity.

Hillingdon Local Plan: Part Two Policy AM14 states the need for all development to comply with the Council's adopted parking standards.

The Council's maximum parking requirement for off street parking (2 spaces per dwelling) would require up to four spaces in total for the proposed 2 dwellings.

The PTAL score for the site is 1b (low) and as a result it is considered that the maximum level of spaces should be provided for two bedroom dwellings. The proposed plans indicate that two spaces would be provided for the development, one to the side of the property adjoining No.12 and one within an integral garage, which would not be in accordance with the maximum standard provision, as set out in the Council's parking standards. As already stated, Moorfield Road is regularly parked to capacity and the failure to meet the Council's parking requirements will only exacerbate this situation to the detriment of highway and pedestrian safety.

As such it is considered that the proposal would result in an increase in the demand for additional on-street parking and would therefore be prejudicial to pedestrian and highway safety in the immediate vicinity of the site and contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), the Council's adopted car parking standards and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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

These issues are covered in other sections of the report.

#### **7.12 Disabled access**

A previous scheme on this site (reference 69313/APP/2014/2213) for 2 x two storey, 3-bed semi detached dwellings was refused (in part) because the proposals did not include features to ensure that the accommodation is accessible to disabled and wheelchair bound persons. This previous design was however very different to that currently under consideration as it had a raised floor level and a void below the building to mitigate against flooding.

The Council's Access Officer has not raised any objection to the current proposal which does not have a raised floor level.

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

Not applicable to this application.

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

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

No trees or other landscape features of merit will be affected by the proposal. The Council's Landscape Officer has raised no objection to the proposal subject to the imposition of landscape conditions to secure additional landscaping at the site. The proposal is therefore considered acceptable in accordance with Policy 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 if the application was considered acceptable in all other respects.

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

Not applicable to this application.

#### **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).

A flood risk assessment has been submitted throughout the course of the application which shows that the site is at risk from fluvial flooding. However, it makes no detailed assessment of the risks to the site, or from the proposed development, or makes any recommendations to mitigate those risks which have been taken account of within the planning proposals. 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 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 applicant has not provided any evidence of a Sequential Test as required by the National Planning Policy Framework and has not provided evidence of a site search demonstrating that this is the only suitable site. The proposal has also failed to assess the associated safety implications for persons at risk. The proposal is therefore contrary to Policy 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), Policy 5.12 of the London Plan (2016), the National

Planning Policy Framework and the National Planning Practice Guidance.

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

Not applicable to this application.

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

The comments received are addressed in the sections 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 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: Part One - Strategic Policies. It also fails to provide sufficient parking spaces to meet the Council's standards, in an area where on-street parking is at a premium.

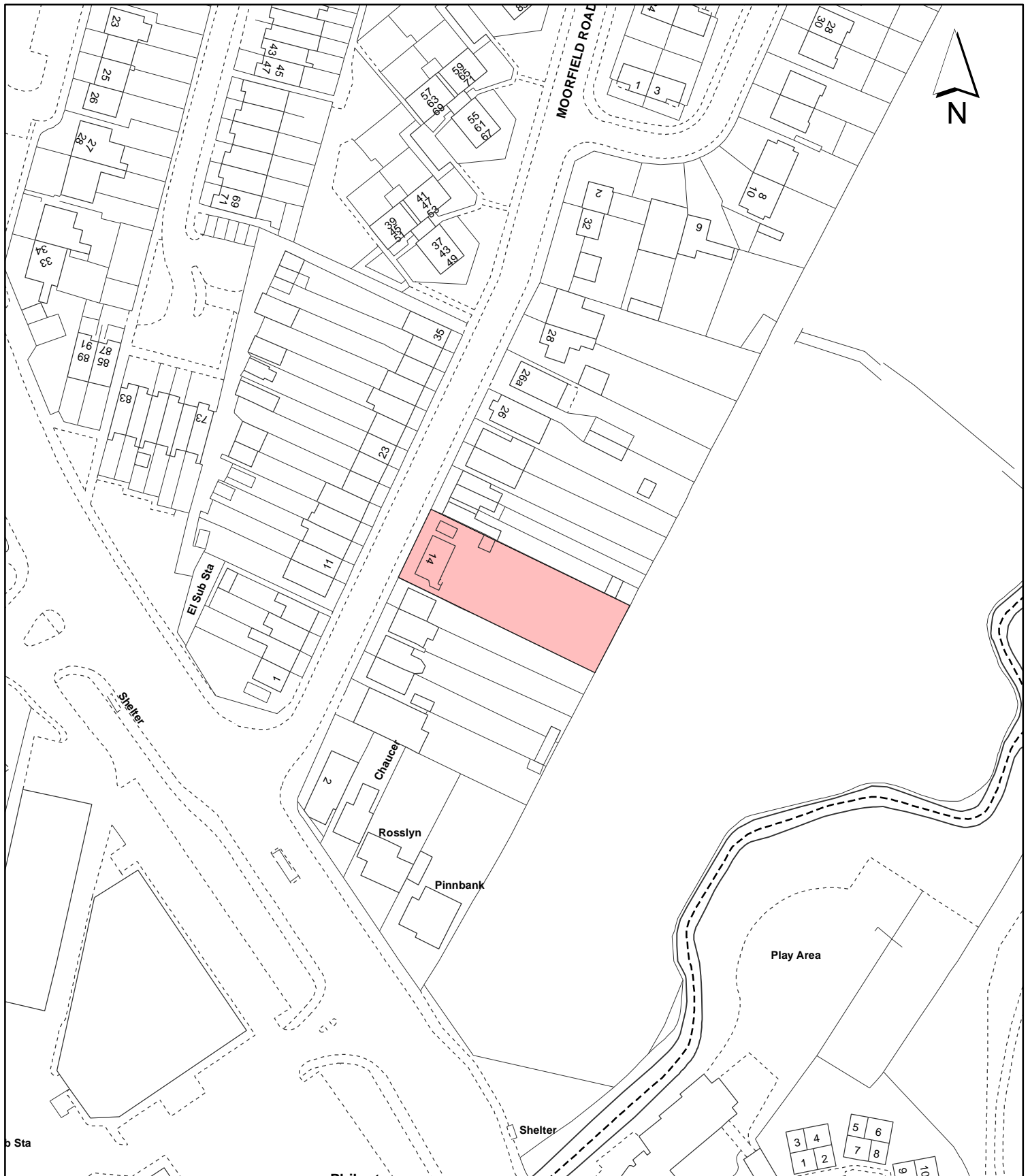
The application is therefore recommended for refusal.

### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (2016)  
The Housing Standards Minor Alterations to The London Plan (March 2016)  
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Residential Extensions  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

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**Notes:**

 Site boundary

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Planning Application Ref:

**69313/APP/2016/1283**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**November 2016**



**HILLINGDON**  
 LONDON