

Report of the Head of Planning, Transportation and Regeneration

Address THE STABLE BENBOW WAYE COWLEY UXBRIDGE

Development: Erection of 2-bed bungalow, involving demolition of existing mobile home and outbuildings

LBH Ref Nos: 45830/APP/2019/505

Drawing Nos: Design and Access Statement
4195/01
Location Plan (1:1250)
Preliminary Bat Roost and Nesting Bird Assessment

Date Plans Received: 12/02/2019 **Date(s) of Amendment(s):**

Date Application Valid: 14/02/2019

1. SUMMARY

The application seeks planning permission for the erection of 2-bed bungalow, involving demolition of existing mobile home and outbuildings and follows a recent scheme allowed on appeal for a replacement dwelling with the same footprint, but including a first floor. Given the appeal decision, the current proposal, for a lower replacement dwelling, is considered to be acceptable subject to appropriate conditions. Accordingly the application is recommended for conditional approval.

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 plan number 4195/01 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 (2016).

3 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces 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)

4 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.

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 (2012)

5 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
3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. 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 in compliance with policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

6 RES14 Outbuildings, 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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) 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 the open appearance of the Green Belt in accordance with policies OL4, BE13, and BE19 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 NONSC Non Standard Condition

Mitigation measures in respect of protected species shall be put in place as set out in the preliminary bat roost and nesting bird assessment prepared by Acer Ecology and dated January 2018.

REASON:

To ensure the protection of species located within the Nature Conservation Site of Metropolitan or Borough Grade I Importance. The proposal in accordance with Policy EM7 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy 7.19 of the London Plan (2016) and the NPPF.

INFORMATIVES

1 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
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.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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 7.4	(2016) Local character
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes

NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

4 159 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 (2016). 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.

5 170 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

6 173 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillington.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

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The applicant should note that a weight restriction of 10 tonnes exists on the bridge over the nearby canal. The developer should ensure that vehicles over 10 tonnes are not used during the construction process.

impact upon protected species located within the Nature Conservation Site of Metropolitan or Borough Grade I Importance. The proposal would thus Policy EM7 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy 7.19 of the London Plan (2016) and the NPPF.

4. The application is not supported by sufficient information to assess the impact of the proposed development on the Archaeological Priority Zone, a heritage asset and as such is considered unacceptable and is therefore in conflict with Paragraph 128 of the NPPF and Policy 7.8 of the London Plan (2016).

An appeal was subsequently allowed and is discussed in the sections below.

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.HE1 (2012) Heritage
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM7 (2012) Biodiversity and Geological Conservation

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- BE4 New development within or on the fringes of conservation areas
- 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.
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL4 Green Belt - replacement or extension of buildings
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- 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 7.4	(2016) Local character
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd May 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed to the front of the site which expired on 20.3.19. No response received.

Historic England:

Although within an Archaeological Priority Zone this application is too small-scale to be likely to cause significant harm. I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

No further assessment or conditions are therefore necessary.

Internal Consultees

Landscape Officer:

This site is occupied by an old mobile home and a collection of outbuildings situated in a field to the west of the Grand Union Canal. The plot is accessed via a bridge over the canal from Benbow Way. The existing home is well screened from public view by a tall hedge of mixed evergreen and deciduous species. The site lies within the Cowley Lock Conservation Area, a designation which protects trees and is a SINC, Site of Metropolitan or Borough Grade 1 Importance. It also lies within designated Green Belt land.

COMMENT: The site has been the subject of several applications, including 2017/2944, which was refused but allowed at appeal. The current application includes a Preliminary Bat Roost and Nesting Bird Assessment by Acer Ecology. The survey identifies no evident impacts on birds or bats, but makes detailed recommendations in section 5 of the report regarding precautionary measures and guidance for action to take if bats are found during the works. If the application is recommended for approval, conditions should be imposed to ensure that the development protects and enhances the

character and appearance of the Conservation Area.

RECOMMENDATION: No objection subject to pre-commencement condition RES8 and post-commencement conditions RES9 (parts 1, 2 and 5) and RES10.

Highways Officer:

The application site is located along the western section of Benbow Way, a no through road which hosts access to a number of unclassified roads. The site itself is accessed via a bridge which can accommodate vehicles weighing up to 10 tons.

You will be aware that this application follows that associated with ref, 45830/APP/2017/2944 which the Highway Authority raised no objections to. The application was later refused by the Local Planning Authority however subsequently allowed at appeal on a notice dated 30th November 2018.

The current proposals comprise the demolition of the existing mobile home and outbuildings in order to accommodate a 2-bed bungalow with associated parking provision.

Given the very nature of the proposals in that the site is not expected to generate additional trips to and from the site and that the existing access will be retained with car parking being policy compliant, I do not consider this application to have adverse impacts upon the safety and convenience of the highway network.

It should be noted that as a result of the bridge 10 ton weight limit, the applicant will be required to submit a Construction Management Plan in order to demonstrate how construction vehicles will be entering and leaving the site. I would also require 2 secure and covered cycle parking spaces to be conditioned. I trust you at the Local Planning Authority will secure this by way of condition.

Mindful of the above, I do not have any objections to this application with regard to highway impacts.

Officer Comment: The bridge has an enforceable 10 tonne weight limit and a condition would not be of benefit. An informative is recommended to remind the applicant that the bridge has a weight restriction.

Conservation Officer:

The site forms part of the Cowley Lock Conservation Area and the proposed Colne Valley Archaeological Priority Zone (APZ). Furthermore it is located within designated Green Belt land and Nature Conservation Site of Metropolitan or Borough Grade I Importance.

This application is for a smaller dwelling than previously approved on appeal for application 45830/APP/2017/2944. It is slightly larger on footprint and significantly lower in height. It is reduced from a 3 bed two-storey building to a 2 bed single storey.

The proposed bungalow is considered generally acceptable in principle. There are a few design observations which would improve the character of the building and its impact on its open, rural setting of the conservation area.

The areas of concern are:

- the areas of blank wall, particularly to the rear/south elevation and to the east side elevation, but also to the right of the front door,
- the disparity in the roof form between the front and rear.

It is felt these concerns can easily be addressed by:

- The addition of some small windows for example: two to the rear elevation, that's one in each of the rear rooms; one on the east elevation, in the front bedroom; and one to the front in the utility.
- Changing the rear gable to a full or part hip, perhaps finishing the hip at the same height as the apex of the cross wings to mirror the roof form to the front.

The effect of these changes would be to soften the building in its landscape, create adequate interest on all elevations, and improve the interaction between internal and external space on all sides and with the wider setting.

External materials would require approval prior to construction.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) specifies that any proposals for development in Green Belt will be assessed against National and London Plan policies, including the 'Very Special Circumstances' test.

Policy OL1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) defines the types of development considered acceptable within the Green Belt. These are predominantly open land uses including agriculture, horticulture, forestry, nature conservation, open air recreational activities and cemeteries. It specifies that planning permission will not be granted for new buildings or changes of use of existing land or buildings, which do not fall within these uses.

Policy OL2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that, where development proposals are acceptable within the Green Belt, in accordance with Policy OL1, the Local Planning Authority will seek comprehensive landscaping improvements to enhance the visual amenity of the Green Belt.

The London Plan Policy 7.16 (2016) reaffirms that the strongest protection should be given to London's Green Belt, in accordance with national guidance, and emphasises that inappropriate development should be refused, except in very special circumstances.

Paragraph 133 of the NPPF (2018) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 134 of the NPPF states:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and

any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

-not have a greater impact on the openness of the Green Belt than the existing development; or

-not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The previous application was refused on the basis that it represented inappropriate development within the Green Belt. In considering this, the Inspector in the recent appeal decision stated:

"The National Planning Policy Framework (the Framework) is clear at Paragraph 144 that substantial weight should be given to any harm in the Green Belt. Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, listing a number of exceptions. Among the exceptions set out is, at d), the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The floor area of the original mobile home is 70 m², and as extended is 106 m². The proposed house would have an overall floor area of 147 m². This would represent an increase in floor area of 106% over that of the original building, and 38% over the extended mobile home.

The findings of the High Court in *Tandridge DC v SSCLG & Syrett* [2015] EWCH2503 were that provided the inspector considers the relationship of the buildings to each other, and to the issue of openness, and does not simply undertake an arithmetical exercise, regardless of the relationship of the buildings to themselves and to the openness of the Green Belt, there is no reason in principle why the objectives of Green Belt policy cannot be met by the application of the exception listed in the fourth bullet point of paragraph 89 of the 2012 Framework to a group of buildings as opposed to a single building. This bullet point corresponds to part d) of paragraph 145 of the current Framework, relating to replacement buildings.

The floor space calculations do not appear to factor in the large and small sheds adjoining the mobile home, which would also be removed as a result of the development. They are clustered close to the rear of the appeal building and appear to relate to its domestic use. The more sprawling group created by the host building, its extensions and these sheds contrast unfavourably with the more compact footprint of the proposed house in terms of the effect on openness. Therefore, taking into account the approach set out in the *Tandridge* case, to which I give significant weight, I conclude that the floor space of the sheds could also legitimately be taken into account as part of the calculations in this case.

As the test set out in the Framework is whether the proposed building would be materially larger than that which it replaces, rather than the original, unextended, building, it appears to me that the increase in floor area, taking into account that of the sheds, would not be a

materially greater one. Consequently, I conclude that the development would be not inappropriate within the Green Belt."

Given that the floor area of the proposed bungalow would be 147 square metres which is the same as that previously considered appropriate by the Inspector, the current proposal is considered to represent appropriate development within the Green Belt. The impact upon the openness of the Green Belt is discussed in the Green Belt Section below.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

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

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

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 application site forms part of the Cowley Lock Conservation Area and the proposed Colne Valley Archaeological Priority Zone (APZ). The site is accessed from the East via a small historic bridge over the Grand Union Canal. To the West of the site lies the River Colne and Fray's River. The surrounding area is predominantly rural in nature with open land defining the landscape. Whilst it is duly noted that the area to the East of the Grand Union Canal comprises of suburban housing estates the area to the West of the Canal differs greatly. The site as existing comprises of various structures including a static mobile home which has been extended on two sides.

The Inspector in the recent appeal concluded:

"The Cowley Lock Conservation Area is focused on the Grand Union Canal and the waterways and sites around it, and includes sites related to historic activities such as milling and farming. As a consequence its special character and appearance and significance lie in the presence of the canal and historic structures relating to its operation, and to other functional buildings relating to water management and exploitation, and in the picturesque qualities of the water and surrounding lush vegetation. The canal forms an important route and visual corridor through the conservation area.

The appeal site is set back from the canal behind a site relating to residential moorings, and only the functional stable and workshops can be seen over the gate. The existing mobile home is of no particular architectural merit, and is already fronted by a hard surface for parking vehicles. Therefore, the appeal dwelling would be replacing an existing domestic form and layout in the otherwise rural and industrial setting, which would be largely shielded from key views along the canal towpath by this siting and by the high conifer hedge bounding the site on that side. There is also a large area of new housing

located to the north of the appeal site, close to the canal and visible from the towpath.

Consequently I conclude that the development would have little effect in terms of introducing an additional residential element to the area, and would not be conspicuous in key views along the canal corridor. Its effect on the character and appearance of the Conservation Area would therefore be neutral, and there would be no harm to its significance. There would be a small benefit in replacing the mobile home with its piecemeal extensions and dilapidated sheds with a single house to a coherent design.

Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) seeks development which improves and maintains the quality of the built environment, and there would be no conflict with this. Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) seeks to conserve and enhance the historic landscape of Hillingdon, and the development would not be in conflict with this either.

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks new development within or on the fringes of conservation areas which preserves or enhances those features which contribute to their special architectural and visual qualities and there would be no conflict with this. Nor would there be conflict with the requirements of policies BE13 and BE19, and the advice in the Adopted Supplementary Planning Document Hillingdon Design and Accessibility Statement: Residential Layouts 2006 in respect of securing development which harmonises with the character of the area.

Policy 7.8 of the London Plan seeks development which conserves the significance of heritage assets and their settings, and the appeal development would be in accord with this."

The application site is located within the Colne Valley Archaeological Priority Zone (APZ) as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

The National Planning Policy Framework (Section 12) and the London Plan (2016) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. The Inspector, in the recent appeal concluded:

"Paragraph 189 of the Framework is clear that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Although no such assessment or evaluation has been made, this is a matter capable of being addressed by a condition securing the approval of a written scheme of investigation which secures a scheme of work which addresses the necessity of field evaluation and recording. Consequently, I conclude that the lack of a desk based assessment at this stage is not, in itself, a sufficient reason for dismissing the appeal.

The development does not, therefore, conflict with the provisions of the Framework, nor with those of Policy 7.8 of the London Plan in respect of heritage assets."

It is noted, however, that Historic England have confirmed that this application is too small-scale to be likely to cause significant harm and that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Historic England have confirmed no further assessment or conditions are therefore necessary.

Given the findings of the Inspector, and the response from Historic England, the single storey replacement dwelling is considered to conserve the significance of the heritage assets.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Concerns were raised during consideration of the previous application, that the increased height and bulk of the two storey replacement dwelling would detract from the openness of the Green Belt. In response to this concern the Inspector concluded:

"Paragraph 133 of the Framework is clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

However, in *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404*, the Court of Appeal concluded that where development is found to be 'not inappropriate' applying paragraphs 89 or 90 of the 2012 Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt (para 17 of the judgement). These correspond to paragraphs 145 and 146 of the Framework 2018.

Consequently, it is not necessary to consider any further the issue of openness."

It is also noted that the current proposal reduces the overall height and bulk of the replacement dwelling to remove the second storey, whilst maintaining the allowed floor area of 147 square metres. As such it is considered that the proposed replacement dwelling would not be injurious to the openness of the Green Belt.

7.07 Impact on the character & appearance of the area

The issues are addressed in the sections above.

7.08 Impact on neighbours

Policies BE20, BE21 and BE24 collectively seek to preserve the residential amenity of both the occupants of the new dwelling and neighbouring dwellings. This is achieved by ensuring adequate daylight and sunlight is allowed to penetrate into and between, and that by virtue of the siting, bulk and proximity development would not result in a significant loss of residential amenity (BE21) and that the designs of new buildings protect the privacy of the occupiers and their neighbours (BE24).

The application site enjoys a relatively isolated location with no nearby residential properties. The proposal would not result in an unacceptable loss of light, outlook or privacy to occupants of neighbouring properties.

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 single storey house is required to provide an internal floor area of 70 square metres which the proposal complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of Policy 3.5 of the London Plan (2016).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

There is sufficient space within the site to provide parking in line with the Council's parking standards and the proposal would not result in a material increase in traffic movements to justify any highway safety concerns. As such, subject to a condition requiring the submission of a management plan to control construction traffic over the weak bridge, the proposal is considered acceptable in accordance with policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility concerns are raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

The application site is located within a Nature Conservation Site of Metropolitan or Borough Grade I Importance. Policy 7.19 of the London Plan (2016) requires that development proposals on sites of Importance for Nature Conservation should give the highest protection to Sites of Metropolitan Importance.

This revised application is supported by the same ecological report as submitted with the previous scheme where the Inspector concluded:

"An assessment of bat roosts and nesting birds has been submitted, which has concluded that it would be unlikely that the development would have any direct impact on bats or their roosts, and that it would be possible to avoid adverse impacts to nesting birds provided precautionary measures are implemented at the time of works. These are issues capable of being secured by condition. Consequently, I conclude that the development would be capable of making adequate provision for the protection of protected species."

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. The Council's Landscape Officer has advised that trees on this site are protected by virtue of their location within the Cowley Lock Conservation Area. No trees will be directly affected by the proposal. Subject to conditions, the proposal is considered acceptable in accordance with Policy BE38.

7.15 Sustainable waste management

The submitted plans indicate the siting of a waste collection area.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

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

CIL

The Council adopted its own 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 £60 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act

1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

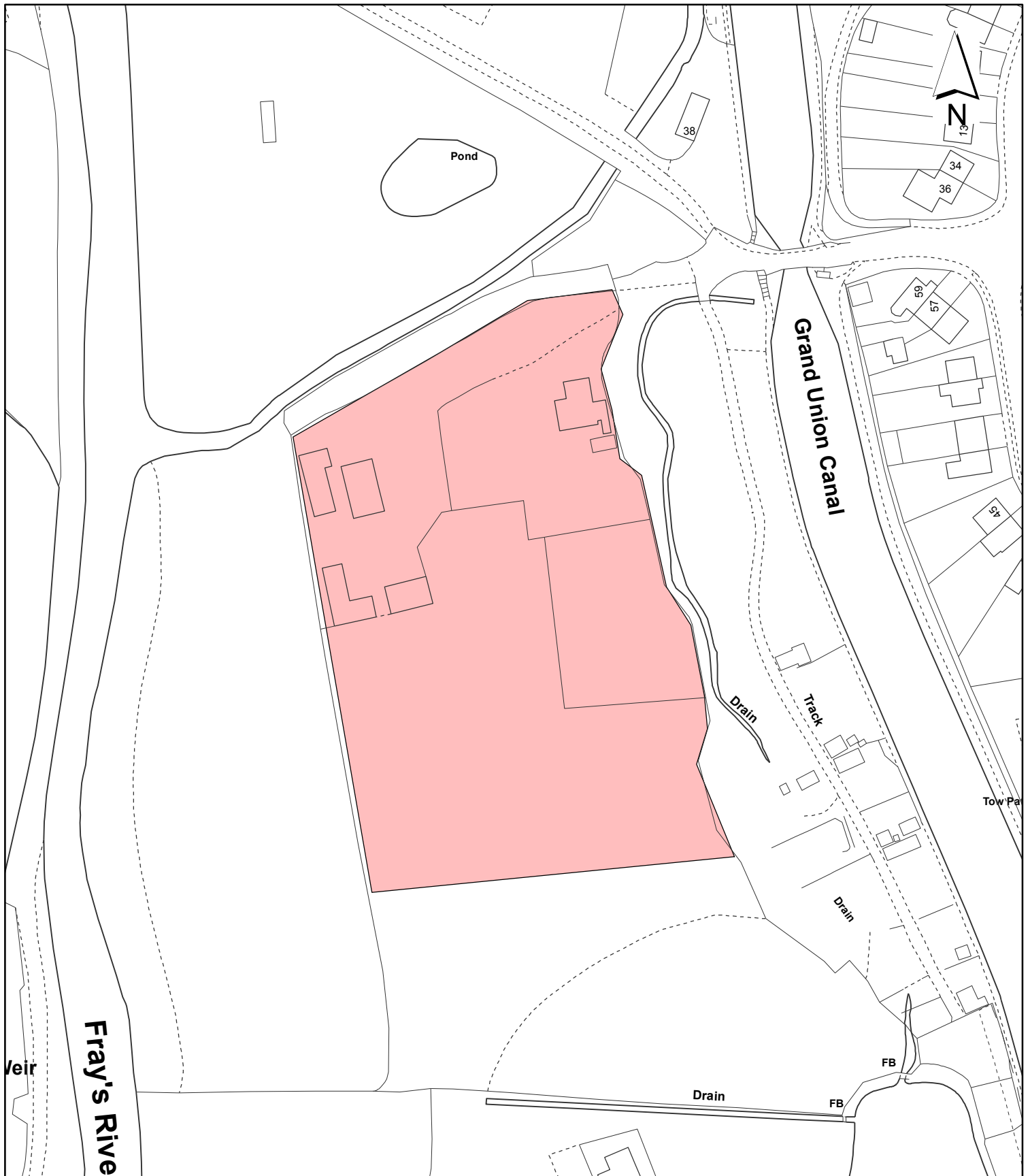
The application seeks planning permission for the erection of 2-bed bungalow, involving demolition of existing mobile home and outbuildings and follows a recent scheme allowed on appeal for a replacement dwelling with the same footprint, but including a first floor. Given the appeal decision, the current proposal, for a lower replacement dwelling, is considered to be acceptable subject to appropriate conditions. Accordingly the application is recommended for conditional approval.

11. Reference Documents

The London Plan (2016).
Hillingdon Local Plan Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Mayor of London's Housing Supplementary Planning Guidance (November 2012)
Housing Standards Minor Alterations to The London Plan (March 2016)
Parking Standards Minor Alterations to The London Plan (March 2016)
Supplementary Planning Document HDAS: Residential Layouts (July 2006)
Supplementary Planning Document HDAS: Accessible Hillingdon (January 2010)
National Planning Policy Framework (March 2012)

Contact Officer: Nicola Taplin

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Notes:

 Site boundary

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**LONDON BOROUGH
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 Telephone No.: Uxbridge 250111

Planning Application Ref:

45830/APP/2019/505

Scale:

1:1,250

Planning Committee:

Central & South

Date:

June 2019



HILLINGDON
 LONDON