

## Former Master Brewer site, Freezeland Way

in the London Borough of Hillingdon

planning application no.4266/APP/2019/3088

### Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 (“the Order”) and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### The proposal

Construction of a residential-led, mixed use development to provide 514 homes, employment floorspace, flexible commercial floorspace, and associated car and cycle parking, highway improvements, hard and soft landscaping, plant and other associated ancillary development. The development would range between 2-11 storeys.

### The applicant

The applicant is **Inland Homes** and the architects are **JTP** and **Collado Collins**.

### Recommendation summary

The Mayor, acting as Local Planning Authority for the purpose of determining this application:

- i. grants conditional planning permission in respect of application 4266/APP/2019/3088 for the reasons set out in the reasons for approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. delegates authority to the Head of Development Management to:
  - a. agree the final wording of the conditions and informatives as approved by the Mayor; with any material changes being referred back to the Mayor;
  - b. negotiate and complete the section 106 legal agreement; and
  - c. issue the planning permission (subject to the lifting of the Holding Direction).
- iii. delegates authority to the Head of Development Management to agree any variations to the proposed section 106 legal agreement;
- iv. delegates authority to the Head of Development Management to refer it back to the Mayor in order to refuse planning permission, if by 3 December 2020, the section 106 legal agreement has not been completed;
- v. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by Hillingdon Council;
- vi. notes that Hillingdon Council will be responsible for the enforcement of the conditions attached to the planning permission.

## Drawing numbers and documents

Table 1 - drawings and associated documentation submitted by the applicant in support of the application

Proposed drawings	
<p>Location Plan - E0-001_RevP4            Existing Site Plan - E0-100_RevP3            Proposed Site Plan - P0-001_RevP7            Ground Floor Plan - P0-100_RevP6            First Floor Plan - P0-101_RevP6            Second Floor Plan - P0-102_RevP5            Third Floor Plan - P0-103_RevP5            Fourth Floor Plan - P0-104_RevP5            Fifth Floor Plan - P0-105_RevP5            Sixth Floor Plan - P0-106_RevP5            Seventh Floor Plan - P0-107_RevP5            Eighth Floor Plan - P0-108_RevP5            Ninth Floor Plan - P0-109_RevP5            Tenth Floor Plan - P0-110_RevP5            Roof Plan - P0-111_RevP5            Site Sections Sheet 1 - P0-200-RevP5            Site Sections Sheet 2 - P0-201-RevP4            Site Elevations Sheet 1 - P0-300-RevP4            Site Elevations Sheet 2 - P0-301-RevP5            Site Elevations Sheet 3 - P0-302-RevP4            Site Elevations Sheet 4 - P0-303-RevP4            Building 1 Floor Plans - P1(01)-100_RevP6            Building 2 Floor Plans - P1(02)-100_RevP6            Building 3 Floor Plans - P1(03)-100_RevP5            Building 4 Floor Plans - P1(04)-100_RevP6            Building 5 Floor Plans - P1(05)-100_RevP6            Building 6 Floor Plans - P1(06)-100_RevP5            Building 7 Floor Plans - P1(07)-100_RevP5            Building 8 Floor Plans - P1(08)-100_RevP5            Building 9 Floor Plans - P1(09)-100_RevP5            Building 10 Floor Plans - P1(10)-100_RevP6            Building 11 Floor Plans - P1(11)-100_RevP5            Building 12 Floor Plans - P1(12)-100_RevP6            Building 1 Elevations - P3(01)-100_RevP4            Buildings 2, 3 Elevations - P3(02-03)-100_RevP4            Building 4 Elevations - P3(04)-100_RevP5            Building 5 Elevations - P3(05)-100_RevP4            Building 6 Elevations - P3(06)-100_RevP4            Building 7 Elevations - P3(07)-100_RevP4            Building 8 Elevations - P3(08)-100_RevP4            Building 9 Elevations - P3(09)-100_RevP4            Building 10 Elevations - P3(10)-100_RevP4            Building 11 Elevations - P3(11)-100_RevP4            Building 12 Elevations - P3(12)-100_RevP4            Area Schedule - 2020-04-23 RevP4            Dwelling Schedule - 2020-04-15 RevP6            Ground Floor Plan – Access - P0-700 Rev P3            First Floor Plan – Access - P0-701 Rev P3            Second Floor Plan – Access - P0-702 Rev P3            Third Floor Plan – Access - P0-703 Rev P2            Fourth Floor Plan – Access - P0-704 Rev P2            Fifth Floor Plan – Access - P0-705 Rev P2</p>	<p>Third Floor Plan – Tenure - P0-403 Rev P2            Fourth Floor Plan – Tenure - P0-404 Rev P2            Fifth Floor Plan – Tenure - P0-405 Rev P2            Sixth Floor Plan – Tenure - P0-406 Rev P2            Seventh Floor Plan – Tenure - P0-407 Rev P2            Eighth Floor Plan – Tenure - P0-408 Rev P2            Ninth Floor Plan – Tenure - P0-409 Rev P2            Tenth Floor Plan – Tenure - P0-410 Rev P2            Overall General Arrangement - BMD.19020.DR.P100 Rev C            General Arrangement 1 of 4 - BMD.19020.DR.P101 Rev C            General Arrangement 2 of 4 - BMD.19020.DR.P102 Rev C            General Arrangement 3 of 4 - BMD.19020.DR.P103 Rev C            General Arrangement 4 of 4 - BMD.19020.DR.P104 Rev C            Podium Gardens General Arrangement - BMD.19020.DR.P105 Rev B            Roof Gardens General Arrangement 1 of 4 - BMD.19020.DR.P106 Rev B            Roof Gardens General Arrangement 2 of 4 - BMD.19020.DR.P107 Rev B            Roof Gardens General Arrangement 3 of 4 - BMD.19020.DR.P108 Rev B            Roof Gardens General Arrangement 4 of 4 - BMD.19020.DR.P109 Rev B            Planting Plan 1 of 4 - BMD.19.020.DR.P301 Rev D            Planting Plan 2 of 4 - BMD.19020.DR.P302 Rev C            Planting Plan 3 of 4 - BMD.19.020.DR.P303 Rev D            Planting Plan 4 of 4 - BMD.19020.DR.P304 Rev C            Podium Gardens Planting Plan - BMD.19020.DR.P305 Rev B            Roof Gardens Planting Plan 1 of 4 - BMD.19020.DR.P306 Rev B            Roof Gardens Planting Plan 2 of 4 - BMD.19020.DR.P307 Rev B            Roof Gardens Planting Plan 3 of 4 - BMD.19020.DR.P308 Rev B            Roof Gardens Planting Plan 4 of 4 - BMD.19020.DR.P309 Rev B            Site Wide Sections - BMD.19020.DR.P401 Rev A            Green Belt Land - BMD.19.020.DR.SK003            Arboricultural Implications Plan - BMD.19.020.DRG.P902 Rev A            Tree Constraints Plan - BMD.19.020.DRG.P901 Rev A            Proposed Highway Improvements Plan - 70057679-TP-SK-17 Rev D            Proposed Parking Arrangements with Disabled Parking for 10% of Residential Dwellings - 70057679-TP-SK-18 Rev B            Building 01 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50003 Rev P01            Building 02 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50004 Rev P01            Building 03 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50005 Rev P01            Building 04 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50006 Rev P01            Building 05 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50007 Rev P01            Building 06 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50008 Rev P01            Building 07 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50009 Rev P01            Building 08 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50010 Rev P01            Building 09 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50011 Rev P01</p>

<p>Sixth Floor Plan – Access - P0-706 Rev P2  Seventh Floor Plan – Access - P0-707 Rev P2  Eighth Floor Plan – Access - P0-708 Rev P2  Ninth Floor Plan – Access - P0-709 Rev P2  Tenth Floor Plan – Access - P0-710 Rev P2  Dwelling Type 1B2P-08 - P4-1208 Rev P1  Dwelling Type 2B3P-04 - P4-2304 Rev P1  Dwelling Type 2B3P-07 - P1-2307 Rev P1  Dwelling Type 3B6P-02 - P4-3602 Rev P1  Ground Floor Bulky Waste Plan - P0-100 Rev P6  Ground Floor Plan – Tenure - P0-400 Rev P3  First Floor Plan – Tenure - P0-401 Rev P3  Second Floor Plan – Tenure - P0-402 Rev P3</p>	<p>Building 10 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50012 Rev P01  Building 11 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50013 Rev P01  Building 12 Riser / Roof Services Layout - 5550-CBC-01-XX-DR-SK-50014 Rev P01  Heat Distribution Services Layout - 5550-CBC-XX-XX-DR-M-50001 Rev P01  Possible Air Source Heat Pump Locations with Storage - 5550-CBC-XX-XX-DR-M-50003 Rev P01  Typical Heating Schematic - 5550-CBC-XX-XX-DR-M-50006 Rev P01  Proposed Disabled Refuge Locations Drawing Pack - BB-DRC-3671-02, 10th January 2020</p>
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**Supporting documents**

<p>Ecology Phase 1 Habitat Report - BMD.19.020.RPE/P1.801.RevA-.Ecology, September 2019  Townscape and Visual Impact Assessment - BMD.19.020.RP.001, October 2019  Townscape and Visual Impact Assessment Addendum - BMD.19.020.RP.006.A, December 2019  ZTV – 2020 Parameters Bare Earth - BMD.19.020.TVIA.FIG.0003 Rev C  ZTV – 2020 Parameters Visual Barriers - BMD.19.020.TVIA.FIG.004  Hillingdon Gardens Verified Views - V3D 170401 July 2020  Bird Hazard Management Plan - BMD.19.020.RPE/ TN.803.BHMP, September 2019  Reptile Report - BMD.19.020.RPE/P2.804-Reptile, October 2019  Planning Statement - October 2019  Design and Access Statement - October 2019  Transport Assessment including Residential Travel Plan and Delivery; Servicing Plan; and Car Park Management Plan - Rev 3, July 2020  Transport Addendum Note - 2019 Traffic Surveys - November 2019  Statement of Community Involvement - 2nd October 2019  Air Quality Assessment (New) - ref. MR/CS/P19-1773/02 Rev A, April 2020  Air Quality Technical Note – Air Quality Neutral Assessment - BD/P19-1773/01TN, June 2020  Acoustic Assessment - NDT5882/17025/Rev 9, 22<sup>nd</sup> January 2020  Surface Water Management Report - Rev D, September 2019  Flood Risk Assessment - Rev C, September 2019  Preliminary Geo-Environmental Risk Assessment - 17-00420.02, October 2019  Archaeology Assessment - 23887, September 2019  Energy Statement - JR/5550/17, Ver 01/10/19  Sustainability Statement - JR/5550/17, Ver 01/10/19  Ventilation Strategy - 5550/3/SP, June 2019  GLA Carbon Emission Reporting Spreadsheet - 5550-GLA Carbon Emission Reporting Spreadsheet_v1.1  Hillingdon Gardens Overheating Study in Compliance with CIBSE Guidance TM59 - January 2020  Hillingdon Overheating Assessment in compliance with CIBSE Guidance TM59 - February 2020  Overheating Checklist - Cudd Bentley  Air Source Heat Pump Product Information  Internal Daylight and Sunlight Report (New) - 29<sup>th</sup> May 2020  Topographical Survey - July 2019  Fire Strategy - OF-OFS-3671-01-E, Rev E, 22<sup>nd</sup> April 2020  Biodiversity Net Gain and Urban Greening Factor Calculations - October 2019</p>
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**Introduction**

1 Having assumed authority to determine this planning application, this report sets out the matters that the Mayor must consider in determining whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from GLA officers, as set out below.

## Officer recommendation - reasons for approval

2 The Mayor, acting as the local planning authority, has considered the particular circumstances of this application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Hillingdon Council's Planning Committee Report dated 19 February 2020 (as updated by Hillingdon Council's Addendum Report), the draft decision notice setting out eight reasons for refusal and all consultation responses and representations made on the case both to Hillingdon Council and the GLA. The below reasons set out why this application is considered to be acceptable in planning policy terms:

- i. The development of this accessible, brownfield, unused site; designated locally for redevelopment including residential-led mixed use schemes close to a transport interchange; would provide a high density residential-led mixed-use scheme, including appropriate levels of flexible uses, open space, Green Belt enhancements and improved transport infrastructure in the form of an improved bus service through a £1.365 million contribution. The scheme would make a significant contribution towards housing and affordable housing delivery targets, assisting in meeting local and strategic housing need, both for market and affordable housing. On this basis, the application strongly accords with London Plan Policies 1.1, 2.6, 2.15, 3.3, 4.2, 4.3, 4.7 and 6.2; the Mayor's Intend to Publish London Plan Policies GG1, GG2, GG3, GG4, GG5, GG6, SD7, SD8, E1, E2, T3; Hillingdon's Council's Local Plan Part 1 Policies NPPF1, H1, CI1 and EM2; the Council's Local Plan Part 2 Development Management Policies (2020) Policies DMCI3, DMCI4, DMEI4, DMEI6, DMTTC1, DME3 and DME6 and Site Allocation SA14.
- ii. The scheme would provide 514 residential units, of which 182 would be affordable (35% by habitable room). This would include a policy compliant tenure mix, made up of London Affordable Rent and London Shared Ownership units. The proposed affordable housing offer meets the requirements of the Mayor's Affordable Housing & Viability SPG and Intend to Publish London Plan and is therefore eligible for the 'Fast Track Route'. An early implementation viability review mechanism will be triggered, should substantial implementation not be achieved within 2 year of planning permission being granted which would allow for an enhanced affordable provision. The affordability levels comply with the London Plan and would be secured by legal agreement. The housing proposed is of a high quality, accessible, and an appropriate density and mix for the location, taking into account the characteristics of the site. On this basis, the application accords with the NPPF; London Plan Policies 3.6, 3.8, 3.9, 3.11, and 3.12; the Mayor's Intend to Publish London Plan Policies H4, H5, H6, H7 and H10; The Local Plan: Part 1 (2012) Policy H2 and the Local Plan: Part 2 (2020) Policy DMH 7; the Mayor's Affordable Housing & Viability SPG (2017); the Mayor's Children and Young People's Play and Informal Recreation SPG (2012).
- iii. The design and layout of the proposals is of a high quality, would optimise the development capacity of the site, and responds appropriately to environmental and site access constraints, with no unacceptable visual impact on the Green Belt. The tall buildings are acceptable despite not meeting the locational requirements of policy. The new access routes, landscape and open spaces would be of a high quality, providing a welcoming and attractive environment, which would be well-overlooked and benefit from an appropriate level of activity and ownership. Public and communal amenity spaces would receive good levels of sunlight, with no

unacceptable noise or air quality impacts. The density of the proposals is appropriate considering the nature of the site, its context, and the quality of the design. The proposals have been subject to extensive design scrutiny. The scheme provides a high standard of residential quality, including internal space standards; aspect, outlook and privacy; play space; daylight, sunlight and overshadowing; air quality; and noise. The standard of external amenity space would be high, despite the policy shortfall. The architectural approach and use of a consistent and varied palette of different tones of brick would ensure the provision of a high quality, distinctive and cohesive scheme, which responds appropriately to the surrounding urban and landscape context, topography, views and historic environment. The scheme would achieve the highest standards of inclusive design and would not impact on the amenities of neighbouring residents. On this basis, the application generally accords with London Plan Policies 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7; Policies D1, D2, D3, D4, D5, D6, D7, D8, D9 (partial conflict owing to tall building location), D11, D12 of the Mayor's Intend to Publish London Plan; Hillingdon Council Local Plan Part 1 – Strategic Policies (2012) Policies HE1 and BE1, EM2 and EM8; and Hillingdon Council Local Plan Part 2 – Development Management Policies (2020) Policies DMHB1, DMHB10 (partial conflict owing to tall building location), DMHB11, DMHB12 and DMHB13, DMHB14, DMHB 16 (partial conflict owing to amenity space shortfall), DMHB 17, DMEI 6, DMEI14, Policy SA 14 (Master Brewer and Hillingdon Circus) of the Local Plan: Part Two - Site Allocations and Designations (2020) and the Housing SPG (2016).

- iv. Residents and users of the scheme would be sufficiently protected from air quality impacts arising from the surrounding roads. The proposals have been subject to extensive design scrutiny, which resulted in improvements to the scheme, including the positioning of buildings, residential units, and play spaces in order to minimise the exposure of future residents to poor air quality (and noise); amending internal layouts; and developing ventilation strategies. The applicant's Air Quality Assessment has been reviewed by GLA officers, and is supported. The development would be air quality neutral, subject to the mitigation measures secured. On this basis, the application accords with the NPPF, London Plan Policies 3.5 and 7.14, Policies D4 and SI1 of the Mayor's Intend to Publish London Plan, Hillingdon Council's Local Plan: Part 2 - Development Management Policies (2020) Policy DMEI 14 and Policy EM8 of the Local Plan Part 1 (2012) and the Housing SPG.
- v. The level of harm that would be caused to the significance of designated heritage assets, comprising the Ickenham Manor Farm House (Grade I), Scheduled Ancient Monument and Ickenham Conservation Area, is considered to be less than substantial, at the low end of the range. The proposed buildings would comprise a further intrusion above the built form and landscaping when looking south from the heritage assets and erode the semi-rural and suburban settings in distant views; elements that contribute to the significance of these heritage assets. However, the proposals would comprise an incremental change within an evolving context, on a site designated at a local level for residential led redevelopment. As such, they would not form an overly dominant feature in the view. The public benefits of the scheme include the regeneration of a vacant site; a significant amount of high quality housing, including 35% affordable housing; new public spaces; new commercial uses; improved access across the site; enhancements to the Green Belt; transport improvements; as well as economic and regenerative benefits to the wider area. These public benefits are considerable and clearly outweigh the less than substantial harm that would be caused, notwithstanding the great weight attributed to that harm.

Further benefits may arise from the £1.365 million contribution towards public transport enhancements. Appropriate archaeological mitigation is secured. On this basis, the application accords with the NPPF; Policies 7.4, 7.6, 7.7 and 7.8 of the London Plan; the Mayor's Intend to Publish London Plan Policies HC1 and HC2; Hillingdon Council's Local Plan: Part 1 - Strategic Policies (2012) Policy HE1 and Policies DMHB 1, DMHB 2, DMHB 3 and DMHB 4 of the Local Plan: Part 2 - Development Management policies (2020).

- vi. The proposed development has demonstrated that a high standard of sustainable design and construction would be achieved, minimising carbon dioxide emissions, using energy efficiently and including renewable energy, in accordance with the London Plan energy hierarchy. A small part of a Borough level Site of Importance for Nature Conservation would be impacted, and 1 'category A' tree and 22 'category B' trees would be removed; however, this is necessary in order to bring the site forward, and the proposals include mitigation in the form of semi-mature tree planting (of an increased number compared to existing) and landscaped public and amenity spaces. The development would also deliver sustainable urban drainage, ecology and urban greening benefits. Appropriate provisions are made for waste storage and collection. Land contamination issues would be appropriately mitigated. As such the scheme complies with Policies within Chapter 5 of the London Plan, and Policies 7.19 and 7.21; Policies within Chapter 9 of the Mayor's Intend to Publish London Plan, and Policies G2, G5, G6 and G7; the Sustainable Design and Construction SPG, and Hillingdon Councils Local Plan Part 1: Strategic Policies (2012) Policy EM2, EM7 and Hillingdon Councils Local Plan Part 2: Development Management Policies (2020) Policies DMEI4, DMEI7 and DMHB14.
- vii. The area has a good level of transport infrastructure provision and the proposal would provide an improved bus stop and increased quality and capacity. Bus services in the area would be improved as the result of a £1.365 million contribution towards improving bus services in the area. An appropriate package of transport mitigation measures is proposed in terms of walking, cycling, improving bus infrastructure and priority, and travel plan incentives. Car and cycle parking provision complies with the maximum standards in the Local Plan, London Plan and Mayor's Intend to Publish London Plan. The highways and public transport impacts of the proposals are acceptable. Subject to the transport mitigation measures being secured, the application supports the transport policies in the London Plan, the Mayor's Intend to Publish London Plan, Hillingdon Council's Local Plan, and the Mayor's Transport Strategy.
- viii. Appropriate, relevant, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental, and socio-economic impacts are mitigated, in line with London Plan Policy 8.2, the Mayor's Intend to Publish London Plan Policy DF1, and Policy DMCI7 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).
- ix. Accordingly, the proposals are considered to accord with the development plan.

## **Section 106 legal agreement**

3 The following planning obligations are proposed within the section 106 legal agreement.

## Affordable housing

4 As discussed in the housing section of this report, the Section 106 agreement would secure the applicant's offer of 35% affordable housing by habitable room (40% if grant funding is available), in accordance with the proposed policy compliant tenure mix, with appropriate obligations in relation to the definition, eligibility, affordability and perpetuity of affordable housing units across the various tenures. An early stage review mechanism is set out in the section 106 agreement to incentivise the delivery of the scheme and ensure the appropriately timed delivery of affordable housing. In addition, arrangements for the management of London Affordable Rent (LAR) units by the Registered Provider, a nominations agreement and obligations in relation to service charges for London Affordable Rent (LAR) and London Shared Ownership (LSO) units would be secured. GLA officers consider that these obligations are necessary to ensure compliance with the London Plan, the Intend to Publish London Plan, the Mayor's Affordable Housing and Viability SPG and Hillingdon Council's Local Plan.

## Transport

5 The following transport obligations would be secured by legal agreement:

- A contribution of £1,365,000 to facilitate improvements to local bus services;
- A contribution of £30,000 to implement local bus priority measures;
- Local bus infrastructure improvements;
- A performance bond of £20,000 in relation to the Travel Plan initiatives/incentives;
- Prohibit future occupants from obtaining a resident's parking permit in a Controlled Parking Zone and £20,000 contingency to remedy parking displacement, so as to discourage car ownership and use by new residents, and promote sustainable modes of transport;
- The provision of up to 4 car club bays with 3 years free membership;
- A s278 and/or s38 agreement will be entered into to address any and all on site and off site highways works as a result of this proposal. These include the following:
  - The entrance to the site at the south-western corner of the site takes the form of a gateway, acting as an extension of the high street, with landscaped public realm;
  - Widening / modernising pedestrian islands across north, east and south arms of the junction to enhance safety and to provide additional space for wheelchair users, pedestrians with pushchairs, and cyclists. The eastern crossing will be upgraded to a toucan crossing;
  - Southbound approach from Long Lane North will be re-aligned to allow for the widening of the pedestrian crossing islands on the north and south junction arms;
  - A new right-turn filter along Freezeland Way (to the east of the Hillingdon Circus junction) will be installed to provide vehicular access into the site from Freezeland Way westbound;
  - Footways at the X90 / Oxford Tube bus stop along Freezeland Way will be widened to allow for a suitable bus shelter. Dropped kerbs will also be provided to allow for improved mobility impaired access;

- An enhancement to the western arm of the Hillingdon Circus Junction (Western Avenue approach (A437) to include widening of the carriageway approach and 'left turn' lane road marking realignment;
- The optimisation of the signalised 'Hillingdon Circus' junction would be further reviewed post permission to ensure that the most appropriate signal timings are in place in order to maximise capacity and minimise vehicle queue lengths with provision for sufficient pedestrian 'green time' on each junction arm. The review will be coordinated with Transport for London as signal performance falls under their jurisdiction; and
- Improvements to the service road approach in Freezeland Way (fronting the site) would be considered subject to the findings of a Highway safety audit (to be secured by way of planning condition). This would include the introduction of a 'No-entry' prohibition at the western end of the service road in proximity of the site entrance. This would assist in avoiding potential conflicts between vehicles leaving the site egress and vehicles approaching eastbound from the signal installation.

Other obligations:

- Carbon off-set payment of £602,514 to ensure compliance with the zero carbon standard set out in the London Plan, the Mayor's Intend to Publish London Plan and GLA energy assessment guidance;
- Contribution towards construction training, in line with the Council's Planning Obligations SPD;
- Contribution of £539,000 towards ecology and landscaping improvement work to the Green Belt east of the site;
- Contribution of £35,000 towards the extension of the watercourse from the site to Hillingdon Freezeland Covert as part of improvements to the green belt land lying east of the site; and
- Section 106 monitoring fee, dispute resolution provisions and provisions for repayment of unspent financial contributions.

## **Conditions and informatives<sup>1</sup>**

6 The following list provides summary of the subject matter of the conditions and informatives to be attached to any planning permission that is to be granted:

1. Expiration of planning permission
2. Approved drawings and documents
3. Quantum of non-residential development
4. Maximum floorspace restrictions
5. Land contamination – remediation strategy
6. Land contamination - verification report
7. Contamination not previously identified
8. Construction plant and machinery
9. Construction Logistics and Management Plan
10. Surface water drainage

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<sup>1</sup> The detailed wording of conditions and informatives will be published in the draft decision notice on the day of the hearing.



11. Bat survey
12. Noise – external facade levels, glazing and ventilation
13. Noise – commercial/residential sound insulation
14. Car park design and management plan
15. Electric vehicle charging points
16. Highways – signs, road markings and traffic calming
17. Cycle parking
18. Accessibility arrangements
19. Green roofs
20. BREEAM (non-residential uses)
21. Carbon emissions reduction (residential)
22. Energy centre
23. On-site renewable energy technologies – evidence of installation
24. On-site renewable energy technologies – monitoring
25. Water efficiency
26. Site waste management plan
27. Piling
28. Secured by Design
29. Material details
30. Landscape strategy
31. Hard landscaping details
32. Soft landscaping details
33. Noise – embedded mitigation
34. Shop front details
35. Odour – fixed plant and equipment
36. Noise – fixed plant and equipment
37. Children’s play areas
38. Car parking including blue badge car parking
39. Wheelchair adaptable dwellings
40. Wheelchair accessible user dwellings
41. Implementation of agreed biodiversity mitigation/enhancement
42. Protected species mitigation strategy and monitoring
43. Landscape management plan
44. Estate management strategy
45. Water efficiency
46. Air quality and air quality neutral assessment
47. Air quality assessment – boilers
48. Tree Protection Plan
49. Timing of vegetation clearance (breeding birds)
50. Delivery and servicing plan
51. Non-residential uses – restrictions
52. D1 uses – restrictions
53. Satellite dishes
54. Flood risk
55. Fire safety
56. Circular economy
57. Mechanical ventilation/overheating
58. Connection to District Heat Network
59. Bird hazard mitigation
60. Amenity specifications

## Informatives

1. S.106 agreement
2. Pre-commencement conditions
3. CIL payment and liability notice
4. Adverts
5. Further Approval and Consents
6. Designing out crime
7. Housing Ventilation
8. Licensing
9. Water resources
10. Water mains

## **Publication protocol**

7 This report has been published seven clear days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, and the Mayor's decision on this case will be made available on the GLA website:

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/former-master-brewer-site-public-hearing>

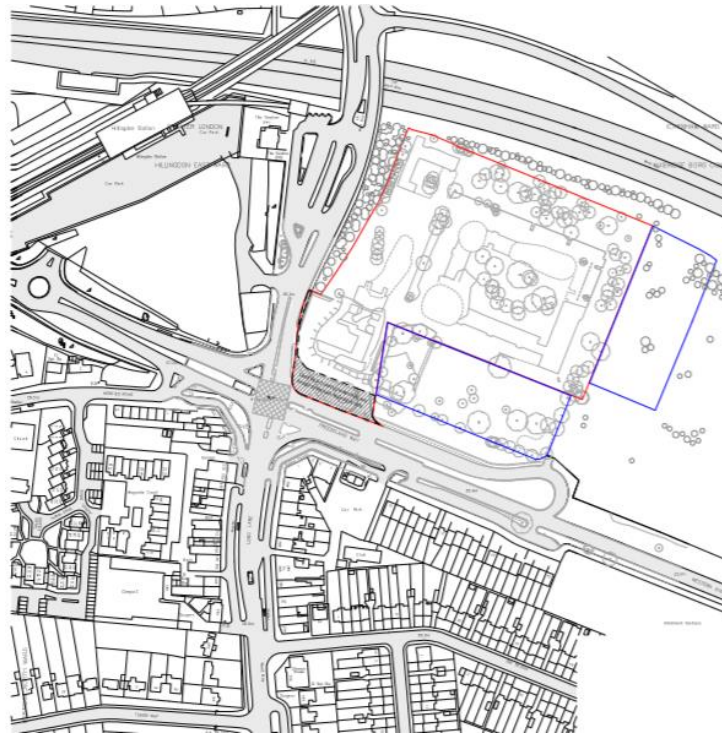
## **Site description**

8 The 2.53 hectare site is located immediately east of Hillingdon Station, bounded by the railway line and Western Avenue (A40) to the north, Freezeland Way to the south, Long Lane to the west and Green Belt land to the east. The brownfield site currently comprises hard standing and semi-mature vegetation with large advertising boards located on the boundary adjacent to Long Lane. The applicant has acquired a strip of Green Belt land to the east of the site which comprises vegetation that is designated as a Site of Importance for Nature Conservation (SINC) (Metropolitan or Borough Grade I). Vehicular access to the site is provided via an entrance/exit point onto Freezeland Way.

9 The site was previously occupied by the Master Brewer Motel which provided for 106 bedrooms alongside ancillary conferencing and restaurant facilities. The site also provided for circa 200 vehicle parking spaces. The motel was vacated in 2008 and demolished in 2009. The site has been vacant since this time.

10 The site is physically separated from any adjoining sites on its north, eastern and western boundaries by public highways or areas of Green Belt. Immediately south of the site is a terrace of suburban two-storey properties fronting Freezeland Way. Beyond the immediate context, the wider area is characterised by a mix of residential, commercial, educational and community uses. The site is designated as a Local Centre in the Local Plan and falls 2.3 kilometres from Uxbridge Town Centre which is located south west of the plot. Ickenham is 1.6 kilometres north of the site.

Figure 1 – application site and boundary



11 The site currently consists of large areas of flat hardstanding, the site inclines at its boundary adjacent to Long Lane by 2.5 metres and declines to the embankments at the northern edge of the site by 3 metres.

12 The site is located within Flood Zone 1, which means it is at low risk of tidal and fluvial flooding, and is predominantly at very low risk of flooding from surface water, with some small areas within the site at 'high', 'medium' and 'low' risk of flooding, associated with low points in the natural topography of the site. The site is within an Air Quality Focus Area.

13 A portion of the site at the eastern edge, identified by the eastern blue line in Figure 1, is designated Green Belt land. This land has been acquired by Inland Homes and is intended to act as an interface between the wider body of green belt to the east of the plot and the residential development. The southern blue line comprises an area of Council-owned land that is not within the Green Belt.

Figure 2 – Local Plan site designation



14 The site comprises the majority of Site B within the site allocation SA14 outlined in the 2012 Hillingdon Local Plan Part 2: Site allocations and designations. This allocation envisages that any development of the site should; secure substantial planting/landscaping, promote a mix of uses, secure environmental improvements and result in public transport improvements. Residential developments would specifically be required to; include a range of housing types, result in the creation of a neighbourhood, reflect local character and could include a proportion of other suitable uses e.g. retail. Developments across both sites A and B are required to; be appropriate in scale and for a comprehensive scheme across the whole site.

15 The site does not lie within a conservation area and there are no listed buildings within the site. The closest conservation area (CA) is the Ickenham Village CA which is approximately 270 metres north of the site along Long Lane. The conservation area contains several listed buildings including; Ickenham Manor (Grade I) and the garden walls to east of Manor Farmhouse (Grade II) north west of the site and Long Lane Farm Cottages (Grade II) north east of the site. Ickenham Manor Farm is also a Scheduled Ancient Monument.

16 Hillingdon Tube Station is 200 metres to the east of the site which is served by the Metropolitan and Piccadilly Lines. There are several bus stops within 200 metres of the site servicing bus routes to and from Ickenham, Uxbridge and Oxford. As such, the site records a moderate public transport accessibility rating of 3 on a scale of 0 to 6b where 6b represents the most accessible locations by public transport. Heathrow Airport is 5 miles from the site to the south and RAF Northolt is some 700 metres to the east.

## Details of the proposal

17 The application was originally made to Hillingdon Council in September 2019 proposing; the construction of a residential-led, mixed use development to provide 514 homes (35% affordable by habitable room), 925.9 sq.m. of flexible employment/commercial floorspace and associated car and cycle parking, highway

improvements, hard and soft landscaping, plant and other associated ancillary development. The development was proposed to range between 2-11 storeys.

18 The application was amended in July 2020 to respond to technical requirements arising from the detailed design of the proposals. The amendments have resulted in the reduction in flexible commercial space of 194.8 sq.m. and the provision of one more 3-bedroom unit and one fewer 2-bedroom unit.

19 The applicant seeks full planning permission for a residential-led mixed use development comprising 514 homes, 925.9 sq.m. of employment floorspace and flexible commercial floorspace which could comprise B1/A1/A3/D1 and associated car and cycle parking, highway improvements, hard and soft landscaping, plant and other associated ancillary development.

Table 1: proposed uses

Use	Submitted October 2019	Submitted July 2020	Change
Flexible commercial (A1/A3/B1/D1)	1,120.7 sq.m.	925.9 sq.m.	-194.8 sq.m.
Residential	46,090.9 sq.m.	46,546.8 sq.m.	+455.9 sq.m.
Substation	29.9 sq.m.	48 sq.m.	+18.1 sq.m.
<b>Total</b>	<b>47,241.5 sq.m.</b>	<b>47,520.7 sq.m.</b>	<b>+279.2 sq.m.</b>

Table 2: Unit mix:

Number of bedrooms	Submitted October 2019	Proposed May 2020	Change
1 Bedroom	221 (43%)	221 (43%)	0
2 Bedroom	216 (42%)	215 (42%)	-1
3 bedroom	77 (15%)	78 (15%)	+1
<b>Total</b>	<b>514</b>	<b>514</b>	<b>0</b>

20 Of the residential units, 332 would be for market sale and 182 would be affordable (35% by habitable room). The affordable units would comprise 121 London Affordable Rent units (66.5% by unit) and 61 London Shared Ownership units (33.5% by unit).

21 Twelve buildings are proposed in a street-based grid to this vacant brownfield site, the buildings are set around a series of open planted public spaces; with two large areas of public space, one at the south western corner and one in the centre portion of the plot. Additional public realm areas are made up of the green links and an area of Green Belt land which has been purchased by the applicant and which will be enhanced at the eastern edge of the site linking to a larger body of Green Belt. Vehicular access to the site would be from Freezeland Way to the south.

22 The massing of the scheme ranges from 2 to 11 storeys. The two tallest buildings would be located along Long Lane, at the northern and southern edges of the site. The

tallest element of the scheme at 11-storeys would be located at the north western edge of the site adjacent to the A40. The gateway entrance to the site would be landmarked by the second tallest element of the scheme at 8-storeys at the south western corner of the plot. The building heights decrease along the eastern axis of the site in closest proximity to the Green Belt land. The northern boundary of the site is enclosed by a perimeter block which varies in height between 11-5 storeys providing a secure enclosure to the proposals along the A40. The commercial floorspace is concentrated in and around the public spaces and along Long Lane.

23 A total of 164 car parking spaces are proposed for residential use only, parking is provided at; the ground floor in centralised parking areas, under podium gardens and on-street for residents and guests of the site. The proposals include a 10% provision of blue badge car parking and 20% of all spaces will include active electric vehicle charging points with the remaining spaces having passive electric charging capability. The proposal also includes 894 cycle parking spaces spread across the site for residents, and a small provision for the commercial units on site.

24 The application documents identify four phases of development. Phase 1 comprises the delivery of Block 1 which provides all of the shared ownership housing (61 units), equivalent to 33.5% of the affordable units. Phase 2 delivers Blocks 2, 3 and 4 which would in total provide 118 units 4 of which would be London Affordable Rent. Phase 3 would deliver Blocks 5,6,7,8 and 9 which would provide a total of 215 unit, 67 of which would comprise London Affordable Rent. Phase 4 comprises the delivery of Blocks 10,11 and 12 which would deliver 120 units, 50 of which would be London Affordable Rent.

Figure 3 – Proposed layout and building numbers

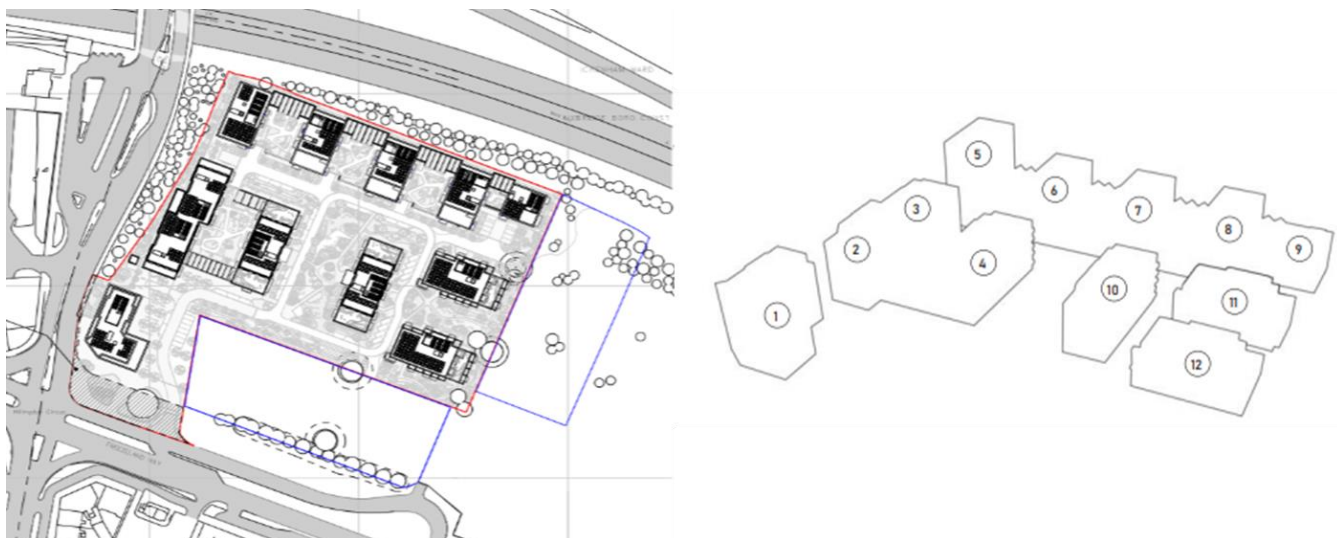


Figure 4 – Proposed massing



## Relevant planning history

### EIA screening

25 In August 2019, an EIA Screening Opinion was requested from the London Borough of Hillingdon regarding the proposed scope of assessment in respect of a mixed-use development to provide approximately 525 homes, 1,540 sq.m. of flexible commercial floorspace, new public realm, associated parking and servicing arrangements. On 3 October 2019 the London Borough of Hillingdon Council provided written confirmation that an EIA would not be required.

### Relevant planning history

26 The site has an extensive strategic planning history with seven previous proposals at the site being referable to the GLA. The previously referable schemes date back to 2006 with the most recent scheme lodged in 2017. Early proposals at the site proposed a range of uses including; a food store, retail, community/care facilities and hotel with a residential provision typically ranging between 100-200 units.

27 On the 30 October 2017 the Mayor considered proposals at the site to deliver; a residential-led, mixed use development comprising buildings between four and nine storeys to provide 377 residential units, employment floorspace, flexible commercial floorspace, and associated car and cycle parking, highway improvements, hard and soft landscaping, plant and other associated ancillary development. The Mayor advised Hillingdon Council that whilst the application did not currently comply with the London Plan for the reasons set out within the report, the resolution of those issues could lead to the application becoming compliant. The London Borough of Hillingdon considered these proposals at its Planning Committee on 19 February 2019 resolving to refuse

planning permission and advised the Mayor of this decision on 5 March 2019. The Mayor issued his Stage 2 decision on the 18 March 2019 advising that the Mayor was content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and did not therefore wish to direct that he was to be the local planning authority.

28 In August 2014 the Council granted outline planning consent (ref: 4266/APP/2014/518 and 519) for the mixed-use redevelopment of the former Master Brewer Motel comprising the erection of a foodstore, measuring 3,543 sqm (GIA) (Use Class A1), with 179 car parking spaces and 32 cycle spaces; an additional 3 retail units, measuring 1,037 sqm (GIA), (Use Class A1 to A5); a 70 bed hotel (Use Class C1) and 19 car parking spaces and 4 cycle spaces; 125 residential units (Use Class C3) with 100 car parking spaces and 138 cycle parking spaces and associated highways alterations together with landscape improvements

### GLA pre-application discussions

29 On the 7 May 2019, 25 June 2019 and 24 July 2019 pre-planning application meetings were held with the applicant team for “*residential-led mixed use development to provide 588 homes, employment floorspace, flexible commercial floorspace, and associated car and cycle parking, highway improvements, hard and soft landscaping, plant and other associated ancillary development*”. On 19 July 2019, a pre-application advice note was issued by the GLA, which concluded that the principle of the proposed scheme was supported; however, the applicant was advised to appropriately prioritise family sized accommodation within the affordable housing provision. Some design, sustainable development and transport concerns were also raised.

### Current application

30 The current application was submitted to Hillingdon Council on 23 September 2019 (Ref: GLA/0995g; LPA ref: 4266/APP/2019/3088). This proposed the construction of a residential-led, mixed use development to provide 514 homes, 925.9 sq.m. of employment floorspace and flexible commercial floorspace totalling 1,187 sq.m. of uses space which could comprise B1/A1/A3/D1 and associated car and cycle parking, highway improvements, hard and soft landscaping, plant and other associated ancillary development. The application was later amended, as detailed below.

31 On 25 October 2019, the Mayor of London received documents from Hillingdon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application was referred under the following Categories of the Schedule to the Order 2008:

- 1A.1. “*Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*”
- 1B.1(c) “*Development which comprises or includes the erection of a building or buildings outside Central London with a total floorspace of more than 15,000 square metres.*”
- 1C.1(c) “*Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London.*”



32 On 2 December 2019, the Mayor considered planning report GLA/0995g/01 (the 'Stage 1 Report'). This report advised Hillingdon Council that while the application was generally acceptable in strategic planning terms, it did not comply with the London Plan, with issues raised relating to affordable housing, urban and inclusive design, sustainable development, and transport to be addressed.

33 On 19 February 2020, the Council resolved to refuse planning permission, in accordance with the recommendation of officers. The Council's draft decision notice cited the following reasons for refusal:

1. *The development, by virtue of its overall scale, bulk of built development and associated infrastructure works, height, density, site coverage and lack of landscaping and screening, is considered to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the North Hillingdon Local Centre or compliment the visual amenities of the street scene and openness and visual amenity of the Green Belt, the wider open context and would mar the skyline, contrary to Policies BE1 and EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMHB 10, DMHB 11, DMHB 12, DMHB 14, DMHB 17, DMEI 6 of the Local Plan: Part 2 Development Management Policies (2020); Policy SA 14 (Master Brewer and Hillingdon Circus) of the Local Plan: Part Two - Site Allocations and Designations (2020), Policies 7.4, 7.6, 7.7 of the London Plan (2016), Policies D1, D3, D4, D8 and D9 of the London Plan (Intend to Publish version 2019) and the NPPF (2019).*
2. *The proposed on site residential and commercial car parking provision is insufficient to address the demands of the proposed development and its future occupiers. Due to the sites low public transport accessibility, the proposed development would lead to future resident and visitor vehicles being displaced onto the surrounding local and strategic road network. This displacement of vehicles would lead to further congestion on the local and strategic highway network resulting in severe harm to the highway network and highway and pedestrian safety. The proposals are contrary to Policy T1 and E5 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Local Plan: Part 2 - Development Management Policies (2020); Policies 6.3, 6.11 and 6.12 of the London Plan (July 2016), Policies T4, T6 and T6.1 of the draft London Plan (Intend to publish version 2019) and the NPPF (2019).*
3. *The application fails to demonstrate that the proposal would not result in an unacceptable rise in traffic around the application site causing severe impacts to the free flow of traffic as well as to highway and pedestrian safety. The proposals are contrary to Policy T1 and E5 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Local Plan: Part 2 - Development Management Policies (2020); Policies 6.3, 6.11 and 6.12 of the London Plan (July 2016), Policies T4, T6 and T6.1 of the draft London Plan (Intend to publish version 2019) and the NPPF (2019).*
4. *The submitted noise report has failed to demonstrate that the proposed residential units can be sited, designed, insulated or otherwise protected from external noise sources and in particular the A40 and Long lane to*

*appropriate national and local standards. The proposal is therefore contrary to Policy EM8 of the Hillingdon Local Plan: Part One Strategic Policies (November 2012) Chapters 12 and 15 of the NPPF (2019), Policy DMHB 11 of the Local Plan Part 2- Development Management Policies (2020), Policy 7.15 of the London Plan (2016) and Policy D14 of the London Plan (Intend to Publish version 2019).*

- 5. The submitted Air Quality Assessments have failed to provide sufficient information regarding Air Quality, moreover the information submitted is not deemed to demonstrate the proposals are air quality neutral and given that the site is within an Air Quality Focus Area, the development could add to current exceedances in this focus area. The development is contrary to Policy DMEI 14 (Air quality) of the Local Plan: Part 2 Development Management Polices (2020), Policy EM8 of the Local Plan Part 1 (2012), Policy 7.14 (Improving Air Quality) of the London Plan (2016), Policy SI 1 of the draft London Plan - Intend to Publish (December 2019) and the NPPF (February 2019).*
- 6. The submitted Sunlight and Daylight Assessment has failed to adequately assess the expected Daylight and Sunlight levels within the development in accordance with BRE guidance. The proposed development has therefore failed to demonstrate that the proposed residential units would achieve adequate Daylight and Sunlight levels to the detriment of residential amenity of future occupiers contrary to policies DMHB 10 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy BE1 of the Local Plan Part 1 (2012), The GLA 'Housing' SPG (March 2016), Policy D6 of the London Plan (Intend to Publish version 2019) and the NPPF 2019.*
- 7. The proposed development fails to provide on site private and communal amenity of a quantity and quality commensurate to the size and layout of the proposals. The shortfalls of private amenity space are detrimental to the residential amenity of the future occupiers the proposal would provide a substandard form of accommodation for future residents contrary to Policies DMHB 11 and DMHB 18 of the Local Plan Part 2- Development Management Policies (2020), Policy BE1 of the Local Plan Part 1 (2012), Policy 7.1 of the London Plan (2016), Policies G1 and D6 of the Draft London Plan (Intend to Publish version 20129) and Para 127 of the NPPF (2019).*
- 8. The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Affordable housing, construction training, landscape and ecological announcements, carbon offset contributions, surface water drainage, parking permit exclusion, car clubs and Project Management and Monitoring). The scheme therefore conflicts with Policies Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMCI 7 of the Hillingdon Local Plan Part 2 Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy SA 14 'Master Brewer and Hillingdon Circus' of the Local Plan: Part Two Site Allocations and Designations (2020), Policy DF1 of the Draft London Plan (Intend to Publish Version 2019), Policy 8.2 of the London Plan (2016) and the NPPF 2019.*

34 On 16 March 2020, the Mayor considered a planning report reference GLA/0995g/02 (the 'Stage 2 Report'). The report concluded that having regard to the details of the application, the development was of such a nature and scale that it would have a significant impact on the implementation of the London Plan, in particular with respect to the delivery of housing and affordable housing, and consequently there were sound planning reasons for the Mayor to intervene in this case and issue a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application. The Mayor agreed with this recommendation.

35 The Stage 2 report identified that there were matters requiring further consideration and resolution in light of the Council's resolution, including residential quality, air quality, daylight/sunlight, historic environment impacts, transport and sustainable development. Since the Mayor issued this direction, GLA officers have worked with the applicant to resolve these issues through clarifications, the submission of further information, draft planning conditions and the draft section 106 agreement provisions, as discussed in this report. The additional information provided and minor amendments proposed did not require further public consultation. The additional information and amendments are listed below:

- Amendments to the proposals, including addition of plant access to the roofs of blocks, amended window and balcony arrangements, the addition of a car park vent, reduction in flexible commercial space of 198.4 sq.m. and amendments to the residential unit mix (one more 3-bedroom unit and one fewer 2-bedroom unit);
- Further information with respect to air quality
- Further information with respect to noise; and
- Further information with respect to daylight and sunlight.

36 On 20 August 2020, the Secretary of State issued a Holding Direction preventing the Mayor from granting planning permission.

37 The Mayor has undertaken an accompanied site visit with GLA and TfL officers, representatives from Hillingdon Council, and the applicant team.

## **Relevant legislation, policies and guidance**

38 This application for planning permission must be determined by the Mayor in accordance with the requirements of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. In particular, the Mayor is required to determine the application in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area consists of the Hillingdon Local Plan Part 1: Strategic Policies (November 2012), Local Plan Part 2: Development Management Policies and Site Allocations & Designations (January 2020) and the 2016 London Plan (Consolidated with Alterations since 2011).

39 On 1 December 2017, the Mayor published his draft London Plan for public consultation. Consultation on the Plan closed on 2 March 2018. On 13 August 2018, the Mayor published a version of the draft Plan that includes his minor suggested changes. The draft London Plan was subject to an Examination in Public (EiP), which was undertaken between 15 January and 22 May 2019. On 16 July 2019, the Mayor published the draft London Plan – Consolidated Suggested Changes Version (July

2019), which incorporates the suggested changes put forward by the Mayor before, during, and after the EiP sessions. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor and this was published on the GLA website on 21 October 2019. On 9 December 2019, the Mayor issued to the Secretary of State his Intend to Publish London Plan, together with a statement of reasons for any of the Inspectors' recommendations that the Mayor did not wish to accept. On 13 March 2020, the Secretary of State wrote to the Mayor setting out his consideration of the Mayor's Intend to Publish London Plan, and issued Directions under Section 337 of the Greater London Authority Act 1999 (as amended). The Mayor considers that amendments are needed to the Secretary of State's proposed modifications in order to remove policy ambiguities and achieve the necessary outcomes. Discussions are underway to resolve these matters in order to publish the London Plan as soon as possible.

40 The Secretary of State's proposed amendments are reflected in the relevant sections below, and to the extent that they are relevant to this particular application, have been taken into account as a material consideration. The emerging policies of the Intend to Publish London Plan are considered to be consistent with the NPPF and can be given significant weight, other than those subject to Directions from the Secretary of State, which are discussed further in the relevant sections below.

41 The Mayor is also required to have regard to national planning policy and guidance, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies.

42 The relevant planning policies and guidance at the national, regional and local levels are noted in the following paragraphs.

43 Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to them, according to their degree of consistency with the NPPF. All relevant policies in the adopted development plan and the emerging policies of the draft London Plan are considered to be consistent with the NPPF. Thus, the adopted development plan policies can be given full weight, whilst those in the Intend to Publish London Plan can be given significant weight as explained below.

#### National planning policy and guidance

44 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. First published in 2012, the Government published a revised NPPF in July 2018 and a further revised NPPF in February 2019. The NPPF defines three dimensions to sustainable development: an economic role – contributing to building a strong, responsive and competitive economy; a social role - supporting strong, vibrant and healthy communities; and, an environmental role - contributing to protecting and enhancing the natural, built and historic environment. The sections of the NPPF which are relevant to this application are:

2. Achieving sustainable development
4. Decision-making

5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

45 A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where the most important policies for determining the application are out of date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance (including policies relating to heritage assets and the Green Belt) provide a clear reason for refusing a proposed development.

46 The National Planning Practice Guidance is also a material consideration.

#### Spatial Development Strategy for London and supplementary guidance

47 The London Plan 2016 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- Policy 1.1 Delivering the strategic vision and objectives for London;
- Policy 2.6 Outer London: vision and strategy;
- Policy 2.7 Outer London: economy;
- Policy 2.8 Outer London: transport;
- Policy 2.15 Town centres;
- Policy 2.18 Green infrastructure;
- Policy 3.1 Ensuring equal life chances for all;
- Policy 3.2 Improving health and addressing health inequalities;
- Policy 3.3 Increasing housing supply;
- Policy 3.4 Optimising housing potential;
- Policy 3.5 Quality and design of housing developments;
- Policy 3.6 Children and young people's play and informal recreation facilities;
- Policy 3.7 Large residential developments
- Policy 3.8 Housing choice;
- Policy 3.9 Mixed and balanced communities;
- Policy 3.10 Definition of affordable housing;
- Policy 3.11 Affordable housing targets;

- Policy 3.12 Negotiating affordable housing;
- Policy 3.13 Affordable housing thresholds;
- Policy 3.16 Protection and enhancement of social infrastructure;
- Policy 3.17 Health and social care facilities;
- Policy 3.18 Education facilities;
- Policy 4.1 Developing London's economy;
- Policy 4.2 Offices;
- Policy 4.3 Mixed use development and offices;
- Policy 4.5 London's visitor infrastructure;
- Policy 4.7 Retail and town centre development;
- Policy 4.8 Supporting a successful and diverse retail sector;
- Policy 4.12 Improving opportunities for all;
- Policy 5.1 Climate change mitigation;
- Policy 5.2 Minimising carbon dioxide emissions;
- Policy 5.3 Sustainable design and construction;
- Policy 5.4A Electricity and gas supply;
- Policy 5.5 Decentralised energy networks;
- Policy 5.6 Decentralised energy in development proposals;
- Policy 5.7 Renewable energy;
- Policy 5.9 Overheating and cooling;
- Policy 5.10 Urban greening;
- Policy 5.11 Green roofs and development site environs;
- Policy 5.12 Flood risk management;
- Policy 5.13 Sustainable drainage;
- Policy 5.14 Water quality and wastewater infrastructure;
- Policy 5.15 Water use and supplies;
- Policy 5.17 Waste capacity;
- Policy 5.18 Construction, excavation and demolition waste;
- Policy 5.21 Contaminated land;
- Policy 6.1 Strategic approach to transport;
- Policy 6.2 Providing public transport capacity and safeguarding land for transport;
- Policy 6.3 Assessing the effects of development on transport capacity;
- Policy 6.4 Enhancing London's transport connectivity;
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure;
- Policy 6.6 Aviation;
- Policy 6.7 Better streets and surface transport;
- Policy 6.9 Cycling;
- Policy 6.10 Walking;
- Policy 6.11 Smoothing traffic flow and tackling congestion;
- Policy 6.12 Road network capacity;
- Policy 6.13 Parking;
- Policy 6.14 Freight;
- Policy 7.1 Lifetime neighbourhoods;
- Policy 7.2 An inclusive environment;
- Policy 7.3 Designing out crime;
- Policy 7.4 Local character;
- Policy 7.5 Public realm;

- Policy 7.6 Architecture;
- Policy 7.7 Location and design of tall and large buildings;
- Policy 7.8 Heritage assets and archaeology;
- Policy 7.13 Safety, security and resilience to emergency;
- Policy 7.14 Improving air quality;
- Policy 7.15 Reducing noise and enhancing soundscapes;
- Policy 7.16 Green Belt
- Policy 7.19 Biodiversity and access to nature;
- Policy 7.21 Trees and woodlands;
- Policy 8.2 Planning obligations; and
- Policy 8.3 Community Infrastructure Levy.

48 As set out above, policies in the Mayor's intend to publish London Plan (December 2019) must be taken into account in the determination of the application, but the weight attached to these should be reflective of the criteria set out in paragraph 48 of the NPPF, which is highlighted above. The following policies in the draft London Plan are considered to be relevant:

- Objective GG1 Building strong and inclusive communities;
- Objective GG2 Making best use of land;
- Objective GG3 Creating a healthy city;
- Objective GG4 Delivering the homes Londoners need;
- Objective GG5 Growing a good economy;
- Objective GG6 Increasing efficiency and resilience;
- Policy SD6 Town centres and high streets;
- Policy SD7 Town centres: development principles and DPDs;
- Policy SD8 Town centre network;
- Policy D1 London's form, characteristic and capacity for growth;
- Policy D2 Infrastructure requirements for sustainable densities;
- Policy D3 Optimising site capacity through the design-led approach;
- Policy D4 Delivering good design;
- Policy D5 Inclusive design;
- Policy D6 Housing quality and standards;
- Policy D7 Accessible housing;
- Policy D8 Public realm;
- Policy D9 Tall Buildings;
- Policy D11 Safety, security and resilience to emergency;
- Policy D12 Fire Safety;
- Policy D14 Noise;
- Policy H1 Increasing housing supply;
- Policy H4 Delivering affordable housing;
- Policy H5 Threshold approach to applications;
- Policy H6 Affordable housing tenure;
- Policy H10 Housing size mix;
- Policy S1 Developing London's social infrastructure;
- Policy S2 Health and social care facilities;
- Policy S3 Education and childcare facilities;
- Policy S4 Play and informal recreation;
- Policy E1 Offices;

- Policy E2 Providing suitable business space;
- Policy E3 Affordable workspace;
- Policy E9 Retail, markets and hot food takeaways;
- Policy E10 Visitor infrastructure;
- Policy E11 Skills and opportunities for all;
- Policy HC1 Heritage conservation and growth;
- Policy G1 Green infrastructure;
- Policy G2 London's Green Belt;
- Policy G4 Open space;
- Policy G5 Urban greening;
- Policy G6 Biodiversity and access to nature;
- Policy G7 Trees and woodlands;
- Policy SI1 Improving air quality;
- Policy SI2 Minimising greenhouse gas emissions;
- Policy SI3 Energy infrastructure;
- Policy SI4 Managing heat risk;
- Policy SI5 Water infrastructure;
- Policy SI7 Reducing waste and supporting the circular economy;
- Policy SI12 Flood Risk Management;
- Policy SI13 Sustainable drainage;
- Policy T1 Strategic approach to transport;
- Policy T2 Healthy streets;
- Policy T3 Transport capacity, connectivity and safeguarding;
- Policy T4 Assessing and mitigating transport impacts;
- Policy T5 Cycling;
- Policy T6 Car parking;
- Policy T6.1 Residential parking;
- Policy T6.2 Office parking;
- Policy T6.3 Retail parking;
- Policy T6.5 Non-residential disabled persons parking;
- Policy T7 Deliveries, servicing and construction;
- Policy T8 Aviation;
- Policy T9 Funding transport infrastructure through planning; and
- Policy DF1 Delivery of the plan and planning obligations.

49 The following published strategic supplementary planning guidance (SPG), strategies and other documents are also relevant:

- Affordable Housing and Viability SPG (August 2017);
- Housing SPG (March 2016);
- Social Infrastructure SPG (May 2015);
- Accessible London: achieving an inclusive environment SPG (October 2014);
- The control of dust and emissions during construction and demolition SPG (July 2014);
- Character and context SPG (June 2014);
- Sustainable Design and Construction SPG (April 2014);
- Shaping Neighbourhoods: play and informal recreation SPG (September 2012);
- Planning for Equality and Diversity in London (October 2007);



- Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy (April 2013);
- Crossrail Funding (March 2016);
- Town Centres SPG (July 2014);
- Mayor’s Environment Strategy (May 2018);
- Mayor’s Housing Strategy (May 2018); and
- Mayor’s Transport Strategy (March 2018).

50 The following pre-consultation draft strategic supplementary planning guidance (SPG), strategies and other documents are also relevant but have no material weight due to their early stage of adoption:

- Good Quality Homes for all Londoners - pre-consultation draft (March 2020);
- Public London Charter - pre-consultation draft (March 2020);
- Circular Economy Statement Guidance - pre-consultation draft (April 2020);
- Whole Life-Cycle Carbon Assessments - pre-consultation draft (April 2020);
- ‘Be Seen’ Energy Monitoring Guidance - pre-consultation draft (April 2020);
- Energy Planning Guidance (updated April 2020); and,
- Fire safety London Plan policies D5(B5) and D12(B) – pre-consultation draft (July 2020).

### Local planning policy and guidance

51 The Hillingdon Local Plan: 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) and West London Waste Plan (2015) provide local development plan planning policies for the area. The relevant policies are:

#### Part 1

- |            |   |
|------------|---|
| • PT1.BE1  | Built Environment                                   |
| • PT1.EM6  | Flood Risk Management                               |
| • PT1.H1   | Housing Growth                                      |
| • PT1.H2   | Affordable Housing                                  |
| • PT1.HE1  | Heritage  |
| • PT1.CI1  | Community Infrastructure Provision                  |
| • PT1.E5   | Town and Local Centres                              |
| • PT1.EM1  | Climate Change Adaptation and Mitigation            |
| • PT1.EM11 | Sustainable Waste Management                        |
| • PT1.EM2  | Green Belt, Metropolitan Open Land and Green Chains |
| • PT1.EM4  | Open Space and Informal Recreation                  |
| • PT1.EM7  | Biodiversity and Geological Conservation            |
| • PT1.EM8  | Land, Water, Air and Noise                          |
| • PT1.T1   | Accessible Local Destinations                       |

#### Part 2

- |         |                                     |
|---------|-------------------------------------|
| • DME 1 | Employment Uses on Designated Sites |
| • DME 3 | Office Development                  |
| • DME 5 | Hotels and Visitor Accommodation    |

- DMTC1 Town Centre Developments
- DMTC3 Maintaining the Viability of Local Centres and Local Parades
- DMTC4 Amenity and Town Centre Uses
- DMH2 Housing Mix
- DMH7 Provision of Affordable Housing
- DMHB1 Heritage Assets
- DMHB2 Listed Buildings
- DMHB3 Locally Listed Buildings
- DMHB4 Conservation Areas
- DMHB7 Archaeological Priority Areas and Archaeological Priority Zones
- DMHB10 High Buildings and Structures
- DMHB11 Design of New Development
- DMHB12 Streets and Public Realm
- DMHB13 Shopfronts
- DMHB13A Advertisements and Shop Signage
- DMHB14 Trees and Landscaping
- DMHB15 Planning for Safer Places
- DMHB16 Housing Standards
- DMHB17 Residential Density
- DMHB18 Private Outdoor Amenity Space
- DMHB19 Play Space
- DMEI1 Living Walls and Roofs and Onsite Vegetation
- DMEI2 Reducing Carbon Emissions
- DMEI3 Decentralised Energy
- DMEI4 Development in the Green Belt or on Metropolitan Open Land
- DMEI6 Development in Green Edge Locations
- DMEI7 Biodiversity Protection and Enhancement
- DMEI9 Management of Flood Risk
- DMEI10 Water Management, Efficiency and Quality
- DMEI11 Protection of Ground Water Resources
- DMEI12 Development of Land Affected by Contamination
- DMEI14 Air Quality
- DMCI2 New Community Infrastructure
- DMCI3 Public Open Space Provision
- DMCI4 Open Spaces in New Development
- DMCI5 Children's Play Areas
- DMCI7 Planning Obligations and CIL
- DMT1 Managing Transport Impacts
- DMT2 Highways Impacts
- DMT3 Road Safeguarding
- DMT4 Public Transport
- DMT5 Pedestrians and Cyclists
- DMT6 Vehicle Parking
- DMT7 Freight
- DMAV1 Safe Operation of Airports
- DMAV3 RAF Northolt
- SA14 Master Brewer and Hillingdon Circus, Hillingdon

52 The following adopted Hillingdon Council Supplementary Planning Guidance/Documents are also relevant to the proposal:

- Accessible Hillingdon SPD (September 2017); and
- Planning Obligations SPD (July 2014).

### Community Infrastructure Levy

53 Local planning authorities in London are able to introduce Community Infrastructure Levy (CIL) charges, which are payable in addition to the Mayor's CIL. Hillingdon Council's CIL charging schedule outlines that schemes in this location will be charged at a rate of £95 per sq.m. for residential, £35 for offices, £40 per sq.m. to hotels, £5 per sq.m. to industrial and £215 per sq.m. to large format retail greater than 1,000 sq.m. outside of designated town centres with a nil charge on other land uses. Following the adoption of a new charging schedule, MCIL2 rates now apply to planning permissions granted from 1 April 2019. Accordingly, a rate of £60 per sq.m. would apply to the residential and commercial floorspace proposed. CIL liability would be subject to relief for affordable housing.

## **Response to consultation**

### **Initial consultation (October 2019)**

54 Hillingdon Council undertook consultation on the initial application by sending 1,943 individual letters of notification to neighbouring properties, relevant statutory bodies, neighbouring boroughs, and amenity groups, as well as issuing site and press notices. The following consultation responses were submitted to Hillingdon Council.

### **Statutory consultee responses**

55 Greater London Authority (including Transport for London): The Mayor's initial Stage 1 consultation response is summarised above (GLA report ref: GLA/0995g/01).

56 Transport for London: Commented as part of the Mayor's Stage 1 response, and also provided a separate direct response to Hillingdon Council, setting out comments in relation to site access, car parking, cycle parking, healthy streets, public transport deliveries and servicing; the travel plan; the construction logistics plan; and Mayoral CIL.

57 Ministry of Defence: No safeguarding objections in relation to the building heights, no objections in relation to birdstrike safeguarding zone subject to a condition requiring that the development is carried out strictly in accordance with the submitted Bird Hazard Management Plan (BHMP) and that those measures set out within the BHMP are implemented in perpetuity. In respect to cranes the MOD has requested that a construction management strategy is secured by condition.

58 Metropolitan Police Designing Out Crime Group (DOCG): Request that if approved a condition is imposed requiring Secured by Design accreditation to be achieved.

59 Historic England The Greater London Archaeological Advisory Service (GLAAS): If planning consent is granted the applicant should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public. The development could cause harm to archaeological remains and

field evaluation is needed to determine appropriate mitigation. Conditions were suggested requiring a stage 1 written scheme of investigation (WSI) to be submitted to and approved by the local planning authority in writing, and thereafter implemented. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing, and thereafter implemented.

60 Cadent Gas LTD: There is apparatus identified in the vicinity of the site which may be affected.

61 London Underground: No comment

62 Transport for London Engineering: No comment

63 NATS (safeguarding): No comment

64 Environment Agency: No comment

65 Natural England: No comment

### **Individual neighbour responses**

66 A total of 269 representations were received in response to the public consultation undertaken on the original application with 2 comments in support and 267 objecting to the scheme. Two petitions objecting to the scheme were also received totalling 69 signatures. The grounds for objection are summarised below and grouped by topic headings used in this report:

#### Principle of development

- Preferable alternative uses
- Lack of community benefit
- Impact to Green Belt
- Impact to local property market
- Impact to existing businesses
- Lack of community use
- This development will set a precedent
- Insufficient supporting and impact on existing infrastructure (including schools, GP's and utilities)
- Social issues becoming more pronounced, anti-social behaviour and lack of space for young people lack-of security/Police
- Impact on existing community and elderly in the community

#### Housing

- Density/overdevelopment/overcrowding
- Poor housing quality
- Inappropriate typologies for families

#### Urban design and historic environment

- Height and scale and bulk
- Density/overdevelopment/overcrowding

- Out of keeping with surrounds
- Impact on local character and amenity
- Poor design quality
- Overlooking/loss of privacy
- Daylight/sunlight and overshadowing
- Impact to Green Belt and conservation area, heritage assets and views
- Aviation disruption/increased terror risk
- Fire safety
- Impact to local residents' quality of life
- Proximity to A40
- Inappropriate location

#### Sustainable development

- Increased flood risk to the local area
- Impact to wildlife and habitat and removal of open space and lack of tree planting
- Biodiversity and ecology and environmental impacts
- Unsustainable
- Construction impacts
- Noise and disturbance arising from the development and commercial uses
- Pollution including air quality
- Lack of amenity/playspace, green space and environmental quality

#### Transport

- Lack of vehicle parking provision on site and impact to surrounding roads
- Insufficient vehicular access
- Hillingdon station capacity constraints
- Poor pedestrian environment
- Emergency vehicle access and movement on local highway network
- Over-provision of car parking spaces
- Cumulative impact of construction of this scheme and HS2 (including construction traffic)
- Poor local public transport
- Traffic impacts for the surrounding road network
- Pedestrian safety

#### Other

- Meaningfulness of consultation

#### **Other responses to the Council, including residents' groups**

67 Oak Farm Residents Association: Objected to the application on the following grounds:

- Excessive height, density and massing
- Pressure on local infrastructure including schools and health care
- Impact on local character
- Scale of the proposals
- Impact to biodiversity and ecology and trees
- Lack of meaningful public consultation

- Lack of vehicle parking
- Planning Policy conflict
- Air quality impacts
- Urban design and impact on local views
- Impact to RAF Northolt and bird strike
- Noise impacts
- Quality of residential accommodation
- Impact to local amenity
- Transport impacts including traffic generation
- Healthy streets impacts
- Archaeological impacts

68 Ickenham Residents Association: Objected to the application on the following grounds:

- Lack of public consultation
- Highways impacts including traffic generation
- Height, density and scale
- Visual impact
- Impact to Green Belt and conservation area
- Lack of community benefit/access
- Lack of green technology
- Pedestrian safety
- Lack of recycling provision
- Urban design
- Transport impacts
- Noise impacts
- Pressure to local infrastructure

### **Hillingdon Council Internal Consultees**

69 Hillingdon Council's Planning Policy Team confirmed that the principle of redeveloping the site for a new residential led-mixed use scheme and the quantum of proposed flexible uses was consistent with the Local Plan. The Policy Team noted that the unit mix was supported in line with Policy H4 of the Local Plan Part 2 (2012).

70 Hillingdon Council consulted the Ickenham Neighbourhood Forum (INF). No comment was received.

71 Hillingdon Council's Ecology officer confirmed that they had no objections subject to two pre-commencement conditions and an offsite contribution for land to the east. Conditions were requested secure a scheme for the protection of reptiles which should be submitted to and approved in writing by the Local Planning Authority and the submission of an updated bat scoping study shall be submitted for the whole site (including the tree belt on the northern part of the site).

72 The Council's Energy Officer noted no objection subject to the imposition of a condition to secure further detail regarding the energy strategy and offsite contribution.

73 Hillingdon Council's Flood Risk Team raised concerns regarding the Flood Risk Assessment and Surface Water Management Report. Concerns were raised with

specific reference to the calculated greenfield runoff rate and subsequent proposed discharge rate from the site, the location of the proposed discharge form the site and the lack of information about the sustainable reuse of water.

74 The Council's Waste Team initially raised concerns regarding the refuse strategy which was amended in response to the Council. Following receipt of a revised strategy the officer noted no objection subject to the imposition of a planning condition to require the applicant to submit a strategy for the commercial units which ensures that the waste is stored suitably and managed separately to residential waste.

75 The Council's Housing Services Team did not provide a comment.

76 Hillingdon Council's Urban Design and Conservation Officer raised concerns regarding a lack of consideration in respect of previous feedback regarding urban design and heritage impacts. The officer raised specific concerns regarding the height and scale of the proposals noting that the 11-storey tower block contributes to a development that would completely overwhelm its immediate surroundings and would not respect the suburban grain, height, bulk and massing of the surrounds. The officer also noted negative impacts in respect of views, pedestrian experience, streetscape, architecture, Green Belt and heritage. Commenting on the applicant's TVIA the officer noted that the longer distance views also demonstrate less than substantial harm to the significance of the Grade I listed Ickenham Manor and the Ickenham Conservation Area. The detailed design of the facades was considered generally acceptable.

77 The Council's Highways Team recommended refusal on the grounds of insufficient parking and excessive vehicular traffic generation. The Highways Team raised concerns in respect to the cumulative highway impacts of the development, the quantum of resident vehicle parking (too low), the quantum of cycle parking (too high), the traffic impact assessment and methodology. The team also suggested that future residents be restricted from obtaining permits for the surrounding area. The team suggested that the proposed car club membership should be secured in any future S.106. The proposed provision of Electric Vehicle Charging Points (ECVP), disabled parking spaces, motorcycle/scooter parking, commercial car parking provision was considered acceptable. The team recommended in relation to the parking management/allocation strategy a contingency sum of £20,000 should be secured. A contribution towards public transport enhancements was requested. Other contributions such as a sum of £20,000 being secured for remedial purposes relating to parking displacement, vehicle actuated speed signs up to a cost of £5,000 and a £20,000 performance bond relating to the Travel Plan initiatives/incentives. The Council would also seek a full construction logistics plans to be secured by condition.

78 Hillingdon's Trees and Landscaping Officer noted the loss of existing trees has previously been deemed acceptable by the Council. The officer noted the open spaces and landscaping proposals represent an improvement on previous iterations of the scheme. The acquisition and enhancement of a section of the adjoining Green Belt land is considered a positive of the scheme. The officer recommended that conditions should be imposed which protect any retained trees/hedges/shrubs, require the submission of a method statement and tree protection measures and require the submission and approval of a landscape scheme prior to development works.

79 Air Quality Experts Global Ltd acting on behalf of the Council's Environmental Protection Unit (Air Quality) provided comments in respect of air quality. Concerns were

raised regarding nitrogen dioxide emissions, air quality neutral and a payment of £294,522 was calculated to deliver the air quality local action plan. It was noted that should members be minded to approve the application two conditions would be required; a condition to secure a low emissions strategy and air quality measures during the construction phase of the development.

80 The Council's Environmental Protection Unit (Contamination) suggested conditions to ensure that prior to the commencement of development works a scheme to deal with the contamination has been submitted and agreed with the LPA.

81 Hillingdon Council's Access Officer initially confirmed that the application documents suggest London Plan compliance in respect of accessible units, but that the plans provided insufficient evidence regarding the precise location within the buildings of the M4(3) units. Concerns were also raised regarding the principles of inclusive design throughout the development. Following the submission of additional detail the Access Officer confirmed concerns regarding the proposed M4(3) Wheelchair Accessible/Wheelchair Adaptable dwellings had been addressed. The officer recommended conditions to overcome the extant accessibility concerns securing; 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling and this must be confirmed prior to occupation, at least 1 accessible parking space per accessible dwelling, prior to the occupation it must be demonstrated that the children's play equipment meets the needs of all residents including those with sensory and/or complex multiple disabilities, prior to development it must be demonstrated that the external physical environment is inclusive regardless of disability.

82 The Council relied on an external consultant acting on their behalf to provide its noise comments. The applicant updated the noise strategy in response to feedback from the Council's reviewers. Following this the Council acknowledged several concerns had been addressed. The consultant raised concerns that with regard to the cooling hierarchy and the effect of internal noise levels if the windows are required to be open for cooling. It was recommended, therefore, that further information be sought from the developer to demonstrate, if this is indeed the case, that the risk of overheating throughout the development was at an acceptable level.

83 The Council raised concerns about the reflectance levels and the reliance on high end glazing. The review noted that the analysis shows that 310 of the rooms fall short of the target values, of these, 224 are bedrooms. The guidance does recognise that daylight is less important in bedrooms.

84 The Council's Building Control officer reviewed the proposals and noted that the construction details were yet to be provided, the fire risk assessment was not considered to be the final fire risk assessment. Design for means of escape, active/passive fire measures and access for the fire services would be subject to change as the scheme progresses and therefore a final risk assessment would be required to be submitted along with the Building Control application for review. The officer noted the fire risk assessment appears to have been produced by a suitably qualified assessor who have attempted to address the standards of Paragraph B within the (Intend to Publish) London Plan Policy D12. The officer also noted the final Fire Risk Assessment will need to be checked by a suitably qualified Fire Safety Specialist in order to discharge the Policy D12 planning condition and any costs to be recovered.



## **Representations to the Mayor of London**

85 No representations to the Mayor were received prior to the Mayor's decision to take over determination of the application from Hillingdon Council by issuing a direction under Article 7 of the 2008 Order on 16 March 2020. There have been 23 representations received directly to the Mayor including representations from the Ickenham Neighbourhood Forum, Oak Farm Residents Association and North Uxbridge Residents Association following the direction issued under Article 7 of the Order 2008. These objections raise concern regarding the Mayor's ability to recover the application but beyond this do not raise any additional concerns which have not already been considered as part of the original consultation undertaken by the Council.

86 The Ministry of Defence – RAF Northolt (MOD): provided an updated consultation response on 14 August 2020 in response to the updated proposals. The MOD confirmed that the MOD has no height or technical safeguarding concerns, the changes should not impact on the potential for the site to attract or support hazardous birds, sought an updated Bird Hazard Management Plan and a condition to ensure the MOD is consulted on the location of any cranes through the construction phase of the development.

### **Representations summary**

87 All representations received in respect of this application have been made available to the Mayor; however, in the interests of conciseness and for ease of reference, the issues raised have been summarised as detailed above. The key issues raised by the consultation responses, and the various other representations received, are addressed under the relevant topic headings within this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report.

## **Principal Planning Issues**

88 Having regard to the site and the details of the proposed development, relevant planning policy at the local, regional and national levels and, the consultation responses and representations received, the principal planning issues raised by the application that the Mayor must consider are:

- Principle of development, including housing; employment; town centre uses; social infrastructure uses; Green Belt and open space; and transport infrastructure;
- Housing, including affordable housing; housing affordability; housing mix and tenure; and play space;
- Urban design and heritage, including site layout, landscape, and open space; density; residential quality, including impacts within the development itself and on neighbouring properties (internal space standards; aspect; privacy and overlooking; daylight, sunlight, and overshadowing; noise and vibration; and air quality); height, massing, townscape, and local views; historic environment; views; architecture and materials; fire safety; and designing out crime;
- Inclusive design;
- Transport, including trip generation and mode split; impact on public transport; site access, layout and Healthy Streets; on-site transport infrastructure; Hillingdon

Station; walking and cycling; cycle parking; car parking; deliveries and servicing; construction; and Travel Plan;

- Sustainable development, including energy; flood risk and sustainable urban drainage; and urban greening, trees and biodiversity;
- Other environmental issues - including waste and contaminated land;
- Mitigating the impact of development through necessary planning obligations; and
- Legal considerations.

89 These issues are considered within the following sections of the report.

## **Principle of development**

90 The NPPF has three overarching objectives within the overall aim to promote sustainable development; economic, social, and environmental. The Mayor's overarching objective is to meet London's housing and development need by making the best use of land, whilst safeguarding the Green Belt and designated open spaces. This is reflected in London Plan Policy 1.1 and the Mayor's Intend to Publish London Plan Objectives on 'Good Growth' GG1, GG2, GG3, GG4, GG5, and GG6, which support high-density, mixed-use places, including brownfield land and sites well-connected by rail stations and within town centres. London Plan Policy 2.6 states that the Mayor will work to realise the potential of outer London, recognising and building upon its great diversity and varied strengths by providing locally sensitive approaches to enhance and promote its distinct existing and emerging strategic and local economic opportunities, and transport requirements. The policy states that the Mayor will also enhance the quality of life in outer London for present and future residents as one of its key contributions to London as a whole. Hillingdon Council's Local Plan: Part 1 Strategic Policies (2012) Policy NPPF1 establishes a presumption in favour of sustainable development to secure development that improves the economic, social and environmental conditions in the areas being developed.

## **Previous use and site allocation**

91 The site was historically occupied by a hotel, however this use has long been extinguished and the site has an extant planning permission for residential development. Hillingdon Council's Local Plan: Part 2- Site Specific Allocations Local Development Document (LDD) identifies this site as forming the majority of Site B within the wider strategic allocation of the Master Brewer and Hillingdon Circus plot (Site SA 14). The site allocation acknowledges that the site is identified in Hillingdon's Housing Trajectory to deliver 250 units but SA14 does not include a unit limit. Policy SA14 requires all developments across both sites to be of a scale in keeping with the Local Centre and form a comprehensive development scheme across the whole site. The allocation requires that development on this site should secure;

- Substantial planting and landscaping in association with any development; promote a mix of uses that takes advantage of the north/south east/west communications network to serve Borough-wide and community interests;
- Environmental improvements and landscaping as necessary to enhance the local shopping and residential environment; and,
- Result in public transport improvements particularly North/South links.

92 Further, proposals which are predominantly residential should also have regard to the following key principles and seek to deliver;

- A range of housing types and tenure to reflect the conclusions of the Council's latest Housing Market Assessment,
- The creation of a neighbourhood with clearly defined links to the main shopping area in North Hillingdon, where the scale and massing of buildings reflects local character and the PTAL rating of the site; and,
- A proportion of other uses that are appropriate to the site's location within the North Hillingdon Local Centre, including a hotel, restaurant and small scale retail.

93 The Council in its Committee report identified a number of conflicts with Policy SA14. Officers specifically noted the proposals;

- failed to secure substantial planting and landscaping in association with the development resulting in a stark and oppressive built form when viewed from the surrounding area, in both short and long views;
- in relation to the proposed commercial uses, were contained within the site and likely to have limited linked functions/trips to the existing local centre, therefore failing to enhance the existing local centre;
- failed to deliver a scheme of an appropriate scale and massing to reflect the local character and are not in keeping with the Local Centre.

94 The matters identified above will be discussed in the relevant sections of this report.

95 SA14 requires that proposals across Sites A and B should “form a comprehensive development scheme across the whole site”. It is noted that the Council do not raise a conflict with this part of the Site Allocation. The two sites are separated by the wide highway of Long Lane and it is considered that the form and massing of the proposals (discussed in more detail later in this report) would not prejudice future development on Site A. The site forms a substantial part of Site B and the applicant has demonstrated that redevelopment of the remainder could be acceptably delivered alongside the application proposals. Council officers noted that the flexible commercial space included within the proposals (925.9 sq.m.) by virtue of their siting within the interior of the site would likely have limited linked functions/trips and thus would fail to enhance the existing local centre. GLA officers acknowledge that the commercial offer totalling 925.9 sq.m. would largely satisfy the localised need arising from the new residential homes. The commercial uses would however be clustered within the arrival square of the site which would form new public space accessible to both residents of the scheme and also users of the town centre. The location of the units is a response to the constraints of the site and would in their current position would be located along a new route from Freezeland Way to the Green Belt land to the east (as discussed further within the design section of this report). On this basis the siting of the units is considered acceptable and would contribute positively to the wider town centre. Overall therefore, GLA officers consider that the proposals would contribute towards achieving the comprehensive development of the whole Site Allocation.

## Residential use

96 The NPPF sets out the priority to deliver a sufficient supply of new homes and states that planning policies and decisions should seek to make effective use of land and support the redevelopment of under-utilised land and buildings. In line with paragraph 118 of the NPPF, substantial weight should be given to the value of developing brownfield land in meeting housing need.

97 London Plan Policy 3.3 recognises the pressing need for new homes and Table 3.1 gives a 10 year housing target of 5,593 in Hillingdon between 2015 and 2025, equating to an annual target of 559. Policy H1 and Table 4.1 of the Mayor's Intend to Publish London Plan sets Hillingdon an increased housing target of 10,830 units between 2019/20 and 2028/29.

98 To meet housing targets, London Plan Policy 3.3 emphasises the importance of brownfield land particularly with good transport accessibility. Similarly, Policy H1 of the Mayor's Intend to Publish London Plan seeks optimised housing delivery on brownfield sites, particularly with existing or planned public transport access levels (PTALs) of 3-6, or which are located within 800 metres of a station, such as this site.

99 Policy H1 of the Local Plan: Part 1 - Strategic Policies gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies. Policy H1 notes that sites that will contribute to the achievement of this target will be identified in the Hillingdon Local Plan: Part 2- Site Specific Allocations Local Development Document (LDD) which includes the Master Brewer and Hillingdon Circus plot (Site SA 14).

100 As set out in the GLA Stage 2 report, the following sets out the London-wide delivery against the current London Plan targets between 2016-2019, the most recent years for which reliable data is available.

Table 3: Delivery against pan-London housing and affordable housing targets (source: London Development Database). \* long-term vacants returning to use not included in delivery % as no data exists for 2018/19.

<b>Total supply</b>	<b>FY2016-2017</b>	<b>FY2017-2018</b>	<b>FY2018-2019</b>	<b>Total</b>	<b>Delivery</b>
<i>Homes target</i>	42,389	42,389	42,389	127,167	<b>90% of target</b>
<b>Homes delivered</b>	<b>44,846</b>	<b>31,692</b>	<b>37,991*</b>	<b>114,529</b>	
<i>Affordable homes target</i>	17,000	17,000	17,000	51,000	<b>35% of target</b>
<b>Affordable homes delivered</b>	<b>6,827</b>	<b>4,431</b>	<b>6,648</b>	<b>17,906</b>	

101 As set out in the GLA Stage 2 report, the following table sets out the number of homes and affordable homes granted planning permission between 2015 and 2018 by Hillingdon Council, relative to London Plan targets:

Table 4: total housing approvals for LB Hillingdon including conventional and non-self-contained supply (source: London Development Database)

<b>Net approvals</b>	<b>FY2015-2016</b>	<b>FY2016-2017</b>	<b>FY2017-2018</b>	<b>Total</b>	<b>Performance against target</b>
<i>Homes target</i>	559	559	559	1,677	<b>410% of target</b>
<b>Homes consented</b>	<b>1,331</b>	<b>2,604</b>	<b>2,943</b>	<b>6,878</b>	
<i>Affordable homes target</i>	196	196	196	588	<b>160% of target</b>
<b>Affordable homes consented</b>	<b>78</b>	<b>134</b>	<b>729</b>	<b>941</b>	

102 Also as set out in the GLA Stage 2 report, the following table sets out the number of homes and affordable homes delivered in Hillingdon in the same years:

Table 5: LB Hillingdon's delivery against London Plan housing target and Local Plan affordable housing target (source: London Development Database). \* long-term vacants returning to use not included in delivery % as no data exists for 2018/19.

<b>Total supply</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>Total</b>	<b>net delivery %</b>
Homes target	559	559	559	1,677	<b>171% of target</b>
<b>Homes delivered</b>	<b>836</b>	<b>948</b>	<b>1,076*</b>	<b>2,860</b>	
Affordable homes target	196	196	196	588	<b>34% of target</b>
<b>Affordable homes delivered</b>	<b>59</b>	<b>66</b>	<b>76</b>	<b>201</b>	

103 The above tables demonstrate that Hillingdon has exceeded its overall housing delivery target for the last 3 years, but is significantly below the affordable housing target over the same period. It should also be noted that all targets are expressed as minimums, with a clear expectation in the London Plan that delivery of housing should be maximised. The Council's 2019 Housing Delivery Test measurement is 184% with no action required. The Council is currently performing well in terms of granting planning permission for additional housing, at more than four times the target. Furthermore, the Council is performing well in terms of planning permissions for new affordable homes, at 160% of the target. However, as noted above, the pan-London need for housing and affordable housing is not being met and the Council is not delivering its affordable housing targets. This development has the potential to make a significant contribution to such delivery.

104 The proposed scheme would provide 514 homes (of which 35% would be affordable), which would equate to 92% of the Council's London Plan annual housing target and 47% of the Mayor's Intend to Publish London Plan target (if expressed on an annualised basis). The site comprises vacant brownfield land located within a Local Centre and identified in the Local Plan for mixed use redevelopment including residential uses. It has a PTAL of 3 and is close to a London Underground station. The site would make a significant contribution towards the achievement of the Council's housing targets, responding to local and strategic pan-London need for overall and affordable housing, and is in accordance with the policies set out above.

## **Non-residential uses**

105 The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. In line with paragraph 80, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 86 identifies that main town centre uses should be located in town centres. Chapter 8 supports healthy, inclusive and safe places, including social infrastructure provision.

106 London Plan Policies 2.15 and 4.7, and Policies SD6, SD7 and SD8 of the Mayor's Intend to Publish London Plan take a town centre first approach for town centre uses, including workspace, retail, leisure, arts and cultural uses. This is reflected in Policy E5 of the Local Plan Part 1: Strategic Policies (2012) which states the Council will accommodate additional retail growth in established centres and improve public transport, walking and cycling connections whilst ensuring an appropriate level of parking provision is provided for accessibility to local services and amenities. Policy BMTC1 of Hillingdon's Local Plan Part 2 – Development Management Policies (2020) states that the Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre.

107 London Plan Policy 4.2 and Policy E1 of the Mayor's Intend to Publish London Plan support new office space of different sizes. Policy E2 of the Mayor's Intend to Publish London Plan supports the provision of a range of Use Class B business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises (particularly where more than 2,500 sq.m. of Use Class B floorspace is proposed). Policy DME3 of Hillingdon's Local Plan Part 2 – Development Management Policies (2020) states that proposals for smaller scale new office floorspace within designated town centres, including proposals within mixed use schemes, will be supported where the scale of provision is appropriate to the role and function of the town centre.

108 London Plan Policy 3.16 and Policy S1 of the Mayor's Intend to Publish London Plan support the provision of adequate social infrastructure as part of new developments and states that facilities should be accessible by walking, cycling and public transport. Hillingdon Council's Local Plan Part 1: Strategic Policies Policy C11 will ensure community and social infrastructure is provided by requiring development to contribute towards the provision of community facilities to meet the needs of new communities and mitigate impacts on existing communities.

109 Hillingdon's Local Plan Part 2 (Site Allocations and Designations - 2020) identifies the site as part of the wider strategic site SA 14 which promotes a mix of uses that takes advantage of the north/south east/west communications network to serve Borough-wide and community interests and notes the Council will accept a proportion of other uses that are appropriate to the site's location within the North Hillingdon Local Centre, including a hotel, restaurant and small scale retail.

110 The applicant is proposing 925.9 sq.m. of flexible commercial/community floorspace ranging across uses A1/A3/B1/D1. The flexible uses will be located across the ground and upper ground floors of the buildings within the western portion of the site. Within building 1 there will be commercial units fronting onto Long Lane as well as

Freezeland Way at ground floor level. The activation to Hillingdon Circus provides an active gateway to the site. Within building 4 (which is located on the western edge of the site) running parallel to Long Lane there would be commercial uses at ground level and upper ground level facing north.

111 The Council noted in its planning committee report that the principle of redeveloping the site including the provision of up to 1,200 sq.m. of flexible commercial floorspace (now 925.9 sq.m.) was acceptable in principle. It noted however that had it been minded to approve the application it would have sought to impose a planning condition to restrict the quantum of D1 floorspace at the site. It is noted that since then the applicant has reduced the on-site flexible commercial provision to 925.9 sq.m. The Council raised concerns that the full quantum of flexible commercial space could be occupied by D1 uses. It is also noted that the arrangement of units and the mix of sizes and locations within the scheme mean it is unlikely that the entirety of the flexible provision would be occupied for community uses. In any event GLA officers acknowledge that the delivery of new housing would give rise to a localised need for a mix of services and that a condition to suitably limit the proportion of flexible commercial space dedicated to D1 uses would serve to ensure the appropriate balance of uses on site. The proposed flexible uses of A1/A3/B1/D1 would serve and support the residential uses, promote sustainable development, and contribute to the vitality and viability of the wider town centre. The new town centre uses are considered to be appropriately connected to the rest of the town centre, as discussed in further detail in the 'urban design' section of this report.

112 The provision of 973.9 sq.m. of flexible commercial space (Use Class A1/A3/B1/D1) is appropriate considering site's location in a Local Centre. The floorspace is compliant with the policies set out above.

## **Green Belt and open space**

### Green Belt

113 London Plan Policy 7.16 and draft London Plan Policy G2 afford Green Belt land the strongest protection in accordance with national guidance. The NPPF through paragraphs 133-147 affords the strongest possible protection to Green Belt. The NPPF provides that construction of new buildings should be regarded as inappropriate development in the Green Belt, save for certain limited exceptions set out in paragraph 145. Hillingdon Local Plan Part 1 Strategic Policies (2012) Policy EM2 establishes that the Council will seek to maintain the current extent, hierarchy and strategic functions of the Green Belt. Policies, DMCI3, DMEI 4 and DMEI6 of the Local Plan Part 2 – Development Management Policies (2020) state that inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances and that development adjacent to the Green Belt/open space should assimilate development through extensive peripheral landscaping and not negatively impact on amenity, ecology and functionality. In this context it is noted that the Council considered that the proposals failed to secure substantial planting and landscaping, resulting in a stark and oppressive built form when viewed from the surrounding area and a detrimental impact on Green Belt openness.

114 Whilst there is no development proposed in the Green Belt, the scheme will abut the Green Belt land which adjoins the site boundary and extends east. There are also areas of Green Belt land to the north and west. The applicant has ensured through the

design of the scheme that any visual impact on the adjoining Green Belt land to the east is minimised as far as possible. The scale of development steps down to the Green Belt edge and the arrangement of blocks is permeated by landscaped spaces. The buildings in closest proximity to the Green Belt will be finished in green toned bricks and benefit from a balcony arrangement which seeks to emulate a 'pergola' style. The landscaping proposals are addressed in more detail later in this report.

115 As demonstrated by the Townscape and Visual Impact Assessment (TVIA) accompanying the application, the development would be visible from Green Belt land to the north and west owing to the scale and massing of the proposal. This is however mitigated to a degree by the gaps between the blocks at upper levels (as evidenced in Views 1, 13 and 15). The extent of continuous built development across the northern boundary that is of concern to the Council is limited to five storeys, is articulated and does not project significantly above the tree line in Views 1 and 15. Furthermore, the site is separated from the Green Belt to the north by the A40, which is some 50 metres wide, and other areas of Green Belt by greater separation distances. Overall, GLA officers do not consider that the proposal would result in a detrimental impact on the openness, visual amenity or functionality of the Green Belt and adjacent open spaces. The visual impact of the proposal on the character and appearance of the area, street scene and skyline, and ecology, is addressed later in this report.

116 The applicant has also acquired a strip of privately-owned Green Belt land directly between the site and the wider body of Green Belt within which enhancement works are proposed which will be secured through a contribution in the S.106. All of these measures serve to minimise the visual impact on the Green Belt, enhance biodiversity and provide a soft urban edge to the open land at this edge of the site, in line with the requirements of the above-mentioned policies.

### Open space

117 Local Plan Policy DMCI4 seeks new open space provision in new major residential development proposals that meets the needs of occupiers of the development and contributes to identified deficiencies. In major town centre developments, the policy states that civic spaces may be required as an alternative to green open space.

118 The proposals would deliver a range of new publicly accessible open spaces, including a central green space of 1,907sq.m. and a civic space in the south-western corner of the site, adjacent to the commercial uses. The site does not currently benefit from public access and the open spaces proposed would benefit existing residents as well as future residents of the development itself. As such the proposal is considered to comply with policy regarding open space provision.

### **Principle of development conclusion**

119 The residential-led mixed use development of this vacant brownfield site, within a Local Centre and allocated for development within the local plan, with a PTAL of 3, close to a London Underground station; would make a significant contribution towards housing and affordable housing targets, with an appropriate level of non-residential uses. The development would not impact on the openness, visual amenity or functionality of the nearby Green Belt or open spaces; and would provide sufficient new public open space. It is in accordance with London Plan Policies 1.1, 2.6, 2.15, 3.3, 3.16, 4.2, 4.5, 4.7 and



7.16; the Good Growth Objectives and Policies SD6, SD7, SD8, E1, E2, E9, E10, S1, H1 and G2 of the Mayor's Intend to Publish London Plan; Hillingdon Council's Local Plan Part 1 Strategic Policies (2012) H1, C11 and EM2; the Council's Local Plan Part 2 Development Management Policies (2020) Policies DMCI3, DMCI4, DMEI4, DMEI6, DMTC1, DME3 and DME6 and the Council's Local Plan Part 2 Site Allocations and Designations (2020) Policy SA14. As such, the principle of the development proposed complies with the Development Plan.

## **Housing**

### **Affordable housing and financial viability**

120 London Plan Policy 3.11 states that the Mayor will, and boroughs should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London up to 2031, of which 60% should be social/affordable rent and 40% intermediate.

121 London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes, taking into account a range of factors, including the requirement for affordable housing; affordable housing targets; the need to promote mixed and balanced communities; specific site circumstances; development viability; public subsidy and the resources available to fund affordable housing; and the implications of phased development, including provisions for re-appraising the viability of schemes prior to implementation.

122 In August 2017, the Mayor published his Affordable Housing and Viability Supplementary Planning Guidance (SPG), which sets out his preferred approach to maximising the delivery of affordable housing and introduced the 'fast track route' for applications that meet or exceed the Mayor's threshold for affordable housing. The SPG confirms that a scheme's eligibility for the fast track route is subject to the affordable housing being provided on site, without public subsidy, and with an appropriate tenure mix provided. In addition, to qualify for the fast track route, an applicant must have explored the potential to increase the level of affordable housing using grant funding and an 'early stage review mechanism' must be secured, which seeks to incentivise early implementation. Applications that are considered eligible for the fast track route are not required to submit a financial viability assessment or be subject to a late stage viability review mechanism (as is required for applications following the 'viability tested route').

123 The threshold approach to affordable housing is also set out in Policies H4, H5 and H6 of the Mayor's Intend to Publish London Plan. Policy H4 of the Mayor's Intend to Publish London Plan sets a strategic target for 50% of all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% affordable housing (by habitable room); with a threshold of 50% applied to public sector owned sites or industrial land. This site is not publicly owned or industrial land and thus the 35% threshold applies.

124 Policy H6 of the Mayor's Intend to Publish London Plan confirms the Mayor's priority to deliver genuinely affordable housing and sets out minimum expectations in relation to tenure split. This requires at least 30% of affordable housing to comprise low cost rent units (either social rent or London Affordable Rent); 30% intermediate housing; with the remaining 40% determined by the borough, having regard to local need.

125 The Local Plan: Part 1 (2012) Policy H2 requires sites with a capacity of 10 or more units to provide an affordable housing mix which reflects housing needs in the borough. The Local Plan: Part 2 (2020) Policy DMH 7 outlines that subject to viability, a minimum of 35% of all new homes on sites of 10 or more units should be delivered as affordable housing, with the tenure split 70% Social/Affordable Rent and 30% Intermediate.

Table 6 – Proposed residential mix and tenure

	<b>Market</b>	<b>London Shared Ownership</b>	<b>London Affordable Rent</b>	<b>Total</b>
<b>Studio</b>	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
<b>1 bed</b>	134 (26.0%)	34 (6.7%)	53 (10.3%)	221 (43.0%)
<b>2 bed</b>	153 (29.8%)	27 (5.3%)	35 (6.8%)	215 (41.9%)
<b>3 bed</b>	45 (8.7%)	0 (0.0%)	33 (6.4%)	78 (15.1%)
<b>TOTAL</b>	332 (64.5%)	61 (12.0%)	121 (23.5%)	514 (100%)
		182 (35.5%) affordable by unit 492 (35.2%) affordable by hab room		

126 Table 6 above shows the proposed residential mix and tenures. The application proposes 35.2% affordable housing (by habitable room), made up of 66.5% London Affordable Rent, and 33.5% London Shared Ownership (by unit). Policy DMH 7 of the Hillingdon Council Local Plan Part 2 Development Management Policies requires a tenure split 70% Social/Affordable Rent and 30% Intermediate. Hillingdon Local Plan Part 1 Strategic Policies (2012) Policy H2 seeks to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units. The reasoned justification of this policy at paragraph 6.29 states that housing market conditions in Hillingdon are complex and a one size fits all approach to tenure provision will not be suitable for all areas in the borough. Subject to the provision of robust evidence, the Council will adopt a degree of flexibility in its application of Policy H2 to take account of tenure needs in different parts of the borough. In accordance with the London Plan, proposed targets in Policy H2 will be discussed and agreed with the Mayor. It is noted that in its Committee Report Hillingdon Council accepted the proposed affordable housing offer as policy compliant. Given the adopted London Plan compliance and small variance from local policy expectations regarding the tenure split, the proposal meets the 'fast track route' and no viability assessment or late stage review is required. The proposed 'baseline' level of 35.2% affordable housing with the agreed tenure split will be secured unconditionally in the Section 106 agreement, without reference to grant funding. There is an obligation to obtain grant funding and if the same can be obtained provide additional affordable housing through approval of additional affordable housing scheme.

127 An early stage review will be secured in the Section 106 agreement, which would be triggered if substantial implementation has not been made within two years of the permission being granted, in accordance with Policy H5 of the Mayor's Intend to Publish London Plan and the SPG. Substantial implementation is defined as the completion of all site-wide enabling works, ground preparation works, and first floor slab on the first

block to be constructed and the letting of a contract for the construction for the whole development which meets the requirements for substantial implementation. The affordable housing offer fully meets policy requirements; however, should the early review mechanism be triggered, and a surplus identified, the Section 106 agreement ensures that additional affordable housing would be provided. Officers are satisfied that the review mechanism will incentivise delivery and secure an improved affordable housing offer should it not be implemented, in accordance with the Mayor's Affordable Housing & Viability SPG and Policy H5 of the Mayor's Intend to Publish London Plan.

128 The occupational restriction secured in the S.106 agreement requires the applicant to complete 50% of the affordable units prior to occupation of 50% of the market units. All of the affordable housing units must be completed prior to occupation of 75% of the market units. This ensures that a significant proportion of the affordable housing will come forward at an early stage. This is secured through an occupation restriction clause on market units in the section 106 agreement. As such no further viability reviews are therefore necessary.

129 Policy H6 of the Mayor's Intend to Publish London Plan and the Mayor's Affordable Housing and Viability SPG set out the Mayor's priority to deliver genuinely affordable housing. Paragraph 4.7.4 confirms that London Affordable Rent constitutes a low cost rent product for households on low income, with rent levels based on social rent and set in relation to the GLA's published benchmarks set out in the Mayor's Affordable Homes Programme 2016-21 Funding Guidance. The proposed London Affordable Rent units will have rent levels as set annually by the GLA, which would be secured in the section 106 agreement. This equates to between 57% and 71% of market rent in the area. Eligibility for London Affordable Rent units would be restricted, based on local need and subject to a nominations agreement with the Council. These are shown in Table 7 below.

Table 7 - London Affordable Rent benchmarks

<b>Unit size</b>	<b>London Affordable Rent per week (2019-20 benchmarks)*</b>	<b>Private rent per week</b>	<b>% of market rent**</b>
1 bedroom	£155	£219	71%
2 bedroom	£164	£288	57%
3 bedroom	£173	£288	60%

\*London Affordable Rents are exclusive of service charges

\*\*Market rents based on GLA London Rents Map, which is based on 2018/19 Valuation Office Agency data. To enable comparison, monthly market rents shown in the GLA Rents Map have been multiplied by 12 and divided by 52 to provide estimated weekly rents.

130 London Shared Ownership units would be subject to the eligibility and household income requirements as set out in the Intend to Publish London Plan, to ensure that annual housing costs (including mortgage payments, rent and service charge) do not exceed 40% of net household income, assuming a maximum household income of £90,000 (as updated in London Plan Annual Monitoring Reports). The applicant has stated that these units would be affordable to households on a range of incomes between £55,000 and £85,000, depending on the unit size, as set out below, for the first three months of marketing. This assumes a minimum 25% equity share and rent of up to 2.75% on unsold equity. The section 106 agreement would secure first marketing of the units at these affordability levels, with a cascade mechanism thereafter.

Table 8 – Affordability of proposed Shared Ownership units

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>
Estimated household income required	£69,000	£81,000	£85,000

131 The affordability levels proposed for London Affordable Rent and London Shared Ownership units are acceptable and comply with income and eligibility requirements. This would be secured within the section 106 agreement, should permission be granted, together with an early implementation viability review mechanism as described above.

132 The affordable housing offer of 35.2%, (split 66.5% London Affordable Rent and 33.5% London Shared Ownership by unit, with the affordability levels set out above), accords with the NPPF; London Plan Policies 3.11 and 3.12; Policies H4, H5 and H6 of the Mayor’s Intend to Publish London Plan; the Mayor’s Affordable Housing & Viability SPG; the Local Plan: Part 1 (2012) Policy H2 and Policy DMH 7 of Local Plan: Part 2 (2020). The affordable housing offer is therefore supported, and no concerns were raised by the Council in respect of this aspect of the scheme.

### **Housing mix**

133 London Plan Policies 3.8 and 3.9 state that new development should provide a mix of housing sizes and types, taking into account local and strategic housing requirements, the needs of different groups, and the strategic priority for affordable family housing provision. Policy H10 of the Mayor’s Intend to Publish London Plan states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme.

134 Policy H4 of the Local Plan: Part 1 (2012) and Policy DMH 2 of Hillingdon Local Plan: Part 2 – Development Management Policies (2020) sets out that all development should contain the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council’s latest information on housing need with town centres most suitable for higher provisions of 1 and 2 bedroom units. Policy SA 14 of Hillingdon Local Plan: Part 2 – Site Allocations (2020) states that a range of housing types and tenure will need to be provided on the site, to reflect the conclusions of the Council’s latest Housing Market Assessment. The Council’s committee report notes that the Council’s current information on housing need establishes a need for larger, particularly 3-bedroom properties.

135 As shown in Table 6 above, the proposal would provide only 15% of the total number of units as 3 bedroom apartments, with no 4 bedroom units. Family units are appropriately prioritised within the low-cost rented tenure. The town centre location in close proximity to the station and wider site characteristics lend the site to a higher proportion of 1 and 2 bedroom units. The proposed mix is considered acceptable, and it is noted that the unit mix was not included as a reason for refusal within Hillingdon Council’s draft decision notice.

136 Overall, the scheme provides an appropriate mix of housing types and unit sizes considering the location and characteristics of the site. The Council has not raised housing mix as a reason for refusal. The proposals are considered to be accordance in

with London Plan Policies 3.8 and 3.9, the Mayor's Intend to Publish London Plan Policy H10, Policy H4 of the Local Plan: Part 1 (2012) and Policy DMH 2 of Hillingdon Local Plan: Part 2 – Development Management Policies (2020).

## Play space

137 Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Further guidance is provided in the Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG (2012), which sets a benchmark of 10 sq.m. of useable child play space to be provided per child. Policy S4 of the Mayor's Intend to Publish London Plan states that residential developments should incorporate good quality, accessible play provision for all ages that is not segregated by tenure, of at least 10 sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided within an accessible and safe walking distance, and in these circumstances contributions to off-site provision may be secured by section 106 agreement. Policy DMHB 19 (Play Space) of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) requires all developments which result in an occupancy of ten or more children to provide children and young people's play facilities on-site.

138 As set out in the Mayor's Stage I Report, at that time the GLA child yield calculator provided an estimated child yield of 184 children, requiring 1,841 sq.m, of play space, all of which was proposed to be provided on-site. Following the Council's draft decision the applicant has amended the unit mix in response to changes to the building floorplates emerging as part of the detailed design of the buildings. The revised proposals would generate a child yield of 184.4, requiring a playspace provision of 1844.4 sq.m.. The proposals provide 2,285 sq.m. of on-site playspace, exceeding this minimum requirement set out above.

Table 9 – play space requirements and on-site provision

Age group	Expected child yield	Play space required sq.m.	Proposed play space sq.m.
Under 5	84.6	846	1,156
5 to 11	62.1	621	700
12+	37.7	377	429
<b>Total</b>	<b>184.4</b>	<b>1,844</b>	<b>2,285</b>

139 The proposal includes play space for all age ranges spread across the site, within the podium level residents' spaces and the public realm, all of which would be well-overlooked from adjacent buildings. Access to play space for children of all ages with no tenure segregation (and publicly accessible) is provided at ground level. The application documents provide indicative designs and facilities which could include; for the 0-5 climbable objects, sand and water, for the 5-11 equipment, multi-games walls and basketball and for the 12+ seating, informal sport and recreation space and landscaping. The detailed design of which will be secured by condition. As discussed under 'daylight,

sunlight, and overshadowing' below, public and communal amenity spaces, including play space, would receive good levels of sunlight.

140 GLA officers consider the overall quantity and quality of play space provision to be of a good standard. As such, the application accords with London Plan Policy 3.6, Policy S4 of the Mayor's Intend to Publish London Plan, and Policy DMHB 19 (Play Space) of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020).

## **Urban design and heritage**

141 The NPPF (at paragraph 124) states that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF sets out a number of high level design objectives for new development, including the need to optimise the potential of a site; provide appropriate and welcoming layouts and landscaping; good architecture; establish a strong sense of place; and be sympathetic to local character, while not preventing or discouraging appropriate change.

142 Chapter 7 of the London Plan and Chapter 3 of the Intend to Publish London Plan include a range of design principles and requirements for new development and are set out within specific policies on designing out crime (London Plan Policy 7.3 and Intend to Publish London Plan Policy D11); local character (London Plan Policy 7.4 and Intend to Publish London Plan Policy D1); public realm (London Plan Policy 7.5 and Intend to Publish London Plan Policy D8); architecture (London Plan Policy 7.6 and Intend to Publish London Plan Policy D3); tall and large scale buildings (London Plan Policy 7.7 and Intend to Publish London Plan Policy D9); accessible and inclusive design (London Plan Policy 7.2 and Intend to Publish London Plan Policy D5); and heritage assets (London Plan Policy 7.8 and Intend to Publish London Policies HC1).

143 Hillingdon Council Local Plan Part 1 – Strategic Policies (2012) policies HE1 and BE1 and Part 2 – Development Management Policies (2020) policies DMHB1, DMHB10, DMHB11, DMHB12, DMHB13, DMHB14, DMHB16 and DMHB17 set out the general principles of high quality design, residential quality and heritage.

144 The proposals have been subject to extensive design scrutiny over several months at pre-application stage. This included pre-application meetings with Hillingdon Council, consultation with the Defence Infrastructure Organization (DIO) and three presentations to GLA design officers; GLA officers were consulted at both scheme concept and advanced design stage. Discussions continued after submission of the application, taking account of consultation responses, and led to the submission of amendments. The current scheme has evolved in response to comments made through this iterative process of design scrutiny, pre-application advice and public consultation.

## **Layout, landscape and open space**

145 The site is physically separated from any adjoining sites on its north, eastern and western boundaries by public highways or areas of Green Belt. The site is bounded by the A40 Western Avenue to the north, Freezeland Way to the south, Long Lane to the west and Green Belt land to the east. Vehicular access to the site is provided via an entrance/exit point onto Freezeland Way. The site is reasonably flat other than localised mounding and an embankment rising to Long Lane.

146 The proposed layout creates a logical street-based block structure, with a clear definition of public and private space; a good proportion of landscaped green space; marker buildings at the entrance to the site and in closest proximity to the station, a public square for visitors to the site at the entrance point and active frontages along key public spaces and routes. The northern boundary with the A40 would be treated with a 'buffer block' to improve noise and air quality conditions within the site. The residential quality and technical implications of this are discussed in more detail later in this report, but in general GLA officers consider this to be an appropriate design response.

147 The non-residential floorspace is focussed around the public square at the entrance to the site, which provides activation to frontages and the public realm along this key route towards the station and wider town centre. Residential entrances, including street access to maisonettes, are well spread across the site particularly in the northern block where entrances onto the public space are provided for the 3-bedroom maisonettes. The public spaces are well-connected and create a clear hierarchy of spaces within the site, the routes serve to improve pedestrian and cycle routes from the town centre towards the wider body of Green Belt which lays east of the site. The applicant has ensured that should the plot of land immediately south of the site come forward for development there would be sufficient visual and physical connections through the plots with a pedestrian route modelled between the two sites. In general, pedestrian and cycle routes provide the permeability through the site between buildings with vehicle movements concentrated to the vehicle loop in the centre of the site around the central block, which is supported.

148 As noted earlier in this report, the proposals include a good level of publicly accessible and landscaped space within the site including a plot of Green Belt land to the east of the development line which was acquired by the applicant and which will be publicly accessible. The site layout is established around two landscaped streets which run the width of the site on an east/west axis connecting the commercial square and wider town centre with the Green Belt. The proposals would provide enhanced access to the wider body of Green Belt to the east of the development site through formalising and providing higher quality routes.

149 Whilst recognising that the redevelopment of the site could bring important regeneration benefits, the Council raised concerns about the integration of the proposal with the rest of the Local Centre and its connectivity to it. These concerns appear to relate predominantly to the density, form, scale and massing of the scheme, matters which are considered in the following parts of this section of the report. The site is intrinsically disconnected from the rest of the town centre by the highway-dominated junction of Long Lane and Freezeland Way. The application includes a comprehensive public realm proposal up to the site boundary and GLA officer's recommendation secures S278 works including enhanced pedestrian facilities, improved pedestrian and cycling facilities throughout the signalled junction, potential improvements to the service road approach in Freezeland Way (fronting the site) and the creation of a new public realm 'Gateway'. Overall, it is considered that the application would ensure that the proposal is sufficiently connected and integrated into the established Local Centre, in accordance with the Site Allocation SA14.

150 Podium gardens are situated between blocks 2, 3 and 4, and then between the higher and lower elements between blocks 5, 6, 7, 8 and 9. A larger central parkland between blocks 4 and 10 provides the 'green heart' of the development and separates





## Density

153 London Plan Policy 3.4 requires new development to optimise housing output having regard to site context and character, urban design principles and public transport capacity. Table 3.2 of the London Plan includes a sustainable residential quality (SRQ) density matrix, which sets out broad density ranges by public transport access level (PTAL) and setting. These are guidance ranges and paragraph 3.28 of the London Plan clarifies that the density matrix should not be applied mechanistically to individual applications. Paragraph 1.3.51 of the Mayor's Housing SPG states that it may be acceptable for schemes to exceed the ranges in the density matrix in appropriate circumstances, providing qualitative design and management concerns are addressed, including the requirement to achieve high quality design in terms of liveability, public realm, residential and environmental quality and having regard to other factors such as the proposed housing mix and planned infrastructure provision.

154 Policy D3 of the Mayor's Intend to Publish London Plan places a greater emphasis on optimising the density of a site through a design-led approach, whilst also having regard to the above factors in terms of context, public transport access and infrastructure capacity. It states that the higher the density of a development, the greater the level of design scrutiny is required. The Mayor's Intend to Publish London Plan takes a different approach to determining appropriate density levels, moving away from prescriptive levels and instead focusing on design, which is examined in more detail in the following sections of this report, and the infrastructural requirements of the development. It is noted that Policy D3 is subject to Directions from the Secretary of State, so can only be afforded moderate weight.

155 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. Developments will be expected to meet habitable rooms standards.

156 Council officers considered the site to be located in an 'urban' setting, which the notes to Table 3.2 of the London Plan define as areas with predominantly dense development, such as terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. GLA officers agree that the site is in an 'urban' setting. Table 3.2 of the London Plan recommends a range of 70- 170 u/ha or 200-450 hr/ha. Policy DMHB 17 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) at table 5.2 establishes an appropriate notional density of 200-510 hr/ha or 80- 170 u/ha for sites located in 'other town centres' such as this.

157 The proposal would have a net density of 552 habitable rooms, or 203 units, per hectare. This would exceed the density matrix guideline range for a 'urban' setting in the London Plan and 'other town centre' setting in the Local Plan. The Council note within its committee report that the density matrix should not be applied mechanistically with the Local Plan Part 2 – Development Management Policies (2020) making clear that Hillingdon will apply the density standards set out in the London Plan 2016 in a flexible manner, according to local circumstances. The plan goes on to say within paragraph 5.66 that Table 5.2 (the density matrix) represents a starting point for discussions on the issue of residential density, which should ultimately be determined by a design led approach and the policy is clear that "residential development should take account of"

the density matrix, rather than strictly complying with it. Density is however raised by the Council as part of its first reason for refusal.

158 The proposals include tall buildings of above 30 metres requiring a greater level of design scrutiny under Intend to Publish London Plan Policy D4. The proposals were subject to extensive design scrutiny over three months at pre-application stage. This included three presentations to GLA design officers, covering both scheme concept and advanced design stage; and a number of meetings with Council officers. In light of the extensive planning history and detailed design feedback through the planning process on previous iterations of the scheme a view was taken that the expectations of the borough were understood and would shape the revised proposals. As such the scheme was not reviewed by Hillingdon's Design Review Panel (DRP). As a result of comments which were received, recognizing the high density of the proposals, amendments were made to improve the design and residential quality of the scheme, including a reduction in unit numbers, density and layout, an increase in open space and landscaped areas; increased separation distance between the proposed buildings and Freezeland Way. The current scheme has evolved in response to comments made through this iterative process of design scrutiny, pre-application advice and public consultation. Furthermore, amendments to the application were submitted after the submission of the application to further improve design and residential quality in the context of the amendments to the layouts and where appropriate enclosing amenity space to mitigate air quality impacts to the proposed units.

159 As discussed under 'residential quality' below, the scheme provides a high standard of residential accommodation, including compliance with space standards; aspect; privacy and overlooking; daylight, sunlight and overshadowing; noise and vibration; and air quality. As discussed under 'height, massing, townscape, and local views' its scale and massing is considered acceptable within this local centre and marks the location of the Station. As discussed under 'historic environment', the harm to the significance of heritage assets is considered to be 'less than substantial' and outweighed by the public benefits of the scheme, a conclusion also reached by Hillingdon Council officers.

160 The area has a good level of transport infrastructure provision given its location adjacent to Hillingdon London Underground Station and in close proximity to bus stops servicing bus routes to and from Ickenham, Uxbridge and Oxford. Further discussion under 'transport' below confirms that the scheme would have an acceptable impact on public transport. The development will also improve the quality and extent of routes through the site for pedestrians and cyclists.

161 The proposed high density mixed-use redevelopment of the site has been subject to a significant level of design scrutiny, and subject to the conditions and obligations set out in this report being secured, the density is supported in line with London Plan Policy 3.4, the Mayor's Intend to Publish London Plan Policies D2, D3, D4 and D6, as well as the Mayor's Housing SPG, and the Hillingdon Local Plan Part 2: Development Management Policies (2020) and the Hillingdon Local Plan Part 2: Site Allocations (2020).

### **Residential quality, including impacts on neighbouring residential properties**

162 London Plan Policy 3.5 seeks to ensure the highest residential design quality, both internally and externally, and sets out minimum space standards, which are based

on the nationally described space standards. The Mayor’s Housing SPG provides further detailed guidance on residential design quality and sets baseline standards, including units per floor per core, private external space, dual aspect and single aspect dwellings, and floor to ceiling heights. Policy D6 of the Mayor’s Intend to Publish London Plan carries forward the adopted minimum space standards, and sets out minimum requirements for private external space, ceiling heights, and the maximum provision of dual aspect dwellings. Policy DMHB 16 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) sets out requirements for high quality housing, with reference to the above policies and guidance for internal space. Policy DMHB 17 sets out minimum space standards for private outdoor amenity space

Internal space standards

163 Table 5.1 of the Local Plan, Table 3.3 of the London Plan and Table 3.1 of the Mayor’s Intend to Publish London Plan set out minimum internal space standards for new homes, as set out in Table 10 below. This shows that all of the proposed units would either meet or exceed this minimum standard, with the majority of units being generously sized. In terms of ceiling height, all of the units would comply with the 2.5 metre standard set out in the Intend to Publish London Plan and strongly encouraged in the London Plan and Housing SPG. Having assessed the room layouts, GLA officers consider these would provide a good quality of accommodation and provide policy compliant levels of storage space. The floorspace proposed is supported in accordance with London Plan Policy 3.5, Policy D6 of the Mayor’s Intend to Publish London Plan, Policy DMHB 16 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020). Compliance with the approved floorplans would be secured by planning condition.

Table 10 – London Plan minimum space standards, and that proposed in the application

<b>Unit size</b>	<b>Minimum London Plan standard (sq.m.)</b>	<b>Proposed Unit Size Range (sq.m. GIA) (excluding internal amenity spaces)</b>
1 bedroom 2 person	50	50.0 – 58.0
1 bedroom 2 person (wheelchair)	50	62.8 – 64.2
2 bedroom 3 person	61	61.0 – 68.3
2 bedroom 3 person (wheelchair)	61	73.5 - 76.7
2 bedroom 4 person	70	71.4 – 75.9
3 bedroom 4 person (maisonette)	84	89.5 - 91.4
3 bedroom 5 person	86	86.1 – 93.3
3 bedroom 6 person	95	96.9
3 bedroom 6 person (wheelchair)	95	113.6 - 114.2

## Dual aspect

164 The Housing SPG states that development should minimise the number of single aspect units and avoid the provision of single aspect units that are north facing; contain three or more bedrooms; or are exposed to noise levels above which significant adverse effects on health and quality of life occur. Policy D6 of the Mayor's Intend to Publish London Plan states that development should maximise the provision of dual aspect units; and normally avoid the provision of single aspect units, which should only be provided where they provide an acceptable quality of accommodation in terms of passive ventilation, daylight, privacy, and avoiding overheating.

165 In total, 60% of the units would be dual aspect (306 units) and 40% of would be single aspect (208 units). The single aspect units comprise a mix of the unit typologies, none of which are north facing which ensures the units would receive the maximum natural light possible. Single aspect units are more difficult to ventilate naturally and more likely to overheat. The applicant's Overheating Assessment identifies mitigation in response to potential overheating. As discussed further under 'energy strategy' below, these measures have been agreed by GLA energy officers, and subject to being secured by condition, the units will be sufficiently protected from overheating. As discussed elsewhere in this report, all units would also receive acceptable levels of daylight and sunlight; have appropriate private external amenity space; achieve acceptable levels of privacy; and achieve minimum space standards. Overall, the single aspect units achieve a high standard of residential accommodation in accordance with London Plan Policy 3.5, Policy D6 of the Mayor's Intend to Publish London Plan, Hillingdon Council's Local Plan Part 2 Development Management Policies (2020) Policy DMHB16, and the Housing SPG.

## Private external amenity space

166 The Housing SPG and Policy D6 of the Mayor's Intend to Publish London Plan state that a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings, with an extra 1 sq.m. for each additional occupant; and the depth and width should be at least 1.5 metres. Paragraph 2.3.32 of the Housing SPG recognises that there may be exceptional circumstances where site constraints mean that it is impossible for private external amenity open space to be provided, in which case dwellings may be provided with additional equivalent living space. Enclosing balconies as glazed, ventilated winter gardens can also be considered an acceptable alternative to open balconies due to noise impacts. Policy DMHB 18 (Private Outdoor Amenity Space) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all new residential development to provide good quality and usable private amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3 which are as follows:

- 1 bedroom flat – 20 sq.m.
- 2 bedroom flat – 25 sq.m.
- 3 bedroom flat – 30 sq.m.

167 The policy also includes further criteria. Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres. Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room and the

design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene. The Council confirmed in its committee report that the above criteria had been met with exception to the width of some spaces. The proposals will be conditioned to satisfy the above criteria.

168 Since the Council considered the proposals the applicant has made the following changes to the amenity provision. Within Building 4 the amenity space has been internalised. At building 6 the 5th floor levels now with balcony amenity space in lieu of mid-rooftop terraces and 6 units at sixth & seventh floor levels swapped onto south elevations to match adjacent plots and provide preferable amenity space. Within building 7, 6 units at 5th floor now have balcony amenity space in lieu of mid-rooftop terraces. 6 units at sixth and seventh floor have been swapped onto south elevations to match adjacent plots and provide preferable amenity space. Building 8 has had balconies relocated on the fifth floor added and balconies on the sixth and seventh floor swapped to the southern elevation to match adjacent blocks. Building 10 the sixth floor windows have been reduced to coordinate internal partitions. Amenity updates to the sixth floor.

169 When the Council assessed the proposals there was a policy expectation to deliver 12,130 sq.m. with the Council calculating a provision of 6,476 sq.m. The Council considered this shortfall to be unacceptable. Since then the applicant has amended the mix resulting in a revised policy expectation of 12,135 sq.m. of private amenity. The introduction of the car park vent to the podium amenity space reduces the communal amenity space provision by 9 sq.m., to 6,467 sq.m. (making the increased shortfall 5,668 sq.m.). It is noted that the Council in its draft decision notice included a reason for refusal in relation to the provision of private amenity space. The decision notice states that the proposed development fails to provide on-site private and communal amenity of a quantity and quality commensurate to the size and layout of the proposals, to the detriment of residential amenity of the future occupiers the proposal would provide a substandard form of accommodation for future residents as a result.

170 The vast majority of homes would have private amenity space in the form of a terrace, balcony, or winter garden, 115 units would have internalised private amenity spaces. These spaces meet or exceed the minimum requirements of the Housing SPG and the Mayor's Intend to Publish London Plan, but falls significantly short of the requirements of Local Plan Policy DMHB 18(A). This policy conflict is addressed in the 'planning balance' section of this report.

171 Notwithstanding the policy shortfall, GLA officers consider that the level of amenity space provision is generous for a scheme of this nature. The majority of units would have access to a private balcony or increased living spaces where balconies have not been possible in line with London Plan requirements. Communal amenity spaces exist at podium level and ground level for all blocks, and play and informal recreation spaces across the ground floor plan. As set out later in this report, all amenity spaces would receive good levels of natural light, and have acceptable noise and air quality conditions. Whilst it is acknowledged that the proposals fail to comply with Local Plan policy, overall the quantum, quality and accessibility of the proposed amenity spaces is considered to result in an acceptable standard of amenity for future residents.

172 Overall, notwithstanding the policy conflict with Policy DMHB16 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020), the private

amenity space provision is acceptable in accordance with London Plan Policy 3.5, the Mayor's Intend to Publish London Plan Policy D6, and the Housing SPG.

### Privacy and overlooking

173 London Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, including privacy. Intend to Publish London Plan Policies D3, D6, and D9 state that development proposals should achieve appropriate levels of privacy. The Housing SPG states that design proposals should demonstrate how habitable rooms are provided with an adequate level of privacy in relation to neighbouring properties, the street, and other public spaces. It identifies that a minimum distance of 18–21 metres between habitable rooms can be used as a benchmark. Policy DMHB11 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020) requires new development to be designed to the highest standards with paragraph 5.38 stating the Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be sought to maintain levels of privacy and to prevent the possibility of overlooking.

174 The closest residential properties are directly south of the site along Freezeland Way approximately 38 metres from the closest building line. The Council in their planning committee report stated that given the separation distance which would exist between the development and existing residential properties the proposal would not result in a loss of residential amenity to the nearest existing residential occupiers. Concluding that the development complied with the relevant sections of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020). GLA officers agree with this assessment and conclude that there would be no unacceptable amenity impacts on neighbouring residents.

175 Within the site, the buildings proposed generally achieve a separation distance of at least 21 metres. There are three instances where this is not achieved where there is a separation of 15 metres and 18 metres. Block 10 at its eastern elevation is 15 metres from the western elevations of blocks 11 and 12. Block 11's northern elevation is 18 metres from the southern elevation of Block 8. In these instances the unit layouts have been orientated to minimise the impact of the proximity to the adjacent blocks. It is noted that sufficient set-backs exist between the proposed building lines and the vacant site to the south to ensure that should this site come forward for development, appropriate separation could be achieved. Across the wider site the layout of units adjacent to internal routes, public spaces, and residents' amenity space achieves an appropriate level of privacy. Overall, GLA officers are satisfied that the application performs well in terms of privacy and overlooking, in accordance with London Plan Policies 3.5 and 7.6; Intend to Publish London Plan Policies D3, D6, and D9 and Policy DMHB11 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020) and the Housing SPG.

### Daylight, sunlight and overshadowing

176 London Plan Policy 7.6 requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, including light and

overshadowing. Policy D6 of the Mayor's Intend to Publish London Plan states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. Paragraph 5.41 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) says that the Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. Policy DMHB 11 states that proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The Council also seek to ensure that the design of new development optimises the levels of daylight and sunlight. Policy DMHB 10 also states that tall/high buildings should not adversely impact on micro climate.

177 The Housing SPG states that an appropriate degree of flexibility needs to be applied when using Building Research Establishment (BRE) guidelines<sup>2</sup> to assess the daylight and sunlight impacts of new development on surrounding properties and within new developments, taking into account location, context, and broadly comparable housing typologies found in London. Similarly, recent amendments to the NPPF (2019) state that planning authorities should take a flexible approach when applying daylight and sunlight guidelines, where these would inhibit making efficient use of a site and where an acceptable living standard would be achieved. While BRE guidelines do not form part of the development plan, they provide an industry standard method of assessment for daylight, sunlight and overshadowing issues and are generally relied on by planning authorities as a comparative benchmark for assessment purposes.

178 For daylight, Average Daylight Factor (ADF) is a measure of the quality and distribution of light within rooms, taking into account the size and number of windows. BRE guidelines set out recommended minimum target values for ADF, which vary depending on the use of a room. Bedrooms are subject to a 1% target, and 1.5% and 2% are applied to living rooms and kitchens respectively.

179 The Vertical Sky Component (VSC) measures the quantum of sky visible taking into account all external obstructions, from a single point at the centre of the window. The VSC method is a useful 'rule of thumb' but has some significant limitations in determining the true quality of daylight within a proposed building, as it does not take into account the size of the window, any reflected light off external obstructions, any reflected light within the room, or the use to which that room is put. VSC is conventionally used to assess a reduction in daylight falling onto a single window as a result of a new development. It is therefore conventionally confined to use in the assessment of a new development's daylight impacts upon neighbouring properties, so is not used by the applicant in this assessment. This is accepted given that the conclusion above that there would be no unacceptable amenity impacts on neighbouring residents.

180 The No Sky Line (NSL) test establishes where the sky will be visible through the windows within the proposed room, 850mm above floor level, taking into account external obstructions.

181 For sunlight, Annual Probable Sunlight Hours (APSH), is the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for

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<sup>2</sup> British Research Establishment (BRE) guidelines – Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice.

average levels of cloudiness, and is measured from a point on the inside face of the window. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

182 For gardens and amenity areas, the BRE suggests that at least 50% of the garden/amenity area should receive at least 2 hours of sunlight on 21 March.

183 The daylight/sunlight information submitted as part of the original application was assessed on behalf of the Council by an external consultant that concluded the development would not have an adverse impact on nearby properties in terms of overshadowing. The assessment also reviewed the expected levels of daylight and sunlight within the proposed development. The Council recommended a condition to secure the proposed glazing unit specification; noted that 310 of the rooms fall short of the target daylight values (224 of these being bedrooms) and concluded that the methodology used to establish sunlight assessment was inappropriate. GLA officers note that the Council in its draft decision notice included a reason for refusal in relation to daylight/sunlight. The draft reason for refusal states that the submitted Sunlight and Daylight Assessment has failed to adequately assess the expected Daylight and Sunlight levels within the development in accordance with BRE guidance and failed to demonstrate that the proposed residential units would achieve adequate Daylight and Sunlight levels to the detriment of residential amenity of future occupiers. In response to this the applicant has worked collaboratively with GLA officers, submitting a revised daylight/sunlight assessment on the 29 May 2020.

184 The application includes an Internal Daylight and Sunlight Assessment (updated as part of the May 2020 amendments). Improvements included fenestration and layout design changes and, significantly, specification changes. The glazing specification has been considered but principal improvements have come from internal finishes upgrades to use materials with improve light reflective values For daylight, this finds that of the 1,400 rooms tested across all blocks 97% of the proposed habitable rooms would meet or exceed the ADF recommended level which is considered to be a very good proportion. Within the 38 rooms which fall short of the BRE Guide ADF aspirations, 15 rooms suffer shortfalls when the Holy Trinity 1.5% ADF target is applied. Whilst 1 bedroom (Building 6, Fourth floor R7) falls short of the 1% target for bedrooms this is a modest shortfall of just 5%, against the BRE Guide aspirations for suburban locations.

185 In terms of NSL there is an overall pass rate of 74% with 360 shortfalls. It is noted that the shortfalls are generally contained at low levels where windows face adjacent massing and the prospect of sky visibility is naturally reduced. Overall, the Assessment shows that the number of habitable rooms not meeting recommended daylight levels is very low and the proposal will offer very good levels of daylight amenity.

186 For APSH, the applicant has submitted an amended report in response to the Council's concerns, testing windows as well as rooms. Of the 2,572 windows tested 1,538 fall short of the BRE guidance aspiration. Only those windows within 90 degrees of due south are able to view the sunpath and just 555 of these fall short of BRE guidance aspirations. When the dual aspect nature of rooms is taken into account, 771 rooms are affected, including windows that face outside 90 degrees of due south. Of these 771 just 222 rooms, out of a total of 1400 tested, experience shortfalls whilst not



having windows that face within 90 degrees of due south. These rooms are therefore inherently constrained as they are only able to see a very small amount of the sun path in the morning and evening. Many of these 222 rooms achieve 21 APSh or more, which lies within the 4% unnoticeable reduction from the aspirational 25% quoted in the BRE guidance and the Holy Trinity Case.

187 For overshadowing, all amenity spaces will achieve 2 hours of sunlight on 21 March and will therefore be adequately sunlit.

188 Overall, given the context; the relatively low extent of non-compliance with BRE guidelines; the requirement for an appropriate balance to be struck with the benefits provided, as acknowledged in the Housing SPG and BRE guidance; the daylight, sunlight, and overshadowing impacts are considered to be acceptable and the application is considered to be in accordance with the NPPF, London Plan Policies 3.5 and 7.6, Policy D6 of the Mayor's Intend to Publish London Plan, the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) Policies DMHB 10 and DMHB 11, and the Housing SPG.

### Noise and vibration

189 Paragraph 180 of the NPPF states that new development should ensure that potential adverse impacts resulting from noise are mitigated or reduced to a minimum; and noise levels which give rise to significant adverse impacts on health and the quality of life are avoided. Further guidance is provided in the Government's Planning Practice Guidance (PPG) and the Noise Policy Statement for England (NPSE) (2010).

190 While the PPG and NPSE do not provide decision makers with technical or numerical values for categorising and assessing noise levels in decibels (dBs), industry standard guidelines set out in British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' recommends that daytime noise levels do not exceed 35dB and night-time values in bedrooms do not exceed 30dB. This is aligned with the World Health Organisation recommendations set out in Guidelines for Community Noise (1998). With regard to external private and communal amenity spaces, British Standard BS8233:2014 recommends that external noise levels do not exceed an upper guideline value of 55dB.

191 London Plan Policy 7.15 and Policy D14 of the Intend to Publish London Plan state that development should manage noise to improve health and quality of life by avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles. The Mayor's Environment Strategy aims to reduce the number of people adversely affected by noise and includes policies and proposals to support this aim.

192 Hillingdon Council's Local Plan Part 1 - Strategic policies (2012) states at Policy EM8 that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

193 The Council, in its draft decision notice included a reason for refusal stating that the submitted noise report had failed to demonstrate that the proposed residential units can be sited, designed, insulated or otherwise protected from external noise sources and in particular the A40 and Long lane to appropriate national and local standards. The Council also raised concerns about potential disturbance from aircraft movements associated with RAF Northolt and the justification for mechanical ventilation system. Since this time the applicant has submitted a revised acoustics assessment dated January 2020 which sought to respond to the feedback of Hillingdon Council officers. The applicant has also confirmed that RAF Northolt receives fewer than two flights an hour on average, which in the view of GLA officers would not unacceptably impact on residential amenity.

194 Given the site context adjacent to the A40 and the railway line, the impact of noise on the proposed residential units was a key consideration at pre-application stage. As a result, the proposals include a solid ribbon of development of a minimum of 5 storeys along the northern boundary. The scheme's public amenity is largely concentrated to the centre of the site with the arrival square and commercial offer located furthest from the A40. The northern facade in Buildings 5-8 adjacent to the A40 does not include any bedrooms, the overlooking rooms have been limited to corridors, bathrooms and living rooms (and only secondary windows to living rooms) and Buildings 4, 10, 11 and 12 are centrally located, so screened from the roads. Building 9 has just one dwelling on each floor (5 dwellings) with bedrooms in the northern façade. Again, living rooms are dual aspect, albeit to the east facade, rather than the south. In response to more detailed design considerations Building 1 contains 5 internal amenity areas which serves to mitigate the noise impacts to those units.

195 The applicant's Acoustic Assessment (updated January 2020), establishes a number of zones across the masterplan for which internal data has been collated (it should be noted that the upper levels of the proposals are re-zoned and the below is for indicative purposes);



Figure 6: Ground floor acoustic zoning plan

196 The applicant's Acoustic Assessment notes that all internal areas will meet noise standards with mitigation through glazing and mechanical ventilation specification, in

accordance with recommended maximum guidelines set out in WHO/British Standards. Windows (but not balcony doors) in the red and orange zone will be non-openable. Windows within the green and blue areas could be opened with noisier areas in this zone requiring windows to be closed. The unmarked areas could be opened. In the red and orange zone this will mean that mechanical ventilation with heat recovery (MVHR) will be necessary. Whilst it is possible some dwellings would be able to open windows it is expected the majority of windows would require MVHR. In the blue and unmarked zones, there is an expectation that the majority of dwellings will be able to open windows, though this is subject to further analysis of the overheating condition. GLA officers consider this to be acceptable subject to conditions securing glazing and ventilation specifications and a detailed scheme of noise insulation measures for all divisions (walls and/or floors).

197 The acoustic modelling undertaken as part of the applicant’s Noise Impact Assessment demonstrates that the proposed massing and layout of the scheme would help to substantially reduce external noise levels within the central courtyard and ensure that the majority of this open space would benefit from noises levels below the maximum 55dB guideline recommended by World Health Organisation (WHO), British Standards (BS8233: 2014). There would be some leakage of higher noise levels at the west and eastern entrances to the scheme and, to a lesser extent, at the proposed entrance courtyard at the south western corner of the site; however, these exceedances would be limited to between 60dB to 70dB and spatially limited. Day and night time noise levels for the operational are shown below in Figure 7 and 8.

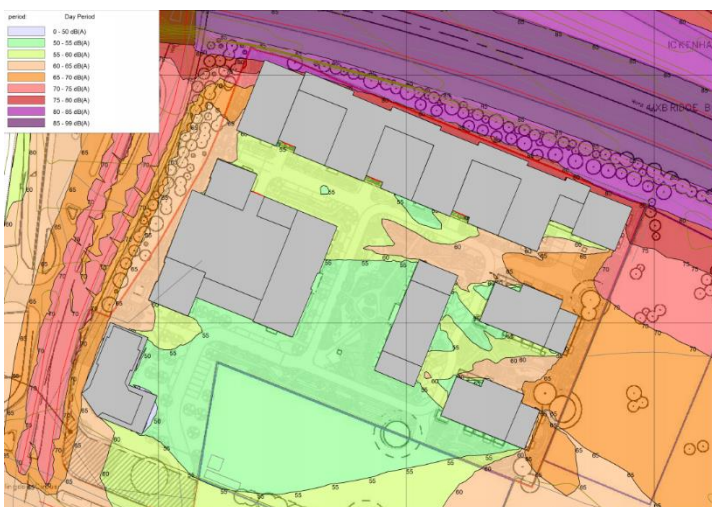


Figure 7: modelled noise contours daytime



Figure 8: modelled noise contours night time

198 Noise levels in external areas would be less than 55dB at ground level across the middle and south western portions of the site with areas the greatest distance from the A40 and Freezeland Way recording the lowest results. The rear (east) of Building 1 will largely fall beneath 50dB. In terms of the podium amenity spaces, the courtyard within Buildings 2, 3 and 4 will meet the guideline levels, the podium area between Building 5 and 6 will exceed the guidelines with a figure of 55dB recorded. The podium area between Building 6 and 7 will comprise a large area recording 50dB with some areas recording 55dB. The podium area between Building 7 and 8 will meet the guidelines in part however would include a small area recording 60dB. The podium area between Building 8 and 9 will exceed the guidelines by a small margin including a small area which records a value of 60dB.

199 The modelling undertaken by the applicant (above) demonstrates that the external spaces to the centre of the site generally provide for spaces which meet guideline levels of noise. Areas of the most significant exceedance are concentrated to the west and eastern edges of the site adjacent to noise sources. Noise levels are highest within the site on the southern side of building 9 which is the end block of the ribbon along the northern edge of the site which opens up to the east and Green Belt. GLA officers note that whilst there are some areas of exceedance the guideline is not intended to be applied mechanistically and note that areas of exceedance are small margins in closest proximity to noise sources. GLA officers note that whilst there are areas of exceedance these are largely within paths within amenity areas generally achieving high levels of compliance with the guidance which is considered acceptable.

200 The Acoustic Assessment finds that that noise from site generated road traffic is expected to be negligible. The noise from commercial units will be controlled by a lease condition which will make commercial tenants responsible for ensuring suitable sound insulation measures as part of their fit out. This assessment is acceptable and, subject to the buildings being constructed as proposed with conditions to secure glazing and ventilation specifications and a detailed scheme of noise insulation measures for all divisions (walls and/or floors), GLA officers do not consider that the proposed residential units are likely to be exposed to unacceptable levels of noise or vibration.

201 Conditions are recommended requiring construction logistics and management plans to be submitted, approved and implemented, which will secure management of noise and vibration during construction. With the proposed mitigation in place, noise and vibration generated by construction operations are not expected to be significant and would be mitigated to acceptable levels.

202 Through good acoustic design, sound insulation and noise mitigation measures, the residual noise levels within internal residential units; and external private, communal and public amenity spaces; are expected to provide an acceptable noise environment. Subject to the above provisions being secured by condition, the application complies with the requirements of the NPPF, London Plan Policies 3.5 and 7.15, Policies D4 and D14 of the Mayor's Intend to Publish London Plan, Hillingdon Council's Local Plan Part 1 - Strategic policies (2012) Policy EM8, and the Housing SPG.

### Air quality

203 Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, with further guidance in the Government's Planning Practice Guidance (PPG).

204 A core priority of the Mayor's Environment Strategy (2018) is to improve London's air quality and protect public health by reducing exposure to poor air quality, particularly for the most disadvantaged and those in priority locations such as Air Quality Focus Areas, and outlines a range of initiatives that seek to improve the capital's air quality over time, including the Ultra-Low Emission Zone (ULEZ). London Plan Policy 7.14 and Policy SI1 of the Mayor's Intend to Publish London Plan state that London's air quality should be significantly improved and exposure to poor air quality reduced, especially for vulnerable people. Policy SI1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design

solutions are incorporated to prevent or minimise increased exposure to existing air pollution.

205 Hillingdon declared an Air Quality Management Area in September 2003 which covers the Borough from the Chiltern-Marylebone railway line southwards. Following on from this, an Air Quality Action Plan was approved by the Council in 2004. In conjunction with other bodies, this aims to put in place measures to reduce air pollutant emissions and improve local air quality. Hillingdon Council's Local Plan: Part 2 - Development Management Policies (2020) at Policy DMEI 14 and Policy EM8 of the Local Plan Part 1 (2012) require that development proposals demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors and as a minimum achieve; air quality neutral, include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and actively contribute towards the improvement of air quality. With respect to nitrogen dioxide (NO<sub>2</sub>) and concentrations of particulate matter (PM<sub>10</sub>) the relevant Air Quality Objectives are set by the Air Quality Standards Regulations (2010) and the associated EU Directive<sup>3</sup>, at locations of relevant public exposure within the Borough. These limits are set at 40µg/m<sup>3</sup> for NO<sub>2</sub> (on an annual average) and PM<sub>10</sub> (as a 24 hour mean).

206 It is noted that the site falls within an Air Quality Focus Area. Given the site context adjacent to the A40 the impact of air quality on the proposed residential units is an important consideration. The Council included a draft reason for refusal stating that the submitted Air Quality Assessments have failed to provide sufficient information regarding air quality, moreover the information submitted is not deemed to demonstrate the proposals are air quality neutral and given that the site is within an Air Quality Focus Area, the development could add to current exceedances in this focus area. Some of the objections to the public consultation raised concerns about the assessment of air quality impacts including to proposed residents and existing residents in the surrounding streets.

207 Since then the applicant has worked closely with GLA officers to provide additional information and clarification regarding the air quality impacts arising from the scheme and which would be experienced by future users of the site. The applicant has committed funding for a number of further measures, beyond minimum policy compliance, with the intention of delivering additional air quality improvements which cannot be accounted for in the air quality assessment. These include on-site measures to both minimise the impact of additional vehicle trips on existing air quality and incentivise active travel, as well as off-site measures including funding for improvements to local public transport and implementing bus priority measures in the area.

208 In response to pre-application discussions, buildings, residential units, and play spaces were positioned in order to minimise poor air quality (and noise) exposure to residents. Buildings 5, 6, 7, 8 and 9 have been positioned along the northern boundary of the site in a continuous ribbon adjacent to the A40 to provide a buffer between the wider site and the air and noise quality impacts arising from the road. Playspaces and amenity provision are concentrated to the centre of the site with the arrival square further from the A40 at the south west corner for the site. Amendments submitted in May

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<sup>3</sup> EU Directive (2008/50/EC, 2008)

2020 introduced further internalised amenity to units in Building 1, 2, 3, 4 and 10 which reduces the impact to those units.

209 The applicant's Air Quality Assessment (updated April and June 2020) assesses the potential air quality impacts from road traffic on the surrounding highway network, and specifically from the A40, building and transport emissions and outlines the mitigation measures which would need to be secured to ensure air quality neutral is achieved.

210 In terms of impact on future residents of the development, the Air Quality Assessment demonstrates that the only exceedance of the Air Quality Objective (AQO) limit for nitrogen dioxide is at the outer boundary of the site (40.52ug/m<sup>3</sup>), whilst at the nearest residential receptor it would be 35.25ug/m<sup>3</sup>. For particulate matter PM<sub>10</sub>, this would be an annual mean of 16.73-18.68ug/m<sup>3</sup>, so also within AQO limits. As such the Air Quality Assessment concludes that the air quality conditions do not constrain residential development and doesn't recommend mitigation. Notwithstanding this, in line with the conclusions in the 'noise' section above, GLA officers consider it necessary to impose conditions requiring windows to be fixed shut on most elevations facing busy roads and to ensure mechanical ventilation is utilised for most buildings. This will further ensure that future residents are protected from adverse air quality impacts.

211 The proposals have been assessed by GLA air quality experts, who have not raised concerns. The GLA's air quality experts have confirmed that any potential adverse impact would be limited to one receptor on Long Lane north of the A40. The possible slight adverse impact is unlikely and any possible impact would not be significant. Overall the air quality impacts of the proposed development would not impact on the integrity of the Air Quality Focus Area. The GLA's air quality expert is satisfied that following a review of the updated air quality assessment (June 2020) there is no air quality constraint to the development subject to the imposition of appropriate planning conditions.

212 During the construction phase, the Air Quality Assessment concludes that the potential impacts would be mitigated through good site practice and the implementation of suitable mitigation measures. Conditions require Construction Logistics and Management Plans, which secure measures to control and minimise emissions of air pollutants and waste during construction. A condition is also proposed to secure the air quality impacts arising from the energy strategy.

213 The applicant has committed to providing the following key air quality mitigation measures/contributions; the applicant will provide electric vehicle charging points (EVCPs) meeting the Mayor's Intend to Publish London Plan minimum standards with 20% of bays benefitting from active EVCPs with the remainder having passive provision, highway improvements including widening pedestrian islands and footways and cycle routes within the surrounding street network and new on site and adjacent site provision to benefit/encourage pedestrian and cycle movements, improving local bus stops, the provision of up to 4 car club bays, policy compliant long and short stay cycle parking and provision of a cycle hub, travel plan packs for each unit including up to 3 years free car club membership, and a financial contribution to public transport enhancements (£1.365 million). Subject to these mitigation measures being secured the application complies with the requirements of the NPPF, London Plan Policies 3.5 and 7.14, Policies D4 and SI1 of the Mayor's Intend to Publish London Plan, Hillingdon Council's Local Plan: Part 2 - Development Management Policies (2020) at Policy DMEI 14 and Policy EM8 of the

Local Plan Part 1 (2012), the Housing SPG and the Mayor's Environment Strategy (2018).

### **Height, massing, townscape, character and local views**

214 London Plan Policy 7.7 sets out detailed requirements for tall buildings, which are broadly reflected in Policy D9 of the Intend to Publish London Plan, which also states that development plans should define what is considered a tall building for specific localities and identify suitable locations. Development proposals with tall buildings should address visual impacts at different distances; aid legibility and wayfinding; have exemplary architecture and materials; avoid harm to heritage assets; preserve the Outstanding Universal Value of World Heritage Sites; protect and enhance the Thames; not cause adverse glare; and minimise light pollution. Functional impacts should consider internal and external design; servicing; entrance capacity; area and transport capacity; maximise benefits to the area; and not interfere with communications. Environmental impacts should consider wind, daylight, sunlight, and temperature; air movement (dispersal of pollutants); and noise creation. Cumulative impacts should also be considered.

215 Policy DMHB 10 of the Local Plan: Part 2 Development Management Policies (2020) establishes a similar approach stating that any proposal for a high building or structure will be required to respond to the local context and should be located in Uxbridge or Hayes town centres; be located in an area of high public transport accessibility and be fully accessible for all users; be of a height, form, massing and footprint proportionate to its location and sensitive to adjacent buildings and the wider townscape context; achieve high architectural quality; include high quality and useable private and communal amenity space; not adversely impact on the microclimate; provide positive social and economic benefits and contribute to socially balanced and inclusive communities; comply with aviation and navigation requirements and demonstrate consideration of public safety requirements.

216 The application proposes twelve buildings. Blocks 1, 2 and 3 are located at the entrance to the site and along the western edge of the site would be 8 storeys as would blocks 6, 7 and 8 which run parallel to the A40 along the northern site boundary (which have 5 storey link elements in between). The tallest element of the scheme is located at Block 5 situated in the north western corner of the site in closest proximity to the A40 and Hillingdon Station comprising 11 storeys. The Masterplan steps down in height from the western edge towards the Green Belt east of the site. The central blocks comprise 7 storeys with Blocks 9, 11 and 12 being a combination of 5 and 4 storey elements on the eastern side facing the Green Belt. The lowest element of the scheme would connect blocks 2 and 4 comprising a 2 storey element. Paragraph 5.32 of Hillingdon Council's Local Plan Part 2 defines tall/high buildings as being "those that are substantially taller than their surroundings, causing a significant change to the skyline". The Council consider that the proposed development in its entirety constitutes tall buildings as they are substantially taller than the 2/3 storeys context. GLA officers consider that the 5 storey Blocks 9, 11 and 12 are not substantially taller than their surroundings, but the rest of the development meets the definition of a tall building. In any event, GLA officers have considered all buildings against the policy criteria for tall buildings.

217 Hillingdon Council officers considered the tall building in this location contrary to Local Plan policy which requires tall buildings to be located only in Uxbridge or Hayes town centres. They also noted the PTAL of the site and considered the proposal's

height, form, massing and footprint to be out of proportion to its location, adjacent buildings and the wider townscape context. The Council's first reason for refusal stated that by virtue of its overall scale, bulk of built development and associated infrastructure works, height, density, site coverage and lack of landscaping and screening, is considered to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the North Hillingdon Local Centre or compliment the visual amenities of the street scene and openness and visual amenity of the Green Belt, the wider open context and would mar the skyline. Some objections received in response to the public consultation also referred to these matters.

### Principle of tall buildings

218 GLA officers recognise that the proposed tall buildings are not in a location where they are supported in principle by Local Plan Policy DMHB 10 and that this is a policy conflict with parts (i) and (ii) of that policy, which state that tall buildings should be located within Uxbridge and Hayes town centres and areas of high public transport accessibility respectively. This is addressed in the 'planning balance' section of this report. They do however comply with the locational requirements of London Plan Policy 7.7, being in a town centre with good access to public transport (GLA officers consider that a moderate PTAL rating of 3, close to a London Underground station, represents "good access to public transport" in this regard). The principle of tall buildings in this location would also conflict with the locational component of Intend to Publish London Plan Policy D9 (Part B), which states that Local Plans should identify suitable locations for tall buildings. This does not form part of the statutory development plan but is a material consideration in the determination of this application.

### Visual impact and views

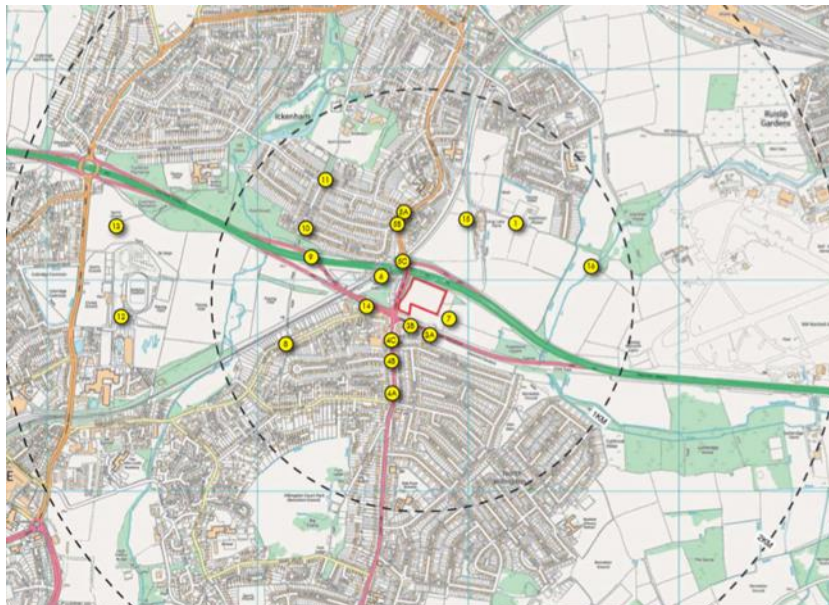


Figure 9: Locations of viewpoints assessed

219 Considering the visual impacts of the proposals, the applicant's Townscape and Visual Impact Assessment (TVIA) (updated July 2020) provides views from 16 agreed viewpoints from a maximum distance of approximately 1.5 kilometres from the site. The TVIA was updated following amendments to the application submitted in July 2020.



220 Views 1, 10, 11, 5A, 5B and 15 are taken from within the conservation area and from listed buildings. The full detail of the assessment of these views can be found within the 'Historic environment' section of this report. In viewpoints 2, 4B and 16, the development is either not visible or barely visible behind buildings or mature vegetation.

221 In Viewpoints 3A, 4A, 4C, 8, 9, 12 and 13 the development is visible, but is either set back behind mature vegetation, seen in the distant context and/or partially obscured by existing buildings. Where the development would appear on the skyline in semi-rural views, such as Viewpoints 12 and 13, this would not be a detrimental impact. There would be no impact on designated local or strategic views.

222 The Council raised specific concern around the visual impact of the northern elevation of Blocks 5-9, which as discussed above form a ribbon of development along the edge of the A40; with the tallest element being 11 storeys, stepping down to three 8 storey elements and a 5 storey element on the eastern side of the site. These would be connected by 5 storey link blocks. The long-range impact of this would be seen in Viewpoints 1 and 15. The massing of the development would however undulate between the taller elements and the articulated link blocks, so would not be a continuous wall of 8-11 storey development. The link blocks would not be significantly higher than the existing mature trees adjacent to the A40 and GLA officers consider that the development would sit comfortably in its context when viewed from the semi-rural surrounds to the north, or from the Long Lane bridge to the north-west.

223 The Council raise concerns that the siting of Blocks 5-9 close to the northern boundary leaves limited scope for landscaping. However, the design concept of the ribbon block is to act as a barrier to the noise and air quality impacts of the A40, in order to create acceptable conditions within the scheme and good south-facing amenity. The A40 corridor already has mature vegetation, particularly along the northern side, which would soften the visual impact of the development. Overall and having regard to the quality of architecture and articulation of the northern elevation, the visual impact is considered acceptable. Furthermore, it is not considered that there would be a conflict with requirements of Site Allocation SA14, given the overall amount and quality of landscaping across the scheme.

224 The proposed development would be most prominent in Viewpoints 3B, 5C, 6, 7 and 14 which are within the immediate vicinity of the site and Local Centre. This is however an urban context, as acknowledged by the Council in their assessment of density, and, whilst the 7, 8 and 11 storey buildings would be considerably taller than the existing 2 and 3 storey context of the Local Centre and suburban surrounds, the new buildings would be separated from this by significant highways infrastructure. The prominence of the 8 storey 'gateway' building would be further reduced by the significant set back from the highway to the south. The impact of the 7, 8 and 11 storey buildings when viewed from Long Lane would be mitigated by the separation distance, change in levels and mature vegetation along the embankment. GLA officers consider that the development would sit comfortably in this mixed urban context with no detrimental visual impact. This is discussed further below where GLA officers address the impact on the character and appearance of the area more generally.

### Character and appearance

225 The Council raise concerns over the impact of the proposed development on the character and appearance of the area, by virtue of its overall scale, height, bulk and

massing, density, site coverage and lack of landscaping and screening. The Council's analysis of the existing character describes the predominantly 2/3 storey shopping parades, wider suburban context and open land. Whilst this is noted, GLA officers consider that it is important to recognise that the site is separated from much of this context by significant distances, intervening highway infrastructure and boundary vegetation. As such, GLA officers consider that the character of the immediate area is mixed. Furthermore, approximately half of the Local Centre forms the Site Allocation SA14, comprising largely vacant development sites. There is therefore clearly a recognition in the Local Plan that the character of the town centre will change.

226 Policy is clear that development should not prevent or discourage appropriate change (NPPF paragraph 127(c)) and that development in areas of ill-defined character should contribute to establishing an enhanced character (London Plan Policy 7.4). Policy is also clear that development needs to optimise the potential of a site (NPPF paragraph 127(e)) and make the best use of land through a design-led approach (Intend to Publish London Plan Policy D3). It is noted that the Intend to Publish London Plan Policy D3 can only be afforded moderate weight owing to the SoS Direction; however the principle of the proposed policy approach has not been questioned by the SoS, indeed he has directed that text be inserted into the policy to promote higher density development in areas that are well connected to jobs, services, infrastructure and amenities by sustainable transport, which this site is.

227 For the reasons set out throughout this report, GLA officers are satisfied that the well-designed, moderately scaled tall buildings proposed compliment the existing low-rise context whilst appropriately establishing a new character for this part of the Local Centre, drawing upon the positive elements of local character in the proposed architectural approach and use of materials (addressed in more detail below). The amount and quality of proposed landscaping is considered to be high. As such, GLA officers consider that the proposals would not conflict with planning policy in this regard.

### Aviation

228 London Plan Policy 7.7 requires tall buildings such as those proposed within this scheme, should not affect their surroundings adversely in terms of reflected glare, aviation, navigation and telecommunication interference. Policy D9 of the Mayor's Intend to Publish London Plan requires tall buildings, including their construction and should not interfere with aviation, navigation or telecommunication. Policy DMAV1 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020) requires that the Council will support the continued safe operation of RAF Northolt noting proposals which may be a hazard to aircraft safety will not be permitted. The Ministry of Defence (MOD) were consulted on the revised proposals and noted that the modest increases in height in some areas of the masterplan do not present any height or technical safeguarding concerns.

229 In relation to birdstrike, the MOD acknowledged the alterations to the landscaping plans and confirmed that these changes should not impact on the potential for the site to attract or support hazardous birds. On review of the Bird Hazard Management Plan (BHMP) the MOD have requested that the BHMP be amended to include the log book being made available for the MOD to view and/or be submitted to RAF Northolt annually, and subject to health and safety limitations there should be means of entry for the MOD or their nominated representatives to access the roof spaces to check for hazardous birds. It has also been requested that Air Traffic Control at RAF Northolt should be

informed before any large number (more than 10) birds are dispersed. The MOD have requested conditions to secure that the MOD is notified of when and where cranes will be erected, that a construction management strategy is secured. The MOD confirmed subject to the updates above being included within the updated BHMP the MOD has no objections to this development. The approval and implementation of the BHMP, as well as details of construction management and cranes, is recommended to be secured by conditions.

### Policy analysis

230 In terms of the other criteria in Local Plan Policy DMHB 10 the tall buildings would; be of a height, form and massing proportionate to its location and sensitive to adjacent buildings and wider townscape, with appropriate consideration given to its relationship with open spaces and views (criteria (iii)); the quality of architecture would be high and the scheme would make a positive contribution to the skyline, with an appropriate response at street level (criteria (iv)); high quality public open space and private amenity space is provided (criteria (v)); microclimate impact would be acceptable (criteria (vi)); provide positive social and economic benefits in terms of new jobs and contribute to mixed and balanced communities through the range of housing tenures proposed (criteria (vii)); comply with aviation and telecommunications requirements (criteria (viii)); and appropriately consider public safety in terms of Secured by Design and fire evacuation (criteria (ix)).

231 Turning to the relevant criteria set out in Policy 7.7 of the London Plan and Policy D9 of the Intend to Publish London Plan; in terms of height, massing, urban grain and public realm the proposals would not adversely affect local character and would relate well to context (7.7C(b+c) and D(b); D9C1(a)); the tall buildings would aid legibility by marking the town centre and public transport hub around the station (7.7C(d); D9C1(b)); incorporate the highest standards of architecture and materials (7.7C(e); D9C1(c)); minimise impact on heritage assets (addressed in more detail below)(7.7E; D9(C1(d)); have ground floor uses and a street network that enhances permeability and contributes to local regeneration (7.7C(f/g/i); D9C1(a)); be acceptable in terms of its microclimate impact, light spill, glare, aviation, telecommunications and functional impacts (7.7D(a); D9C1(g+h), D9C2 and D9C3).

232 The Council had agreed with the applicant that a wind microclimate assessment was not necessary in this instance and it is noted it was not raised as a reason for refusal or concern in the Council's committee report. On this basis and given the scale of development proposed, the wind microclimate of the scheme is considered acceptable.

### Conclusion

233 In conclusion, the scheme is considered to be in conflict with part of Local Plan Policy DMHB 10 and Intend to Publish London Plan Policy D9 in respect of the principle of tall buildings in this location. This is addressed in the 'planning balance' section of this report. The proposal is otherwise considered to be compliant with the requirements of the London Plan Policy 7.7, Policies D9 and HC3 of the Mayor's Intend to Publish London Plan, Hillingdon Council's Local Plan: Part 1 - Strategic Policies (2012) at Policy BE1 and Policy DMHB 10 of the Local Plan: Part 2 - Development Management policies (2020).

## Historic environment

234 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. Section 66 states that in relation to listed buildings, all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”, and Section 72 states that in relation to development within conservation areas, special attention must be paid to “*the desirability of preserving or enhancing the character or appearance of that area*”.

235 The NPPF states that when considering the impact of a proposal 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. Any harm to or loss of significance of a designated heritage asset requires clear and convincing justification. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset’s physical presence or its setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a proposed development will lead to ‘substantial harm’ or total loss of the significance of a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal. In every case, great weight should be given to the conservation of heritage assets.

236 London Plan Policy 7.8 and Policy HC1 of the Mayor’s Intend to Publish London Plan state that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy HC1 seeks to avoid harm where possible and encourages heritage impact to be considered early on in the design process.

237 Hillingdon Council’s Local Plan: Part 1 - Strategic Policies (2012) at Policy HE1 states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape. Policies DMHB 1, DMHB 2, DMHB 3 and DMHB 4 of the Local Plan: Part 2 - Development Management policies (2020) provide more detailed statements on heritage assets, statutory listed buildings, locally listed buildings and conservation areas. Policy DMHB 1 states that development proposals should avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where: it sustains and enhances the significance of the heritage asset, it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss. Policy DMHB 2 states that planning permission will not be granted for proposals which are considered detrimental to the setting of a listed building. Policy DMHB 3 states in relation to locally listed buildings that Proposals will be permitted where they retain the significance, appearance, character or setting of a locally listed building. With respect to conservation areas Policy DMHB 4 requires that developments at the fringes of conservation areas will expected to preserve or enhance the character or appearance of the area.

238 The site does not lie within a conservation area and there are no listed buildings within the site. The closest conservation area (CA) is the Ickenham Village CA which is approximately 270 metres north of the site along Long Lane. The conservation area contains several listed buildings including; Ickenham Manor (Grade I) and the garden walls to east of Manor Farmhouse (Grade II) north east of the site and Long Lane Farm Cottages (Grade II) north and north east of the site. Each of these assets is afforded individual protection and form an important planning consideration. Part of the moated Ickenham Manor Farm complex and adjacent playing field is also a designated Scheduled Ancient Monument (SAM).

239 Hillingdon Council's Design and Conservation Officer noted that in relation to Ickenham Manor (Grade I) the southerly views would be harmed by the construction of the proposed development as the buildings would extend up above the tree line on the horizon. The harm to the setting of the Grade I listed building was considered less than substantial and would be reduced during the spring / summer months by the trees along the southern curtilage, assuming they are not removed. In this context it is noted that the applicant's TVIA Viewpoint 1 is taken from outside of the CA and SAM boundary, looking away from these two coterminous designations, and the setting of the Grade I listed Manor. There is some vegetation cover between the Manor and the fields to the south, but as the Council's Conservation Officer noted this is likely to provide a less effective screen during the winter. The main aspects of the setting of the listed building (generally experienced looking at the Manor from the south and west) would be unaffected owing to the orientation of the development to the south and the separation distance of almost 300 metres. The SAM is designated primarily for its archaeological value. However, GLA officers recognise that the three overlapping heritage designations coupled with the intended rural setting of the Manor complex mean that it is particularly sensitive to change. As such, whilst the visual intrusion into the historic setting would be very limited, it is considered that there would be some slight harm to the significance of the Grade I listed building, the SAM and this part of the CA. This would be less than substantial, at the bottom end of the range.

240 With respect to the other affected parts of the Ickenham Conservation Area, Viewpoints 10 and 11 demonstrate that the new development would be seen in views looking towards the site and would interrupt the suburban skyline of hipped roofs which Council officers identified as a key feature of the CA. Council officers concluded that the enjoyment of this roofscape is likely to be affected and as a consequence there will be harm to the significance of the CA by reason of impact on its setting. GLA officers concur with this assessment and consider that there would be less than substantial harm caused, at the low end of the range.

241 Council officers also raised concerns in relation to Viewpoint 15 which shows the development above the established tree line in views out of the semi-rural part of the CA. GLA officers concur that there would be some harm to the significance of the CA in this view, albeit less than substantial and at the low end of the range. GLA officers consider that in some instances there would be no harm to the significance of heritage assets; and in instances where there would be harm, it would be less than substantial and at the low to bottom end of the range. Even though that harm is to be given great weight, GLA officers consider that when that harm is weighed against the public benefits of the scheme, it is clearly and convincingly outweighed by the public benefits the scheme would deliver. These include the regeneration of a vacant site; a significant amount of good quality housing, including 35% affordable housing; new public spaces; new commercial space; improved access and enhancements to the Green Belt; as well as economic and

regenerative benefits to the wider area. Hillingdon Council officers also considered that the public benefits provided by the proposals outweighed the less than substantial harm caused to designated heritage assets. GLA officers are of the view that the public benefits provided outweigh the harm in line with London Plan Policy 7.8; Local Plan Part 2 policy DMHB 1 and paragraph 196 of the NPPF. This heritage impact is not considered to result in a conflict with development plan policy; however even if it did as a result of the low level of harm identified, the balancing exercise would still indicate approval in line with the NPPF.

### Archaeology

242 London Plan Policy 7.8 requires that new development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset. Policy HC1 of the Mayor's Intend to Publish London Plan requires development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Policy HE1 of the Hillingdon Local Plan Part 1 Strategic Policies (2012) seeks to ensure proposals conserve and enhance archaeologically significant areas, including Archaeological Priority Zones and Areas. Historic England The Greater London Archaeological Advisory Service (GLAAS) suggested conditions requiring a stage 1 written scheme of investigation (WSI) to be submitted to and approved by the local planning authority in writing, and thereafter implemented. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing, and thereafter implemented. GLA officers agree these conditions would be necessary to mitigate the impact of the development.

243 To conclude, the application is therefore considered to be in accordance with the NPPF; Policies 7.7 and 7.8 of the London Plan; the Mayor's Intend to Publish London Plan Policy HC1 and HC2, Policies DMHB 1, DMHB 2, DMHB 3 and DMHB 4 of the Local Plan: Part 2 - Development Management policies (2020). In coming to this conclusion, GLA officers have had special regard to the desirability of preserving listed buildings and their settings and have given great weight to the harm caused to heritage assets.

### **Architecture and materials**

244 London Plan Policies 7.6 and 7.7, and Intend to Publish London Plan Policies D1, D4 and D9 require buildings to be of the highest architectural quality and comprise materials that complement rather than necessarily replicate local architectural character. Hillingdon Councils Local Plan Part 2 Development Management Policies Policy DMHB11 sets out the general principles of high quality design.

245 The proposals have been subject to extensive design scrutiny at pre- and post-application stage, and the current scheme has evolved in response to comments made through this iterative process. The Council's Urban Design and Conservation Officer noted that detailed design of the facades was generally considered acceptable and well considered within their consultation response to Hillingdon Council Officers as part of the original planning process. The Design and Conservation Officer also noted that the

parapet roofs and gable ends loosely reflect the established roofscape, albeit on a much larger scale, but the introduction of mansard roofs with sheet cladding would be incongruous. Within the assessment of the proposals Hillingdon Council officers commented that the proposed construction materials for the majority of the blocks have contrasting brickwork with bands of reconstituted stone to accentuate different parts of the facade and is considered acceptable in principle. It is noted that the appearance of the blocks did not feature as a reason for refusal in Hillingdon's draft decision notice.

246 Since the Council's draft decision the applicant has undertaken additional detailed design which has seen the scheme amended to meet technical requirements which have altered the architectural approach to some areas of the masterplan. Buildings 1-3 and 5-10 have all had areas of transparent glazing reduced on some elevations in line with overheating requirements. Buildings 1-3, 6-8 and 10 have had metal balustrades added to balconies and areas of terracing to better meet building regulations. Buildings 1-2 and 5-12 have also had permanent maintenance access from the stair core added at roof level. At building 5 the car park ventilation provision now includes acoustic louvre screen penetrations. GLA officers note that these amendments do not alter the concept of the scheme and are in conformity with the principles supported at the Mayor's consultation stage.

247 The applicant describes the proposals as being made up of several character areas which helps create a clear hierarchy of building types within the site. The architecture of the scheme promotes visual links to the surrounding suburban context through the use of mansard roofs, arched thresholds and a material palette which respond well to the context of the surrounds. The two tallest marker buildings are a lighter colour tone, so as to appear more recessive in longer views when seen both against clear sky and cloud, with Building 1 at the entrance to the site also having a recessed upper storey. Buildings 2, 3, 4 and 10 within the centre portion of the site share an architectural rhythm and utilise a dark brick with solid/rail balconies. Along the northern edge of the site is a ribbon block encompassing blocks 5, 6, 7, 8 and 9 which present a wall of development which serves to minimise the pollution impacts of the adjacent highway. The brickwork is lighter in tone for the taller elements with lower rise link blocks darker in brick tone and with pitched rooflines. Buildings 11 and 12 at the gateway to the wider area of Green Belt have been finished with a green coloured brick and benefit from lightweight 'pergola' styled balconies. The intention to respond to the established residential character of the surrounding area through the use of architectural features such as pitched roofs, proportions of key facades and materials is supported. The plot has been subdivided into a number of character areas which benefit from a distinct architectural approach but which share key details to ensure the masterplan is read as a single coherent piece. All buildings will use brick for the main body of each building with varying typologies and brick shades establishing the character areas of the site.

248 Conditions are recommended in relation to the detailed design of elevations, facing materials and balconies. Subject to these requirements being met, GLA officers consider that the scheme would provide high quality architecture, which would respond appropriately to the local context, in line with the NPPF; London Plan Policies 7.4 and 7.6; draft London Plan Policies D1, D3, D4, D8 and D9; and Hillingdon Council Local Plan Part 1 Strategic Policies (2012) Policy BE1 and Hillingdon Council Local Plan Part 2 Development Management Policies (2020) Policies DMHB10, DMHB11 and DMHB12.

## **Fire safety**

249 Policy D12 of the Mayor's Intend to Publish London Plan seeks to ensure that development proposals achieve the highest standards of fire safety and to ensure the safety of all building users. The Council assessed a previous iteration of the fire statement and noted that it did not confirm the construction methodology and that some of the details would be subject to change through the detailed design of the application. The applicant has submitted a revised fire strategy dated April 2020, which details that sprinkler suppression will be provided in residential buildings over 30 metres in height, means of warning and escape, construction and materials to limit fire spread, and access and facilities for fire-fighting. Should planning permission be granted, a condition would be included to require the development to be carried out in accordance with the agreed fire strategy.

## **Designing out crime**

250 Policy 7.3 of the London Plan seeks to ensure that the principles of designing out crime are integrated in the design of new development to promote a sense of security without being overbearing or intimidating, which is reflected in Policy D11 of the Mayor's Intend to Publish London Plan Policy. The criteria in Policy 7.3 requires new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. Similarly, Hillingdon Local Plan Policy DMHB 15 requires all new development to ensure safe and attractive public and private spaces.

251 As set out under 'layout, landscape and open space' above, the provision of active frontages has been maximised within the scheme, with ground floor uses providing activity to key points within the site, with a good spread of residential entrances, including maisonettes with street entrances with ground floor units, which would provide appropriate levels of overlooking and activity during the day and evening. The Metropolitan Police Designing Out Crime Officer advised that the development is suitable to achieve Secured by Design accreditation and a condition is recommended to ensure that the development will follow the Secured by Design principles and physical security requirements. Subject to the inclusion of this condition, it is considered that the proposal is acceptable in accordance with London Plan Policy 7.3, the Mayor's Intend to Publish London Plan Policy D11, and Hillingdon Council Local Plan Part 2 Strategic Policies (2020) Policy DMHB 15.

## **Conclusion on urban design and heritage**

252 As set out above, GLA officers consider that the design and layout would optimise the development capacity of the site, responding appropriately to the environmental and site access constraints. The new access routes, landscape and open spaces would be of a high quality, providing a welcoming and attractive environment, which would be well-overlooked and benefit from an appropriate level of activity and ownership. Public and communal amenity spaces would receive good levels of sunlight, with acceptable noise and air quality impacts. The density of the proposals is appropriate considering the nature of the site, its context, and the quality of the design. The proposals were subject to extensive design scrutiny at pre-and post-application stage. The scheme has evolved in response to comments made through this iterative process of design scrutiny. The



scheme provides a high standard of residential accommodation, including internal space standards; aspect, outlook and privacy; play space provision; daylight, and acceptable standards of sunlight and daylight; air quality; and noise. Noting the conflict with Local Plan policy on external amenity space provision, the proposed balconies, podium and ground floor gardens would be of a high quality. The harm to the significance of heritage assets is considered to be 'less than substantial' and outweighed by the public benefits of the scheme, notwithstanding that such harm must be given great weight. No harm would be caused to strategic or local views. The area has a good level of transport infrastructure provision. The site is close to a London Underground station and bus services. Further discussion under 'transport' below confirms that the scheme would have an acceptable impact on public transport. The development will also improve the quality and extent of routes through the site for pedestrians and cyclists. The architectural approach and use of a consistent and varied palette of different tones of brick would ensure the provision of a high quality, distinctive and cohesive scheme which responds appropriately to the surrounding urban and landscape context, topography, views and historic environment.

253 On this basis, there is a partial conflict with Local Plan Policies DMHB10 and DMHB16, as well as Intend to Publish London Plan Policy D9, which is addressed in the 'planning balance' section of this report. Notwithstanding this, the application accords with London Plan Policies 3.4 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.15; Policies D1, D2, D3, D4, D5, D6, D7, D8, D10, D12, D14, SI1 and HC1 of the Mayor's Intend to Publish London Plan; Hillingdon Council Local Plan Part 1 – Strategic Policies (2012) Policies BE1, EM2, EM8,; and Hillingdon Council Local Plan Part 2 – Development Management Policies (2020) Policies DMHB1, DMHB11, DMHB12 and DMHB13, DMHB14, DMHB 17, DMEI 6, DMEI14, DMHB 2, DMHB 3 and DMHB 4, Policy SA 14 (Master Brewer and Hillingdon Circus) of the Local Plan: Part Two - Site Allocations and Designations (2020) and the Housing SPG (2016).

## **Inclusive design**

254 London Plan Policy 7.2 and Policy D5 of the Mayor's Intend to Publish London Plan require all future development to meet the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including those with disabilities, older people, children and young people, will be able to use the places and spaces that are proposed. London Plan Policy 7.6 expects that buildings and structures meet the principles of inclusive design; and London Plan Policy 3.8 and Policy D5 and D7 of the Mayor's Intend to Publish London Plan require that 90% of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings', that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the Accessible Hillingdon Supplementary Planning Document (2017) require that all residential units are built in accordance with Part M4(2) of the Building Regulations 2010 (2015 Edition) and that 10% of the units be designed and constructed in accordance with Part M4(3) of the Building Regulations 2010 (2015 Edition).

255 Details of accessible and inclusive design have been provided within the applicant's Design & Access Statement and Landscape Design Statement. The application drawings and landscape drawings also show how inclusive design features

would be incorporated. The public realm and access to buildings and within commercial buildings would be fully inclusive in line with policy. To ensure this measures which will be secured by condition include an external environment that is conducive to the mobility needs of blind and visually impaired people, including wayfinding and suitable crossing points, materials and street furniture that provide adequate contrast against which they are seen; pavers and other surfacing materials that provides wheelchair users with a smooth, seamless surface, with appropriately positioned crossing points.

256 10% of the total number of dwellings would be wheelchair user dwellings meeting Building Regulation M4(3). Plans are provided for a range of unit sizes, which are spread across buildings and tenures. All of the remaining units would meet Building Regulation requirement M4(2). A condition is recommended that would ensure that this level of accessible housing is secured, in accordance with Policy D7 of the Mayor's Intend to Publish London Plan. As requested by the Council's Access Officer, the following planning conditions will be imposed; 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling and this must be confirmed prior to occupation, at least 1 accessible parking space per accessible dwelling, prior to the occupation it must be demonstrated that the children's play equipment meets the needs of all residents including those with sensory and/or complex multiple disabilities, prior to development it must be demonstrated that the external physical environment is inclusive regardless of disability.

257 The development proposes 16 disabled persons car parking spaces serving residential units, which would be available for Blue Badge holders. This represents more than 3% of the dwellings in line with Intend to Publish London Plan Policy. A condition is proposed to secure a car park design and management plan to be submitted, including demonstrating how increased demand for disabled parking could be met if required.

258 The application would achieve the highest level of accessible and inclusive design and would comply with London Plan Policies 3.8, 7.2 and 7.6; the Mayor's Intend to Publish London Plan Policies D4, D5 and D7; Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the Accessible Hillingdon Supplementary Planning Document (2017).

## **Transport**

259 Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that site specific opportunities available to promote sustainable transport modes have been taken up; safe and suitable access to site would be achieved for all users; and any significant impacts from development on transport network (in terms of capacity or congestion) or highways safety can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out additional criteria which should be addressed which includes pedestrian, cycle and inclusive access.

260 London Plan Policy 6.1 sets out a strategic approach for transport in London. This includes the aim to encourage patterns of development that reduce the need to

travel, especially by car, through the use of maximum car parking standards; seeking to improve the capacity and accessibility of public transport, walking and cycling infrastructure; encouraging shifts to more sustainable modes of travel and promoting walking and safe and step-free access. Policy 6.3 states that the impact of development proposals on transport capacity and networks should be fully assessed and not adversely affect safety, with schemes appropriately phased where transport capacity is insufficient to allow for the expected trip generation. Other relevant transport policies are Policies 6.9, 6.10, 6.11, 6.12 and 6.13 which cover cycling, parking, road network capacity, and traffic congestion. Policy 8.2 of the London Plan sets out the Mayor's priorities for planning obligations and states public transport improvements should be given the highest importance, alongside affordable housing. Policies 6.5 and 8.3 set out the Mayor's priorities for funding Crossrail and other strategically important transport infrastructure, and Mayoral Community Infrastructure Levy.

261 The Mayor's Transport Strategy (2018) (MTS) seeks to put people's health and quality of life at the very heart of planning the city's transport with an aim that by 2041, 80% of all Londoners' trips will be made on foot, by cycle or by public transport. The MTS seeks to impose high expectations on developers to deliver transport solutions that will promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places. It will also seek to restrict car parking provision within new developments, with those locations more accessible to public transport expected to be car free or car-lite. Provision for car parking should be minimised and designed for alternative uses in the future as car dependency decreases.

262 The aspirations of the Mayor's Transport Strategy are embedded in the policies of the Mayor's Intend to Publish London Plan, particularly in policy approaches such as 'Healthy Streets', 'Good Growth' and the Mayoral mode share targets. Policy T1 of the Mayor's Intend to Publish London Plan sets a strategic target of 80% of all trips to be made by foot, cycle or public transport by 2041. Policy T2 of the Mayor's Intend to Publish London Plan seeks to ensure that development proposals deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. Policies T3-T6 and T6.1-T6.5 of the Mayor's Intend to Publish London Plan seek to enable the achievement of the Mayor's strategic target.

263 Hillingdon Council's Local Plan Part 2 Development Management Policies (2020) Policy DMT1 Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to be accessible by public transport, maximise safe, convenient and inclusive accessibility for pedestrians, cyclists and public transport users, provide equal access, address delivery, servicing and drop-off requirements and have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road.

#### Site access

264 Vehicle access via a priority junction is proposed at the existing site access location on Freezeland Way, approximately 50 metres east of the Hillingdon Circus junction. Pedestrian access will be provided via access points on Freezeland Way and Long Lane adjacent to Hillingdon Circus, with cyclist access from the south-west corner of the site. These are welcomed in principle. These measures have been agreed with the applicant and will be delivered via a S278 agreement with the Council. The details

will be agreed with the Council and will include the recommendations made in the Road Safety Audit.

265 Further pedestrian and cycle accesses will connect through the site and occupiers and visitors of the development to the proposed parkland to the east to be secured as part of this development. An internal loop road will provide access to all proposed buildings with pedestrian footways on the desire lines to each building. The loop road will be treated as a shared surface and will be provided with delineated crossings to assist pedestrians and mobility impaired users navigating the site. A 20mph speed limit is proposed within the site.

#### Trip generation and mode split

266 The applicant has provided a transport assessment (TA), including a trip generation assessment undertaken using the industry standard TRICS database. The trip generation methodology was agreed with TfL during pre-application discussions. In line with TfL guidance, three sites in the TRICS database, all surveyed in 2017, were used to derive an average trip rate for the proposed residential units. The assessment concludes that the proposed development is likely to generate an additional 404 person movements during the AM peak (8:00-9:00), and around 269 person movements during the PM peak (17:00 -18:00). This exercise shows an initial mode share of 68% by sustainable modes (public transport walking and cycling), this is below the 2041 target of 75% for Outer London. However, a travel plan has been prepared for the proposals and this includes a target to reduce single occupancy private car travel by 10 percentage points over three years, with the corresponding increases in sustainable travel. This would be achieved by a variety of 'hard' and 'soft' measures, including a Cycle Hub, local walking and cycling improvements and marketing/promotional features.

267 Hillingdon Council has requested a £20,000 'performance bond' to monitor the success of the travel plan against the targets and assist in delivering increases to the sustainable mode share; this is included in the draft S106 agreement. It is accepted that the trip rates and mode share provide a reasonable estimation of the site's trip generating potential and a suitable basis upon which to base the impact assessment and subsequent mitigation. The travel plan alongside relatively low car parking ratio (for this part of London and compared to previous applications on this site will assist in supporting the delivery of MTS mode share targets. The approach taken complies with London Plan Policy 6.3 and policies T1 and T4 of the Mayor's Intend to Publish London Plan.

#### Impact on highway

268 The Council in its draft decision notice included a reason for refusal which stated that the application failed to demonstrate that the proposals would not result in an unacceptable rise in traffic around the application site causing severe impacts to the free flow of traffic as well as to highway and pedestrian safety.

269 The TA sets out a peak hour vehicle trip generation of 78 two-way trips in the AM peak and 61 two-way trips in the PM peak. This increases to 82 and 67 respectively when delivery and servicing movements are included, or just over one vehicle movement per minute during the peak hours. In considering the traffic impact of the proposals Hillingdon's committee report sets out that it is 'considered that that the applicant has underestimated both am and pm vehicle trip generation. As already set

out above GLA and TfL officers are satisfied that the trip generation put forward by the applicant and based on the industry standard TRICS data base is acceptable and realistic.

270 As part of the 2017 application for a residential led development on this site, surrounding road network was assessed using the industry standard traffic modelling software LinSig and VISSIM. All traffic modelling was audited by TfL's Network Performance Team and was considered acceptable for the assessment of traffic impacts associated with the proposed development in accordance with London Plan policy 6.3 and Intend to Publish London Plan policy T4. Updated traffic surveys were undertaken to identify any significant changes in baseline traffic (i.e. growth) in the vicinity of the site since the 2017 surveys to assess whether new highway modelling was required. Surveys undertaken in September 2019 suggested a reduction in traffic around Hillingdon Circus by 11 percentage points in the AM peak hour and 9% in the PM peak hour compared to January and February 2017. Additional traffic data collected by TfL during 2019 identifies at worse no change from 2017 if not a reduction in traffic levels. TfL has not found any evidence to suggest that a higher growth factor should be applied to the traffic modelling and the approach taken to this element of the traffic modelling is acceptable.

271 The applicant is proposing highway mitigation through land dedication from the site envelope to enable revised approach lanes on Long Lane (north) with enhanced pedestrian facilities; site access via a right turn from Freezeland Way, including the recommendations to come from the Stage 1 Road Safety Audit; signal timing optimisation; and bus priority measures are also proposed and would be secured. Hillingdon Council officers noted in the planning committee report that the measures above were insufficient particularly in the absence of any improvements to the capacity of Hillingdon Circus junction noting the cumulative impacts of this, and other developments coming forward would be severe. However, contrary to providing more capacity for private vehicles, focus must be placed on reducing car dominance, taking vehicle trips off the roads where possible, and enabling more journeys by foot or cycle and making improvements to public transport all of which this development is contributing towards and Hillingdon Council agrees would be of public benefit.

272 Policy T4 of the Mayor's Intend to Publish London Plan sets out that transport assessments should focus on embedding the Healthy Streets approach and it is TfL's view that the mitigation package supports this. On balance, the increase in traffic generated by the development is acceptable particularly when considered in the wider context of delivering housing, including affordable units, on this site which has been vacant for over a decade.

273 The Council has also raised concerns about the cumulative impact of HS2 construction traffic which is expected to pass through Hillingdon Circus. It is expected that this would generate approximately 120-140 trips per day, although this is yet to be confirmed or approved. In accordance with its duty under the Traffic Management Act, TfL will manage the impact of HS2 construction vehicles on London's roads alongside implementing other measures as set out in the MTS to reduce overall traffic levels and reduce congestion.

274 TfL supports the inclusion of mitigation for and to promote sustainable travel including bus priority in the vicinity of the site alongside measures for pedestrians and cyclists.

275 It is noted that the modelling indicates that there are some increases in journey times on approaches to Hillingdon Circus, especially when cumulative development is taken into account. These increases are within the levels that would be expected from developments of this size and type in Outer London. Over time this impact will lessen the development specific measures increase sustainable and active travel to/from the site. Through the MTS the Mayor has committed to reducing car dependency in Outer London and the negative impacts of car dominance. It is considered that this 'car-lite' development will support these aims whilst delivering much needed housing and especially affordable housing.

#### Impact on public transport

276 The site is currently served by two London bus routes, the U2 (Brunel University to Uxbridge) and the 278 (Ruislip to Heathrow), it also close to a stop for the Oxford Tube which links to Oxford and to central London. The 278 bus route was introduced in December 2019 and provides access between the site and planned Elizabeth line services at Hayes & Harlington. The proposed development is expected to generate 88 and 53 two-way bus trips in the AM and PM peaks respectively. In order to mitigate the additional demand on local bus services, TfL and the applicant have agreed a financial contribution of £1,365,000 (being £455,000 per annum for three years) to facilitate increases to bus capacity on local services. The payment must be made 6 months prior to first occupation in order to ensure that sufficient sustainable transport is in place to support the development. This is sought in line with London Plan Policy 6.3 and Policy T4 of the Mayor's Intend to Publish London Plan. In addition to improvements to bus capacity, the applicant will also fund infrastructure improvements to the bus stop and waiting area for the Oxford tube service (westbound), improving the usability and accessibility for mobility impaired users. A £30,000 contribution towards introduction of bus priority measures (including Selective Vehicle Detection) in the vicinity of the site has been agreed with the applicant and will be secured in the Section 106 agreement. Hillingdon London Underground station is located approximately 120 metres from the site. During the determination period an additional assessment demonstrated that the additional passengers generated by the development could be accommodated at the station and on the trains and no mitigation is required.

277 As such, with the agreed mitigation package the impact of the application on public transport is considered to be acceptable and, as such, the application complies with London Plan Policies 3.4 and 6.3; Policies T3 and T4 of the Mayor's Intend to Publish London Plan; and Policy DMT1, DMT2 and DMT4 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020).

#### Walking and cycling

278 An Active Travel Zone (ATZ) assessment was undertaken in support of the application. This exercise identified a number of local improvements that would support delivery of Healthy Streets and walking and cycling trips to and from the site. These would be delivered via S278 or S38 agreement with the Council and are summarised at the beginning of this report and in the 'mitigating the impact of the development' section.

279 A stage 1 road safety audit was undertaken in July 2019 leading to a number of recommendations, these have all been accepted by the applicant and must be incorporated into the final highway designs. A review of highway accidents within the three years to 2019 identifies a cluster of incidents along Long Lane, south of the junction with Parkway, this forms a section of the route to Oak Farm Primary School.

The applicant has suggested measures to improve this section of Long Lane and agreed that these could be incorporated into local highway works to be delivered through the s278/s38 agreement. The residential travel plan should also be used to encourage alternative routes via quieter residential roads to the east of Long Lane.

### Cycle Parking

280 The proposal includes 918 cycle parking spaces spread across the site for residents and their visitors (including within the 'Cycle hub'). 40 cycle parking spaces (8 long stay and 32 short stay) are included for the non-residential elements. This meets the minimum standards set by London Plan Policy 6.13 and Policy T5 of the Mayor's Intend to Publish London Plan. Hillingdon's committee report recognises this compliance and confirms that "this is acceptable in format and design layout terms and the quantum conforms to and exceeds Hillingdon's Local Plan policy DMT 5 standard which would require a figure in the region of approximately 591 spaces. Whilst the quantum of cycle parking far exceeds the LBH standards, the provision does accord with the minimum London Plan and the Mayor's Intend to Publish London Plan standards and is therefore deemed to be acceptable." It is noted that Council officers raised concerns regarding the 'excessive' provision of cycle parking but this did not feature as a reason for refusal. The details of the cycle parking provision are recommended to be secured by condition, which should be in line with London Cycling Design Standards (LCDS) as required by London Plan and the Mayor's Intend to Publish London Plan.

### Residential and commercial car parking

281 London Plan Policy 6.13 and Policy T6 of the Mayor's Intend to Publish London Plan set out the principle of restricting car parking provision, taking into account planned improvements, future connectivity, and PTAL levels of a site. It is noted that the latter is subject to the SoS Direction. Policy DMT6 of the Local Plan Part 2 – Development Management Policies (2020) requires that development must comply with the standards set out in Appendix C Table 1 of the plan. Appendix C establishes that developments should provide a maximum of 1-1.5 spaces per one/two-bedroom unit and 2 spaces per three/four bedroom unit in order to facilitate sustainable development and address issues relating to congestion and amenity. For the flexible commercial uses, the standards vary; B1 office space should provide a maximum of 2 spaces plus 1 space per 50-100sq.m. gross floorspace, town centre uses should provide a maximum of 1 space per 35-50 sq.m. gross floorspace (in PTAL 2-4) and most D1 uses should be assessed on a site specific basis. It should be noted that all of these standards are stated as maxima. The spaces proposed as part of this development would not exceed those maximum standards. There is no minimum requirement provided for in the Local Plan or London Plan. The policy states the Council will apply these standards flexibly where; the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations. Policy DMT6 requires all car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

282 The Council in its draft decision notice included a reason for refusal which stated that the proposed on site residential and commercial car parking provision was insufficient to address the demands of the proposed development and its future occupiers. The Council further noted, that due to the site's low public transport accessibility, the proposed development would lead to future resident and visitor vehicles being displaced onto the surrounding local and strategic road network, leading to further congestion on the local and strategic highway network resulting in severe harm to the highway network and highway and pedestrian safety.

283 The proposal includes; 154 car parking spaces for the residential element of the development only, which equates to a car parking ratio of 1 space per 0.3 units. There will also be 6 general visitor's spaces and 4 car club spaces. The residential spaces will be dispersed with a ratio of 1:1 for the 3-bedroom units, 0.36 for the 2-bedroom units with the 1 bed units being car free. Car parking is provided in central areas beneath the podium gardens and at street level. The commercial element of the development is car free. It is noted that the car parking standards expressed within the Local Plan and London and Intend to Publish London Plan are maximum levels. The Local Plan acknowledges that there may be instances where the parking provision should be implemented flexibly. Higher levels of car parking provision cater for higher levels of car ownership, which evidence has shown is closely associated with greater car use. Increased vehicle movements would likely cause deleterious impact on local street parking provision, congestion and amenity (including negative air quality impacts). GLA officers note the 3-bedroom family sized units, most likely to have the need for a car would all have a car parking space. with a provision equivalent to 0.36 spaces available to the 2-bedroom units. Given the town centre location and opportunities for and support to sustainable travel, site constraints and PTAL of the site, the level of parking proposed below the maximum standard in the London Plan and the Mayor's Intend to Publish London Plan is acceptable and appropriate.

284 Furthermore, GLA officers consider that provision of residential parking at or close to maximum policy standards (a total of 810 spaces in the Local Plan; 553 in the adopted London Plan; 386 in the Intend to Publish Plan; and 405 in the SoS Direction) would have a significant impact on the provision of public open space and/or amenity space, the latter of which is already constrained as noted above, or would necessitate the use of basement excavation with a consequential impact on construction costs and likely reduction in affordable housing provision. Overall, GLA officers consider that the proposal strikes an appropriate balance between provision for the private car and good design, whilst mitigating against overspill parking in line with Local Plan policy by preventing future residents from obtaining permits for the local Controlled Parking Zone (CPZ).

285 In terms of commercial parking, the Council's committee report notes that up to 48 spaces would be required to serve the proposed flexible uses. However, these are expected to be walk-to retail, employment and community uses reflecting the proposal's role as part of this accessible Local Centre. As such, the proposed car-free commercial space would not conflict with Local Plan Policy E5.

286 Given the town centre location, site constraints and PTAL of the site, along with the mitigation measures proposed to prevent overspill parking and promote sustainable travel, the level of parking proposed is in accordance with the Local Plan, London Plan and the Mayor's Intend to Publish London Plan. A draft car parking management plan



has been submitted to support the application. A final version of the car parking management plan will be secured through a planning condition.

287 Providing more on-site parking would therefore lead to increased levels of congestion, emissions and road danger, as well as having negative impacts on the quality of the development and its surrounding public realm. To mitigate against the risk of displacement of parking, there should be expansion of existing parking controls on streets surrounding the site and future occupiers should not be eligible for residents' permits. Designation of the development as permit free for residents and a review of the surrounding highway network in terms of monitoring parking displacement within a two year period post-implementation have been proposed as remedies by Hillingdon and accepted by the applicant. A sum of £20,000 will be secured through the section 106 agreement for remedial works to mitigate any displacement parking effects on surrounding roads if this is to be shown to be necessary.

288 The development proposes 16 parking spaces for disabled residents distributed within each podium level and on-street in line with the Mayor's Intend to Publish London Plan which requires 1 space per 3% of dwelling units from the outset. Thereafter a demand led approach is applied which is capped at a level of 10% of the total number of residential units which research indicates is in excess of the proportion of households with Blue Badges who are entitled to a space. The equivalent of a further 7% of residential units could become Blue Badge spaces if required. One of the visitors' parking spaces will also need to be designed for use by Blue Badge holders. A condition is proposed to secure the submission of a car park design and management plan, including demonstrating how increased demand for disabled persons' parking could be met if required.

289 The proposals include the provision of up to four car club spaces which would support new residents to access car travel when required without their own car. Up to three years free membership of the car club will be offered to each dwelling upon first occupation. The provision of car club spaces would be monitored and reviewed on a demand led basis with bay provisions adjusted accordingly if required through the car parking management plan. Car club provision including free membership is welcomed and will be secured through the S106 legal agreement. It is noted that car club vehicles would also be available for other local people to use.

290 Electric Vehicle Charging Points (EVCPs) are proposed on site at a ratio of 20% active (33 spaces) and 80% passive (131 spaces), which accords with the Intend to Publish version of the London Plan. The provision of EVCPs will be secured by way of a planning condition. They would be monitored and controlled through the car parking management plan.

291 It is recognised that the current transport network in Hillingdon means that car travel will be more significant than in some other parts of London. However, congestion, emissions and public health are challenges that span administrative boundaries. Reducing residential and commercial parking to the minimum required is therefore essential if we are to both effectively manage the road network in London and deliver the well-designed new homes the city requires. The proposed level of car parking is therefore appropriate to this site and does not result in any conflict with London or Local Plan policies. A planning condition will be attached requiring submission of a finalised car parking management plan to ensure that design, access, initial allocation and ongoing management comply with best practice guidance.

### Deliveries and servicing

292 A Delivery and Servicing Plan (DSP) has been submitted in support of the application. The expected trip generation provided is acceptable and it has been demonstrated that sufficient space is provided for on-site servicing. The proposal to provide an on-site concierge for deliveries is welcomed. The final DSP should be secured by condition and approved by the Council prior to first occupation in accordance with London Plan Policy 6.4 and Policy T7 of the Mayor's Intend to Publish London Plan.

### Construction

293 An outline Construction Logistics Plan (CLP) has been prepared and contains positive measures to reduce and manage the impact of construction on the highway network over the 54 month build out. This sets out that construction traffic for the proposed development will access the site directly from Freezeland Way via the A40 with 18 vehicles per day predicted in the peak months of construction. Precise vehicle routings and scheduling will be agreed via the final CLP. The applicant has also committed to a travel plan for construction workers.

294 The final CLP should be secured by condition and signed off by the Council and TfL prior to commencement of development in line with London Plan policies 6.3 and 6.14 and Policy T7 of the Mayor's Intend to Publish London Plan.

### Travel Plan

295 The application is supported by a Travel Plan, which aims to promote sustainable travel to and from the site. The framework travel plan includes indicative mode shift targets, measures and methods of implementation. This was reviewed and is considered an acceptable basis for the final travel plan which will be secured by S106 agreement and must be approved by the Council prior to first occupation. This will be secured, monitored, reviewed and enforced through the Section 106 agreement. A £20,000 performance bond will also be appropriately secured within the Section 106.

### Conclusion on transport matters

296 The area is situated in close proximity to two bus routes, the Oxford Tube and Hillingdon LU Station. A £1.365m contribution to facilitate increases to bus capacity on local services will mitigate the additional trips generated by the proposals. In addition, the site will deliver an improvement from the existing situation in terms of Healthy Streets by enhancing routes, by adding soft landscaping and by reducing the severance between the site and the wider town centre also improving access between the site and the surrounding area with the Green Belt. The site layout encourages permeability and east-west connections. An appropriate package of transport mitigation measures is proposed in terms of walking, cycling, bus capacity and infrastructure, and travel plan incentives. Car and cycle parking provision complies with the standards in the London Plan and Mayor's Intend to Publish London Plan. The highways and public transport impacts of the proposals are acceptable. Subject to the transport mitigation measures being secured, the application supports the transport policies in the London Plan, the Mayor's Intend to Publish London Plan and Local Plan. The impact of the application on public transport infrastructure is considered to be acceptable and, as such, the application complies with London Plan Policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.11, 6.12, 6.13,

8.2, and 8.3; Policies T1, T2, T3, T4, T5, T6, T6.1, T6.2, T6.3, T6.5, T7 and T9 of the Mayor's Intend to Publish London Plan; Policy DMT1, DMT2, DMT4 and DMT5 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020).

## **Sustainable development**

### **Energy strategy**

297 London Plan Policies 5.1 and 5.2, and Policy SI2 of the Mayor's Intend to Publish London Plan, require development proposals to minimise carbon dioxide (CO<sub>2</sub>) emissions to meet the Mayor's targets, in accordance with the following energy hierarchy, which is reflected in Policies DMEI 2 and DMEI 3 of the Local Plan: Part 2 - Development Management Policies (2020) and Policy EM1 of the Local Plan: Part 1 - Strategic Policies (2012). London Plan Policy 5.2 requires development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy:
- Be clean: supply energy efficiently; and
- Be green: use renewable energy.

298 Applications proposing residential buildings are required to meet the zero carbon target, with residential uses expected to achieve a minimum on-site reduction of at least 35% improvement beyond Part L 2013 Building Regulations, with any shortfall required to achieve the zero carbon target secured via a carbon off-set payment. Non-residential uses are also subject to the zero carbon target under Local Plan policy DMEI 2 and should demonstrate at least a 35% on-site reduction beyond Part L 2013. Policy SI2 of the Mayor's Intend to Publish London Plan, includes the expectation that energy efficiency measures alone should account for a minimum of 10% of the reductions carbon dioxide emissions for residential development and 15% for non-residential development.

299 The applicant's energy strategy follows the energy hierarchy and reduction targets are proposed for non-domestic and residential parts of the development separately as per GLA guidance. Following an initial review of the strategy, the applicant was advised that, whilst GLA officers considered that the applicant had broadly followed the energy hierarchy, further information, discussion and additional measures were required in relation to modelling outputs, overheating, the district energy network, the site heat network, combined heat and power, and renewable technologies. These matters have been subject to further discussion between the applicant and GLA officers, with a revised energy strategy and updated overheating assessment submitted and agreed in June 2020. All carbon related calculations have been carried out using SAP10 carbon emission factors, as encouraged by the GLA. An assessment of the final strategy is set out below.

### **Be Lean**

300 A range of passive design and demand measures are proposed to reduce energy demand, including high levels of insulation, double glazed windows, with the potential for passive ventilation maximised, taking into account air quality and noise constraints. The demand for cooling and the overheating risk will be minimised through a number of

methods including balconies, solar glazing, solar shading, integrated blinds, and energy efficient appliances.

301 In terms of performance, the applicant's updated Energy Strategy demonstrates that energy efficiency measures would achieve a reduction of 8% (domestic) and 16% (non-domestic) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development.

### Be Clean

302 Following a review of the applicant's original Energy Strategy the GLA advised that the applicant should propose a site-wide heat network. The applicant was required to confirm that all apartments and non-domestic building uses will be connected to the heat network. A drawing showing the route of the heat network linking all buildings on the site should be provided alongside a drawing indicating the floor area, internal layout and location of the energy centre was also required. Since then the applicant has worked collaboratively with GLA officers to resolve this and confirmed that all uses non-domestic and domestic will be connected to the ASHP plant located at roof level. Details of the energy centre are proposed to be secured in the section 106 agreement.

303 In terms of connection to wider district heating networks, the applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has confirmed that they are future-proofing the proposals for connection to district heating and the proposal includes the infrastructure to connect to a district heat network should connection become possible.

### Be Green

304 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install air source heat pumps and 929 sq.m. photovoltaic (PV) panels, with an output of 156 kWp, to all available roof areas, with remaining areas taken by amenity spaces, plant, and man-safe equipment, or are lower overshadowed roofspaces not appropriate for PV. It is agreed that the applicant has maximised the on-site savings from renewable energy technologies and the provision of the PVs is to be secured by appropriate planning condition.

305 The applicant's updated Energy Strategy demonstrates that the renewable technologies would achieve a reduction of 30% (domestic) and 21% (non-domestic) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development.

### Carbon savings and off-set payment

306 An on-site reduction of 203 tonnes of CO2 per year in regulated emissions compared to a 2013 Building Regulations compliant development, using SAP10 emission factors, is expected for the domestic buildings proposed, equivalent to an overall saving of 38%.

307 The carbon dioxide savings exceed the on-site target set within Policy 5.2 of the London Plan; however, the domestic buildings are required to meet the zero carbon

target, and £602,514 will therefore be paid into the Borough's offset fund, as secured by section 106 agreement.

308 An on-site reduction of 21 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development, using SAP10 emission factors, is expected for the non-domestic elements of the proposal, equivalent to an overall saving of 37%, which exceeds the on-site requirements set out above; however, the non-domestic buildings are required to meet the zero carbon target. The £602,514 contribution to be paid into the Borough's offset fund as set out above would cover both domestic and non-domestic uses.

309 Overall carbon reductions amount to 37%, using SAP10 emission factors, with a carbon offset contribution of £602,514 to be secured in the section 106 agreement.

### Conclusion – energy strategy

310 Overall, the range of CO<sub>2</sub> reductions accord with the requirements of Policy 5.2 of the London Plan; Policies SI2 and SI3 of the Mayor's Intend to Publish London Plan; and Policies DMEI 1 and DMEI 3 of the Local Plan: Part 2 - Development Management Policies (2020) and Policy EM1 of the Local Plan: Part 1 - Strategic Policies (2012).

### **Flood risk and sustainable drainage**

311 Paragraph 163 of the NPPF states that where appropriate, planning applications should be supported by a site-specific flood-risk assessment, which is reflected in London Plan Policy 5.12 and Policy EM6 of the Local Plan Part 1 Strategic Policies (2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated. Policies DMEI 9, DMEI 10 and DMEI 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding. The NPPF also states that major development should incorporate sustainable drainage systems which is reflected in London Plan Policy 5.13 and Policy SI.13 of the Mayor's Intend to Publish London Plan.

312 The site is located in flood risk Zone 1 with a low level of flood risk. The applicant's Flood Risk Assessment (FRA) considers the risk of flooding from a range of sources and with the proposed mitigation measures, the residual flood risk to the site is low.

313 The surface water drainage strategy within the FRA provides an assessment of greenfield runoff rate and attenuation storage required to restrict the 100 year (plus 40% climate change) post-development discharge rate to greenfield rate. The surface water drainage strategy addresses the drainage hierarchy. The strategy includes green roofs, filter strips, swales, permeable paving and attenuation tanks, and is well integrated with the landscape strategy. Attenuation tanks are proposed as the main sustainable urban drainage systems (SuDS) measure. The attenuation storage volume has been estimated using a simplified method, which gives an estimated attenuation requirement of 1,540 m<sup>3</sup>. The GLA Environment Team has agreed the FRA, including the surface water drainage strategy. The Council concluded in its committee report that the application is acceptable in this regard subject to a suitably worded condition and a financial contribution (of £35,000) towards the cost of extending the watercourse from the site to Freezeland Covert. A contribution has been agreed in the draft s.106 in accordance with

the above as a drainage contribution. A surface water drainage strategy has been provided, and a condition is proposed to ensure the development is carried out in accordance with this.

314 Subject to conditions to secure these matters, the proposal accords with the NPPF, London Plan Policies 5.12 and 5.13; Policies SI.12 and SI.13 of the Mayor's Intend to Publish London Plan; and Policy EM6 of the Local Plan Part 1 Strategic Policies (2012) and Policies DMEI 9, DMEI 10 and DMEI 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

### **Water efficiency**

315 London Plan Policy 5.15 and draft London Plan Policy SI.5 require that development should minimise the use of mains water. Following the Mayor's consultation response at Stage 1 the applicant submitted additional information which shows compliance with London Plan water efficiency requirements for both the residential and non-residential components. The proposed dwellings will have a maximum indoor water consumption of 105 litres/person/day, and the non-residential components of the development will target a minimum BREEAM rating of 'excellent'. Subject to conditions to secure these features, the proposal accords with Policy 5.15 of the London Plan and Policy SI5 of the Mayor's Intend to Publish London Plan.

### **Urban greening, trees and ecology**

316 Paragraphs 170 and 175 of the NPPF state that planning decisions should contribute to enhancing the natural environment by minimising biodiversity impacts and avoiding or mitigating harm and providing net gains. Paragraph 177 states that the presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a habitats site (either alone or in combination with other proposals), unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

317 London Plan Policy 7.19 promotes the protection and enhancement of biodiversity, and states that Sites of Importance for Nature Conservation (SINCs) of borough importance should be given the level of protection commensurate with their importance. Policy G6 of the Mayor's Intend to Publish London Plan states that SINCs should be protected; however, where harm is unavoidable, the benefits of the development should clearly outweigh the impacts, with suitable mitigation applied. London Plan Policy 5.10 and Policy G5 of the Mayor's Intend to Publish London Plan require new development to provide urban greening in order to contribute to the adaptation and reduction of the effects of climate change. Policy EM4 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) establishes a presumption against any net loss of open space in the Borough. Major developments will be expected to make appropriate contributions to the delivery of new opportunities, or to the improvement and enhancements of existing facilities. The Council will seek to protect existing tree and landscape features and enhance open spaces with new areas of vegetation cover. Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) that all developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit and that development proposals will be required to provide a landscape scheme. Site specific Policy SA 14 of the Hillingdon Local Plan: Part 2 - Strategic Policies (2012) requires that any proposals

on this site secure substantial planting and landscaping in association with any development.

318 London Plan Policy 7.21 and Policy G7 the Mayor's Intend to Publish London Plan states that existing trees of value/quality should be retained and any lost as the result of development should be replaced. Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) also seeks to retain trees.

### Ecology

319 Hillingdon Council's Ecology Officer raised no objection to the scheme subject to the imposition of two pre-commencement conditions and an offsite contribution for land to the east of the site. A portion of the Site covering approximately 0.5 ha is located within Ickenham Marsh, Austin's Lane Pastures and Freezeland Covert (SINC) (Borough Grade 1) and therefore will be affected by the proposed development. The area of SINC comprises a combination of both wetland and woodland and is located at the eastern edge of the plot in an area of existing Green Belt land. GLA officers note that this area is not intended to contain any operational development but will include landscaped areas and areas for biodiversity enhancements. The ecology report establishes that the site provides habitat for Slow Worms and noted evidence of nesting birds and two trees suitable for roosting bats. There was also potential for hedgehogs, stag beetles and foraging habitat for badgers. Two invasive species; Butterfly Bush and Japanese Knotweed were also found on site.

320 The development of this site would result in the loss of habitat for slow worms and has the potential to disrupt habitat for other species including hedgehogs, stag beetles and roosting bats. A condition is recommended requiring a scheme for the protection of reptiles which should be submitted to and approved in writing by the Local Planning Authority and the submission of an updated bat scoping study shall be submitted for the whole site (including the tree belt on the northern part of the site). There will also be an off-site contribution of £539,000 to mitigate the ecological harm and to provide landscaping and public park works to the land east of the site. These mitigation measures would appropriately off-set any harm arising from these proposals.

### Trees and urban greening

321 The application materials also include an arboricultural implications assessment and commentary within the ecology report. Hillingdon's Trees and Landscaping Officer noted the loss of existing trees has previously been deemed acceptable by the Council. The officer noted the open spaces and landscaping proposals represent an improvement on previous iterations of the scheme. The acquisition and enhancement of a section of the adjoining Green Belt land is considered a positive aspect of the scheme. The report identifies development statement, which identifies a total of 48 trees are to be removed. Of the trees to be removed there will be 1 'category A' tree, 22 'category B' trees, 18 'category C' trees and 7 'category U' trees. This would be mitigated by planting 321 trees in the public realm and shared amenity areas. The woodland edges of the site and an area of Green Belt land to the east of the plot, would be retained and enhanced with further planting. The proposals also include green roofs, landscaped residents' amenity areas, and landscaped public spaces, and the site meets the Intend to publish London Plan recommended urban greening factor of 0.4 for a predominantly residential development. A condition is recommended to secure a detailed landscaping strategy in line with the submitted Landscape Design Statement.

## Mitigation

322 Mitigation measures are recommended, including; a scheme of protection for reptiles, an updated bat scoping study, a tree protection plan for retained trees/hedges/shrubs; a method statement and tree protection measures green and brown roofs and an off-site contribution of £539,000 to mitigate the ecological harm.

## Conclusion

323 The ecology report and associated information have been reviewed by internal consultees of the Council and no related refusal reasons were recommended on the draft decision notice; GLA officers agree with this assessment. The Council's Tree Officer confirmed that subject to the imposition of suitable conditions and mitigation the application could be deemed acceptable. The harm to biodiversity would be limited, and the benefits of the proposals, including mitigation measures, are considerable and outweigh this harm. Subject to the recommended conditions to secure these mitigation measures, the proposal accords with the NPPF, Policies 5.1, 7.19 and 7.21 of the London Plan; Policies G5, G6 and G7 of the Intend to Publish London Plan; and Policy EM4 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012), Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Site specific Policy SA 14 of the Hillingdon Local Plan: Part 2 - Strategic Policies (2012).

## **Other environmental considerations**

### **Waste**

324 London Plan Policy 5.17 requires adequate provision for waste and recycling storage and collection facilities as part of new developments. In relation to waste generated through demolition, groundworks and construction, Policy 5.18 requires applicants to produce site waste management plans to arrange for the efficient handling of construction, excavation and demolition waste and materials. Policy SI7 of the Mayor's Intend to Publish London Plan seeks to reduce waste and increase material reuse and recycling and promotes a circular economy. The policy also sets several waste targets including a strategic target of zero biodegradable waste or recyclable waste to landfill by 2026. Policy EM11 of the Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) seek to minimise waste and encourage recycling, proposals are also required to 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.

325 The Waste Strategy submitted with the application provides a comprehensive plan of the refuse storage areas, which are generally well located and make use of locations that are easily accessible for collection or maintenance. The Council's Waste Officer has reviewed and following the submission of further information supports the Strategy, as have GLA officers. The Strategy is proposed to be secured by condition. Demolition and construction waste arrangements are detailed in the Construction Logistics and Management Plan, which is proposed to be secured by condition. As such, it is considered that the development is acceptable in this regard and accords with London Plan Policy 5.17, Policy SI7 of the Mayor's Intend to Publish London Plan, and



EM11 of the Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

326 Intend to Publish London Plan Policy SI7 seeks resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal. All referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate:

- how all materials arising from demolition and remediation works will be re-used and/or recycled
- how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- opportunities for managing as much waste as possible on site
- adequate and easily accessible storage space and collection systems to support recycling and re-use
- how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- how performance will be monitored and reported.

327 The application documents do not include a Circular Economy Statement, a planning condition will be imposed requiring a Circular Economy Statement which demonstrates the above will be required to be submitted and approved in writing by the LPA should planning permission be granted.

328 The applicant has provided a Circular Economy Statement in line with Intend to Publish London Plan SI7, which demonstrates how all materials arising from demolition and remediation works will be re-used and/or recycled; how design and construction will reduce material demands, and allow re-use; how as much waste as possible will be managed on-site; outlines storage space and collection systems to support recycling and re-use; estimates of how much waste the proposal is expected to generate; and how and where it will be managed, monitored and reported. It is of note that the development itself would utilise spoil from the excavation of the Silvertown Tunnel to raise ground levels, which will also enhance flood protection.

329 As such, the development is acceptable in regard to waste management and accords with London Plan Policy 5.17, Intend to Publish London Plan Policy SI7, Policy EM11 of the Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

### **Contaminated land**

330 London Plan Policy 5.21 requires the investigation and, where appropriate, remediation of contaminated sites, with appropriate mitigation to ensure contaminated land is brought back into beneficial use and to avoid harm to the environment or human health. Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that the Council will expect proposals for development on contaminated land to provide

mitigation strategies that reduce the impacts on surrounding land uses. Policy DMEI 12 of the Local Plan: Part 2 - Development Management Policies (2020) says that the Council will support planning permission for development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely used through remediation.

331 A geo-environmental risk assessment has been submitted in support of the application, which identifies activities that may have introduced contamination to the site, localised made ground deposits, the former development at the site and the associated reservoir and tank. Off-Site potential sources include a historical landfill site, potentially infilled ground, a waste transfer site, the railway line, and commercial units in the surrounding area. The report concludes that widespread contamination is considered unlikely with a low to moderate risk of soil/groundwater contamination and hazardous ground gas at the site.

332 The Council's contamination officer recommended a condition to secure a site investigation and a scheme to deal with contamination including a remediation method statement. Subject to the imposition of appropriate remediation condition the Council found the proposals acceptable in this regard. The Environment Agency did not respond to the consultation undertaken by Hillingdon Council as part of the statutory consultation. Subject to the imposition of the recommended condition to secure the implementation of the recommendations of these documents, it is considered that the development is acceptable in this regard and accords with London Plan Policy 5.2, and Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMEI 12 of the Local Plan: Part 2 - Development Management Policies (2020).

## **Mitigating the impact of the development through planning obligations**

333 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.

334 The NPPF states that "*local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*"

335 At the regional level, London Plan Policy 8.2 sets out the Mayor's priorities for planning obligations, and states that affordable housing; supporting the funding of Crossrail where this is appropriate; and other public transport improvements should be given the highest importance. The Mayor's Intend to Publish London Plan at Policy DF1 identifies that priority should firstly be given to affordable housing and necessary public transport improvements; and following this recognise the role large sites can play in delivering necessary health and education infrastructure; and the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

336 Policy DMCI 7 of the Hillingdon Local Plan Part 2 Development management Policies (2020) seek the use of planning obligations and other funding mechanisms to support the delivery of infrastructure facilities and services to meet needs generated by new development and mitigate the impacts. Hillingdon's Planning Obligations SPD provides further guidance on how the Council will secure planning obligations, where these are necessary to mitigate the impacts of development.

337 GLA officers note that the Council as part of its draft decision notice included a reason for refusal stating that the applicant had failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of affordable housing, construction training, landscape and ecological announcements, carbon offset contributions, surface water drainage, parking permit exclusion, car clubs and Project Management and Monitoring). Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure planning obligations to appropriately mitigate the impact of this development, which are set out below.

### Health and education

338 London Plan Policy 3.16 and Policy S1 of the Mayor's Intend to Publish London Plan support the provision of adequate social infrastructure as part of new developments and states that facilities should be accessible by walking, cycling and public transport. As part of the public consultation on the application and subsequent revisions, as number of objections made on the issue of capacity of local social infrastructure (particularly school and health facilities) and the impact of the application, with objectors also concerned that the application does not propose any additional social infrastructure. Contributions towards education, health, libraries and community facilities are now covered by the Hillingdon Community Infrastructure Levy. Subject to the above levy being secured to the proposals would not have an adverse impact on local infrastructure including school and healthcare facilities. The application is considered acceptable in terms of its impact on social infrastructure.

### Affordable housing

339 As discussed in the housing section of this report, the Section 106 agreement would secure the applicant's offer of 35% affordable housing by habitable room (40% if grant funding is available), in accordance with the proposed policy compliant tenure mix, with appropriate obligations in relation to the definition, eligibility, affordability and perpetuity of affordable housing units across the various tenures. An early stage review mechanism is set out in the section 106 agreement to incentivise the delivery of the scheme and ensure the appropriately timed delivery of affordable housing. In addition, arrangements for the management of London Affordable Rent (LAR) units by the Registered Provider, a nominations agreement and obligations in relation to service charges for London Affordable Rent (LAR) and London Shared Ownership (LSO) units would be secured. GLA officers consider that these obligations are necessary to ensure compliance with the London Plan, the Intend to Publish London Plan, the Mayor's Affordable Housing and Viability SPG and Hillingdon Council's Local Plan.

### Transport

340 The following transport obligations would be secured by legal agreement:

- A contribution of £1,365,000 to facilitate improvements to local bus services;
- A contribution of £30,000 to implement local bus priority measures;
- Local bus infrastructure improvements;
- A performance bond of £20,000 in relation to the Travel Plan initiatives/incentives;
- Prohibit future occupants from obtaining a resident's parking permit in a Controlled Parking Zone and £20,000 contingency to remedy parking displacement, so as to discourage car ownership and use by new residents, and promote sustainable modes of transport;
- The provision of up to 4 car club bays with 3 years free membership;
- A s278 and/or s38 agreement will be entered into to address any and all on site and off site highways works as a result of this proposal. These include the following:
  - The entrance to the site at the south-western corner of the site takes the form of a gateway, acting as an extension of the high street, with landscaped public realm;
  - Widening / modernising pedestrian islands across north, east and south arms of the junction to enhance safety and to provide additional space for wheelchair users, pedestrians with pushchairs, and cyclists. The eastern crossing will be upgraded to a toucan crossing;
  - Southbound approach from Long Lane North will be re-aligned to allow for the widening of the pedestrian crossing islands on the north and south junction arms;
  - A new right-turn filter along Freezeland Way (to the east of the Hillingdon Circus junction) will be installed to provide vehicular access into the site from Freezeland Way westbound;
  - Footways at the X90 / Oxford Tube bus stop along Freezeland Way will be widened to allow for a suitable bus shelter. Dropped kerbs will also be provided to allow for improved mobility impaired access;
  - An enhancement to the western arm of the Hillingdon Circus Junction (Western Avenue approach (A437) to include widening of the carriageway approach and 'left turn' lane road marking realignment;
  - The optimisation of the signalised 'Hillingdon Circus' junction would be further reviewed post permission to ensure that the most appropriate signal timings are in place in order to maximise capacity and minimise vehicle queue lengths with provision for sufficient pedestrian 'green time' on each junction arm. The review will be coordinated with Transport for London as signal performance falls under their jurisdiction; and
  - Improvements to the service road approach in Freezeland Way (fronting the site) would be considered subject to the findings of a Highway safety audit (to be secured by way of planning condition). This would include the introduction of a 'No-entry' prohibition at the western end of the service road in proximity of the site entrance. This would assist in avoiding potential conflicts between vehicles leaving the site egress and vehicles approaching eastbound from the signal installation.

### Other obligations:

- Carbon off-set payment of £602,514 to ensure compliance with the zero carbon standard set out in the London Plan, the Mayor's Intend to Publish London Plan and GLA energy assessment guidance;
- Contribution towards construction training, in line with the Council's Planning Obligations SPD;
- Contribution of £539,000 towards ecology and landscaping improvement work to the Green Belt east of the site;
- Contribution of £35,000 towards the extension of the watercourse from the site to Hillingdon Freezeland Covert as part of improvements to the green belt land lying east of the site; and
- Section 106 monitoring fee, dispute resolution provisions and provisions for repayment of unspent financial contributions.

### **Legal considerations**

341 Under the arrangements set out in Article 7 of the 2008 Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990, the Mayor is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: 4266/APP/2019/3088.

342 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Mayor must give the applicants and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

343 The details of the above are set out in the Mayor's Procedure for Representation Hearings and Interim Procedure for Representation Hearing (Covid-19) which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.

344 In carrying out his duties in relation to the determination of this application, the Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

345 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

346 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

347 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by Central Government to local councils for increasing the number of homes and their use.

348 These issues are material planning considerations when determining planning applications or planning appeals.

349 Furthermore, in determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

350 Other guidance, which has been formally adopted by Hillingdon’s Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this application are detailed in this Representation Hearing report.

351 Officers are satisfied that the current report to the Mayor has had regard to the relevant provision of the Development Plan. The proposed section 106 package has been set out and complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

352 As regards Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be £1.467M, whilst the Hillingdon CIL payment is estimated to be £3.835M. Both figures take into account the expected relief from the affordable housing floorspace.

353 In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development (section 72 of the of the Planning [Listed Buildings and Conservation Areas] Act 1990). These matters have been addressed within earlier sections of the report.

354 Where the Mayor takes over an application, he becomes responsible for the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, the borough has been heavily involved in agreeing the section 106 agreement, and it has progressed on the key issues.

355 When determining these planning applications, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on

the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

356 The key Articles to be aware of include the following:

- (a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- (b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.
- (c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

357 It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan.

358 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

359 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

360 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

361 Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of accessible housing and parking bays, the provision of affordable and family housing and the protection of neighbouring residential amenity.

## Conclusion and planning balance

362 As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

363 When assessing the planning application, the Mayor is required to give full consideration to the provisions of the Development Plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development and be satisfied that the importance of the predicted effects and the scope for reducing them, are perfectly understood.

364 As discussed above there are development plan policies that are not fully complied with, namely Local Plan Policies DMHB 18(A) and DMHB 10 (parts (i) and (ii)), in respect of private amenity space the appropriateness of this site for tall buildings in principle, respectively. The proposals would however comply with the other criteria in these policies. There is no conflict identified with any other adopted development plan policies.

365 However, a conflict with two development plan policies does not necessarily mean that there is an overall conflict with the development plan as a whole as development plan policies can pull in different directions. GLA officers have considered the whole of the development plan and consider that, overall, the proposal accords with it. This report sets out all relevant material considerations, none of which, individually or cumulatively, are considered to warrant refusal of planning permission.

366 When considering the proposals, GLA officers have applied the approach required in paragraph 16 of the NPPF and had regard to the statutory duties relevant to the protection of heritage assets. As set out above, less than substantial harm would be caused to the significance of the Grade I listed Ickenham Manor, the Scheduled Ancient Monument and the Ickenham Conservation Area. Giving this harm great weight and importance, GLA officers consider that the harm is clearly and convincingly outweighed by the public benefits of the proposals, namely the regeneration of a vacant site; a significant amount of good quality housing, including 35% affordable housing; new public spaces; new commercial space; improved access and enhancements to the Green Belt; as well as economic and regenerative benefits to the wider area. This heritage impact is not considered to result in a conflict with development plan policy; however even if it did, the balancing exercise would still indicate approval in line with the NPPF.

367 GLA officers have also applied the approach required in paragraph 11c of the NPPF, and have applied a presumption in favour of sustainable development in circumstances where the proposed development is considered to accord with an up-to-date development plan. Having reviewed Hillingdon's Council's five year housing land supply (5YHLS) assessment, as set out in the Council's most recently published Authority Monitoring Report (2012/13), GLA officers note the Council had a demonstrable 5YHLS, albeit that this data is over 7 years old. However, the Council has very recently adopted its Local Plan Part 2 with Site Allocations and it passed the housing delivery test in 2019 with a 184% result. Overall, based on this information, it would appear that Hillingdon have a demonstrable five year land supply and the tilted balance is therefore not engaged in respect of this application.



368 In preparing this report, officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation actions to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations which would have the effect of mitigating the impact of the development.

369 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable in terms of land use principles ( including housing; employment; town centre uses; social infrastructure uses; Green Belt and open space; and transport infrastructure), housing (including affordable housing; housing affordability; housing mix and tenure; and play space), urban design and heritage (including site layout, landscape, and open space; density; residential quality, including impacts within the development itself and on neighbouring properties (internal space standards; aspect; privacy and overlooking; daylight, sunlight, and overshadowing; noise and vibration; and air quality); height, massing, townscape, and local views; historic environment; views; architecture and materials; fire safety; and designing out crime), inclusive design, Transport (including including trip generation and mode split; impact on public transport; site access, layout and Healthy Streets; on-site transport infrastructure; Hillingdon Station; walking and cycling; cycle parking; car parking; deliveries and servicing; construction; and Travel Plan), sustainable development (including energy; flood risk and sustainable urban drainage; and urban greening, trees and biodiversity), other environmental issues (including waste and contaminated land) and mitigating the impact of development through planning obligations and conditions.

370 When considered overall, the development complies with the development plan and there are no material considerations to indicate that planning permission should not therefore be granted. Accordingly, the recommendations set out at the beginning of this report are proposed.

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