

## Report of the Head of Planning, Transportation and Regeneration

**Address** LAND ADJACENT TO 10 KENT CLOSE & 5 FAIRLIGHT DRIVE KENT CLOSE UXBRIDGE

**Development:** Outline application for a new dwelling with means of access, layout and parking to be determined

**LBH Ref Nos:** 75553/APP/2020/1357

**Drawing Nos:** 3028.KENT.101  
Planning Statement  
Arboricultural and Planning Integration Report

**Date Plans Received:** 28/04/2020

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

**Date Application Valid:** 18/05/2020

### 1. SUMMARY

The application site seeks outline planning permission for the development of the site to construct a new dwelling. All matters are reserved except for access and layout. This means that, if approved, further details will need to be approved before the proposal can be implemented. In this case this would be:

- appearance (how it looks including the exterior of the development)
- landscaping (the improvement or protection of the amenities of the site, as well as the way it links to roads and pathways outside the site)
- scale (the size of the development, including the height, width and length of the proposed building)

A single parking space is proposed on the site frontage, however it is understood that this space is currently allocated to No.5 Fairlight Drive which would therefore become devoid of any parking facility. Clearly this parking 'trade off' is not acceptable and the space cannot be included within the parking calculation resulting in a 'zero' parking provision for the proposal which falls well below the required standard. It is considered that in this case the lack of parking provision (in a location with a low PTAL of 2) would create parking stress and is therefore unacceptable.

This is backland development and it is considered that the layout of the development will be harmful to the character of the area. It is also considered that it has not been demonstrated that harm to residential amenities by loss of privacy will not arise.

The applicant has lodged an appeal on grounds of failure to determine. As such the recommendation is based on reasons that would have formed the basis of a refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development, by reason of its layout, size and siting represents an overdevelopment of the site and fails to harmonise with the prevailing pattern, local context and spaciousness of development in the immediate locality. The proposal would therefore

be detrimental to the visual amenity and character of the surrounding area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH 6 and DMHB 11 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies 3.5, 7.1 and 7.4 of the London Plan (2016) and the NPPF.

**2 NON2 Non Standard reason for refusal**

It has not been demonstrated that the development by reason of its location, layout and proximity would not be detrimental to the amenities of the adjoining occupier at 6 Fairlight Drive and 11 Kent Close, by reason of visual intrusion, loss of privacy and overlooking. Therefore the proposal would be contrary to Policies DMH 6 and DMHB 11 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

**3 NON2 Non Standard reason for refusal**

The proposal would exacerbate existing local parking stress due to the insufficient parking provision proposed, to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

**2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMEI 14	Air Quality
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
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

### **3 159 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

### **4 171 LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council has made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

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

### **5 174 Community Infrastructure Levy (CIL) (Refusing Consent)**

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The site is located on land adjacent to No. 10 Kent Close and 5 Fairlight Drive with its main access point from Fairlight Drive, approximately 50m west of its junction with Harefield Road, Uxbridge. The site currently comprises a parcel of infill land that is not owned by any adjacent neighbour and has been used privately for ad hoc use as open air storage. The surrounding area is characterised by mainly 2 storey housing of a similar style which were completed in the 1980/90s as part of 2 separate residential estate developments. Many of the buildings are finished with a red matching brick or have a render finish.

### **3.2 Proposed Scheme**

Outline application for approval of access and layout for a new dwelling with associated parking. All matters are therefore reserved except for access and layout. Access to the site is via a narrow (pedestrian) alleyway located to the north and adjacent to 5 Fairlight Close. A single parking space is provided. The layout shows a single dwelling on the southern part of the plot between Nos. 10 and 11 Kent Close. There is no vehicular access to this street.

### **3.3 Relevant Planning History**

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

The application site has no relevant planning history

### **4. Planning Policies and Standards**

London Borough of Hillingdon Development Plan (from 17 January 2020)

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

West London Waste Plan (2015)

The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### Emerging Planning Policies

1.4 Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

1.6 The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

1.7 Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

## **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMEI 14 Air Quality

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 3.3 (2016) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2016) Quality and design of housing developments

LPP 3.8 (2016) Housing Choice

LPP 7.1 (2016) Lifetime Neighbourhoods

LPP 7.4 (2016) Local character

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

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

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

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

## **6. Consultations**

### **External Consultees**

Neighbours were notified on 24/05/2020. Following public consultation 43 objections and a petition were received raising the following concerns:

- Further congestion
- Impacts on wildlife
- Development not in keeping with the local context
- Too much building in local area
- Construction noise and disturbance
- Impact on tree
- On street parking loss
- insufficient car parking/traffic generation
- loss of access to land
- loss of privacy for adjoining residents
- overbearing impact on residents
- loss of light
- Effect on health
- Insufficient or inadequate infrastructure

Officers comments: The planning issues raised are considered below.

### **Internal Consultees**

Highways and Traffic Officer:

The site is located in a small residential catchment within a cul-de-sac directly off Harefield Road in Uxbridge. This outline proposal (access & layout only) consists of the redevelopment of a vacant piece of private land, which lies adjacent to No.5 Fairlight Drive and No.10 Kent Close, with the placement of a new detached 'back-land' 3 bedroom residential unit. A single private parking space is proposed on the site frontage.

Fairlight Drive exhibits a mix of waiting restrictions which operate from Monday to Saturday - 8am to 6.30pm and un-adopted (private) parking spaces allocated to various properties in the road. A controlled parking zone covers Harefield Road and functions from Monday to Saturday - 9am to 5pm. The site exhibits a PTAL of 2 which is considered as low and as such heightens dependency on the use of private motor transport.

Parking Provision:

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

It is proposed to provide a single detached build on this vacant back-land. In order to comply with the adopted parking standard the maximum on-plot requirement demands up to 2 spaces. A single private space is proposed on the site frontage however it is understood that this space is currently allocated to No.5 Fairlight Drive which would therefore become devoid of a parking facility. Clearly this parking 'trade off' is not acceptable and the space cannot be included within the parking calculation resulting in a 'zero' parking provision for the proposal which falls well below the required standard.

It is therefore considered that a refusal on insufficient parking grounds is justifiable as private car dependency generated by the proposal is likely to be high due to the low PTAL which would

potentially contribute to undue long term parking displacement onto the surrounding public highway. This likelihood is further exacerbated by the limited on-plot parking provisions available to surrounding properties which inherently increases on-street car parking pressure and demand.

#### Cycling Provision

In terms of cycle parking there should be a provision of 2 secure and accessible spaces for the unit in order to conform to the adopted minimum borough cycle parking standard. This quantum within a suitable cycle store is indicated toward the site frontage and is therefore considered acceptable.

#### Vehicular Trip Generation

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider 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.

The scale of proposal does not warrant concern based on potential traffic activity which is considered insignificant in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

#### Operational Refuse Requirements

Refuse collection would be conducted from Fairlight Drive. A specific bin storage area, close to the highway boundary is acknowledged within this submission. This arrangement is acceptable in principle as it ensures that waste collection distances are not excessive and within accepted standards.

Conclusion: Refusal on insufficient on-plot parking grounds is therefore recommended.

#### Trees and Landscape Officer:

The site is occupied by a plot of land adjacent / to the north of 10 Kent Close. Access to the site is via a narrow (pedestrian) alleyway located to the north and adjacent to 5 Fairlight Close. TPO 423 protects 7 Myrobalan plum (G7) trees along the rear boundary of 101-105 Harefield Road, alongside the alleyway. T6 is a Cedar of Lebanon which is closer to the main site, but off-site on elevated ground to the east.

COMMENT: The group of trees (G7) in the back garden should be unaffected by the development as they are effectively protected by a high brick wall. A tree report by GHA has identified and assessed the effect of development on the cedar and concludes that it will be unaffected by the proposal and can be safely and sustainably retained. Further to a recent site inspection, there is no objection to this assessment. All of the TPO's trees are off-site and, therefore, effectively protected by the existing site boundary walls/fences (and change of levels).

RECOMMENDATION: No objection subject to conditions RES9 (parts 1, 2 and 5).

Access Officer: no objection subject to condition.

## **7. MAIN PLANNING ISSUES**

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

Policy H1 of the Local Plan: Part One - Strategic Policies (November 2012) gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies.

Policy 3.3 of the London Plan (March 2016) seeks to ensure that London's housing needs are met. This objective is reiterated in the Mayor of London's Supplementary Planning

Guidance (SPG) on Housing, although it is noted that the in achieving housing targets, full account must be given to other policy objectives.

At a national level, Chapter 5 of the National Planning Policy Framework (NPPF) (February 2019), supports the delivery of homes, confirming that local authorities should, through their Local Plans, demonstrate how housing targets and objectives will be met. Particular emphasis is given to housing delivery over the next five years, but authorities are also required to consider growth beyond this.

Policy DMH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (Jan 2020) states Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need.

Policy DMH 6 relating to backland development states that such development may be acceptable subject to:

- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

The proposal would not involve the loss of existing gardens and thus in principle the development of the site may be considered acceptable. However, the development would need to comply with the policies and standards as set out in the Local Plan, London Plan and the NPPF, which it has failed to do.

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

Policy 3.4 of the London Plan (2015) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

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

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

Policy DMHB 11: Design of New Development



A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
- architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Policy DMH 6 of the Local Plan : Garden and Backland Development states -

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

i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;

ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;

iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and

iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

Kent Close, Fairlight Drive and Pages Lane comprise fairly recent development of terraced and semi-detached properties set in compact plots. It derives its character from features including the relatively regular design of the houses, the open plan frontages and the irregular gaps between groups of buildings and the larger gaps which are evident on some of the corner plots including the application site, which together, give some sense of spaciousness in this area. Very few of the properties in the surrounding area have extensions or alterations, so the original form, layout and design in this area remain

apparent.

The application site is surrounded by residential curtilages, mainly adjoined by rear gardens. Notwithstanding that there are some outbuildings in these gardens, this layout contributes to the feeling of spaciousness. Whilst the site is overgrown, its undeveloped nature makes a positive contribution to the open character of the site and surroundings. The site has pedestrian access from Kent Close. The only road frontage for the site is the narrow access path.

The proposed built development and domestic use on the plot would undermine the open undeveloped character of the site. The proposed residential use and built form would undermine the important break in development and as a result would harm the spacious character of the surrounding area. The site provides an important and prominent role in providing a visual gap adding to the spacious feel and overall rhythm and character of the area. The development of a dwelling close to the side boundary and infilling the gap between Nos 10 and 11 Kent Close which provides an important visual break in this small close would unbalance and disturb the spaciousness of the area.

As such the proposed development, by reason of its layout, size and siting represents an overdevelopment of the site and fails to harmonise with the prevailing pattern, local context and spaciousness of development in the immediate locality. The proposal would therefore be detrimental to the visual amenity and character of the surrounding area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH 6 and DMHB 11 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies 3.5, 7.1 and 7.4 of the London Plan (2016) and the NPPF.

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

Policy DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (Jan 2020) sets out principles of good design which will ensure the amenities of surrounding properties are protected.

Paragraph 5.38 of the Local Plan: Part 2 - Development Management Policies (2020) explains that the Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary.

This is an outline proposal and therefore there are no details of the design of the proposed dwelling including, for instance, the location of and orientation of windows. The layout (which is for determination) shows the proposed dwelling as being 13 metres from the rear of No. 6 Fairlight Drive and 3.37 metres from the side of and extending to the rear of No. 11 Kent Close. The land is also elevated, compared to its neighbours. Since the proposed dwelling is significantly less than 21 metres from both properties, material overlooking and loss of privacy cannot be ruled out. The development also proposes an access path adjoining and running the full length of the side garden of No. 5 Fairlight Drive resulting in potential disturbance in terms of noise and disturbance.

#### **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.

Policy DMHB 16 of the adopted Local Plan: Housing Standards states -

All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:

- i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
- ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

No details of the internal floorspace or the number of bedrooms are given. However, there does not appear to be any reason why an appropriate internal floorspace or a satisfactory standard of living accommodation could not be achieved. In the event of an approval this would be for consideration under reserved matters and/or conditions.

Policy DMHB 18 of the adopted Hillingdon Local Plan: Part Two - advises all new residential development will be required to provide good quality and usable private outdoor amenity space. The site is approximately 100 square metres, and there does not appear to be any reason why a suitable level and quality of amenity space could not be achieved. The proposal would therefore comply with the requirements of Policy DMHB 18 of the adopted Local Plan. (January 2020)

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

Section 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development proposals will be expected to include measures that do not contribute further to congestion and where possible, reduce car use. Paragraph 8.13 specifically states that the Council will not support development which will unacceptably contribute to traffic movements, deleteriously impact on the highway network or road user safety (including to pedestrians) or, affect residential amenity including by noise, congestion or inadequate parking provision. Proposals which are likely to generate through traffic should avoid the use of local distributor and access roads. Development proposals must provide safe and adequate vehicular access, servicing and parking areas.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states :

- A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:
- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
  - ii) maximise safe, convenient and inclusive accessibility to, and from within developments

for pedestrians, cyclists and public transport users;  
iii) provide equal access for all people, including inclusive access for disabled people;  
iv) adequately address delivery, servicing and drop-off requirements; and  
v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states :

Highways Impacts Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states :

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Local Plan Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The Council's highways officer has commented on the issues of traffic and parking as follows:

Parking Provision

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on

the surrounding road network.

It is proposed to provide a single detached build on this vacant back-land. In order to comply with the adopted parking standard the maximum on-plot requirement demands up to 2 spaces. A single private space is proposed on the site frontage however it is understood that this space is currently allocated to No.5 Fairlight Drive which would therefore become devoid of a parking facility. Clearly this parking 'trade off' is not acceptable and the space cannot be included within the parking calculation resulting in a 'zero' parking provision for the proposal which falls well below the required standard.

It is therefore considered that a refusal on insufficient parking grounds is justifiable as private car dependency generated by the proposal is likely to be high due to the low PTAL which would potentially contribute to undue long term parking displacement onto the surrounding public highway. This likelihood is further exacerbated by the limited on-plot parking provisions available to surrounding properties which inherently increases on-street car parking pressure and demand.

#### Cycling Provision

In terms of cycle parking there should be a provision of 2 secure and accessible spaces for the unit in order to conform to the adopted minimum borough cycle parking standard. This quantum within a suitable cycle store is indicated toward the site frontage and is therefore considered acceptable.

#### Vehicular Trip Generation

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider 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.

The scale of proposal does not warrant concern based on potential traffic activity which is considered insignificant in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

#### Operational Refuse Requirements

Refuse collection would be conducted from Fairlight Drive. A specific bin storage area, close to the highway boundary is acknowledged within this submission. This arrangement is acceptable in principle as it ensures that waste collection distances are not excessive and within accepted standards.

Conclusion: Refusal on insufficient on-plot parking grounds is therefore recommended.

Thus the proposal would exacerbate existing local parking stress due to the insufficient parking provision proposed, to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

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

### URBAN DESIGN

Urban Design matters relating to the scale, form and massing of the development are addressed within the "impact to the character and appearance of the area" section of this report.

## SECURITY

A condition would be attached to any approval to require the development to be built to secured by design standards and maintained as such.

### **7.12 Disabled access**

The Access Officer has no objections subject to conditions.

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

Not applicable to this application.

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

TPO 423 protects 7 Myrobalan plum (G7) trees along the rear boundary of 101-105 Harefield Road, alongside the alleyway. T6 is a Cedar of Lebanon which is closer to the main site, but off-site on elevated ground to the east. It is the cedar which a number of residents have expressed concern that it is under threat.

The group of trees (G7) in the back garden should be unaffected by the development as they are effectively protected by a high brick wall. A tree report by GHA has identified and assessed the effect of development on the cedar and concludes that it will be unaffected by the proposal and can be safely and sustainably retained. Further to a recent site inspection, there is no objection to this assessment. All the TPO's trees are off-site and, therefore, effectively protected by the existing site boundary walls/fences (and change of levels).

### **7.15 Sustainable waste management**

Policy 5.17 of the London Plan (March 2016) sets out the Mayor's spatial policy for waste management, including the requirements for new developments to provide appropriate facilities for the storage of refuse and recycling.

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

Not applicable to this application.

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

Policy EM6 (Flood Risk Management) of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated. This is further supported by policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (Jan 2020) and Policies 5.13 and 5.15 of the London Plan (March 2016). No issues arise.

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

#### AIR QUALITY

The application site does not fall within an air quality focus area nor is the proposal considered a major development therefore an air quality assessment is not required.

#### NOISE

In the event of approval it is envisaged that a construction management plan condition would be included to ensure that the noise created but the construction of the proposed development does not significantly impact the surrounding properties.

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

The issues raised have been addressed within the various section of the report. Issues of private rights are not planning matters.

### **7.20 Planning obligations**

Not applicable to this application.

## **7.21 Expediency of enforcement action**

Not applicable to this application.

## **7.22 Other Issues**

Community Infrastructure Levy:

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 £65 per sq metre.

## **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 site seeks outline planning permission for the development of the site to construct a new dwelling. All matters are reserved except for access and layout. This means that, if approved, further details will need to be approved before the proposal can be implemented. In this case this would be:

- appearance (how it looks including the exterior of the development)
- landscaping (the improvement or protection of the amenities of the site, as well as the way it links to roads and pathways outside the site)
- scale (the size of the development, including the height, width and length of the proposed building)

A single parking space is proposed on the site frontage, however it is understood that this space is currently allocated to No.5 Fairlight Drive which would therefore become devoid of any parking facility. Clearly this parking 'trade off' is not acceptable and the space cannot be included within the parking calculation resulting in a 'zero' parking provision for the proposal which falls well below the required standard. It is considered that in this case the lack of parking provision (in a location with a low PTAL of 2) would create parking stress and is therefore unacceptable.

This is backland development and it is considered that the layout of the development will be harmful to the character of the area. It is also considered that it has not been demonstrated that harm to residential amenities by loss of privacy will not arise.

The applicant has lodged an appeal on grounds of failure to determine. As such the recommendation is based on reasons that would have formed the basis of a refusal.

## **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)  
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: Accessible Hillingdon  
National Planning Policy Framework



**Contact Officer:** Cris Lancaster

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).  
 Unless the Act provides a relevant exception to copyright.  
 © Crown copyright and database rights 2020 Ordnance Survey 100019283

Site Address:

**Land Adjacent to 10 Kent Close & 5 Fairlight Drive, Kent Close**

Planning Application Ref:

**75553/APP/2020/1357**

Planning Committee:

**Central & South**

Scale:

**1:1,250**

Date:

**January 2021**

**LONDON BOROUGH OF HILLINGDON**  
**Residents Services**  
**Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111



**HILLINGDON**  
 LONDON