

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

**Address** 21 NICHOLAS WAY NORTHWOOD

**Development:** Two storey, 5-bedroom detached dwelling with associated parking and amenity space, involving demolition of existing dwelling.

**LBH Ref Nos:** 22734/APP/2017/900

**Drawing Nos:** PL04 B  
PL01 C  
PL02 C  
PL05 A  
TREE CONSTRAINTS PLAN  
PL 03  
Design & Access Statement  
Phase 1 Arboricultural Implication Assessment  
Tree Survey  
Bat Habitat Assessment

**Date Plans Received:** 10/03/2017                      **Date(s) of Amendment(s):** 10/03/2017

**Date Application Valid:** 15/03/2017

### 1. **SUMMARY**

Planning permission is sought for the erection of a two storey, 5-bedroom detached dwelling with associated parking and amenity space, involving demolition of the existing dwelling.

The surrounding area is characterised by large detached properties with good sized gardens. The proposed dwelling is respectful in size and scale and is considered to adequately integrate within the existing built development without causing adverse impact to the residential amenities of the neighbouring properties. The design and layout of the property is considered acceptable and is not considered to result in a detrimental impact to the Copsewood Estate Area of Special Local Character or the woodland setting of which it forms part.

Following negotiations with the applicant the design and in particular the rear elevation and roof design have been revised in line with officers' recommendations. The proposed development is now deemed acceptable and is considered to comply with current, local, regional and national planning policy.

Therefore the application is recommended for approval, subject to the imposition of appropriate conditions.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1            RES3            **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

**2 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL01C, PL02C, PL03, PL04B and PL05A and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

**3 RES6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**5 RES8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

3. Details of ongoing site supervision and monitoring by an appointed tree consultant.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

### **6 RES9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

- 1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
- 2. Details of Hard Landscaping
  - 2.a. Means of enclosure/boundary treatments
  - 2.b. Hard Surfacing Materials
  - 2.c Other structures (such as play equipment and furniture)
- 3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (2015).

### **7 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) and in particular along the side boundaries of the application site, shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species

to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **8 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 17 or 23 Nicholas Way, Northwood.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **9 RES13 Obscure Glazing**

The window (s) facing 17 and 23 Nicholas Way on the first floor level shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **10 RES14 Extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no extension or roof alteration shall be erected without the grant of further specific permission from the Local Planning Authority.

#### REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE21, BE23 and BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **11 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that

sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 5.12.

#### INFORMATIVES

**1            I47A            Damage to Verge - For Private Roads:**

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

**2            I52            Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

**3            I53            Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

- |      |                                                                       |
|------|-----------------------------------------------------------------------|
| BE13 | New development must harmonise with the existing street scene.        |
| BE19 | New development must improve or complement the character of the area. |
| 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.
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM14	New development and car parking standards.
H3	Loss and replacement of residential accommodation
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.12	(2011) Flood risk management
LPP 6.13	(2011) Parking

#### **4            I59                    Councils Local Plan : Part 1 - Strategic Policies**

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

#### **5            I1                            Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

#### **6            I2                            Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

#### **7            I5                            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **8 16 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **9 115 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **10**

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy on commencement of this development. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

### **3. CONSIDERATIONS**

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

The site currently comprises a single storey detached bungalow with an approximate footprint of 315 square metres located on the East side of Nicholas Way with the principal elevation facing North West. The existing bungalow is set within a large rectangular plot of approximately 1,795 square metres. The existing dwelling is brick built with brown stained timber set under a low pitched roof with concrete roll profile roof tiles and white UPVC fascia's, soffit and plastic rainwater goods. It is of little architectural merit.

The front garden is mainly lawn with perimeter shrub / hedge planting. A block paved driveway with single access on to Nicholas Way extends from the front of the property and blends in a curvilinear fashion around the existing mature tree, which occupies a central position in the front garden. The front of the property is defined by a low brick wall with a swept tight radius to piers defining the driveway entrance.

The site is approximately 25 m wide by 75 m deep and falls 3 m from the road to the end of rear garden. It is broadly level from side to side. Either side of the property are large two storey houses of differing character, no.17 and no.23 both of which extend to within between 1 m and 3 m of the side boundaries.

The site has a number of existing mature trees and has established landscaping elements to the boundaries. Indeed this site is covered by Tree Preservation Order (TPO) 234. There are several mature, protected trees on and adjacent to this site. The application site also lies within the Copsewood Estate Area of Special Local Character as identified in the Hillingdon Local Plan (November 2012).

The area is characterised by large properties set back but fronting the road with reasonable sized rear gardens. There is a predominance of mature trees to the fronts and backs of properties. The street scene of Nicholas Way is characterised by large detached houses, set within significant plots and set back from the highway. Whilst the street scene is varied, the predominant feature of the dwellings in the area is of asymmetrical detached houses of vernacular design. It is noted that a number of existing dwellings in the surrounding area have been demolished and redeveloped.

#### **3.2 Proposed Scheme**

The application seeks planning permission for the erection of a two storey, 5-bedroom detached dwelling with associated parking and amenity space, involving demolition of the existing dwelling.

The proposed replacement dwelling would have a footprint of approximately 380 square metres, 20 metres wide and 31 metres deep. The proposed dwelling is sited broadly on the existing building footprint, approximately mid point in the site. It would retain the existing access and driveway configuration although the proposed driveway would be resurfaced. Internally the property would be set over two floors and has been designed to be suitable for 'lifetime homes' requirements. There would also be a large integral garage sited at right angles to the driveway and of a size to easily accept two large cars and more.

Following negotiations with the applicant the design and in particular the rear elevation and roof design have been revised, so that there is now a central cat-slide roof element with the projected bays to either side set under hipped roofs.



### 3.3 Relevant Planning History

22734/76/1194                      21 Nicholas Way Northwood  
Residential development-2 units (Full) (P)

**Decision:** 31-12-1976    Approved

22734/B/79/0617                      21 Nicholas Way Northwood  
Residential development-1 units (Full) (P)

**Decision:** 29-05-1979    Approved

22734/C/79/1340                      21 Nicholas Way Northwood  
Alterations to elevation (P)

**Decision:** 29-10-1979    Refused

22734/D/83/0598                      21 Nicholas Way Northwood  
Section 53 certificate (P) Erec. of log cabin to house covered swimming pool.

**Decision:** 12-05-1983    Refused

22734/E/83/1022                      21 Nicholas Way Northwood  
Householder dev. (small extension,garage etc) (P)

**Decision:** 28-09-1983    Approved

22734/F/99/0249                      21 Nicholas Way Northwood  
Tree surgery to two Oaks (T2 and T7) on TPO 234

**Decision:** 25-08-1999    NFA

22734/TRE/2001/64                      Land Fronting 21 Nicholas Way Northwood  
TO FELL ONE (LEANING) SILVER BIRCH TREE IN GROUP G1 ON TPO 234

**Decision:** 13-07-2001    Approved

#### Comment on Relevant Planning History

There are a number of historic applications relating to the site however these relate simply to minor alterations/extensions to the dwelling and TPO applications. There are none with any direct relevance to this proposal.

### 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:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- 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.
- BE5 New development within areas of special local character
- BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character
- AM7 Consideration of traffic generated by proposed developments.
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM14 New development and car parking standards.
- H3 Loss and replacement of residential accommodation
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 5.1 (2011) Climate Change Mitigation
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.12 (2011) Flood risk management
- LPP 6.13 (2011) Parking

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

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

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

## 6. Consultations

### External Consultees

6 neighbouring properties along with Northwood Residents Association were consulted on 21.03.2017 and a site notice was posted to the front of the site which expired on 21.04.2017.

The Chairman of the Nicholas Way Frontagers Association, has made several comments and objections to the application. Firstly on 29.03.2017 he suggested a condition to be attached to any grant of consent;

"For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused."

Then on the 08.04.2017 he objected stating;

Firstly there are some errors and perhaps omissions on the drawings submitted. Arbol EuroConsulting drawing 1098 Tree Constraints shows the plot to the South of 21 Nicholas Way as No.19 when in fact it is actually No.23. Also, the plot to the North is shown as No.23 when it is actually No.17 (there is no No.19). Similar mistakes are repeated on the Netassets drawing PL02 street scene. I also cannot find the distances to adjoining properties dimensioned on any drawing. They should be shown with minimum distances respected. My main objection to this Planning Application concerns the loss of 4 TPO'd trees T12, T18, T19 and T21 indicated on the Arbol EuroConsulting drawing and of 8 trees in total indicated on the Netassets drawing. I feel that further trees, including TPO'd trees, may be at risk in adjoining properties due to their positioning to the proposed new, large house. Further, the overall bulk, mass and size of the proposed house is too large for the site size.

A Petition which has been signed by 28 local residents who all live in Nicholas Way states,

"We object to the Planning Application number 22734/APP/2017/900 submitted regarding a proposed redevelopment at 21 Nicholas Way, Northwood, HA6 2TR.

The primary objection is against the loss of 4 TPO'd trees (English Oak, 2 x Lawson Cypress and Silver Birch) involved in the proposed redevelopment.

The actual Planning Application would appear lacking in some detail in some respects as it might appear that other TPO'd trees in neighbouring properties may somehow become involved further adding to the significant loss of the original 4 TPO'd trees.

The Planning Application appears to detail 8 trees at 21 Nicholas Way which will have to be removed - including the 4 TPO'd trees referred to above."

Planning Officer Comments:

Following receipt of the objections and petition the applicant instructed the arboricultural consultant to review the comments and submit a report in response. This was submitted to the council on 05.07.2017 and confirms:

- i) The silver birch T21 is a retention tree and would not in fact be removed in regard to the proposed development. This was shown incorrectly on the Nett Assets Drawing and has now been amended to show its retention;
- ii) Only three trees are protected via a TPO: T12, T18 and T19;
- iii) Five trees all of which are low grade are proposed for removal (only three are subject to a TPO);
- iv) The Nett Assets drawing shows the following trees to be removed T12 / T17/ T18/T19/ T20 /G2 (5x yew) and T21 (the last tree now shown retained on updated plans). In total this accounts for six

and not eight trees;

v) A Tree Constraints site meeting was carried out with the Hillingdon Council Tree Protection Officer to discuss the proposed build and agree tree removals;

vi) No off-site trees would be affected by the proposed development;

vii) Incorrect property numbering is a not material constraint in terms of tree plotting or on-site tree protection measures.

In light of the above and additional tree surveys which were submitted following the initial validation and registration of the application, the consultation period was then extended for an additional 14 day period.

### **Internal Consultees**

Trees & Landscape:

This site is covered by TPO 234. There are several mature, protected trees on and adjacent to this site. These trees could be detrimentally affected by construction-related activities / storage of materials etc. A tree report (arboricultural impact assessment) has been provided, however (as far as I can see) a tree protection plan and arboricultural method statement have not. It is also unclear whether the twin-stemmed Silver Birch (T21) is to remain or be removed; the footprint of the proposed building is roughly the same on the side nearest this tree, and so there is no good reason for it to be removed. There is no objection to the removal of the several small Cypress trees (discussed at a site meeting with the arboricultural consultant). In order to show that this scheme makes adequate provision for the protection and long-term retention of valuable tree/s, the following detail is required (in accordance with BS 5837:2012): A Tree Protection Plan to show how the trees (to be retained) will be protected during development; An Arboricultural Method Statement to show any incursion into tree root protection areas (RPA's) will be addressed. Conclusion (in terms of Saved Policy BE38): Please re-consult on receipt of the requested information.

Additional comments made on 18.07.217:

This site is occupied by a large 'L'-shaped bungalow located on the south-east side of Nicholas Way. The house is set back from the road within a spacious plot, typical of those found on the Copse Wood Estate. The plot is more or less level from side to side, but falls by approximately 3 metres across a 75 metre space from the front to rear boundaries. The site features a number of established mature trees and other garden plants, with selected specimens protected by TPO 234.

Comment:

A tree report has been prepared by Arbol Euro Consulting. This has assessed 29No. individual trees and groups both on the site and off-site where trees may be influenced by development. The following trees on the tree survey are protected by the TPO - the TPO schedule ref. is noted in brackets: T1 (T1), T11 (T2), T12 (T4), T13 (T3), T16 (T5), T17 (T6), T18 (T5), T19 (T6), T21 (T9), T25 (T7), T26 (T11) and T27 (T11). The survey concludes that there are no 'A' grade trees, 8No. 'B' grade trees, with the remaining trees graded 'C'. The D&AS states that the tree report was used to inform the layout of the proposed development with the intention of retaining the better trees. The tree report includes a Phase 1 Arboricultural Implication Assessment, followed by a Phase 2 AIA which concludes (in section 8.0) that 5No. trees will be removed to facilitate the development: T12 (T4)oak, T17 cypress, T18 cypress, T19 (T5) cypress and T20 (T6) cypress. All of these are on the southern boundary and are considered to be declining in vitality and / or structurally defective. An Arboricultural Method Statement has been prepared (see Appendix 3) and an Arboricultural Method Statement (Appendix 4). While the impact of this proposal on trees is low - as presented, the safeguarding of the remaining trees will depend on rigorous site management and a demolition and construction management plan which incorporates tree protection measures. For example, the safeguarding of the prominent oak T11 (TPO ref T2) in the front will require that no changes are made to the levels, edging and sub-base of the existing driveway. Due to the importance and proximity of trees on this site, the arboricultural consultant should be retained to supervise all tree-related activity from the site set-up prior to demolition through to completion of the projects. The consultant should be employed to monitor the progress on site and report the outcome of tree-

related site meetings to the lpa.

Recommendation:

No objection subject to conditions RES6, RES8 (to include on site supervision and monitoring by the tree consultant), RES9 (parts 1,2,5 and 6) and RES10.

Access Officer:

Any grant of planning permission should include the following condition: The dwelling(s) would be required to be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015 REASON: To ensure an appropriate standard of housing stock in accordance with London Plan policy 3.8 c, is achieved and maintained.

## **7. MAIN PLANNING ISSUES**

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

The site lies within an established residential area where there would be no objection in principle to the redevelopment of the site for residential use, subject to all other material planning considerations being acceptable, in accordance with all other planning policies.

The key issue with this application is impact on protected trees.

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

The density ranges set out in the London Plan are not used in the assessment of schemes of less than 10 units.

Minimum gross internal floor and storage is a further measure of the suitability of the size of a proposed dwelling. DCLG guidance identifies that 2 storey, 5 bedroom properties for a maximum of 8 persons should provide a minimum 128 sq.m and 3.5 sq.m of inbuilt storage. The proposed dwelling more than complies with this guideline as it will have a gross internal floor area well in excess of this, at approximately 638 sq.m.

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

The site is located within the Copsewood Estate Area of Special Character, which is characterised by large detached dwellings of asymmetric and vernacular style set within spacious plots amongst the protected trees. However the character of the buildings in the area do differ and are varied. The more recent replacement properties incorporate stone detailing and a more symmetrical style of elevations.

The proposed replacement dwelling is domestic in scale set over two storeys and with a modest hipped roof. The applicant states that following a review of the character of the area and picking up on the policy aim to create sufficient architectural variety in order to retain the areas' characteristics of large individually designed properties. They have developed a design using brick and stone blending arts and craft features in a more modern way with brick and stone detailing married with a quality brick and clay plain tiles. The design is asymmetrical and strong in character.

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. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new developments in an Area of Special Local Character to harmonise with the materials, design features, architectural style and building heights predominant in the area. Policy BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new buildings on the Copsewood Estate to be set back by 1.5 metres from the side boundary line, for the full height of the building.

Following negotiations with the applicant the design and in particular the rear elevation and roof design have been revised, so that there is now a central cat-slide roof element with the projected bays to either side set under hipped roofs. It is considered that the design of the proposed dwelling reflects the materials, design features, including the change to brick detailing on lintels and cills and building heights predominant in the locality whilst providing an element of architectural individuality which is a characteristic within the Copsewood Estate. Further the proposed development would be set back at least 1.5 m from the side boundaries in order to maintain key visual gaps between the properties.

Therefore, the development is considered to have an acceptable impact on the Area of Special Local Character, in accordance with Policies BE5, BE13, BE15 & BE19 of the Hillingdon Local Plan (November 2012).

#### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

As discussed in para. 7.03.

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

Taking into consideration the separation gap which has been maintained on either side ranging from 1.5 to 3.9 metres and the substantial intervening screening, the proposal would not detract from the amenities of nearby residents by reason of overdominance, loss of privacy, light/overshadowing. The proposal therefore complies with Policies BE20, BE21 and BE24 of the Hillingdon Unitary Development Plan Saved Policies November 2012.

It is accepted that the replacement dwelling would extend beyond the rear elevations of both neighbouring properties however it should be noted that the footprint of the proposal broadly matches the existing dwelling. Whilst a two storey dwelling is proposed to replace the existing bungalow all the proposed side windows at first floor level (3 on each side elevation) are indicated to be obscured glazing. This can also be controlled by way of condition.

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

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

The London Plan sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. Table 3.3 requires a 2 storey, 5 bedroom, with a maximum of 8 person dwelling, to have a minimum size of 128 sq.m. Furthermore, Policy 3.5 states when designing new homes for more than six persons/bedspaces, developers should allow approximately 10 sq.metres per extra bedspace/person. The proposed new dwelling would be approximately 638 sq.m and would comply with the required standard resulting in a satisfactory residential environment for future occupiers, in compliance with Policy 3.5 and Table 3.3 of the London Plan and Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The minimum level of amenity space required for a five bedroom house is 100 sq.m of amenity space to meet the standard. The scheme provides well over 600 square metres and would thus far exceed these standards.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2011).

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

The existing access to the front of the dwelling from Nicholas Way and the paved driveway will remain the same as existing and there is also a large garage proposed which would provide parking space for at least two vehicles. Therefore the proposal would comply with the Council's adopted parking standards and therefore with policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

#### **7.12 Disabled access**

The proposed replacement dwelling would incorporate good size ground floor rooms which would be capable of adaption and creating flexible space should alternative accommodation be required. In addition the proposed ground floor cloakroom would allow for a wheelchair access and the proposed dwelling would also incorporate a lift to the first floor for full accessibility.

#### **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.

This site is covered by TPO 234 and also within the Copse Wood Estate Area of Special Local Character (ASLC), which is characterised by large, mature trees set in large gardens.

Following receipt of the objections and petition the applicant instructed the arboricultural consultant to review the comments and submit a report in response. This was submitted to the council on 05.07.2017 and confirms:

i) The tree report includes a Phase 1 Arboricultural Implication Assessment, followed by a Phase 2 AIA which concludes (in section 8.0) that 5 No. trees will be removed to facilitate the development: T12 (T4)oak, T17 cypress, T18 cypress, T19 (T5) cypress and T20 (T6) cypress. All of these are on the southern boundary and are considered to be declining in vitality and / or structurally defective.

ii) A Tree Constraints site meeting was carried out with the Hillingdon Council Tree Protection Officer to discuss the proposed build and agree tree removals;

ii) The silver birch T21 will be retained;

iv) Five trees all of which are low grade are proposed for removal, three of which are are subject of a TPO (T12, T18 and T19). A group of 5 x yew trees will also be removed (G2);

v) No off-site trees would be affected by the proposed development;

In light of the above and the additional tree reports and methodology statements which have been submitted by the Arboricultural Consultant, the Council's Trees and Landscape Officer has made additional comments and has confirmed that there is no objection to the proposal, subject to appropriate conditions, RES6, RES8, RES9 and RES10.

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

Policy 5.17 of the London Plan requires that all new development provides adequate facilities for the storage of waste and recycling. This matter is the subject of a condition.

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

Whilst the application has not included any information as regards energy efficiency and sustainability. The redevelopment of the site allows the opportunity to significantly improve the energy efficiency of the property and accordingly reduce energy demand and CO2 emissions. Therefore a condition could be attached requiring the development to meet Level 4 of the Code for Sustainable Homes which would meet the requirements of Policies 5.1, 5.3, 5.4, 5.5 and 5.7 of the London Plan (July 2011).

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

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding. However a sustainable water management condition is recommended.

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

The proposal for a new house within a traditional residential area does not present any particular noise or air quality issues.

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

The comments raised by the petitioners and individual local residents have been dealt with in the main report.

#### **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.

The scheme would also be liable for payments under the Community Infrastructure Levy. 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.

Community Infrastructure Levy:

The Council adopted a Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 353.74 square metres of additional floorspace is currently calculated as follows:

Hillingdon CIL = £40,866.84

Mayoral CIL = £16,001.43

Total = £56,868.27

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

Not applicable to this application.



## **7.22 Other Issues**

None.

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

### General

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

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

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

### Planning Conditions

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

### Planning Obligations

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

### Equalities and Human Rights

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

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

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

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

Not applicable to this application.

**10. CONCLUSION**

Planning permission is sought for the erection of a two storey, 5-bedroom detached dwelling with associated parking and amenity space, involving demolition of the existing dwelling.

The surrounding area is characterised by large detached properties with good sized gardens. The proposed dwelling is respectful in size and scale and is considered to adequately integrate within the existing built development without causing adverse impact to the residential amenities of the neighbouring properties. The design and layout of the property is considered acceptable and is not considered to result in a detrimental impact to the Copsewood Estate Area of Special Local Character or the woodland setting of which it forms part.

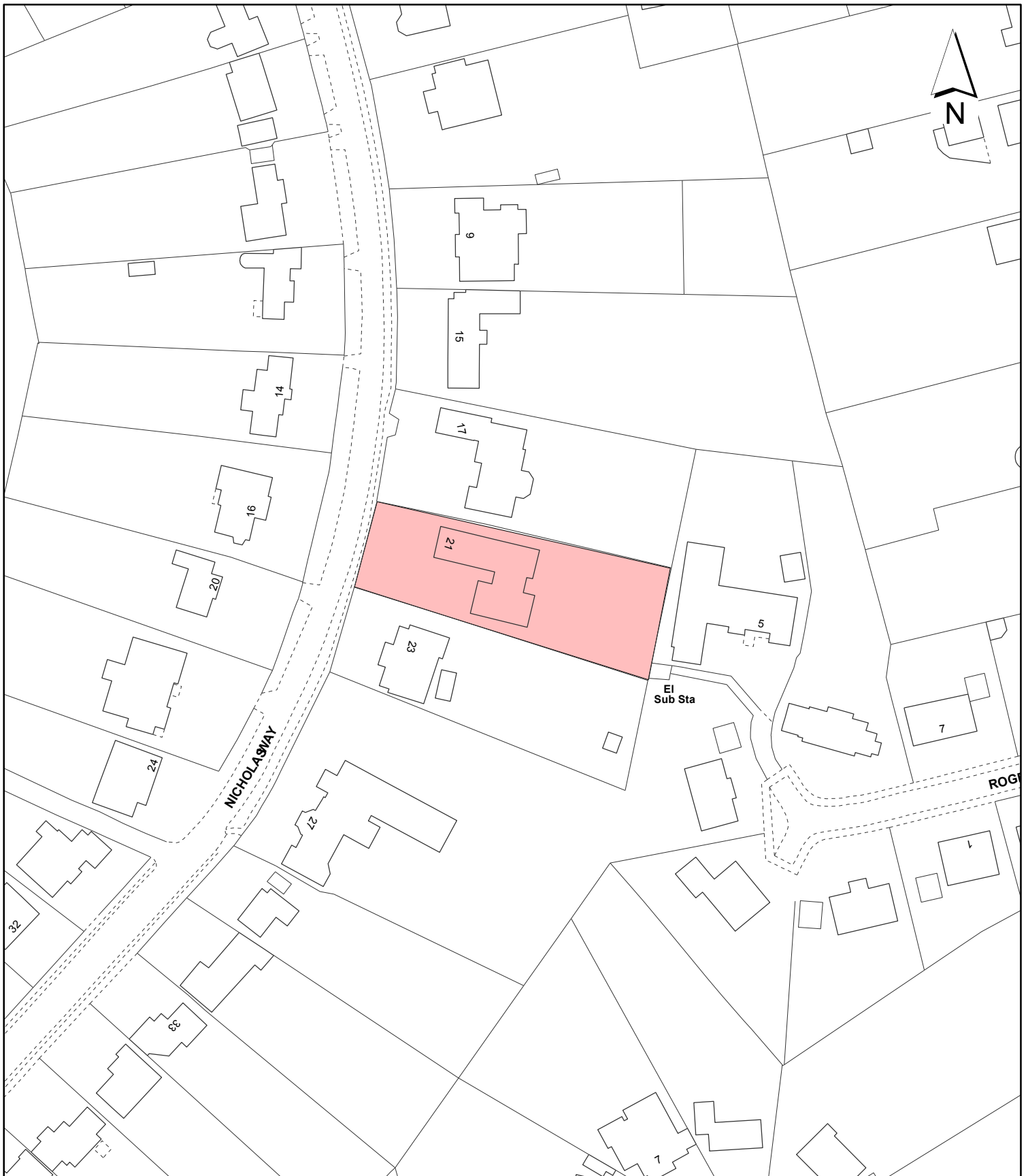
Therefore the application is recommended for approval, subject to the imposition of appropriate conditions.

**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)  
Technical Housing Standards - Nationally Described Space Standard  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Hardeep Ryatt

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**Notes:**

 Site boundary

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Planning Application Ref:  
**22734/APP/2017/900**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**July 2017**

