

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address OLD ORCHARD LODGE PARK LANE HAREFIELD

Development: Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping

LBH Ref Nos: 69790/APP/2021/2451

Drawing Nos: Planning, Heritage & Design and & Access Statement dated 18th June 2021
Foul & SuDS Drainage Assessment Ref: 10757
19_084_P6D
19_084_P7E
19_084_P9D
19_084_P8C
19_084_S00
19_084_S0
19_084_S1
19_084_P0D
19_084_P1E
19_084_P2C
19_084_P3D
19_084_P4C
19_084_P5E

Date Plans Recieved: 18/06/2021 **Date(s) of Amendment(s):** 18/06/2021
Date Application Valid: 18/06/2021 22/11/2021

1. SUMMARY

Planning permission is sought for the erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping.

The proposed development is inappropriate development in the Green Belt by definition. It is considered that the proposed development would have a moderate impact on the openness of the Green Belt. However, it is considered that the proposed dwelling causes no greater harm to the Green Belt compared to the dwelling approved and implemented under application reference 12385/APP/2016/2040. Accordingly, given the clear fall-back position available to the applicant, no additional planning harm arises from the proposed scheme and the planning balance is considered to be the same. Looking at the case as a whole, it is considered that very special circumstances exist to justify inappropriate development in the Green Belt. It is therefore considered that, in this particular and individual situation, the principle of the development is acceptable.

The dimensions and design of this current application has been amended since the refusal of application reference 69790/APP/2020/2070 (which was subsequently dismissed at Appeal). The proposed dwelling currently being considered has a maximum ridge height matching that of the dwelling approved under application reference 12385/APP/2016/2040. The width of the proposed dwelling (above ground level) has been reduced to more closely resemble the width of the previously approved dwelling. Furthermore, the barn inspired design of the proposed dwelling would be similar to the previously approved dwelling. It is therefore considered that the scale, massing and design of the the proposed dwelling would be appropriate within the context of its

Conservation Area setting.

It is considered that the proposed development would not unduly impact on the living conditions of neighbouring occupiers. The proposal would provide a satisfactory provision of internal and external amenity space for future occupiers. The Highways Officer is satisfied that the proposal would not present a risk to road safety, hinder the free flow of traffic, or lead to parking stress. The details in respect to landscaping, tree protection measures, the sustainability credentials of the building, sound insulation to mitigate the noise generated from the adjacent Public House are considered acceptable.

It is therefore recommended that the application be approved, subject to conditions.

2. RECOMMENDATION

APPROVAL subject to the following:

1 RES3 Time Limit

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

REASON

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

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 19_084_P0D, 19_084_P1E, 19_084_P2C, 19_084_P3D, 19_084_P4C, 19_084_P5E, 19_084_P6D, 19_084_P7E, 19_084_P8C, and 19_084_P9D 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 1 (2012), Part 2 (2020) and the London Plan (2021).

3 RES7 Materials (Submission)

No development shall take place until details and samples of all external materials and finishes as listed below, have been submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. Samples shall be made available on site for inspection. Works shall be carried out in accordance with the approved details.

- a. Brickwork
- b. Clay roof and ridge tiles
- c. Timber cladding
- d. External finish to dormers
- e. Soffit/ fascias
- f. Balustrades
- g. Guttering and downpipes

REASON

To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 NONSC Non Standard Condition

No development shall take place until details of all the external timber windows and doors

have been submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. Works shall be carried out in accordance with the approved details.

REASON

To safeguard the character and appearance of the conservation area and the green belt in accordance with Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DME1 4, DMHB 1, 4 and 11 (January 2020), Policy HC1 and G2 of the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 NONSC Non Standard Condition

Prior to installation, details of all conservation roof lights shall be submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. The roof lights shall be traditional conservation roof lights installed completely flush along the roof line or set just below the roof tiles. Works shall be carried out in accordance with the approved details.

REASON

To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6 NONSC Non Standard Condition

Prior to any works above damp proof level, details of the site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Details shall include scaled drawings, manufacturer/supplier information, product type/code and RAL colour where relevant. Works shall be carried out in accordance with the approved details.

REASON

To safeguard the character and appearance of the conservation area and the green belt in accordance to policy Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DME1 4, DMHB 1, 4 and 11 (January 2020), Policy HC1 and G2 of the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

7 NONSC Non Standard Condition

Prior to the commencement of any site clearance or construction work, a Basement Impact Assessment by a suitably qualified chartered engineer shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include the following details:

- a) A desktop study of geological and hydrological conditions of the site and the wider area;
- b) Site specific investigations to assess local ground conditions, including trial pits and/or boreholes;
- c) Identify suitable construction methods and mitigation measures for the basement, taking into account the stability of the host and neighbouring buildings and hydrology;
- d) A method for monitoring local ground conditions, water movement and subsidence.

The development thereafter shall be implemented in strict accordance with the approved details.

REASON

To ensure the development provides satisfactory means of drainage on site and to reduce the risk of localised flooding, and to safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in compliance with Policies DMHB 11, DMHD 3 and DMEI 9 of the Hillingdon Local Plan Part 2 (2020).

8 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours)
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities)
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours)
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process
- (vii) The storage of demolition/construction materials on site

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To reduce the impacts of construction on the surrounding highway network and to safeguard the amenity of surrounding areas in accordance with Policies DMHB 11, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy T6 of the London Plan (2021).

9 RES15 Sustainable Water Management (changed from SUDS)

The development hereby permitted shall be carried out strictly in accordance with the approved Foul & SuDS Drainage Assessment by Consulting Engineers (Ref: 10757).

REASON

To ensure the development does not increase the risk of flooding in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) and Policies SI 12 and SI 13 of the London Plan (2021).

10 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.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to 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 DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

11 RES9 Landscaping (car parking & refuse/cycle storage)

Prior to the commencement of works above damp proof level, a landscape scheme shall be 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 Refuse Storage
 - 2.b Cycle Storage
 - 2.c Car Parking Layouts (including one active and two passive electrical charging points)
 - 2.d Hard Surfacing Materials
 - 2.e External Lighting
 - 2.f Scaled elevations of the gazebo structure shown on approved drawing 19_084_P0D
- 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 surfacing/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
- 5. Other
 - 5.a Existing and proposed functional services above and below ground
 - 5.b Proposed finishing levels or contours

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMEI 4, DMHB 11, DMHB 12, DMHB 14, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies D1, D3, D4, G2, G5, T5, T6 and T6.1 of the London Plan (2021).

12 RES12 No additional windows or doors

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 additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing the property at Old Orchard Lodge.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

13 RES13 Obscure Glazing

The dormer window and rooflights serving the rooms specified as 'bathroom' and 'ensuite' on approved drawing number 19_084_P7E shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

14 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 openness of the Green Belt, the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

15 NONSC Non Standard Condition

Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON

To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

16 NONSC Non Standard Condition

The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010)

2015, and all such provisions shall remain in place for the life of the building.

REASON

To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

17 NONSC Non Standard Condition

The dwelling hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum 10% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

REASON

In the interest of energy conservation and to comply with Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

18 NONSC Non Standard Condition

The dwelling hereby approved shall achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations).

REASON

In the interest of water conservation and to comply with Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

19 NONSC Non Standard Condition

Prior to commencement of development above ground level, details of suitable sound mitigation/insulation to be incorporated into the development shall be submitted to the local planning authority for approval in writing. The details shall be accompanied by sufficient information to demonstrate that a suitable living environment will be created for the future occupiers of the development, having regard to likely noise emissions from the adjacent public house. Thereafter, the development shall only be carried out in accordance with the agreed details and any mitigation measures agreed shall be permanently maintained/retained.

REASON

To accord with the agent of change principle and London Plan (2021) Policy D13.

20 RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS BS 3998:2010 'Tree work -

Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

21 RES26 Contaminated Land

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DME1 12 of Hillingdon Local Plan Part 2.

INFORMATIVES

1 I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

2 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

3 147 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.

4 152 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).

5 153 Compulsory Informative (2)

The decision to GRANT 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 (2021) and national guidance.

DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMHB 1	Heritage Assets
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
DMHB 4	Conservation Areas
DMHD 3	Basement Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G2	(2021) London's Green Belt
LPP G7	(2021) Trees and woodlands
LPP HC1	(2021) Heritage conservation and growth
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

6 16 Property Rights/Rights of Light

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

7 170 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 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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

8 173 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@hillingdon.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.

9 IT05 Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, if applicable, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a previously development parcel of land to the south of Park Lane. It used to comprise a single storey building known as Old Orchard Lodge Cottage. Old Orchard Lodge Cottage originally served as an ancillary workshop/storage in connection to the Old Orchard Public House (when it was a former residential property). However, it appears to have been converted into residential accommodation in the late 1960s or 1970s. Old Orchard Lodge has been demolished as part of the implementation of the dwelling approved under application reference 12385/APP/2016/2040, and the site is currently vacant.

The application site is located at the fringe of Harefield Village amongst a group of properties comprising the Old Orchard Lodge, the Old Orchard Cottage and Old Orchard Public House. The surrounding area is rural, and these groups of buildings are of Edwardian style.

The application site lies within the Green Belt and Harefield Village Conservation Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). According to the Council's GIS Map, the site falls within the Denham Aerodrome 3km Perimeter Buffer Zone and a Landfill Buffer Zone. The site has a Public Transport Accessibility Level rating of 1a (very poor) and lies within Flood Zone 1.

3.2 Proposed Scheme

Planning permission is sought for the erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping.

3.3 Relevant Planning History

12385/APP/2015/859 Old Orchard Lodge Cottage Park Lane Harefield
Three-bed, detached bungalow with detached double garage involving demolition of existing bungalow

Decision: 11-05-2015 Refused

12385/APP/2016/2040 Old Orchard Lodge Cottage Park Lane Harefield
Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house

Decision: 10-10-2016 Approved

12385/APP/2016/4631 Old Orchard Lodge Cottage Park Lane Harefield
Details pursuant to condition 13 (Landscaping) of planning permission Ref: 12385/APP/2016/2040 dated 10/10/2016 (Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house)

Decision: 16-02-2017 Approved

12385/APP/2017/1554 Old Orchard Lodge Cottage Park Lane Harefield
Details pursuant to conditions 2 (Proposed Colour) and 13 (Landscaping) of planning permission Ref: 12385/APP/2016/2040 dated 10/10/2016 (Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house)

Decision: 04-07-2017 Refused

12385/APP/2017/3030 Old Orchard Lodge Cottage Park Lane Harefield
Details pursuant to conditions 3 (Materials), 6 (Landscaping), 8 (Sustainable Water Management) and 9 (Levels) of planning permission Ref: 12385/APP/2016/2040 dated 10/10/2016 (Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house)

Decision: 11-10-2017 Approved

12385/APP/2018/1199 Old Orchard Lodge Cottage Park Lane Harefield
Installation of driveway

Decision: 14-06-2018 Refused

12385/APP/2018/2770 Old Orchard Lodge Cottage Park Lane Harefield
Installation of driveway (Part retrospective)

Decision: 17-01-2020 Refused

12385/PRC/2015/156 Old Orchard Lodge Cottage Park Lane Harefield
3 bed detached bungalow with detached garage involving demolition of existing bungalow

Decision: 11-12-2015 OBJ

12385/PRC/2016/39 Old Orchard Lodge Cottage Park Lane Harefield
Demolition of existing structure and construction of new dwelling

Decision: 27-04-2016 OBJ

69790/APP/2014/655 Old Orchard Lodge Park Lane Harefield

Detached double garage to side (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 28-04-2014 Refused

Appeal: 12-06-2015 Dismissed

69790/APP/2019/3871 Old Orchard Lodge Park Lane Harefield

Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping

Decision: 15-05-2020 Withdrawn

69790/APP/2020/2070 Old Orchard Lodge Park Lane Harefield

Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping

Decision: 04-12-2020 Refused

Appeal: 20-05-2021 Dismissed

Comment on Relevant Planning History

The relevant planning history attached to this site is referenced above.

Planning application reference 12385/APP/2015/859 for the erection of a three-bedroom dwelling was refused by the Council on 11th May 2015.

Planning application reference 12385/APP/2016/2040 for the demolition of the existing structure, currently used as a dwelling, and erection of a four-bedroom dwelling was approved by the Council on 10th October 2016.

Planning application reference 69790/APP/2020/2070 for the erection of a two storey dwelling with habitable basement space with associated parking and landscaping was refused by the Council on 4th December 2020 on the following grounds:

1) The proposed development by reason of its size, scale, mass and height represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the residential use which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt and the Harefield Village Conservation Area, contrary to the National Planning Policy Framework, Policies 7.8 and 7.16 of the London Plan (2016), Policies BE1, HE1 and EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DME1 4, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

An appeal was lodged against the refusal which was subsequently dismissed by the Secretary of State on 20th May 2021 (Appeal ref: APP/R5510/W/21/3267239).

4. Planning Policies and Standards

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

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)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment
PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM6 (2012) Flood Risk Management
PT1.HE1 (2012) Heritage

Part 2 Policies:

DMEI 2 Reducing Carbon Emissions
DMEI 4 Development on the Green Belt or Metropolitan Open Land
DMEI 9 Management of Flood Risk
DMEI 10 Water Management, Efficiency and Quality
DMHB 1 Heritage Assets
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
DMHB 4 Conservation Areas
DMHD 3 Basement Development
DMT 1 Managing Transport Impacts
DMT 2 Highways Impacts
DMT 6 Vehicle Parking
LPP D1 (2021) London's form, character and capacity for growth
LPP D3 (2021) Optimising site capacity through the design-led approach
LPP D4 (2021) Delivering good design
LPP D5 (2021) Inclusive design
LPP D6 (2021) Housing quality and standards
LPP D7 (2021) Accessible housing
LPP G2 (2021) London's Green Belt
LPP G7 (2021) Trees and woodlands
LPP HC1 (2021) Heritage conservation and growth

LPP SI12 (2021) Flood risk management
LPP SI13 (2021) Sustainable drainage
LPP T6 (2021) Car parking
LPP T6.1 (2021) Residential parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **11th August 2021**

6. Consultations

External Consultees

Three neighbouring properties were consulted on 9th July 2021. A site notice was displayed on a nearby lamp post on 23rd July and a press notice was published on 21st July 2021. The consultation period expired on 13th August 2021. Two representations were received, and their comments are summarised as follows:

- Out of keeping with the area
- Disproportionate in size
- Loss of light
- Loss of privacy
- Noise, vibration, air and light pollution
- Risk to the roots of the Oak tree
- Potential damage to neighbouring buildings

Planning Officer Response: The concerns raised in regard to impact on the character and appearance of the area, neighbouring residential amenity and trees will be covered in the following sections of this committee report. The concern raised about the potential damage to neighbouring properties is not a planning consideration.

Internal Consultees

COUNCIL'S TREES AND LANDSCAPE OFFICER:

The site is located within the Harefield Village Conservation Area, a designation which protects trees. There are no trees or other vegetation of note on the site itself, however, there is a mature oak tree on an embankment to the east of the shared driveway which provides access to the plot. This is a fine specimen whose canopy and root protection area (RPA) extend across the driveway and just into the development site. The property also lies within the Green Belt.

No tree survey has been submitted; however, the off-site oak tree influences the site and may be influenced by the development. There is a significant encroachment within the root protection area (RPA) of the protected oak by the existing site access and this may be further affected (marginally) by the footprint of the new building and associated work. The existing and proposed landscape details at this stage are scant. Hard and soft landscape details should be conditioned with appropriate hedging (mixed native species) along the boundaries. If the application is approved, a construction method statement informed by a tree report (with arb method statement and tree protection details) will be required, prior to commencement of work.

If you are minded to approve this application please add pre-commencement condition RES8 and conditions RES9 (parts 1,2,5 and 6) and RES10.

COUNCIL'S ACCESS OFFICER:

There does not seem to be any accessibility issues raised by the proposal. However, the following Conditions should be attached to any grant of planning permission:

Any grant of planning permission should include the following conditions: Prior to works commencing, details of step free access via the principal private entrances, and all other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D7 is achieved and maintained.

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D7 is achieved and maintained.

COUNCIL'S HIGHWAYS OFFICER:

The same comments within the 'officer's report' as per the refused application reference 69790/APP/2020/2070 can be applied once more.

The proposed larger dwelling could potentially increase traffic generation as compared to the approved dwelling. However such potential uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety. The proposal includes 3 parking spaces in excess of adopted standards.

In terms of cycle parking there should be a minimum provision of 2 secure and accessible spaces in order to conform to the adopted minimum borough cycle parking standard. Details of which could be conditioned if all other aspects of the proposal were acceptable.

COUNCIL'S CONSERVATION OFFICER:

The proposed development site falls within the Harefield Village Conservation Area, it is located within an agricultural, open environment on the outskirts of the village. The site forms part of a small, intimate group of buildings comprising of the Old Orchard Public House, to the south of the application site, and two modest sized dwellings located to the north and west of the application site.

The buildings were developed within one field, appropriately respecting the historic field boundaries. The group of properties dates from the late Edwardian period and are defined by similar characteristics, with traditional built forms and materials.

Collectively they are a small subservient group of buildings, subtly nestled into the surrounding open landscape, appropriately responding to the rural character of the Colne Valley Regional Park and open greenbelt land. They benefit from an elevated position with uninterrupted views across the Colne Valley towards Buckinghamshire. The pub is appropriately the most dominant building within the group, by virtue of its former status, scale, character and appearance. The buildings, particularly the pub are visible from the Grand Union Canal to the southwest of the site.

The former building (now demolished), on the application site was originally an outbuilding for the large house, now used as a public house. When first developed the site was originally never intended to be used as habitable accommodation and was essentially a garden structure with a

glazed element along the western elevation. The previous building was a single storey, subservient structure which neutrally contributed to the character and appearance of the conservation area. The former use of the site and association to the group of buildings is important to note and is important to be considered in terms of future development.

This is a well preserved part of the conservation area and therefore it is important that any new development sustains and enhances its significance and group value. As existing the site is currently empty, with no built form on site. In its current condition the site has a very minimal impact on the surrounding environment.

The site has a notable planning history. The 2016 approved scheme to replace the former structure with a traditional, barn-like built form, appropriately responded to its surrounding environment (planning ref: 12385/APP/2016/2040). Following this another scheme in 2019, of modern design had been withdrawn (ref: 69790/APP/2019/3871). The refused 2020 application (ref: 69790/APP/2020/2070), was appealed by the applicant and subsequently dismissed in May 2021 (appeal ref: APP/R5510/W/21/3267239).

In assessing the proposed development, the existing site condition (with no built form) has been taken as the baseline, in accordance with the recent Appeal decision.

The former building on site formed part of the history of the group of buildings, and whilst it was rather modest and unusual in nature, it contributed to its character. As per previous comments relating to this site, the loss of the original ancillary nature of the site, is regrettable not only to the history and development of the group of buildings and the area, but also to the appearance of this part of the conservation area.

The proposed development would not fully address the points made within the Appeal Decision, notable paragraph 8. The development would still comprise of a substantial building, with habitable accommodation spread over three floors. The extensive basement structure would be of the same size as previously submitted and extend a further two storeys above ground.

It is recognised that above ground footprint has been reduced, almost matching that of the previous approved scheme, and pulling the built form away from the public house. However, the height would remain the same as the Appeal scheme. As stated previously it would inevitably increase the building's presence within the landscape and amongst the group of existing buildings. The overall volume of the building would still be over and above that of the original building on the site and the approved development.

As before, the proposed design approach, adopting a barn-style architectural aesthetic would be deemed admissible. However, there would be concerns in terms of the material finishes.

In considering the surrounding built and natural environment, and the design approach taken, traditional, natural material finishes of a high quality should be used in the construction of the new development. Plain clay tiles and timber weatherboarding would be acceptable however product details and finishes would need to be submitted to ascertain their appropriateness.

It is unclear at this stage whether the timber cladding is to be stained/painted or left to weather naturally. Without such information it would be difficult to comment on the appropriateness of grey windows and doors. As a barn-style aesthetic has been taken in this instance, windows and doors should be constructed of timber, and externally finished to match the timber weatherboarding.

There would be concerns in regard to the use of the external modern 'silicon render' finish to sections of the building. Further product information including manufacturer information would be required, alongside the proposed texture finish and colour of the render.

The proposed roof lights would disrupt the appearance of the roof. The number proposed along the rear elevation, alongside the dormer windows would clutter the appearance of the building. The roof lights to the front would be overly large.

Whilst a small number of appropriately sized conservation roof lights would be acceptable as proposed it would not. The number of roof lights would need to be reduced. All conservation roof lights would need to be externally constructed of metal, finished in black and include a genuine central glazing bar. The roof lights would need to be installed flush along the roof line or set just below the roof tiles. All rain water goods should be constructed in a cast metal, finished in black in order to remain in keeping with the traditional design aesthetic.

A tall close boarded fence surrounding the building would be inappropriate. Buildings within rural, open settings should integrate and relate to their surrounding environment, becoming positive assets within the landscape. A more sympathetic, ideally planted boundary treatment should be considered. Further information in relation to the boundary treatment at the entrance to the site would need to be confirmed. It should ideally not be any taller than 1m in height.

It is understood that the extent of land ownership extends onto the agricultural land (upper level meadow) to the east of the residential land use. It is important that the character of each pocket of land remains identifiably separate. No landscape plan has been submitted therefore it is difficult to determine the proposed boundary treatments to the upper level meadow.

The loss of historic field boundaries and hedgerows would be unacceptable, harming the character and appearance of the conservation area, its rural landscape and the natural environment. Further information would be required in this regard, including a detailed landscaping plan, should the application be approved.

Any new boundary treatments should reflect the character and appearance of the surrounding rural landscape, it is strongly encouraged verdant hedgerows are instated. A minimal, timber post and rail fence could also be considered in some locations.

It is inevitable the proposed development would have an impact on the appearance and sense of openness of the site and surrounding historic and natural environment. As stated previously, the proposed development would significantly intensify the developed nature of the site. It would be a stark difference to the site's original historic use and existing appearance. The proposed built form and associated residential paraphernalia would exacerbate the harm caused. This was highlighted within the recent Appeal Decision.

In this instance the harm to the conservation area would be less than substantial harm. Paragraph 202 of the National Planning Policy Framework (NPPF, 2021) would be relevant.

In determining this application, duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would need to be considered.

Conclusion: Less than substantial harm

If approved conditions are recommended

External materials and finishes

No development shall take place until details and samples of all external materials and finishes as listed below, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. Samples shall be made available on site for inspection. Works shall be carried out in accordance to the approved details.

- a. Brickwork
- b. Clay roof and ridge tiles
- c. Timber cladding
- d. External render
- e. External finish to dormers
- f. Soffit/ fascias
- g. Balustrades
- h. Guttering and downpipes

REASON: To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

External windows and doors

Prior to installation, details of all the external timber windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. Works shall be carried out in accordance to the approved details.

REASON: To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Roof lights

Prior to installation, details of all conservation roof lights shall be submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. The roof lights shall be traditional conservation roof lights installed completely flush along the roof line or set just below the roof tiles. Works shall be carried out in accordance to the approved details.

REASON: To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Boundary treatments

Prior to installation, details of the site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Details shall include scaled drawings, manufacturer/supplier information, product type/code and RAL colour where relevant. Works shall be carried out in accordance to the approved details.

REASON: To safeguard the character and appearance of the conservation area in accordance to policy HE1 of Local Plan: Part 1 and policies DMHB 1, 4 and 11 of Local Plan: Part 2 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Whether the proposal would be inappropriate development in the Green Belt/ The effect of the proposal on the openness of the Green Belt?

Paragraph 147 of the NPPF (2021) states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except for very special circumstances. Paragraph 148 of the NPPF (2021) states that 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 149 of the NPPF (2021) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) 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.

Part A) of Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that inappropriate development in the Green Belt will not be permitted unless there are very special circumstances. Part B) of Policy DMEI 4 states that extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

- i) the height and bulk of the existing building on the site;
- ii) the proportion of the site that is already developed;
- iii) the footprint, distribution and character of the existing buildings on the site;
- iv) the relationship of the proposal with any development on the site that is to be retained; and
- v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

Whether the proposed erection of a dwelling at the site would fall under exception paragraph 149 (g) of the NPPF [previously paragraph 145 (g)] was considered during Appeal Decision reference APP/R5510/W/21/3267239. The Inspector states the following in respect to this matter:

"The definition of previously developed land (PDL) is set out in the glossary to the Framework and includes land occupied by a permanent structure, including the curtilage of the developed land. Thus, as the site is the location for the now demolished outbuilding for the Old Orchard Public House, this leads me to consider it would constitute PDL, as defined by the Framework. It is therefore necessary to consider the impact of the proposal

on openness of the Green Belt for this exception to apply."

There is no suggestion that the proposal would contribute towards an identified affordable housing need. Consequently, having regard to the second limb of paragraph 145 g) the development would be inappropriate if it would have a greater impact on the openness of the Green Belt than the existing development."

The Inspector goes on to state the following in respect to the openness of Green Belt.

"The essential characteristics of Green Belts are their openness and their permanence. I refer to established case law 1 [Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 and Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466] which states that openness has both a visual and spatial quality with regard to the appellant's assertion that the proposed dwelling would not be visible from the long view along Park Lane and would only be visible from the pub's car park, being partially hidden behind the property's boundary wall. Even a modest dwelling would be likely to impinge on the visual and spatial quality compared to the existing empty site which forms the benchmark against which to consider the impact on openness, given that the previous buildings were demolished a number of years ago. The appellant has referred to a comparison between the previously approved scheme and the current proposal. However, whilst an alternative development may represent a fall-back position, the extant scheme has not been constructed and I must consider the impact on openness in comparison to the 'existing development' which is the present condition of the site."

In light of the above Appeal Decision, it is considered that this current proposal would not fall within the exception of paragraph 145 g) of the NPPF and is therefore inappropriate development. However, as required by paragraph 148 of the NPPF, it is necessary to consider if there are any 'other considerations' which would weigh in favour of the development.

Other considerations

In 2016 the Council granted planning permission for the erection of a new four-bedroom dwelling at the site under application reference 12385/APP/2016/2040. This extant permission has been implemented by the applicant, and as such, a fall back position has been established as identified by the Inspector in the above Appeal Decision. It is agreed with the Inspector it is the 'existing development' that must be considered rather than 'fall-back positions', when it comes to applying the test of paragraph 149 g) of the NPPF. However, the 'other considerations' test set out in paragraph 148 of the NPPF (2021) does not preclude 'fall-back positions' from being considered. It is also understood that the applicant would revert to the approved and implemented 2016 scheme in the event that this application is not granted, and Officers afford this significant weight. It is therefore necessary to consider the effect of the approved permission on the Green Belt and how this compares with the proposed scheme.

The proposed dwelling would have additional floor space above the previously approved dwelling. However, this increase is at the basement level which comprises of 240 square metres of internal floor space. The proposed basement would not be visible from any public vantage points, nor from adjacent neighbouring land. It is therefore considered that the basement's impact to the visual aspect of 'openness' of the Green Belt would be very limited. The proposed dwelling would have a ground and first floor level footprint of 369 square metres, compared to the approved dwelling's footprint of 364 square metres. This equates to the floor area of the proposed dwelling above basement level being 5 square metres greater than the approved dwelling.

It is acknowledged that the overall floor area of the proposed development would be larger than that which was previously approved. However, the siting, scale and massing of the proposed dwelling would be similar to that of the approved dwelling. Furthermore, the barn inspired architectural style of the proposed dwelling and choice of material palette would be complementary to the site's rural setting, and would also be similar to that of the approved dwelling. It is therefore considered that whilst the current proposal would have a moderate impact on the openness of the Green Belt, the harm would not be any greater than the approved scheme under application reference 12385/APP/2016/2040. Given that the refusal of this application would likely result in the applicant continuing to implement the approved scheme under 12385/APP/2016/2040, this is an important material consideration.

Green Belt Balance

The proposed development is inappropriate development in the Green Belt. It is also considered that the proposed dwelling would have a moderate impact on the openness of the Green Belt. As stated above, the NPPF states that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

As identified in the above paragraphs, it is considered that the proposed dwelling causes no greater harm to the Green Belt compared to the dwelling approved under application reference 12385/APP/2016/2040. Accordingly, given the clear fall-back position available to the applicant, no additional planning harm arises from the proposed scheme and the planning balance is considered to be the same.

Taking all of the factors into account, it is considered that the other considerations in this case clearly outweigh the harm that has been identified. Looking at the case as a whole, it is considered that very special circumstances exist to justify inappropriate development in the Green Belt. It is therefore considered that, in this particular and individual circumstance, that the principle of the development is acceptable.

Due to the site's Green Belt location, it is considered necessary, in this particular instance, to use a condition (in the event of an approval) to withdraw permitted development rights for the enlargement, improvement or other alteration to the dwelling, alterations to its roof and the erection of incidental buildings. This is due to the effect any further extensions, additions and buildings at the site could have on the openness of the Green Belt.

7.02 Density of the proposed development

Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way.

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2.

Numerical density levels are considered to be more appropriate to larger sites and are not typically used in the assessment of schemes less than 10 units. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the locality, and would respect residential amenity considerations. Please

refer to the sections of the report titled principle of development; impact on the character and appearance of the area; impact on neighbours; living conditions for future occupiers; urban design, access and security; and disabled access.

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

The impact of the development on the Conservation Area is considered at section 7.07 of this report.

7.04 Airport safeguarding

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will ensure that uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

The proposed development would be within the Denham Aerodrome 3km Perimeter Buffer Zone. However, as it would be part of other residential properties within this zone, it is considered that visibility and audibility of aircraft operations associated with the aerodrome would not be of significant harm to the living conditions of the future occupants. It is therefore considered that it would be unreasonable to refuse the application on the ground of harm to the residential amenity of future occupiers, in respect to aircraft noise associated with Denham Aerodrome.

7.05 Impact on the green belt

Please refer to the section of the report titled 'The principle of development'.

7.07 Impact on the character & appearance of the area

Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

Policy HE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes the designated heritage assets such as statutorily Listed Buildings, Conservation Areas and Scheduled Ancient Monuments.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area. It should ensure public realm design takes account of the established townscape character and quality of the surrounding area.

The Inspector for Appeal Decision APP/R5510/W/21/3267239 states the following, in respect to the impact on the character of the area:

"The proposed two-storey detached dwelling house with basement would be a significant increase in volume from the demolished lodge. Even by the appellant's submission, its outline would be 70 percent greater. Unlike the previously approved scheme, which occupied broadly the same footprint as the demolished structure, the proposed building would extend notably closer to the public house, which would reduce the sense of separation between the buildings. In addition, the proposal would be two storeys in height (above ground level) across its significant width. The overall impression would be of a substantial dwelling which would not appear subservient to the Public House. The resultant loss of openness would cause harm to the prevailing feel of the area and the building would compete in scale with the public house which would alter the established pattern of a main building with associated smaller ancillary structures. Consequently, the proposal would be harmful to the historic contribution of the Public House and Lodge to the character and appearance of the CA."

Since the dismissal of the above Appeal, the width of the proposed dwelling has been reduced from 29.4 metres to 24.7 metres. The width of the proposed dwelling currently being considered would be almost identical to that of the dwelling approved under application reference 12385/APP/2016/2040. Also, the maximum height of the proposed dwelling has been reduced since the dismissed Appeal to match the height of the approved dwelling. It is acknowledged that the height of the 'side wing' has been increased by 0.3 metres above that of the approved dwelling. However, this increase in height is considered to be relatively modest. The 'side wing' would be set-down from the main ridge line by 0.8 metres, thus ensuring that it appears as a subordinate feature. Taking the above factors into account, it is considered that the size, scale and height of the proposed dwelling (above ground level) would not compete with the scale of the Public House, and would be comparable to that of the dwelling approved under application reference 12385/APP/2016/2040.

In terms of siting, the proposed dwelling would sit broadly on the footprint of the dwelling previously approved under application reference 12385/APP/2016/2040. However, the form of the proposed dwelling (above ground level) means that it would be positioned up to 0.8 metres closer towards the eastern boundary (adjoining the open field owned by the applicant) and 0.3 metres closer towards the southern boundary adjoining the Old Orchard Public House. This is balanced by the proposed dwelling (above ground level) having a greater set-in from the northern and western boundary, with retained gaps of 1 metre and 1.6 metres, respectively. It is therefore considered that the proposed dwelling would sit conformably within its plot and would not significantly alter the pattern of development over and beyond the dwelling which was approved under application reference 12385/APP/2016/2040.

It is acknowledged that the proposal would include a basement. However, as previously stated, the basement would not be visible from any public vantage points, nor from adjacent neighbouring land. It is therefore considered that the basement's visual impact would be localised to the application site itself, and would not cause harm to the character and appearance of the surrounding Conservation Area.

The design of the proposed dwelling has been carefully considered to take account of the context of the site which is rural in character. Design cues have been drawn from local barn conversions within the wider vicinity of the site, most notably at Colney Farm. The barn inspired architectural style of the dwelling would be similar to the dwelling approved under application reference 12385/APP/2016/2040. The proposed dwelling

currently being considered would have a shallow pitched roof with dormers and roof lights which would serve habitable accommodation within the loft space. The height of the side wing and front gable projection have been set-down from the main ridge height of the building to ensure that these features appear visually subservient. Following negotiations, the material palette of the building was revised so that timber cladding is the predominant finish on the building, with the side wing and front gable projection being finished in brickwork. These external finishes would be secured by condition, in the event of an approval.

Having regard to the above, it is considered that the proposed dwelling would harmonise with the surrounding rural landscape and would not cause harm to the Harefield Village Conservation Area. The proposal therefore accords with the objectives of Policies HE1 and BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policies DMHB 4, DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4 and HC1 of the London Plan (2021) and the NPPF (2021), in this respect.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. 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 or onto private open spaces. A minimum 21 metre separation distance between windows of habitable rooms will be required to maintain privacy. The Council will also expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The proposed dwelling would sit broadly on the footprint of the dwelling previously approved in 2016 (ref:12385/APP/2016/2040), although the form of the proposed dwelling means that it would be positioned closer towards the eastern boundary (adjoining the open field) and southern boundary (adjoining the Old Orchard Public House). Following negotiations, the ridge height of the main building envelope of the proposed dwelling has been reduced to ensure that it does not exceed the height of the dwelling previously approved in 2016 (i.e. 6.98 metres). The ridge height of the two storey side wing has been increased by 0.3 metres, with a maximum height of 6.2 metres.

Old Orchard Lodge is a detached bungalow located to the north of the site. This neighbouring property sits on lower ground to that of the application site by some 600mm (at the closest point). Old Orchard Lodge contains roof lights and sprocketed eaves across the verandah on all four of its sides. There would be separation distance of 10.3 metres between the physical property at Old Orchard Lodge and the proposed dwelling. It is acknowledged that the side wing of the proposed dwelling has marginally been increased in height, compared to the dwelling previously approved in 2016 (ref: 12385/APP/2016/2040). However, the proposed side wing would be set-away from the boundary shared with Old Orchard Lodge by 1 metre, which is a greater separation distance than the previously approved scheme in 2016. Taking these factors account, it is considered that the proposed development would not significantly impact on the level of light and outlook for the occupiers at Old Orchard Lodge, over and beyond the dwelling approved in 2016 under application ref: 12385/APP/2016/2040.

The rear elevation of the building would contain windows and dormers which face towards the field forming part of the wider curtilage of Old Orchard Lodge. This relationship would

be no different than that of the dwelling approved under application ref: 12385/APP/2016/2040 The side elevation of the proposed dwelling facing towards Old Orchard Lodge would not contain any windows. In the event of an approval, a condition would be secured to ensure that no additional windows are inserted in the side elevation of the proposed dwelling without the written consent of the Council. It is therefore considered that the proposal would not give rise to a material loss of privacy or overlooking for the occupiers at Old Orchard Lodge.

It is observed that an outbuilding has been constructed within the wider curtilage of Old Orchard Lodge. There does not appear to be any planning history for the outbuilding, although it is recognised that outbuildings can potentially be constructed under permitted development rights. The Council is not in possession of any evidence which would suggest that the outbuilding is being used as a separate self-contained residential unit (which would require planning permission). Also, the representation received from the occupiers of Old Orchard Lodge makes no reference to the outbuilding being used for residential purposes. It is therefore considered, on balance, that the outbuilding is being used for incidental purposes. As such, it is considered that the proposed development would not cause harm to the residential amenities of the occupiers of Old Orchard Lodge, in this respect.

There would be a separation distance of approximately 30 metres between the proposed dwelling and Old Orchard Cottage. Given this separation distance, it is considered that the proposal would not adversely impact on the residential amenities of Old Orchard Cottage.

Old Orchard Public House sits on higher grounds (circa 1 metre) and would be separated from the proposed dwelling by approximately 19 metres. Bearing this in mind, coupled with its drinking establishment use class, it is considered that the Old Orchard public House would not be adversely impacted by the proposed development, in respect to residential amenity. The Agent of Change is discussed in the section of the report titled 'Noise or Air Quality Issues'.

7.09 Living conditions for future occupiers

INTERNAL AMENITY SPACE PROVISION:

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

Policy D6 of the London Plan (2021) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy. Table 3.1 of the London Plan (2021) set out the same gross internal area space standards set out in the Technical housing standards - nationally described space standard (2015).

Policy D6 of the London Plan (2021) does not stipulate the minimum requirement for a 5 bedroom 10-person dwelling, which is the occupancy level being proposed under this application. It is noted that the gross internal floor area of the proposed dwelling would by far exceed the largest occupancy level rate referred to in Table 3.1 of the London Plan (2021), i.e., 123 square metres for a 6 bedroom 7-person two storey unit.

All the proposed bedrooms would exceed the minimum floor area standards set out in the Technical housing standards - nationally described space standard (2015). The proposed dwelling would be dual aspect with all the habitable rooms being served by principal windows in the front or rear elevations of the building, thus providing future occupiers with a reasonable level of natural light and outlook. The proposed basement would provide a games room/gym, kitchenette/laundry room, shower room and cinema. The basement

therefore has no requirement for natural light, although it is noted that the basement would benefit from a roof light and light wells.

On the above basis, it is considered that the proposed dwelling would provide satisfactory internal living conditions for future occupants, in accordance with Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

EXTERNAL AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.

Table 5.3 states that houses with four bedrooms or more should provide a minimum of 100 square metres of private usable amenity space. The garden serving the the proposed dwelling would measure 293 square metres (approximately). It is therefore considered that the proposal would provide future occupiers with an adequate provision of external amenity space, in accordance with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

ACCESS, PARKING AND HIGHWAY SAFETY:

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway, junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 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 maximum requirement for a 5-bedroom dwelling is for up to 2 car parking spaces to be provided on-site to comply with the adopted parking standard as set out in Appendix C Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

There is an existing shared vehicular crossover emerging onto Park Lane which serves the site. The proposal does not seek to make any alterations to this shared vehicular crossover, and it is considered that its current dimensions are adequate to accommodate the vehicular activity associated with the proposed development.

The proposed site layout plan indicates three on-site car parking spaces would be provided. Whilst this would exceed the maximum car parking standards set out in Appendix C Table 1, it is considered, on balance, that this provision is acceptable as it reduces the potential for untoward street parking displacement resulting from the higher dependency on the private motor car due to the site's PTAL rating of 1a (very poor).

In line with Policy T6.1 of the London Plan (2021), there is a requirement for a minimum of 20% 'active' electric vehicle charging points provision within the final parking quantum of development, with all remaining spaces being designated as 'passive' provisions. Although no details in respect to electric charging points have been provided, this matter could readily be resolved by way of a condition.

It is recommended that a Construction Management Plan be secured by way of a condition, due to the constraints and sensitivities of the local residential road network and in order to avoid/minimise potential detriment to the public realm.

Having regard to the above, it is considered that the proposed development would not significantly exacerbate the demand for street parking or prejudice highway safety for road and pedestrian users. It is therefore considered that the proposal would comply with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies T6 and T6.1 of the London Plan (2021).

BICYCLE PROVISION:

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires development proposals to provide a provision of cycle parking in accordance with the standards set out in Appendix C, Table 1. In this case, two accessible and secure cycle spaces would need to be accommodated within the site to comply with the cycle parking standards set out in Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

In this case, two cycle spaces would need to be accommodated within the site to comply with the cycle parking standards set out in Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). Full details in respect to cycle parking provision would be secured by condition. Subject to such a condition, it is considered that the proposal would comply with Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.11 Urban design, access and security

Covered in other sections of this committee report.

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) must meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

The conditions suggested by the Council's Access Officer are recommended to be included in any grant of planning permission (i.e. the submission of details relating to step free access and compliance with Category M4(2) of Approved Document M to the Building Regulations (2010) 2015). Subject to these conditions, the proposal would accord with Policies D5 and D7 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that housing provision is expected to include a range of housing to meet the needs of all types of households, and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Local Plan. For sites with a capacity of 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units. This is supported by Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

The proposal is for less than 10 residential units and does not meet the threshold in order to require affordable housing provision. As such, the proposal is not contrary to Policy H2

of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING:

Policy DMHB14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected.

The site is located within the Harefield Village Conservation Area, a designation which protects trees. The plans submitted with this application indicate that there are trees on the site which will be removed to facilitate the development. According to the details submitted under application ref: 12385/APP/2016/2040 (the scheme approved in 2016), these trees are Category C which means that they are of low amenity value. Given that the previously approved scheme involved the removal of these trees, it is considered that it would be unreasonable to refuse this current application on this ground, especially given the tree's low amenity value.

It is noted there is a mature Oak tree on the embankment to the east of the shared driveway leading to the site. The Council's Trees and Landscape Officer has commented that the tree is a fine specimen whose canopy and root protection area extends across the shared driveway and into the fringe of application site. The Tree and Landscape Officer has also commented that the footprint of the proposed development and associated works could potentially affect the Oak tree.

To mitigate any harm being caused to the Oak tree, a pre-commencement condition would be secured requiring the submission of Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. Subject to such a condition, it is considered that the proposal would not adversely impact on the health of the trees to be retained on the site or on adjacent land. The Council's Trees and Landscape Officer has recommended that a Construction Method Statement be submitted, and this would also be secured by condition if planning permission is granted.

Whilst the submitted site plan indicates areas of hard and soft landscaping, full landscaping details (including boundary treatment) would be secured by condition.

Subject to the above conditions, it is considered that the proposal would not cause harm to trees of merit in compliance with Policy DMHB14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

ECOLOGY:

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

As previously stated, the former building on the application site known as Old Orchard Lodge Cottage has been demolished. The site does not contain any ponds, dense scrub

and shrubbery. There are no protected sites of ecological interest adjacent to the site. It is therefore considered that the likelihood of protected species being present at the site is low.

In the event of an approval, an informative would be secured advising that should protected species be found at the site, the applicant(s) must fulfil their duties under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

7.15 Sustainable waste management

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 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.

The proposed site layout plan indicates a refuse/recycling store would be located in the north-eastern corner of the site, in close proximity to the shared driveway access. There is no objection, in principle, to the location of the refuse/recycling store. However, full details of the store (including its dimensions, materials and design) would be secured by condition.

It is anticipated that the Council's refuse collection vehicle would serve the proposed dwelling in the same manner as that of the neighbouring residential property at Old Orchard Lodge.

It is therefore considered that the proposed dwelling would be able to provide a convenient location for refuse and recycling facilities, which would conform to the Council's waste collection standards set out in Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.16 Renewable energy / Sustainability

Policy SI 2 of the London Plan states that residential development should achieve 10% beyond Building Regulation 2013.

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets.

The Heritage, Design and Access Statement submitted with this application states that the proposed building would be constructed to ensure it is sustainable and energy efficient. A planning condition is recommended to require that the proposed dwelling achieve an energy efficiency standard of 10% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Also, a condition is recommended to require the proposed dwelling to achieve as a minimum, a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the option requirement defined within Approved Document G of the Building Regulations).

Subject to the above conditions, the proposal would be compliant with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that applications for all new build developments (not conversions, change of use, or refurbishment) are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.

Policy DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that when determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability.

The application site is in Flood Zone 1 where the risk of flooding from rivers or seas is low. As such, all forms of development, including 'more vulnerable' uses, are acceptable in terms of fluvial and tidal flood risk in this location.

A Foul and SuDs Drainage Assessment was accompanied with this application. The report states that the clay soil type prevents the existing setup from utilising infiltration as there are no soakaways on the land. The combined sewer is an established network and this is proposed to be used here. The surface water from the roof and the drive's gullies would be routed into the driveway. This would be porous paving and act as an infiltration blanket. The surface water storage has been sized to hold the volume in the critical '1 in 100 years plus 40% climate change' evening using Flood Studies Report (FSR) rainfall date. The foul water would be routed into the existing outfall manhole.

On the basis of the submitted details, it is considered that the proposed development would provide adequate arrangements for the disposal of surface water and foul sewage. If planning permission were to be granted, a condition would be secured requiring the development to be carried out in accordance with the Foul and SuDs Drainage Assessment. Also, a condition would be secured requiring a Basement Impact Assessment and Geotechnical Investigation Report to be submitted to the Council for consideration.

Subject to the above conditions, it is considered that the proposal would not significantly increase the risk of flooding at the site, in compliance with Policies DMEI 9, DMEI 10 and DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

NOISE/AGENT OF CHANGE:

Policy D13 of the London Plan (2021) states that the Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential development proposals should manage noise by

reflecting the Agent of Change principle set out in Policy D13.

The southern boundary of the application site adjoins Old Orchard Public House (an established drinking establishment). Having regard to the agent of change principle, it is considered that noise mitigation measures would need to be provided to achieve a satisfactory living environment for future occupiers of the proposed dwelling, and help to mitigate the risk of a statutory nuisance being caused by the Public House. No details have been provided with the application to demonstrate that adequate sound insulation would be provided. However, this would be dealt with by way of a condition.

It is noted that the scheme approved in 2016 did not include a condition of this manner. However, it should be highlighted that a new London Plan has been adopted since the determination of this previous application, which specifically contains policies in respect to the Agent of Change principle. It is therefore considered to be necessary and appropriate to secure a condition requiring the submission of details in respect to the sound insulation for the proposed dwelling.

7.19 Comments on Public Consultations

Covered in other sections of this Committee Report.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of a new dwelling and is therefore CIL liable if planning permission were to be granted.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

CONTAMINATION RISK:

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants.

The site is designated within a Landfill Buffer Zone, however any required mitigation measures can be satisfactorily secured through a planning condition. As such, a condition is recommended to require a preliminary risk assessment (and intrusive land investigations and a remediation strategy if required) to be submitted to the Council for consideration. With the imposition of this condition, the proposal would be unlikely to pose any contamination risk for future occupiers, in accordance with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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.

10. CONCLUSION

For the reasons set out in this report, it is considered that the proposed development would accord with the objectives of national, regional and local planning policies and

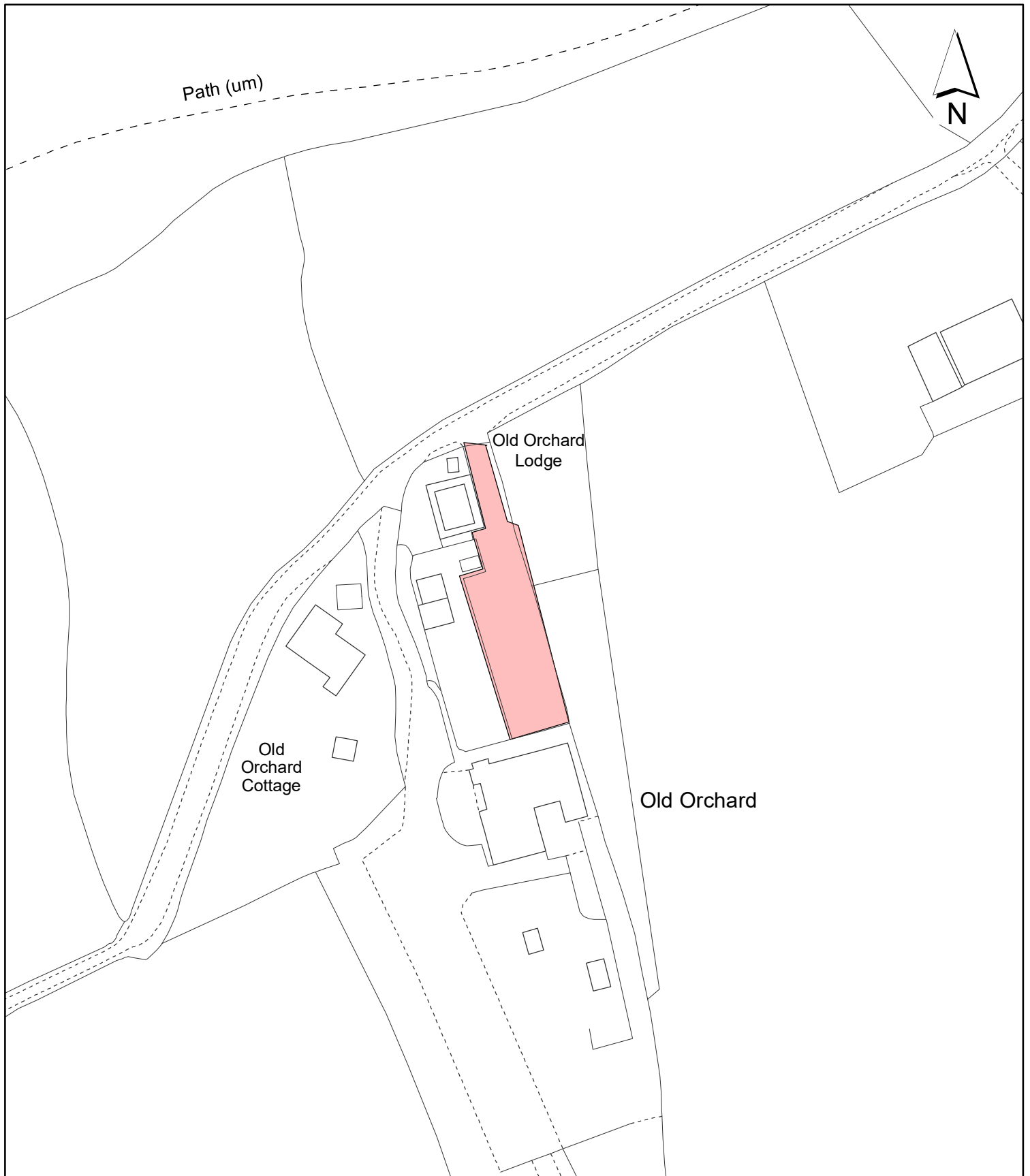
guidance. It is therefore recommended that this application be approved, subject to the imposition of planning conditions.

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 (March 2021)
Technical Housing Standards - Nationally Described Space Standard (March 2015)
Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document
(September 2017)
National Planning Policy Framework (July 2021)

Contact Officer: Nesha Burnham

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:

Old Orchard

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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

Planning Application Ref:

69790/APP/2021/2451

Scale:

1:1,250

Planning Committee:

Borough

Date:

December 2021



HILLINGDON
 LONDON