

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

**Address**                    16 SHELLEY LANE HAREFIELD MIDDLESEX

**Development:**            Application for Permission in Principle (PIP) for the erection of 3-9 dwellings following the demolition of the existing dwelling

**LBH Ref Nos:**            59830/APP/2021/3184

**Drawing Nos:**            SB21/SL/001, Rev 01 - Location Plan  
 SB21/SL/002, Rev 02 - Block Plans  
 SB21/SL/002, Rev 02 - Proposed Block Plan  
 Design and Access Statement

**Date Plans Recieved:**    18/08/2021                    **Date(s) of Amendment(s):**

**Date Application Valid:** 18/08/2021

## 1. SUMMARY

The location of the proposal is considered to be unacceptable for the amount of development proposed and it is therefore recommended that permission in principle be refused.

## 2. RECOMMENDATION

**REFUSAL for the following reasons:**

### 1            NON2            **Non Standard reason for refusal**

Due to its location, the amount of development proposed would be significantly harmful to the character, appearance and visual amenities of the surrounding area. The proposal is therefore considered to be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMH 6 and DMHB 11 of Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 of the NPPF (2021).

## INFORMATIVES

### 1            I52            **Compulsory Informative (1)**

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

### 2            I53            **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021), NPPF (2021), Town and Country Planning (Permission in Principle) Order 2017 (as amended) and Town and Country Planning (Brownfield Land Register) Regulations 2017.

DMH 2            Housing Mix

DMHB 7            Archaeological Priority Areas and archaeological Priority Zones

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
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
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 D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

### **3 171 LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The proposed development site is located on the corner of Shelley Lane and Belfry Avenue. At present the site comprises a single storey bungalow which has been extended, and a detached garage also exists within the site. The bungalow has a pitched roof and has been finished in pebble dash, its front elevation faces Belfry Avenue and its side elevation faces Shelley Lane. The elevation fronting Shelley Lane is obscured by hedging and trees.

The surrounding area is residential and is predominantly characterised by two storey detached properties of varying design and scale, finished in brick, pebble dash and render. Properties have large rectangular plots and are set back from the street, allowing for off road parking and landscaping. Most properties have integral or detached garages within their curtilages. One pair of semi detached two storey dwellings exists in the vicinity (Woodlands and Redlands) and some two storey properties provide a third floor of accommodation in their roof spaces.

Trees and hedging line the streets giving the area a green and leafy suburban appearance.

It should be noted that the development site is located within an Archaeological Priority Area and abuts a zonal Tree Protection area which covers most of Shelley Lane and Barrington Drive.

### **3.2 Proposed Scheme**

The application seeks permission in principle for the erection of 3-9 dwellings following the demolition of the existing dwelling.

### **3.3 Relevant Planning History**

22566/APP/2010/1752 De Vere, 16 Shelley Lane Harefield

Single storey side/rear extension (Application for a Certificate of Lawfulness for a Proposed Development).

**Decision:** 21-09-2010 Approved

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

The planning history of the site is set out in section 3.3 of this report. There are no comments to make on this history.

## **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.

It should also be noted that Permission in Principle is sought as such the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and Town and Country Planning (Brownfield Land Register) Regulations 2017 are also relevant to the determination of the proposal.

#### **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.H1 (2012) Housing Growth

Part 2 Policies:

DMH 2 Housing Mix

DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
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
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
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 D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

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

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

**5.2** Site Notice Expiry Date:- **22nd October 2021**

## **6. Consultations**

### **External Consultees**

Historic England (GLAAS)

The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter. NPPF section 16 and the London Plan (2021 Policy HC1) make the conservation of archaeological interest a material planning consideration.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

No further assessment or conditions are therefore necessary.

This response relates solely to archaeological considerations. If necessary, Historic England's Development Advice Team should be consulted separately regarding statutory matters.

Officer Response: Noted. See section 7.03 of this report.

### **Internal Consultees**

#### **TREES AND LANDSCAPING OFFICER:**

This site is occupied by a single-storey bungalow located at the junction of Shelley Lane and Belfry Avenue. There are a number of trees on the spacious plot, which contribute to the character and appearance of the area. A Copper beech in the north-west corner of the site, fronting onto Shelley Lane, is protected by TPO 626. This appears on the TPO schedule as T6.

No tree survey has been submitted and none are indicated on the site plans. There is no objection in principle to the re-development of the site, however, trees are a material planning consideration. The site layout should be informed by a tree report and an arboricultural implications assessment with tree protection measures and an arboricultural method statement to ensure that any trees which are worthy of retention can be safeguarded. The layout should also be designed to provide an attractive landscape setting for the buildings and the wider environment, the details of which could be conditioned.

**RECOMMENDATION:** No objection subject to the submission of a tree report to BS5837:2012 with an arboricultural implications assessment and a satisfactory landscape layout. Fine detail could be conditioned using RES9 (parts 1,2,5 and 6).

#### **PLANNING POLICY TEAM:**

The Policy Team do not tend to comment on minor applications. I would however advise you to look at Policy DMH 6: Garden and Backland Development, which is a policy that will have an impact on both land use and the amount of development that is achievable on site.

#### **HIGHWAYS OFFICER:**

The land in question consists of a 4-bedroom bungalow on a corner plot situated in the far northern sector of the borough in Harefield within a residential catchment on the corner of Shelley Lane and Belfry Avenue. The address exhibits a 'very poor' public transport accessibility level (PTAL) of 1a which encourages the ownership and use of private motor transport and the surrounding roadways are devoid of parking controls.

Under Part 2A (Article 5A) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), it is proposed to attain a 'permission in principle' for up to 3-9 residential units on this plot.

#### **PIP**

##### **Traffic Generation**

The principle of a residential development is broadly established within this area hence an extension of this planning use type would not be out of kilter with its surroundings however if up to 9 units were to be provided, there would be a significant change in use and user profile which may impact on the other dwellings within the road. Notwithstanding this point, the proposal site is likely to generate up to 3 two-way car movements during peak periods assuming a maximum provision of 9 residential units of reasonable scale not exceeding 2/3 bedrooms. If that is to be the intention then subject to future final designs and agreed site quantum, this level of activity is broadly acceptable at this stage as such movements can, within reason, be absorbed within the adjacent road network.

##### **Parking Provision**

As the location is very remote from sustainable means of private travel i.e. public transport, a higher on-plot parking ratio per unit in accord with Council standards would be expected in order to assist in avoiding undue parking displacement generated by the final proposal. For a flatted use not exceeding 2 bedrooms, one space per unit would be required and this is elevated to two spaces for 3+ bedroom units. For 'dwellings with curtilage', 2 spaces per unit would be sought.

#### On-Plot Design Layout & Access

In terms of final designs, reference should be made to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts. In the case of the proposal site, it should be the intention to allow vehicles to enter and leave the site in a forward gear which is the recommended best practice on safety grounds. The established vehicular access on Belfry Avenue should remain and continue to be utilised for the purposes of this proposal.

#### Summary

In terms of transport/highway related considerations, the principle of residential development is considered acceptable but will of course be subject to the acceptability and soundness of designs and on-plot parking related details submitted within a future planning application submission which must fall in line with national, regional and local policies/standards/design guidance and documentation relevant at the time of application.

Please note, all other relevant highway related aspects would be considered and addressed at a future 'technical details consent' stage planning submission.

Officer Response: All consultee comments have been noted and have been taken into consideration (where relevant) in the recommendation for this application. See section 7 of this report.

## **7. MAIN PLANNING ISSUES**

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

This application seeks Permission in Principle for the erection of 3-9 dwellings following the demolition of the existing dwelling.

The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (or technical details consent stage) is when the detailed development proposals are assessed. This application relates to the first of these 2 stages.

The scope of the considerations for permission in principle applications is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application, if permission in principle is granted. The proposed development has been assessed accordingly.

It should be noted that the site is not allocated for residential development on the council's brownfield register.

#### Land Use Assessment

The proposed development is located within a residential area in Harefield. The existing site comprises a residential building. The use of the site for residential purposes would therefore not be out of character with surrounding land uses, or the sites existing use. The land use proposed is therefore considered to be acceptable.

#### Amount of Development Assessment

The application site is approximately 0.069 hectares and the proposal seeks to provide 3-9 residential units. The local area is considered to be suburban/semi rural and it has a PTAL rating of 1A. Local Plan Policy DMHB 17 advises that residential development should meet the density standards in the Local Plan.

Table 5.2 of the Local Plan (Part 2) sets out those standards and advises that an appropriate residential density for a site of this size, in this location, comprising detached or linked properties would range from 105 -150 habitable rooms per hectare (hr/ha) and 35-50 units per hectare (u/ha), with each unit providing an average of 3.5 habitable rooms.

For a development comprising terraced houses and flats, the appropriate density would be 105 to 231 habitable rooms per hectare (hr/ha) and 35-70 units per hectare (u/ha), with each unit providing an average of 3.3 habitable rooms.

For a development comprising mostly flats, the appropriate density would be 105-300 habitable rooms per hectare (hr/ha) and 35-100 units per hectare (u/ha), with each unit providing an average of 3 habitable rooms.

As the surrounding area is characterised by detached dwellings, the provision of flats and terraces in this area would be out of character and unacceptable. As such, only the density standards for detached dwellings/linked houses (semi-detached) have been used in this assessment, as only these types of property would be acceptable in this location.

Based on the standards mentioned above and the size of the site (0.069 ha), between 7 and 11 habitable rooms would be appropriate for the site or 2-4 units. As each unit must provide 3.5 habitable rooms and a maximum of 11 rooms would be appropriate for the site, 3 residential units is a more accurate indication of what could be achieved on the site, when considered against the density standards.

As 3 units is within the range applied for (3-9), the amount of development proposed could be considered to be acceptable. However, it is more appropriate for minor residential development (9 dwellings or less) to be assessed against its integration with the form, scale, layout and appearance of the area in which it will be located.

Another factor that needs to be considered is the space required for car parking for the amount of development proposed. As noted in the comments provided by the Council's highways officer, two vehicle parking spaces per dwelling would be required for this remote location. This means that the site would need to accommodate space for between 6 and 18 vehicle parking spaces. In combination with the need to accommodate 3-9 houses, their associated private gardens and on-site vehicle parking, the amount of development would be unacceptable. This is discussed additionally below with respect to the location assessment.

#### Location Assessment

Policy DMH 6 states 'There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria: i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided; ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable; iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and iv) features such as trees, shrubs and wildlife habitat must

be retained or re-provided.'

Policy DMHB 11 states 'All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and · impact on neighbouring open spaces and their environment'

Both policies are considered to be relevant in the determination of this application as they will dictate the amount of development permissible at the site and whether or not that amount is appropriate for its location.

The proposed development is located within a residential area in Harefield, it is also located within Colne Valley Archeological Priority Area. GLAAS were consulted on the application and have confirmed that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The location of the development is therefore considered to be acceptable from an Archaeological perspective. Protected trees surround the site which could be impacted by the proposal, however such issues would be dealt with under a Technical details consent application. There are no other restrictive land designations or prescriptive land allocations which would prohibit the development of additional residential units on the site.

The locality is characterised by two storey detached family homes of varying design and scale. Each property is finished in brick, pebble dash, render or a mixture of materials. Most properties have spacious rectangular plots and are set back from the street, allowing for off road parking and landscaping. They also have integral or detached garages within their respective curtilages. One pair of semi detached two storey dwellings exists in the immediate vicinity (Woodlands and Redlands) and some two storey properties provide a third floor of accommodation in their roofs.

Properties on Shelley Lane are set back by approximately 7m creating a strong visual building line, properties on Belfry Avenue are also set back but to a lesser extent. Whilst it is noted that No.16 Shelley Avenue breaks both building lines at present, it is considered that due to its single storey nature and the fact that trees and hedging are located within and around the site, the building causes no disruption to the building line of either street.

Taking into consideration that the area is characterised by detached properties (and one pair of semi detached dwellings), the introduction of flats, terraces or maisonettes would be out of place and significantly harmful to the areas character and appearance. The provision of 3 dwellings in the mentioned forms would therefore be unacceptable and subsequently only the provision of detached dwellings would be permissible in this location.

The proposed development site is approximately 690sqm. If it were divided into 3 equal plots to create 3 detached dwellings, each plot would be 230sqm respectively. At present the smallest plot in the area belongs to 18 Shelley Lane which is approximately 325sqm, therefore each potential plot would be significantly smaller than any other plot in the area, subsequently harming the areas character and spaciousness.

Furthermore as the depths, widths and spacing around each 230sqm site would be



significantly smaller than other dwellings in the area, any potential development of each site is likely to appear uncharacteristically cramped, to the detriment of the areas character and appearance. As noted above, there would also be a requirement for on-site parking provision, which would further exacerbate these concerns.

The adverse impact on the spaciousness, character and appearance of the area would be worsened by the fact that each of the cramped plots, would be sited in close proximity to one another.

No information has been submitted regarding the design, layout or size of any potential development at the site, as such there is no information to suggest anything contrary to the assessment above.

Taking into consideration the above and the fact that the minimum number of units proposed (3) would be harmful to the visual amenities of the area, it is considered that any development consisting of 3-9 residential units would appear uncharacteristically cramped, cluttered and out of character in this locality. It is therefore considered that the location of the development is unacceptable for the amount of development proposed.

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

The density of the proposed development has been discussed in section 7.01 of the report (in the context of the amount of development proposed).

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

The Greater London Archaeological Advisory Service (GLAAS) has confirmed that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest. Therefore, if it had been recommended to grant Permission in Principle no further details would have been sought at the Technical Details Consent stage.

#### **7.04 Airport safeguarding**

Not applicable.

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

Not applicable.

#### **7.06 Environmental Impact**

The site is located within a designated 'Landfill Buffer'. If it had been recommended to grant Permission in Principle, further details would have been sought at the Technical Details Consent stage.

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

The application seeks Permission in Principle, issues relating to the impact of the development on the character and appearance of the area which relate to the location, land use, and amount of development being proposed have been discussed in section 7.01 of the report.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

#### **7.12 Disabled access**

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The maximum number of dwellings sought is 9, which would fall short of the threshold number of dwellings requiring the provision of affordable housing.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

The development site is not within a Flood Risk Zone (2 or 3).

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

The application seeks Permission in Principle. If it had been recommended to grant permission in principle, these matters would have been assessed at the Technical Details Consent stage.

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

A site notice was placed at the development site on 01/10/21. During the consultation period a petition with 37 signatories has been submitted objecting to the proposed development for the following summarised reasons:

- 1) The proposed development would lead to a loss of light, overlooking, increased noise, disturbance and overshadowing to the detriment of neighbouring amenities
- 2) The development would be overly dominant, out of character and would cause harm to the visual amenities of the area
- 3) The development would provide inadequate parking and would harm the highways network
- 4) The development would lead to the loss of trees
- 5) The development would have an adverse impact on nature conservation (ecology)
- 6) The layout and density of building
- 7) Adequacy of landscaping provision
- 8) The proposal would be cramped and incompatible with established layout of development in the locality
- 9) The proposal would set an unwanted precedent in the area
- 10) The proposal would be contrary to Policies BE1, DMH 4, DMH 6, DMHB 14, DMHB 15, DMHB 17, DMHB 18, DMT 2, DMT 6 and DMHD 1 of the Local Plan.

22 individual letters of objection were also received. Those objections have been

summarised below:

- 1) The proposed development would cause harm to the character and appearance of the area
- 2) The proposed development would cause harm to the amenities of neighbours
- 3) The proposed development would provide insufficient parking and would harm the highways network
- 4) The proposal would cause harm to important trees in the area
- 5) The proposal is overdevelopment of the site
- 6) The proposal would provide dwellings with inadequate amenity space
- 7) The proposal would replace a large family home with unwanted smaller housing
- 8) The proposal would have an adverse ecological impact
- 9) The development would reduce public safety
- 10) A block of flats would be out of character and scale with surrounding development as would the proposed density
- 11) The proposal will lead to disturbance and increased noise during construction and after
- 12) The development would harm the local community

2 comments were also received during the process of the application. 1 of the comments asked whether the proposal is a certificate of lawfulness. The other did not object to the redevelopment of the site, if 2 houses or less were proposed and additional information was submitted outlining the design of the development.

Officer response: All of the above is noted, however the proposed development is for permission in principle. As such only matters relating to location, land use and the amount of development can be considered. Issues relating to those matters have been addressed in section 7.1 of this report.

It should also be noted that on 29/09/21 an email request was sent to the applicant asking for 'more information regarding the type of residencies proposed (flats, semis, detached etc), their layout, storeys of buildings etc'. The applicant declined the request.

## **7.20 Planning obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre. Should the application be allowed at appeal, and subsequent technical details applications be submitted and approved, those associated residential developments would be CIL liable.

## **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 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**

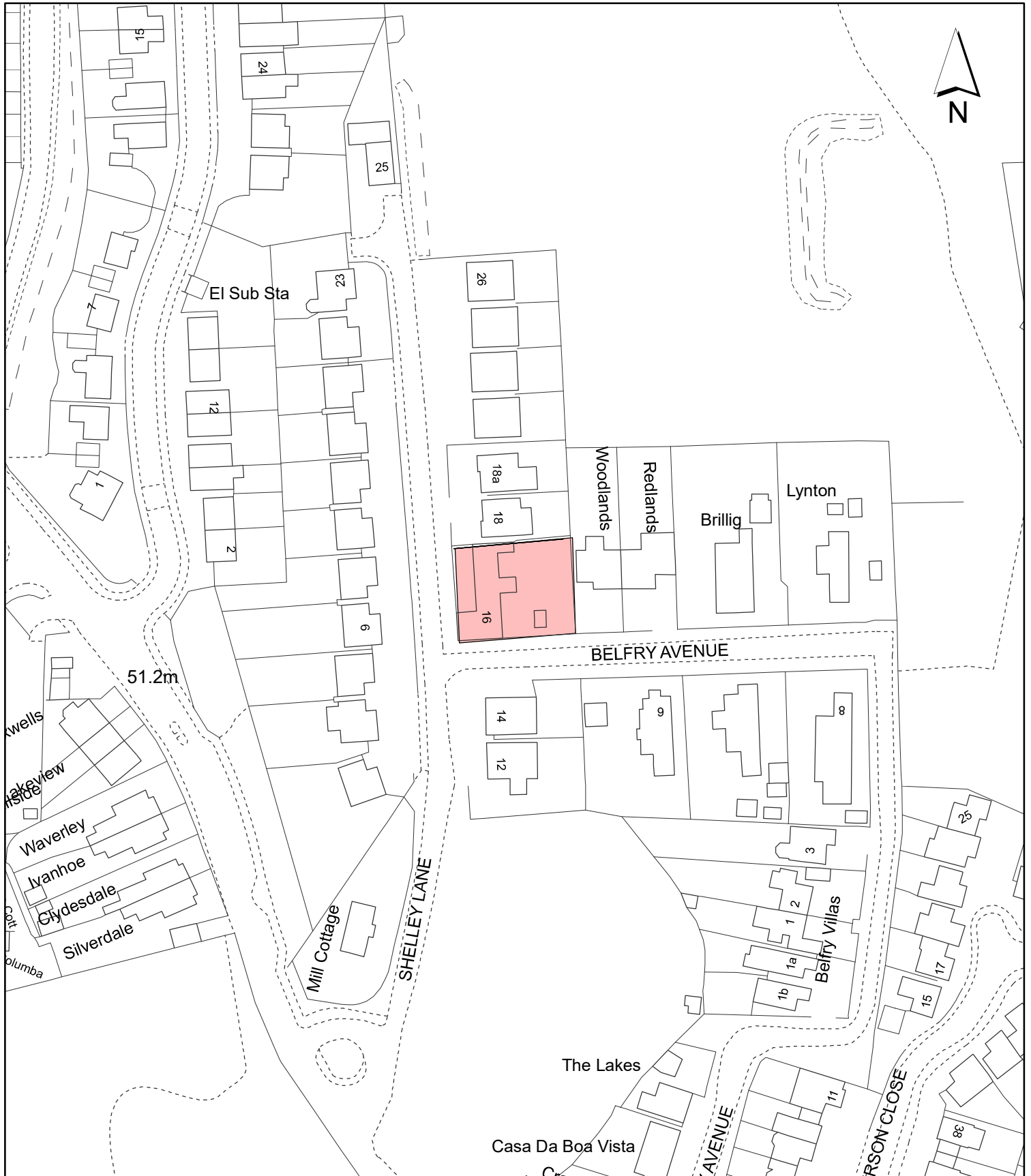
Taking into consideration the fact that the minimum number of units proposed would be harmful to the visual amenities of the area, it is considered that any development consisting of 3-9 residential units would appear uncharacteristically cramped, cluttered and out of character in this locality. The location of the development is therefore considered to be unacceptable for the amount of development proposed.

#### **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)  
National Planning Policy Framework (2021)  
Town and Country Planning (Permission in Principle) Order 2017 (as amended)  
Town and Country Planning (Brownfield Land Register) Regulations 2017

**Contact Officer:** Haydon Richardson

**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:

**16 Shelley Lane  
 Harefield**

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

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

Planning Application Ref:

**59830/APP/2021/3184**

Scale:

**1:1,250**

Planning Committee:

**Borough**

Date:

**December 2021**



**HILLINGDON**  
 LONDON