



HILLINGDON  
LONDON



# Major Applications Planning Committee

To Councillors on the Major  
Applications Planning Committee

**Date:** WEDNESDAY, 18 MAY 2022

**Time:** 6.00 PM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE

**Meeting  
Details:** Members of the Public and  
Media are welcome to attend.  
This meeting may also be  
broadcast live.

This Agenda is available online at:  
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Putting our residents first

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

# Useful information for residents and visitors

## *Watching & recording this meeting*

You can watch the public part of this meeting on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

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# A useful guide for those attending Planning Committees

## Petitions, Speaking and Councillors

**Petitions** – Those who have organised a petition of 20 or more people who live in the Borough, can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes. The Chairman may vary speaking rights if there are multiple petitions

**Ward Councillors** – There is a right for local councillors to speak at Planning Committees about applications in their Ward.

**Committee Members** – The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

## How the meeting works

The Planning Committees consider the more complex or controversial proposals for development and also enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

1. The Chairman will announce the report;
2. The Planning Officer will introduce it; with a presentation of plans and photographs;
3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant followed by any Ward Councillors;
4. The Committee may ask questions of the petition organiser or of the agent/applicant;
5. The Committee discuss the item and may seek clarification from officers;
6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

## How the Committee makes decisions

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority – under 'The London Plan' and Hillingdon's own planning policies. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

# Agenda

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## CHAIRMAN'S ANNOUNCEMENTS

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To sign and receive the minutes of the previous meeting 1 - 4
- 4 Matters that have been notified in advance or urgent
- 5 To confirm that the items marked in Part 1 will be considered in public and those items marked in Part 2 will be heard in private

## PART I - Members, Public and Press

Items are normally marked in the order that they will be considered, though the Chairman may vary this. The name of the local ward area is also given in addition to the address of the premises or land concerned.

### Major Applications with Speaking Rights

	Address	Ward	Description & Recommendation	Page
6	Springwell Factory, Springwell Lane, Harefield - 35376/APP/2020/3275	Harefield Village	Redevelopment of the site to provide 40 residential units with associated car parking and landscaping (Outline application with all matters reserved).  <b>Recommendation: Refusal</b>	5 - 70  <b>124-131</b>

## Major Applications without Speaking Rights

	Address	Ward	Description & Recommendation	Page
7	Land at Rainbow Industrial Estate, Trout Road, Yiewsley - 38058/APP/2022/64	Yiewsley	Retention of entrance gates and change of use for use class sui generis including container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos and other structures for a period of 12 months (retrospective application).  <b>Recommendation: Approval + S106</b>	71 – 102  132-136
8	FLC Car Sales, Falling Lane, Yiewsley - 692/APP/2021/4071	Yiewsley	Reserved Matters Application regarding appearance and landscaping, as required by Condition 2 of outline planning permission ref. 692/APP/2017/749 dated 11-03-2019 (Erection of a 2-4 storey building comprising 30 no. studio, 1, 2 and 3-bedroom apartments (Use Class C3) with associated access, car parking and refuse/recycling store, involving demolition of the used car sales garage).  <b>Recommendation: Approval</b>	103-122  137-148

## PART I - Plans for Major Applications Planning Committee – pages 123-148

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# Agenda Item 3

## Minutes



**MAJOR** Applications Planning Committee

**26 April 2022**

**Meeting held at Committee Room 5 - Civic Centre, High Street, Uxbridge**

	<p><b>Committee Members Present:</b> Councillors Steve Tuckwell (Chairman), Henry Higgins (Vice-Chairman), Alan Chapman, Philip Corthorne, Janet Duncan (Opposition Lead), Stuart Mathers and David Yarrow</p> <p><b>LBH Officers Present:</b> Nicole Cameron (Legal Advisor), James Rodger (Deputy Director of Planning and Regeneration), Alan Tilly (Transport Planning and Development Manager), Neil Fraser (Democratic Services Officer) and Mandip Malhotra (Strategic and Major Applications Manager)</p>
113.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>
114.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
115.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p><b>RESOLVED:</b> That the minutes of the meeting held on 29 March 2022 be approved as a correct record.</p>
116.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
117.	<p><b>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED INPUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE</b> (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all agenda items would be considered in public.</p>
118.	<p><b>LAND EAST OF 1040 UXBRIDGE ROAD - 73201/APP/2021/630</b> (<i>Agenda Item 6</i>)</p> <p>Officers introduced the application and highlighted various amendments to the scheme since its submission, including reduced parking provision via removal of the basement, increased affordable housing, the introduction of a parking permit scheme, and the securing of contributions from the developer.</p>

Officers advised that the unit mix, scale, and quality of accommodation was considered acceptable, and the proposal was not considered to result in significant impact on nearby residents. It was highlighted that the scheme was fully policy compliant and had an exemplary daylight/overshadowing report. Therefore, the application was recommended for approval, subject to conditions.

In response to a query from the Committee regarding waste collection, officers advised that a further condition was required to mandate that a refuse management plan be secured in perpetuity on the site.

Officers also addressed Member queries regarding pedestrian access and potential antisocial behaviour on certain footpaths, by highlighting the land areas that fell outside of the development site or that were in private ownership (and therefore outside of local authority control).

Members supported the officer's recommendation, highlighting in particular the good mix of units proposed. However, Members sought amendment to conditions and Heads of Terms to ensure that the allocated parking spaces would include a parking bay for the 4-bed unit, and that the number of allocated disabled bays would not be reduced. Additionally, Members requested that the Heads of Terms be amended to highlight the need for double yellow lines at the bell mouth into the site, to prohibit parked cars from impacting access and manoeuvrability of larger vehicles.

The officer's recommendation, inclusive of the amendment to conditions and Heads of Terms relating to allocation of parking bays, refuse management, and double yellow lines, was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED: That the application be approved, with amendment to conditions and Heads of Terms relating to allocation of parking bays, refuse management, and double yellow lines.**

119. **UNITS 1 - 16 SAXON WAY TRADING ESTATE, SAXON WAY, HARMONDSWORTH - 76938/APP/2021/4559** (*Agenda Item 7*)

Officers introduced the application, highlighting that while the development site was located within the Green Belt, the application sought refurbishment of an existing development and was considered to improve the appearance of the existing buildings without detrimental impact to the visual amenity or openness of the Green Belt.

The Committee sought assurances that access to the site was sufficient for large vehicles, and that the proposed cladding would be fire safe and environmentally friendly. Officers advised that the application before the Committee was limited to external cladding and matters such as access were outside of the Committee's remit. However, fire safety reports had deemed the cladding to be safe under fire safety regulations.

Officers advised that the application would not have any detrimental impact on flood risk, amenity of adjoining properties, ecology or highways. The application was therefore recommended for approval.

Members requested that an informative be added to ensure that the applicant investigate 'energy efficient' cladding materials.

The officer's recommendation, inclusive of the informative regarding cladding materials,



was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED: That the application be approved, inclusive of an informative regarding 'energy efficient' cladding materials.**

120. **LAND AT TUDOR WORKS - 38421/APP/2021/4045** (*Agenda Item 8*)

Officers introduced the report and highlighted the addendum, which set out corrections to section 07.16 'Greenhouse Gas Emissions', the deletion of condition 37 to avoid duplication with the S106 legal agreement, and clarifying amendments to condition 32.

Officers highlighted the strategic and local benefits arising from the application, as supported by national, regional and local planning policies, and confirmed that the site was not located on the Green Belt. Access for pedestrians and vehicles was outlined.

In terms of design, while it was accepted that the development was of considerable scale, the development was considered to mitigate potential harm through its use of high-quality materials, setback location, green walls and public art, and was confirmed to include contributions towards public realm improvements. The height of the buildings had also been considered within the wider context of the area, which included other tall buildings. For these reasons, the application was recommended for approval, subject to conditions and a S106 legal agreement.

By way of verbal update, the figures for the financial contribution to address air quality were set out, with £649,490 confirmed as the minimum sum. Delegated authority was sought to update the Heads of Terms to this figure and to change the trigger for submission of details, to offer flexibility. The financial contribution to address air quality was also confirmed to be equally shared with Ealing Council, in recognition of the cross-boundary impact of the development. The backup generators on site were confirmed to use a non-diesel fuel, with their emissions to be reviewed after two years, at which point a further contribution could be sought, if required.

Members queried the application's impact on noise and air quality of the local area, and in particular the nearby school. Officers advised that air quality had been addressed through the financial contribution referred to previously, while noise would be mitigated by conditions limiting equipment testing to weekends only.

Members supported the officer's recommendation, highlighting the Borough's need for data centres and the benefits they brought to the Borough. However, Members sought the inclusion of an informative specifying that the art to be exhibited on site was to be of high quality and in keeping with the aesthetic of the area.

The officer's recommendation, inclusive of the change to the Heads of Terms regarding air quality, and the informative relating to art on site, was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED: That the application be approved, with the addition of an informative relating to art on site, and amendment to the Heads of Terms regarding air quality.**

The meeting, which commenced at 6.00 pm, closed at 7.28 pm.

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resolutions please contact Democratic Services on 01895 250636 or email (recommended): [democratic@hillington.gov.uk](mailto:democratic@hillington.gov.uk). Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.**

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

**Address** SPRINGWELL FACTORY SPRINGWELL LANE HAREFIELD

**Development:** Redevelopment of the site to provide 40 residential units with associated car parking and landscaping (Outline application with all matters reserved).

**LBH Ref Nos:** 35376/APP/2020/3275

**Drawing Nos:** 12.168F.OA.SK11 Rev B  
12.168F.OA.SK20  
12.168F.OA.SK.10 Rev L  
12.168F.SITE.210 Rev D  
12.168F.SITE.211 Rev B  
12.168F (Transport Links)

**Date Plans Received:** 12/10/2020      **Date(s) of Amendment(s):**

**Date Application Valid:** 03/11/2021

### 1. SUMMARY

The application is for outline consent with all matters reserved for the redevelopment of the Springwell Factory site to provide 40 residential units with associated car parking and landscaping.

The application proposes the loss of non-designated industrial floorspace without providing an acceptable justification to demonstrate there is no reasonable prospect of the site being utilised for industrial purposes. The application is inappropriate development within the green belt and no very special circumstances have been provided. The application site is within a flood zone and no sequential test has been provided to justify the development of a more sensitive use (residential) within this location. The site is also located within a groundwater Source Protection Zone 1 which is a source of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses and the planning application is not supported by an appropriate risk assessment, as such the Environment Agency has objected to the proposal. Insufficient details have been provided with regard to Ecology.

Finally, 50% affordable housing is proposed (by habitable room), however the proposed tenure mix does not accord with relevant policy and a Financial Viability Appraisal has not been submitted in order to determine whether a policy compliant level of affordable housing could be provided.

The applicant has failed to secure provision of contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development in respect of affordable housing, canal towpath/active travel zone improvements, carbon offset, air quality, long term management and maintenance plan for the proposed flood defence, flood warning and evacuation plan, construction training and a project management and monitoring fee.

A petition in objection to redevelopment of site has been received as well as 10 letters of objection. The Greater London Authority have raised concerns with the proposals, including with the principle of the development.

The application is recommended for refusal.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Loss of Industrial Floorspace**

The applicant has failed to demonstrate that the loss of the existing industrial use is justified. The proposal therefore fails to accord with London Plan 2021 Policies E4 and E7 and Policy DME 2 of the Hillingdon Local Plan: Part 2 (2020).

#### **2 NON2 Green Belt**

The proposed development represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to Policy EM2 of the Local Plan Part 1 (2012), Local Plan Part 2 Policy DMEI 4, Policy G2 of the London Plan (2021) and paragraphs 147 to 149 of the NPPF (2021).

#### **3 NON2 Sequential Test**

The application site is located within an area of high flood risk where inappropriate development should be avoided by directing development away from areas at highest risk. The applicant has failed to demonstrate that the residential development could not be provided on a suitable sequentially preferable and reasonably available site at a lower risk of flooding. The proposal fails the sequential test and fails to accord with paragraphs 159 to 167 of the NPPF (2021), Planning Practice Guidance; Flood Risk and Coastal Change March 2014, London Plan 2021 Policy SI 12; Policy EM6 of the Local Plan: Part 1 (2012), Policy DMEI 9 of the Local Plan: Part 2 (2020).

#### **4 NON2 Flood Risk**

The application fails to demonstrate that flood risk can be suitably mitigated, as such the proposals are contrary to Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

#### **5 NON2 Groundwater Source Protection Zone 1**

Insufficient detail has been provided to demonstrate that the proposed development would not have a detrimental impact on controlled waters and the groundwater Source Protection Zone 1 (SPZ1). As such the proposed development is contrary to Policy EM8 of the Local Plan: Part 1 - Strategic Policies (2012), Policy DMEI 11 and Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy SI 5 of the London Plan (2021).

#### **6 NON2 Affordable Housing**

The application fails to demonstrate that a policy compliant tenure mix of affordable housing would be provided as part of the application and no financial viability assessment has been submitted to justify the proposed mix. As such, the proposal would be contrary to Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMH 7: Provision of Affordable Housing of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy H5 of the London Plan (2021), Homes for Londoners Affordable Housing and Viability SPG (2017) and the National Planning Policy Framework.

**7 NON2 Ecology**

Insufficient detail has been provided to demonstrate that the proposed development would not have a detrimental impact on the ecology of the immediate locality, including the adjacent Springwell Reed Beds Nature Reserve (Nature Conservation Site of Metropolitan or Borough Grade I Importance). As such the proposed development is contrary to Policy EM4 (Open Space and Informal Recreation) and Policy EM7 (Biodiversity and Geological conservation) of the Local Plan: Part 1 - Strategic Policies (2012), Policy DMHB 11 and Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy G6 of the London Plan (2021).

**8 NON2 s106**

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, canal towpath/active travel zone improvements, carbon offset, air quality, construction training and a project management and monitoring fee). The scheme therefore conflicts with Policy DMCI 7 of the Local Plan: Part 2 - Development Management Policies (2020) the adopted Supplementary Planning Document 'Planning Obligations'.

**INFORMATIVES**

**1 I59 Councils Local Plan : Part 1 - Strategic Policies**

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

**2 I71 LBH worked applicant in a positive & proactive (Refusing)**

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

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

**3 I74 Community Infrastructure Levy (CIL) (Refusing Consent)**

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

**4**

The Applicant is advised that an updated Arboricultural Impact Assessment is required in order to determine the acceptability of the proposals in terms of the impact on trees.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site, which is 2.64 ha in extent, is close to Springwell Lock and is located between the River Colne to the west and the Grand Union Canal to the east. To the north west is Stocker Lake, whilst to the south west runs Springwell Lane.

The site is roughly quadrant shaped and comprises two distinct areas, the existing built up area, which forms a small portion of the overall site, located at the south west corner, fronting onto Springwell Lane. This part of the site comprises a series of industrial buildings and hard standing. The land to the north and north-east is presently undeveloped and it is the Applicants intention to enhance the biodiversity and openness of this part of the site.

The majority of the site therefore is undeveloped, with pockets of woodland and wetland meadow. The landscape character of this part of the site is described in the Landscape Character Area A1 'Upper Colne Floodplain - Stocker's Lake to Springwell Lake' of the Hillingdon Landscape Character Assessment.

The site falls within the Springwell Lock Conservation Area and the Metropolitan Green Belt. Other local designations include the Springwell Reed Beds Nature Conservation Site of Metropolitan or Borough Grade I Importance and the Colne Valley Regional Park.

The site lies in flood zone 3 and the functional floodplain of the River Colne.

The Springwell Lock section of the Canal Locks Conservation Area is not as intensively developed as the Coppermill Lock section, but has pockets of industrial use separated by open land. The main concentration of residential buildings is towards the southern end of the area, on the east side of the canal.

#### **3.2 Proposed Scheme**

Planning permission is sought for the erection of 40 residential units on the existing built up area, which forms a small portion of the overall site, located at the south west corner.

The application is for outline consent only with all matters except access reserved for future consideration. The layout submitted is only intended as being indicative, however is provided at this stage to show how an indicative number of dwellings could be supported on the site, together with levels of parking. Parking is proposed at 1 space per dwelling and 0.5 spaces per dwelling for visitors, which would equate to 60 spaces, however the indicative layout shows 52 car parking spaces only. No accessible car parking spaces or motorcycle/cycle parking is indicated. As the scheme is in outline, no elevations have yet been produced, however it is anticipated that the buildings will be up to 3-4 storeys in height with attic accommodation in the 4th level. In addition, the proposal seeks to provide 50% Affordable Housing by habitable room. The proposed tenure split would be 30% low-cost rent with the remaining 70% being a supported intermediate product.

On the adjoining land, it is proposed to retain the existing open space. This includes the erection of a bund around the developed area of the site. All buildings would be located at least 8 metres from the River Colne.

#### **3.3 Relevant Planning History**

35376/A/85/1996            Springwell Factory Springwell Lane Rickmansworth  
Private/public utilities -boiler room,lifts etc(P)

**Decision:** 04-02-1986    Approved

6679/APP/2015/3851        The Springs Springwell Lane Harefield

Outline planning application (with all matters reserved) for the erection of up to 122 residential units.

**Decision:** 26-11-2019    NFA

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

An application was submitted in 1989 which linked the provision of additional parking for the approved development of the Moussec site on the opposite side of Springwell Lane with the erection of a tennis club and two tennis courts. This application, ref: 6679AJ/89/885, was approved on 11.5.94 following completion of a S106 Agreement providing for highway improvements in Springwell Lane and the dedication of land for nature conservation to be managed as part of the Stockers Lake local nature reserve.

Application reference 6679/APP/2015/3851 was submitted in 2015 for the construction of up to 122 dwellings, located on part greenfield and part brownfield land. As this application was in outline, no layout was provided and the scheme was accompanied by a red line plan indicating the developable area of the site. As part of this application, a number of technical reports were submitted including Transport Statement, Air Quality Assessment, Arboricultural Report, Ecology Report, Energy and Sustainability Report, ground Contamination, Flood Risk Assessment and Heritage Statement.

The application had been the subject of extensive discussion between the applicant and Local Planning Authority together with the Greater London Authority. It is understood that due to the sites location in the green belt and the scale of development proposed, the proposal would constitute inappropriate development and Very Special Circumstances had not been demonstrated. The application was not progressed to determination.

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

##### Development Plan

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

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

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- The West London Waste Plan (2015)
- The London Plan (2021)

##### Material Considerations

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

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

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

#### Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM4	(2012) Open Space and Informal Recreation
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.HE1	(2012) Heritage

#### Part 2 Policies:

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 5	Development in Green Chains
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMHB 4	Conservation Areas
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts



DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DME 2	Employment Uses Outside of Designated Sites
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP SI5	(2021) Water infrastructure
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP G1	(2021) Green infrastructure
LPP G2	(2021) London's Green Belt
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP H3	(2021) Meanwhile use as housing
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP S4	(2021) Play and informal recreation
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI4	(2021) Managing heat risk
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

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

**5.1** Advertisement Expiry Date:- **2nd December 2021**

**5.2** Site Notice Expiry Date:- **12th February 2021**

8th December 2021

## 6. Consultations

### External Consultees

Consultation letters were sent to 48 local owner/occupiers on 09-11-21. The application was also advertised by way of site and press notices. The following responses have been received:

1 petition in objection to the proposals has been received plus 10 comments in objection.

The petition in objection to the proposals has 40 signatures and states:  
'Desired Outcome: Rejection - Too Large, Unauthorised Change of Use, Flood Risk, Environmental Impact, Road, Traffic and Population Density.'

The petition is also accompanied by a supporting letter, which states in it's Executive Summary:  
The application should be rejected. The site is located in the countryside, in a Conservation, Green Belt and Flood Zone Area.

The development plan is to build 3 three storey buildings which have a significantly larger footprint and are higher than the existing buildings, the purpose of which differs from the existing usage. Both of these changes contravene the NPPF for the Green Belt.

The increased footprint increases the risk of flooding in an area which is in a flood zone and has flooded in recent years.

An increase in the region of 100 residents in 40 residences using 52-62 cars approximately doubles the existing area occupation and vehicle levels. Access to the site is down a single track road which is already congested and has had a serious traffic accident in recent years.

The (submitted) Development Plan makes misleading statements on:

- Air Quality
- Noise Impact
- Traffic
- Ecology

The Development plan does not deal with the sewerage implications of the development in an area not served by council facilities.'

The 10 letters of objection received can be summarised as:

- Increased Traffic/Highway Safety
- Springwell Lane unable to take additional traffic/inappropriate access
- Existing and increased risk of flooding of site and access road
- Transport figures are inaccurate/exaggerated
- Detrimental Impact on air quality
- Pedestrian safety
- Insufficient parking
- Overdevelopment
- Detrimental impact on character of the area
- Insufficient access for construction vehicles
- Noise Pollution
- Chemical Pollution/Contamination
- Detrimental impact on environment and nature reserve

- Impact on green belt
- Impact on multiple and rare species habitats/light pollution

#### GREATER LONDON AUTHORITY (GLA)

##### Recommendation

That Hillingdon Council be advised that the application does not fully comply with the London Plan for the reasons set out in paragraph 115. The Mayor does not need to be consulted again if the borough decides to refuse the application.

##### Stage One Report Conclusions:

London Plan policies on Green belt, non-designated industrial land, housing, affordable housing, urban design, sustainability and transport are relevant to this application. The application does not currently fully comply with these policies, as summarised below:

- Green Belt: The proposal is within the Green Belt, and as presented does not meet any exceptions tests set out in Paragraph 149 of the NPPF, due to having greater impact upon the character and openness of the Green Belt than the existing development. Therefore, the proposal constitutes inappropriate development and no very special circumstances are presented to justify the harm caused to the Green Belt (paragraphs 13 to 33).
- Loss of non-designated industrial use: No justification has been provided to demonstrate there is no reasonable prospect of the site being utilised for industrial purposes, to align with Part C of Policy E7. (paragraphs 34 to 36).
- Housing / Affordable Housing: Clarification is required regarding the habitable rooms and unit distribution is required, to confirm if the application meets the requirements for Fast-Track Route (paragraphs 37 to 49).
- Urban Design / Heritage: The intended massing and scale would impact upon the openness of the Green Belt. The proposals need to demonstrate it would not cause harm to the Springwell Lock Conservation Area and Grade II Listed Coal Marker. A London Plan compliant fire statement; confirmation regarding play space allocation and total development within the curtilage of the site is required prior to Stage II. (paragraphs 50 to 74).
- Transport: The applicant should reduce the number of car parking spaces, improve active transport accessibility in accordance with healthy street principles and London Plan Policy. The Council must agree appropriate planning conditions / obligations to secure parking design, delivery and servicing, construction logistics plan and travel plan (paragraphs 75 to 89).
- Sustainable development: An energy statement and further information required regarding whole life carbon cycle, circular economy, urban greening / biodiversity gain, air quality, flood risk and drainage (paragraphs 90 to 111).

#### HAREFIELD TENANTS AND RESIDENTS ASSOCIATION

This application must be considered over development on and adjacent to Green Belt Land. Some of the land in the proposal is not Brown site industrial. Single track roads with no pedestrian pavements are not suitable for increased traffic. The proposed site shows inadequate car parking for the number of tenants.

#### FRIENDS OF STOCKER'S LAKE

A letter has been received from the Friends of Stockers Lake which raises the following concerns:

- Lack of consultation
- Impact on Nature Reserve
- Disturbance to wildlife/ecology including protected species
- Additional Traffic
- Noise and Air Pollution
- Proposed ecological enhancements are misleading
- Ecological Report is incorrect

Officer comment (re: lack of consultation comment): There was extensive public consultation on the

application, which despite the remote location has resulted in the various objections and petition against the scheme highlighted in the report.

#### THREE RIVERS DISTRICT COUNCIL

This Council has considered the above application and raises no objection to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained within the National Planning Policy Framework. This Council would however like to bring it to your attention that an objection has been received from Herts & Middlesex Wildlife Trust ("HMWT"). In summary HMWT advise that the ecological report that supports the application does not contain any definitive measures that must be implemented, only 'recommendations' of what could be done and the requirement for outstanding surveys to be completed. Consequently they raise concerns the LPA have no knowledge of what measures will be delivered. They consider that this is not compliant with BS 42020 and consequently the Hillingdon Borough Local Plan. They consider that only measured, mitigation, compensation or enhancements that will be done are admissible. They conclude that the application cannot be approved until this has been rectified.

This Council therefore trust that regard will be had to the relevant policies within your Local Plan and the NPPF in respect of biodiversity in the assessment of the application.

#### ENVIRONMENT AGENCY

We object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

#### Reasons

The previous industrial use of the site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this locations as:

- The site is located within a groundwater Source Protection Zone 1 (SPZ1). Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.
- The site is underlain by a Principal Bedrock Aquifer (Chalk).
- The site is underlain by a Secondary A Superficial Aquifer (Alluvium).
- The site is located within a Water Framework Directive Groundwater water body with "Poor" overall classification (Mid-Chilterns Chalk GB40601G601200).

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in Paragraphs 174 and 183 of the National Planning Policy Framework. The application also fails to meet Policy DMEI 11 and DMEI 12 of your local plan. Overcoming our objection The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is in line with policy DMEI 12 of your local plan which reads A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. Advice to applicant We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which

involves the use of competent persons to ensure that land contamination risks are appropriately managed

- Refer to the contaminated land pages on gov.uk for more information

#### AFFINITY WATER

The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to our Pumping Stations (SPRW). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The site is also located in an area of historic industrial use and therefore the presence of ground contamination is likely to be present. As such, a number of required conditions relating to this are listed at the end of this document.

In relation to flood risk, the modelling used refers to enhancements to Stockers Stream which is in the ownership of Affinity Water. There is no existing agreement with us for the applicant to complete such works on our property and there are no plans or commitment for us to complete these works. As such, the modelling benefits from a proposed situation that the applicant cannot control or guarantee to deliver.

The improvement of Stockers Stream is not within our current river restoration programme and therefore these works are not planned. As such, the current flood risk modelling is incorrect and must be remodelled with the stream in its current form, taking into account only factors within the full control of the applicant.

As a result of the development, it is likely that surface water will need to be disposed of into Stockers Stream before reaching Stockers Lake. It is essential that this run off is clean and free of contaminants such as any nutrient load, with appropriate treatment required. With the information currently available, we are concerned about the quality of any potential surface run-off and its impact on the lake.

If the development is to proceed, we encourage the planning authority to require appropriate provisions for land outside of the developed sections of the site to be integrated into the existing nature reserve and its management plan. We expect that this would involve the applicant to make an appropriate contribution to the management plan via Section 106 provisions.

It is noted that paragraph 3 of the design and access statement refers to the ceding of land to the respective authority to become part of the nature reserve. At this stage no arrangements have been discussed or finalised with us regarding this matter and it is unclear exactly which area(s) of land are to form part of this proposed ceding.

Proposed conditions:

If you are minded to approve the application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

##### 1. Contamination including turbidity

The site being located on an area of historical industrial use requires investigation due to the likelihood of contamination presence. Also works involving excavations are likely to penetrate below the groundwater table in (for example, piling or the installation of a geothermal open/closed loop system) in this area. The following condition needs to be implemented:

Condition

A) No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

## 2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason:

To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

## 3. Infiltration

Surface water should not be disposed of via direct infiltration into the ground via a soakaway.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

Reason:

To provide confirmation that direct infiltration via soakaways will not be used due to the potential presence of contaminated land and the risk for contaminants to remobilise causing groundwater pollution potentially impacting public water supply.

## 4. Drainage

The onsite drainage system needs to consider the quality of water being discharged into the surface and groundwater network.

Condition

D) Prior to the commencement of development, details of the Drainage Scheme detailing the Water Quality of the surface water discharge in relation to the surrounding surface and groundwater network shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

Reason:

To ensure surface water discharges will not deteriorate the existing water quality of existing surface and groundwater network.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

CANAL AND RIVER TRUST

Based on the information available our substantive response, as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended), is to advise that a suitably worded legal agreement is necessary to address our concerns. Our advice and comments follow:

The application site does not directly abut the Grand Union Canal, however, it is likely that future occupants and visitors to the site will make use of the canal and its towpath as a unique amenity resource and convenient car-free walking and cycling route. Indeed, the supporting Transport and Highways Statement states "The canal towpath provides an excellent and attractive cycle connection to Rickmansworth town centre and train station. There is also the possibility to cycle through the park, a very pleasant journey. All residences will be provided with ample cycle storage to encourage residents to make use of this opportunity."

We therefore consider that it would be reasonable to request a financial contribution towards the improvement of the towpath and canal environment as part of the planning application. We would be happy to scope out the details of these improvements once we have confirmation that a contribution would be provided.

Should planning permission be granted we request that the following informative be appended to the decision notice:

"Should any construction/investigation activities be undertaken in the vicinity of the Grand Union Canal, the applicant/developer should refer to the current Canal and River Trust 2Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained,



and liaise with the Trust's Third Party Work's Engineer  
<http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property.>"

#### NATURAL ENGLAND

Natural England has no comment on this application with regards to statutory designated sites.

#### HERTS AND MIDDLESEX WILDLIFE TRUST

Objection: Ecological surveys not completed, NE biodiversity metric assessment not supplied, biodiversity net gain not demonstrated, not compliant with BS 42020, Hillingdon Local Plan or NPPF

1. The ecological survey that has been supplied identifies habitats that are present and recommends protected species surveys that should be conducted e.g. bat and reptile surveys.

ODPM circular 06/05 states:

'99. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

This information has not been provided. The application cannot be decided without this information. If reptiles or bats are found and affected full mitigation and compensation measures must be described before the application can be approved.

2. The Hillingdon Local Plan states:

'6.28 All ecological reports or information submitted should adhere to nationally accepted best practice survey standards and be consistent with the British Standard BS 42020: 2013 Biodiversity - Code of Practice for Planning and Development or an updated variation. Where appropriate, the Council will require the use of the approved DEFRA biodiversity impact calculator (as updated) to inform decisions on no net loss and net gain.'

'DMEI7 A) The design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on-site. Where development is constrained and cannot provide high quality biodiversity enhancements on-site, then appropriate contributions will be sought to deliver off-site improvements through a legal agreement.'

NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity'

The ecological report is not compliant with the local plan or NPPF because it does not demonstrate a measurable net gain to biodiversity by using the NE biodiversity metric (the updated DEFRA biodiversity impact calculator in the terms of the LP).

There is a clear national and local requirement for planning decisions to deliver a net gain to biodiversity. This has recently been reinforced by the passing of the Environment Act 2020 which states that development must deliver a 10% net gain to biodiversity as measured by using the NE Biodiversity metric.

In order to determine net gain, it must be measured. In accordance with the local plan, the Biodiversity metric must be used to demonstrate net gain. This has not been provided and so net gain has not been proven. The application cannot be approved until this has been submitted and a net gain demonstrated. Net gain is an increase in biodiversity value of 10%, in accordance with the

Environment Act 2020. If it cannot be provided onsite, an offsite solution should be provided or the development cannot be approved.

3. BS 42020 compliant reports are a requirement of the local plan. This states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

Without a Biodiversity metric assessment, losses and gains cannot be assessed in an objective way.

BS 42020 goes on to state:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

The ecological report that supports this application does not contain any definitive measures that must be implemented, only 'recommendations' of what could be done and the requirement for outstanding surveys to be completed. Consequently the LPA have no knowledge of what measures will be delivered. This is not compliant with BS 42020 and consequently the local plan. Only measured, mitigation, compensation or enhancements that will be done are admissible. The application cannot be approved until this has been rectified.

### **Internal Consultees**

#### **PLANNING POLICY**

#### **Loss of Non-designated Industrial Floorspace**

The proposal includes the loss of the existing floorspace and the associated yard space. The application form states that the loss would be 1,868 sqm (GIA) of 'B1(c) - Light industrial', which is assumed to be the new Use Class E (iii). However, the previous application (6679/APP/2015/3851) stated that the site was in use as B2 General Industrial. It is not clear why the existing use of the site is deemed to have changed. The application should clarify what uses are on site and how they are being undertaken in a manner that, if placed in a residential area, would be without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Policy E4 of the London Plan (2021) outlines a series of uses that are considered to be 'industrial and related functions'. This includes both light and general industry. Policy E7 of the London Plan (2021) outlines that mixed-use or residential development proposals on non-designated industrial sites should only be supported in three circumstances. In reference to criterion 2), the site has not been allocated in the Local Plan for residential development. In reference to criterion 3), the proposal does not include industrial, storage or distribution floorspace as part of mixed-use intensification. Therefore, the only way the proposal could comply with Policy E7 is if there was no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4. Paragraph 6.7.5 outlines what evidence should be submitted to demonstrate 'no reasonable prospect', which includes strategic and local assessments of demand, evidence of vacancy and marketing, evidence that the scope for mixed-use intensification with industrial uses has been explored fully.

I have reviewed the 'Planning Policy Statement 18.11.2021' to see what commentary there is on

compliance with Policy E7. However, despite recognition of the London Plan (2021), the applicant has not provided any commentary on compliance with Policy E7. The applicant has included some brief commentary regarding Policy DME 2 of the Local Plan: Part 2 (2020). It should be noted that, in line with the Planning and Compulsory Purchase Act, as the most recently adopted part of the development plan, the loss of non-designated industrial floorspace should be considered primarily against Policy E7.

The document states that the buildings are 'in a relatively poor state of repair and there would be significant costs associated with redeveloping the site to fit the requirements of modern businesses'. However, no evidence has been submitted to substantiate this statement, which is required in line with Paragraph 6.7.5 of the London Plan (2021). The document also states that the 'sites location away from main roads means it is unlikely to be attractive to a business user.'

However, this is not considered to be true, as the site is ~2km from the M25, which equates to roughly a 2-3 minute drive. From here, a business user would have full access of the wider Strategic Road Network. The site currently appears to be occupied by existing businesses, which further indicates that there is a reasonable prospect of the site being used by such businesses moving forward.

### Sequential Test

The development site is wholly within Flood Zone 3 and therefore at a high risk of flooding. The principle aim of national policy in respect of flood risk is to avoid the risk of flooding by directing development away from areas at highest risk. The NPPF (2021) explains at paragraph 159 that:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. (CD5.4, NPPF, Para 159)

For the purposes of applying national policy, areas with the highest probability of flooding are those within flood zone 3 and those medium probability of flooding are within flood zone 2. Areas within flood zone 1 are at lowest risk of flooding.

National policy requires a sequential approach, both at plan-making and decision-taking stages to ensure that areas at little or no risk of flooding are developed in preference to those areas of highest risk. Paragraph 162 of the NPPF states

"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. (CD5.4, NPPF, Para 162)"

If the sequential test is 'passed' then there is a secondary test for certain types of development being located in flood zone 3, for example residential development.

"The Exception Test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall."

National Flood Risk Planning Guidance (FRPG) contains policy in respect of "Flood Risk and

Coastal Change", which explains at paragraph 002 that the primary aim should be to avoid areas at risk of flooding by locating development, as far as reasonably possible, where the risk of flooding is lowest. It is only where development needs to be in locations where there is a risk of flooding because alternative sites are not available, that local planning authorities and developers should turn their attention to ensuring that the development is appropriately flood resilient and resistant; safe for the development's lifetime and that it will not increase flood risk overall. This is the application of the exception test.

The applicant's flood risk assessment contains a mis-application of the sequential test. The applicant has indicated that because a bund will be situated around the site that this flood defence effectively protects the site from flooding and therefore negates the need for a sequential test implying that the defended site is no longer at a high risk of flooding. In doing so, the applicant has not properly considered the sequential test and move straight to the exception test, i.e. by relying on flood resilience measures to determine the safety of the site. Given the presence of flood defences are ignored in the designation of flood zones, then site would still remain as flood zone 3 and at a high probability of flooding. Consequently, approving the scheme, even with proposed defences, would be allowing a development in flood zone 3 and therefore contrary to national policy unless suitable justification is provided, i.e. through the correct application of the sequential test.

No evidence has been provided by the applicant as to why the Council needs to be located 40 residential properties in Flood Zone 3. The Council undertook a strategic flood risk assessment and subsequent sequential test to inform the allocation of residential uses within the Local Plan Part 2 process. This site was not deemed necessary to meet the housing demands of the London Borough of Hillingdon. Therefore to come forward outside the plan making process would require a significant amount of justification and evidence as to why no sites at little or no risk of flooding are available.

Essentially, no evidence has been presented to justify why the Council needs to put people and property at serious risk of flooding by siting this development in the Flood Zone 3.

Furthermore, it should be noted that the FRPG states:

"Areas behind flood defences are at particular risk from rapid onset of fast-flowing and deep water flooding, with little or no warning if defences are overtopped or breached."

Limited reliance should be put on the flood defences as proposed. These do not remove the need to undertake a proper assessment of whether there are sites at little or no risk of flooding are available. Sites at a little or no risk of flooding would not require costly and complex flood defences to be installed that require significant maintenance to ensure an appropriate level of protection is guaranteed across the lifetime of the development.

## Green Belt

The site is located entirely within the Green Belt. Policy G2 of the London Plan (2021) outlines that Green Belt should be protected from inappropriate development and should be refused except where very special circumstances exist. Policy DME1 2 of the Local Plan: Part 2 (2020) mirrors this policy. Policy EM2 of the Local Plan: Part 1 (2012) outlines that proposals for development in the Green Belt will be assessed against national and London Plan policies, including the very special circumstances test.

The NPPF (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the

proposal, is clearly outweighed by other considerations.

Paragraphs 149 and 150 outline forms of development that are considered to be exceptions and that may be permissible in the Green Belt. The applicant states within the Planning Policy Statement that the site:

'comprises the redevelopment of previously developed land and to have a materially greater impact on openness than the existing development given existing landscaping and views into the site. As a result, it is considered that the proposal accords with one of the exceptions to development in the Green Belt.'

The above is not an exception listed within the NPPF (2021). It is assumed that what is meant is that the site would not have a materially greater impact on openness than the existing development (i.e. Para 149 (g)). However, it is not considered that this could be the case as the proposed development would cover areas of land to the north and east of the site that are not previously developed land. Furthermore, as outlined below, it is considered that the proposal would cause substantial harm to the openness of the Green Belt. Therefore, in line with Paragraph 148 of the NPPF (2021), very special circumstances must exist to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The existing site consists of a number of buildings and associated hardstanding. The applicant has provided some outlines of the existing structures on site. These would appear to broadly match those seen in satellite images taken since 2008. However, I would query if any of the buildings are indeed temporary structures, including the portacabin stationed to the south east which may not be attached to the ground. I would also query the extent to which the outlined hardstanding to the south east of the site constitutes previously developed land. In all the satellite images available since 2008, the land is shown as significant vegetation and with no evidence of impervious concrete hardstanding. Even if it exists under the vegetation, it would appear likely that it has blended into the landscape and therefore no longer constitutes previously developed land, in line with the glossary in the NPPF (2021).

As the application has been submitted as an outline permission with all matters reserved, it is not possible to ascertain what the exact extent of the proposal is and its potential harm to the Green Belt. However, what is stated in the submission is that the proposal would be up to 40 residential units. An indicative layout is provided and the Design and Access Statement outlines that the buildings will be up to 4 storeys in height, with attic accommodation in the 4th floor.

In terms of the spatial impact on the openness of the Green Belt, the proposal would introduce new hardstanding and car parking to both the north and south east of the site, including a significant turning circle to the north. There would also be significant new buildings to the north and south east, both of which would be constructed away from the existing compact cluster of buildings that currently occupy the site. Overall, the buildings and associated hardstanding would be more spread out than the existing layout of the site. Regarding the volume of the buildings, it would appear that the four storey residential buildings would have a slightly larger footprint than the existing buildings. If it assumed that they will all be four storey residential buildings and built on raised ground, then the overall volume will be significantly higher than the one storey industrial buildings on site at present.

In terms of the visual impact on the openness of the Green Belt, the applicant has submitted a Landscape and Visual Appraisal, which would typically be a good source of information for assessing the visual impact. However, the appraisal does not make any reference to openness and it does not appear that it has been undertaken with the objective of demonstrating the visual impact on the openness of the Green Belt. Nevertheless, in the absence of any other information on views, it is the best source of information submitted by the applicant. I would highlight that within the

'proposal description' section, the appraisal states that it has looked at a series of three-storey residential buildings, rather than the four-storey residential buildings that are quoted elsewhere in the submission. It also refers to a 'protective bund' around most of the site, that has not been quantified and has the potential to block views through the site. It is noted that in the 3D modelling, the bunds have not been included and therefore this element of the proposal is absent from the views and analysis. In terms of the views, these have not been agreed with the Council. In particular, it would have been beneficial to have a 3D modelled view that was slightly further north west of Viewpoint 1, so that a view through the site could be seen, rather than just one from the bend.

Utilising the 3D modelled views provided, it is clear there are short terms views of the proposed site from which there would be visual harm to the openness of the Green Belt. It is clear from viewpoint 1 that the proposal would be more prominent from Springwell Lane than the existing development, albeit there are limited views through this part of the site at present due to the existence of the industrial buildings. However, a view taken from slightly further north west up the road and looking back through the site may demonstrate that the new building to the south east of the layout would obscure an existing view that is not restricted by industrial buildings. Viewpoint 2 shows how existing views through the site are partially blocked, however the new buildings would be considerably more prominent and extend further north where there are currently no buildings blocking views through the Green Belt. Viewpoint 3 shows how there is at least one open view corridor through the site from the Stockers Lane public footpath. This view would be severely impacted by the introduction of a new residential building to the south east of the site. Furthermore, if a view was taken from slightly further west along this footpath, it is envisaged that the main cluster of buildings may block another view through the site. It should be noted that all the views that have been provided and modelled are with the vegetation in full leaf and it is considered that existing views through the site would be more prominent than stated at a different times in the year.

In terms of the long-range views, it is difficult to provide too much commentary as the final heights of the buildings remain unknown and the author has stated they are utilising three storey residential buildings only. It is therefore not possible to definitively concluded at this stage that the proposal would be obscured by vegetation from all these views. It is however likely that the main visual harm to the openness of the Green Belt will be experienced from short views of the site. Overall, whilst there is considerable uncertainty and information outstanding, it is likely that there would be a significant harmful visual impact on the openness of the Green Belt, in particular arising from the loss of short views through open parts of the Green Belt from public spaces. It should be noted that this position has been reached without the inclusion of a bund, which depending on its significance, may also have a visual impact on the openness of the Green Belt.

As previously discussed, the applicant has stated that the site is light industrial, rather than general industrial. As such, the level of existing intrusive activity on site at present must be below a threshold that would make it unacceptable in a residential area. Therefore, it is unlikely that there would be a significant decrease in on site daily activity from that associated with a significantly higher quantum of floorspace occupied for residential purposes. In terms of daily vehicle movements, the applicant has stated that there are currently about 80 a day. I have spoken to the Highway Officer involved with the application, who has estimated that 40 residential units with car parking in this location would generate between 100-120 trips a day. Therefore, there would be a marginal increase in vehicle trips from the site.

To conclude, from a spatial and visual perspective, there is likely to be a significant harmful impact on the openness of the Green Belt from this development. In terms of the degree of activity on site, there would be a slight increase in vehicle trips, although this is unlikely to be particularly prominent to local receptors.

Private Open Space

The Local Plan: Part 1 (2012) defines Open Space as the following:

All open spaces of public value, including not just land, but also areas of water such as rivers and canals which offer important opportunities for sport and recreation and can also act as a visual amenity. The definition covers a broad range of types of open spaces within the borough, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

The London Plan (2021) defines Open Space as the following:

All land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

It is noted that the site is not in public ownership and has restricted public access, however in line with the definitions above, the majority of the undeveloped part of the site must be considered as open space for the purpose of the Development Plan.

Policy EM4 of the Local Plan: Part 1 (2012) outlines that there will be a presumption against any net loss of open space in the Borough. Policy G4 of the London Plan (2021) outlines that development proposals should not result in the loss of protected open space. Policy DMCI 3 of the Local Plan: Part 2 (2020) make specific reference to assessing proposals on private open space. It outlines the following:

Development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

The case officer will need to await internal consultee comments to fully assess the proposals compliance with this policy, noting the various different aspects that it covers.

#### Infrastructure

The proposal is a major residential development on a site that is not allocated for redevelopment within the Local Plan. Infrastructure providers are therefore unaware of the development and have not had an opportunity to comment on the proposal prior to the application being submitted. Policy D2 of the London Plan (2021) outlines that unallocated proposals require an infrastructure assessment during the planning application process. This assessment should establish what additional impact the proposed development will have on current and planned infrastructure, and how this can be appropriately mitigated either on the site, or through an off-site mechanism, having regard to the amount of CIL generated.

#### Affordable Housing

Notwithstanding the principle issues outlined above, if the proposal was to be acceptable it would be required to provide 50% affordable housing calculated by habitable room. The tenure split would need to be 70% low-cost rent (London Affordable Rent or Social Rent) with the remaining 30% being secured as a supported intermediate product.

#### Housing Mix

Policy H10 of the London Plan (2021) 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. This includes local evidence of need. Policy DMH 2 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires 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. Paragraph 4.6 outlines that there is a substantial borough-wide requirement for larger affordable and private market units, particularly three-bedroom properties.

Family housing is defined within the glossary of the London Plan (2021) and outlines it must generally be of a size that has three or more bedrooms. It is worth noting that the Secretary of State directed changes to Policy H10, in order address the need for new family housing, to prevent families from being forced to move outside of London. These changes were incorporated into the final version of the London Plan (2021).

Housing mix is a matter that has been reserved and therefore it is expected that any future reserved matters would need to ensure these Development Plan policies are taken into account.

## HIGHWAY ENGINEER

### Site Characteristics & Background

The application site is currently a light industrial use E(g) (iii) - (formally (B1(c))) located in the far northern segment of the borough off Springwell Lane (adopted highway) in Harefield. This is a semi-rural location devoid of footways/parking controls and the address is bounded by the Grand Union Canal/River Colne and Stokers Lake.

Outline planning permission (with all matters reserved) is sought for the redevelopment of the site to provide 40 residential units. There is currently one main warehouse building on the site that would be replaced by 3 separate builds consisting of 26 flats & 14 houses (unspecified in scale) with, in the region of 65 on-plot communal parking spaces. The existing vehicular access point is to be extinguished and replaced with a new single aperture.

The outstanding detail related to 'Scale, Aspect & Layout' will be reviewed and determined at a future 'Reserved Matters' stage. However, the principle of the said will be commented upon within this appraisal.

The site fails to register a public transport accessibility level (PTAL) rating which therefore encourages near total dependency on the use of private motor transport to and from the address.

### Parking Provision

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

#### A) 26 flats

The Council's maximum standard requires 1-1.5 on-plot spaces per unit to be provided for units up to 2 bedrooms in scale with a 2-space requirement for units exceeding this scale.

Although scale and unit mix are unspecified at this stage, it considered realistic to assume a mix of flats consisting predominantly of 1 to 2 bedrooms is likely to emerge that would demand in the region of up to 26 - 39 spaces.

#### B) 14 Houses

The maximum parking requirement for residential dwellings with curtilage equates to 2 on-plot spaces per dwelling to comply with the adopted parking standard. This would equate to a requirement of up to 28 spaces.

When combining A & B above, the Highway Authority would potentially seek in the region of 54 - 67 spaces at the reserved matters stage which is at the upper limit of the standard, guided mainly by



the 'zero' PTAL rating and resultant near total dependency on the use of private motor transport. The indicated provision of 65 spaces is therefore considered within the range of acceptability subject to final submitted detail at the reserved matters stage.

#### Electric Vehicle Charging Points (EVCP's)

In line with the London Plan (2021), within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions.

#### Disabled Compliant Parking

In accord with the London Plan (2021), 3% of the overall quantum of parking spaces should be disabled compliant from the onset with 7% being made available on demand as identified within a submitted Parking Design and Management Plan (to be discussed later within this appraisal).

#### Cycle Parking

For 1 to 2-bedroom flatted units, secure and accessible cycle parking provision should be at a level of 1 space per unit with 2 spaces for flats scaling in excess of 2 bedrooms. The 14 houses would demand 1 space up to two bedrooms and 2 spaces for 3-bedroom units and above.

#### Motorcycle/Scooter Parking

The Council's Local Plan: Part 2 standard requires that 1 motorcycle/scooter parking space per 20 parking spaces is to be provided within new development and hence this should be inclusive to this proposal with approximately 3-4 allocated spaces.

#### Parking Design and Management Plan (PDMP)

On the premise of best controlling the allocation of parking spaces and usage within the site, it is considered that the application of a PDMP is a key tool which helps to ensure an unhindered and functional operation for all parking spaces within the site envelope. This involves creating an internal site management regime that would enforce and oversee overall parking control on a site wide basis thus ensuring the harmonious and mutual coexistence/interplay of parking bay allocations between new residents. The PMS should set out the methodology behind the allocation/control of parking places which can be supported by enforcement structures that encourage the correct use of parking places which assists in ensuring that parking demand and allocation is properly managed. Accordingly, a PDMP should therefore be submitted at the reserved matters stage.

#### Internal Access Road/Parking Layout

The proposed internal parking and road layout arrangement should conform to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is an operational and safety benefit derived from a site arrangement which allows all vehicles using the site to enter and leave in a forward gear without hindrance resulting from an inadequate road layout design (or other obstructions such as parked vehicles). This is the recommended best practice on operational and highway safety grounds which is also applicable to servicing/delivery, emergency and refuse collection vehicles.

Vehicle 'swept path' analysis has been submitted and it has been demonstrated that the internal roadways afford acceptable access to the all of the indicated surface level parking spaces for the site uses and can satisfactorily cater for service, refuse collection and emergency vehicles (including fire service appliances) without notable hindrance by allowing such vehicles to enter and leave the site in a forward gear thereby conforming to established best practice.

Final designs submitted under reserved matters should therefore reaffirm the above aspects.

#### New & Existing Vehicular Access

The principle of the extinguishment of the existing vehicular access is considered acceptable in principle. However, the proposed 'bell-mouth' access point should be relocated north-westwards i.e. distanced further from the road bridge/culvert to facilitate satisfactory sight-lines at the entrance for

both vehicles and pedestrians entering and leaving the site.

Sight-line distances in both directions on Springwell Lane should accord with the aforementioned 'Manual for Streets' best practice guidance. As the presented access location fails to meet the relevant standard, the recommended amendment to the positioning should be integrated within final layout designs submitted at the reserved matters stage.

#### Operational Refuse Requirements

In terms of refuse collection, waste collection distances between the new bin stores (or suitable bin stores/collection points) and a refuse vehicle should not exceed 10m with carrying distances from each residential unit not exceeding a distance of 30m in order to accord with the Council's waste collection standard. This detail would be dealt with under a future reserved matters application.

#### Vehicular Trip Generation

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

The anticipated trip generation impact on the highway related to this application would indicate a likely activity of somewhere in the region of 10 to 20 two-way movements during the most crucial morning and evening peak periods which would represent a general reduction during these peaks as compared to the original commercial use which is estimated at over 80 two-way movements per day with associated HGV movements. Therefore, in overall base-line traffic imposition terms the proposal's likely activity is therefore considered relatively absorbable in generation terms and can be accommodated within the local road network without notable detriment to traffic congestion and road safety.

#### Potential Obligations - S106 agreement (Town and Country Planning Act 1990)

The proposal would give rise to an uplift in general footfall in the vicinity hence is likely that a financial contribution will be sought at the reserved matters stage via legal agreement in order to ensure that suitable and effective pedestrian linkages within the locality are fit for purpose. For example, there may be potential to enhance the tow path running adjacent to the Grand Union Canal and the public footpath next to Stockers Lake. It is therefore recommended that the applicant appraises the surrounding area under TfL's 'Healthy Streets (HS) and Active Travel Zone (ATZ)' inventory directives which seek to audit the public realm in line with the set 'Healthy Streets' criteria parameters which include the examination of existing characteristics of the public realm to help determine whether local routing in the vicinity of the site is fit for purpose or requires necessary enhancement where deficiencies are identified.

#### Conclusion

This 'Outline' application has been reviewed by the Highway Authority who are satisfied that, subject to the repositioning of the new vehicular access point, the proposal is acceptable in principle. The outstanding detail related to 'Scale, Aspect & Layout' will be examined/determined at a future 'Reserved Matters' stage.

#### Case Officer's comment

The submitted indicative layout shows 52 car parking spaces.

#### FLOOD AND WATER MANAGEMENT OFFICER

An FRA has been submitted by Water and Environment dated June 2021. The applicants are claiming the flood risk benefit of works occurring off their site on the Stockers Stream, and there is impact to the water levels in Stockers lake also owned by Affinity Water.

The site lies in the functional floodplain floodzone 3b of the River Colne not just Flood Zone 3a as

states in the report Section 4.6 and the site and its access has suffered from historic surface water flooding, information is published on the Council website in Flood Investigations. Contrary to the information in the report section 4.1

A residential proposal for 40 properties is proposed on an industrial site. This is a change from less vulnerable to a more vulnerable use.

It is subject to the Sequential Test which is not addressed in this FRA. However it does conclude that the sequential test is passed: "If the proposed development is not constructed at this location, this benefit to downstream properties will not be realised, thus the Sequential Test is considered to be passed, since there are no alternative sites that would result in the same off-site benefit".

For Flood Zone 3b it is considered that no development should be permitted for a more vulnerable use (residential development) according to Table 3 of Flood And Coastal Change Guidance from the government.

Scope of the sequential test has not been discussed with the Council and it is not considered by the Council as a result of this comment to have passed the sequential test.

The Council's current position is that it does not consider that this proposal is necessary to meet its adopted or emerging strategic housing targets and that sufficient available sites in areas with a lower risk of flooding already exist. This is a position that has consistently been supported by planning appeal decisions:

APP/R5510/A/12/2174576

APP/R5510/W/18/3197011

APP/R5510/W/19/3243112

The FRA purpose is to address the Exception Test. It is proposed to protect the new development and benefit properties downstream (Ridge House, Stock Cottages and the Willow Court building) defending them up to the 1 in 100 + 70% climate change event. Although the modelling report extracts appear to indicate a more significant effect on the Highways increasing the risk to others and the access along the lane.

A modelling report has been submitted with the FRA but not the model and this has not been submitted to the Council for review. What is clear is that at this location there is complex interaction between surface water ordinary watercourse and fluvial flood risk and it is not clear that the modelling report has assessed these interactions adequately. Nor is it clear that the EA has considered these interactions within the modelling review which has been undertaken from a main river flooding perspective. The extracts contained within the modelling report are insufficient to support the conclusions of the FRA and the modelling should be submitted to the Council for review both baseline and with development scenario included.

It is unclear on the representation of the proposed bund within the model and the design wall or bund and the width that may need and if this is feasible within the spaces allocated and sufficient distance from the edge of the river corridors.

It is claimed that Affinity support these proposals but no evidence or supporting information is provided, particularly where it relates to work proposed on land not within the site boundary.

There are proposals to manage the drainage within the site by making it permeable however this is within a SPZ1.

Please also note that the London Borough of Hillingdon also has our own policies on waterside development DMEI 8 in Local Plan Part 2 sets out waterside development should secure

environmental improvement as well as retaining a 8m buffer zone with main rivers and 5m zone from ordinary watercourses.

#### CONTAMINATED LAND OFFICER

The site occupies land which is within a 250 metre landfill gas buffer-zone, and was used for industrial and commercial works/premises, so there is evidence that the land may be affected by contamination.

Therefore, if the site is given an outline permission I would recommend the following contaminated land condition is imposed.

Proposed conditions for land affected by contamination.

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

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

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

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

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DME1 11:

Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

The EA may be interested in this application given the proximity of surface water and chalk groundwater.

#### TREE AND LANDSCAPE OFFICER

This site is occupied by an area of open semi-improved grassland with occasional trees and woodland beyond to the north and east. A large commercial unit, car sales yard and area of concrete hard-standing is located in the south-west corner. The site is accessed from to the north of Springwell Lane to the south.

Situated within the Colne Valley Regional Park, Springwell Lake is situated to the south-east and Stockers Lake to the north, with the Grand Union Canal a short distance away to the east.

Access to the site is via a narrow country lane without a dedicated footway.

The site lies within the Springwell Lock Conservation Area, a designation which protects all trees with a stem diameter of >75mm. It is also located adjacent to two Local Nature Reserves immediately to the north and south of the site. It is within the Metropolitan Green Belt and also within the Colne valley regional Park.

The characteristics of this area, including its landscape and visual sensitivities are described in Hillingdon's Landscape Character Assessment (ref. LCA: A1 Upper Colne Floodplain: Stockers Lake to Springwell Lake).

#### Comment - Trees

A previous planning application, ref. 35376/APP/2015/3851 was withdrawn.

A tree report (arboricultural impact assessment), dated January 2016, by AGB Environmental, has been submitted. At almost 6 years old, this report is out of date and cannot be relied upon due to the natural process of the development / decline of trees.

Nevertheless, the condition and value of the trees (in 2016) has been reviewed. The report identified 21 trees/groups/woodland blocks. No A grade trees were noted. 7 x individual trees; T1,T2,T5,T6,T7,T8,T9, 2 x groups; G3, G4 and 3 x woodland parcels; W1,W2 and W3 were category B. According to BS59837:2012, category A and B tree are worthy of protection and retention on development sites.

7 x C grade (lower category) trees were identified; T3,T4,T10,G1,G2,G5 and W2. While of lower value, these trees have some landscape (amenity/ ecological) value and should be retained if possible. T11 and T12 were U grade trees whose removal is justified in the interests of good management.

The 2016 arboricultural impact assessment refers to a previous residential layout. The trees need to be re-surveyed and a bespoke arboricultural impact assessment produced.

#### Comment - Ecology

An ecology report (Extended Phase 1 Habitat Survey), originally prepared in 2015 and updated in November 2020, by Applied Ecology, has been submitted.

The report notes, at 3.7, that there is an area of Japanese Knotweed, a non-native invasive species among the ruderal vegetation to the east. At 3.8 the report confirms that this vegetation is the subject of an eradication programme by a specialist company - and has not been mapped.

The survey concludes (4.5) that 'no overriding protected animal species constraints have been identified by the walkover survey, although a number of additional surveys are considered necessary to fully inform the development proposals and mitigation requirements' as summarised in 4.6 -4.8. issues to be addressed include a more detailed assessment of the development impacts on habitat loss and disturbance, SUDS and potential light pollution. More detailed assessments of bat activity and a reptile survey are also required. Tree loss details will be required in relation to the de-silting and engineering proposals for Stockers stream - which will also require bat surveys and surveys for water vole and potentially otter.

Following the introduction of the Environment Act 2021, the site should provide a 10% biodiversity gain through habitat creation.

#### Comment - Landscape

The proposed development comprises 3 x three-storey residential blocks located in the south-west corner of the site, serviced by a central access road. It is described in the Landscape & Visual Appraisal, by Cookson & Tickner, dated October 2020.

The landscape effects (magnitude of change) are considered to be confined to changes immediately south of the site, where a new junction and boundary treatment would interface with Springwell Lane. The magnitude of effects is judged to be high subject to the detailed design of the interface with Springwell Lane.

The visual (amenity) effects have been assessed from 10 vantage points. Views have been assessed based on their current situation, and predicted effects with, and without, mitigation. The visual effects (with mitigation) range from high, through to moderate, low and no change or negligible.

Under the MoL's Urban Greening Factor, this residential development should achieve a score of 0.4. No Urban Greening factor masterplan or calculation has been submitted.

#### Recommendation

Notwithstanding the special circumstances required to justify development within the Green Belt, the fundamental aim of which is to retain openness and prevent urban sprawl, at present the proposed masterplan lacks detail is not supported by an Urban Greening Factor calculation or details of how the will provide long- term Biodiversity Net Gain.

#### LANDSCAPE ARCHITECT further comments

Further to my emailed comments of 22/11/2021, a Landscape & Visual Appraisal, by Cookson & Tickner (dated October 2020) has been submitted (09/12/2021). A D&AS for Outline Planning Permission with All Matters Reserved, by SOAS, was submitted on 02/12/2021.

#### Landscape & Visual Assessment

At 2.1 the report clarifies that: 'This LVA follows the principles of assessment as set down in the 'Guidelines for Landscape and 2.1 Visual Impact Assessment' (Third Edition) by the Landscape Institute and Institute of Environmental Management and Assessment (2013). It is not an LVIA produced as part of an Environmental Impact Assessment but a standalone appraisal'.

The LVA seeks to predict:

- The landscape effects of the proposed development - this considers how the proposals may affect the physical attributes or resources that define the fabric and structure of the landscape, as well as the combination and expression of those features and elements that give a landscape its unique character.

The landscape (and its component parts) that would 'receive' the proposed change is known as the

landscape receptor(s).

- The visual effects of the proposed development - considering perceptual change, namely the change to specific views, as perceived by people, and the resultant effects of these changes on general visual amenity (perceptual character and quality of the view).

Viewer(s) experiencing a view (and any changes to that view) are the visual receptor(s).

At 4.12 the potential visual receptors are judged to include:

- Walkers, horse riders and cyclists using the bridleways and public footpaths;
- Canal Boat users; and
- Motorists and cyclists travelling along Springwell Lane.

At 5.8 the report confirms that: The proposed development will result in a marked physical change to the landscape and whilst there are relatively limited or low value physical features that will be affected within the site itself, the change of use will ultimately result in a clear and distinct transformation to the character of the site. As such, the magnitude of effects (without mitigation) is judged to be high.

Opportunities for mitigation are described in 5.9 and a summary of landscape effects at 5.10. The effects on visual amenity are described with and without mitigation, from 10 viewpoints, in section 6.

#### Design & Access Statement

The D&AS states (7.0): The proposal to reduce the built footprint on the site (compared to the existing) is a betterment in terms of flood risk, there are a number of other measures which could further mitigate flood risk on the site, which are contained in the Flood Risk Assessment package and Landscape Statements.

Plans are attached to illustrate the reduced built footprint / enhanced environment measures, flood resistant / improved safety and the proposed access / strategic layout.

#### Recommendation

If you are minded to support this Green Belt application, the tree and ecology surveys require updating, as previously noted. Conditions should include RES2, RES6, RES8, RES9 (parts 1-6) and RES10.

#### ECOLOGY OFFICER

I object to the proposed development due to the impacts on a site of special scientific interest and also the lack of information on protected species.

Although the proposal is seeking to minimise the harm to the wider nature conservation site by focusing development on the existing built form there are residual concerns about impacts.

Firstly, the introduction of flood defences to protect the site will have an adverse impact on the movement of species and will act as a barrier, impediment or change to the current function of the nature conservation. Furthermore, the flood defences will introduce a change to the flooding regime that may also have adverse impacts on the wider conservation site.

Secondly, there is significant encroachment through new development and hardstanding in the southeast of the site and into the features of conservation value. This is a significant concern and the impacts of which have not been assessed.

In addition, the ecology survey of 2020 is a preliminary assessment of what further surveys are required. This recommends bat reptile surveys and further tree assessments. This work needs to be completed to inform the Council as to the impacts of the proposals.

The Council must have consideration to the habitat regulations when considering planning applications. Impacts on protected species are a material planning consideration and without information the Council cannot judge the impact of the development on protected species.

The Council must have regard to whether there is a reasonable likelihood of protected species being present when seeking additional information. A pragmatic approach needs to be adopted as to when to seek information through determination, or through conditional approval. The likelihood of species being present and/or where harm is significant would dictate the best course of action.

In this instance, the features of the site are of such quality that the presence of protected species is likely and the impacts of the development high, this is identified in the ecology survey. Applying the Natural England standing advice, the surveys should be submitted to inform the planning decision, not secured through condition.

#### AIR QUALITY OFFICER

The proposed development is located outside the LBH Air Quality Management area (AQMA) and outside LBH Focus Areas, in the far north of the borough.

As per the London Plan and LBH Local Action Plan 2019-2024, developments need to be air quality neutral as minimum. The proposal is for the construction of 40 units and is located in an area with a PTAL from 0-1. With the information currently provided by the applicant, the proposal is unlikely to be air quality neutral for transport emissions.

#### Damage Costs and Mitigation Measures

The development is likely to be not Air Quality Neutral and further action is required to reduce emissions.

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

Based on 1.5 car parking spaces per dwelling a section 106 agreement with the LAP of £25,615 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduces human exposure to nitrogen dioxide levels. Should the number of cars per dwelling be higher and or additional building emissions associated with any energy provision be specified, LBH reserves the right to alter this value at the detailed stage of the application.

The following conditions would apply if the application is recommended for approval:

#### Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) secure compliance with the current London Plan (March 2021) and associated Planning Guidance requirements
- 2) the implementation of electric vehicle charging bays. This is to be implemented in line with the minimum number of charging points required in the London Plan. A clear and effective strategy to encourage residents to
  - a) use public transport;
  - b) cycle / walk to work where practicable;
  - c) enter car share schemes;
  - d) purchase and drive to work zero emission vehicles.



The measures in the agreed scheme shall be maintained throughout the life of the development.

**Reason**

To secure compliance with Policy EM8 of the Local Plan: Part 1 (November 2012), Policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) Policies SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

**Conditions - Reducing Emissions from Demolition and Construction**

No development shall commence until a Demolition and Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. This must demonstrate compliance (drawn up in accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

**Reason**

Compliance with London Plan and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019).

**All Non-Road Mobile Machinery (NRMM)**

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

**Reason**

Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

**7. MAIN PLANNING ISSUES**

**7.01 The principle of the development**

Loss of Non-designated Industrial Floorspace

Policy E4 Land for industry, logistics and services to support London's economic function of the London Plan 2021 states:

A - A sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, co-location and substitution (see Policy E7 Industrial intensification, co-location and substitution). This should make provision for the varied operational requirements of:

- 1) light and general industry (Use Classes B1c and B2)
- 2) storage and logistics/distribution (Use Class B8) including 'last mile' distribution close to central London and the Northern Isle of Dogs, consolidation centres and collection points
- 3) secondary materials, waste management and aggregates
- 4) utilities infrastructure (such as energy and water)
- 5) land for sustainable transport functions including intermodal freight interchanges, rail and

bus infrastructure

6) wholesale markets

7) emerging industrial-related sectors

8) flexible (B1c/B2/B8) hybrid space to accommodate services that support the wider London economy and population

9) low-cost industrial and related space for micro, small and medium-sized enterprises (see also Policy E2 Providing suitable business space)

10) research and development of industrial and related products or processes (falling within Use Class B1b).

B - London's land and premises for industry, logistics and services falls into three categories:

1) Strategic Industrial Locations (SIL) - see Policy E5 Strategic Industrial Locations (SIL)

2) Locally Significant Industrial Sites (LSIS) - see Policy E6 Locally Significant Industrial Sites

3) Non-Designated Industrial Sites<sup>103</sup> - see Part C of Policy E7 Industrial intensification, co-location and substitution.

C - The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B should be planned, monitored and managed. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7 Industrial intensification, co-location and substitution and supported by Policy E5 Strategic Industrial Locations (SIL).

D - The retention, enhancement and provision of additional industrial capacity should be prioritised in locations that:

1) are accessible to the strategic road network and/or have potential for the transport of goods by rail and/or water transport

2) provide capacity for logistics, waste management, emerging industrial sectors or essential industrial-related services that support London's economy and population

3) provide capacity for micro, small and medium-sized enterprises

4) are suitable for 'last mile' distribution services to support large-scale residential or mixed-use developments subject to existing provision

5) support access to supply chains and local employment in industrial and related activities.

E - Any release of industrial capacity in line with Part C should be focused in locations that are (or are planned to be) well-connected by public transport, walking and cycling and contribute to other planning priorities including housing (and particularly affordable housing), schools and other infrastructure.

F - Efficient wholesale market functions should be retained to meet London's requirements whilst enabling opportunities to consolidate composite wholesale markets to meet long-term wholesaling needs.

G - Boroughs should ensure that the need to retain sufficient industrial and logistics capacity is not undermined by permitted development rights by introducing Article 4 Directions where appropriate

Policy E7 Industrial intensification, co-location and substitution of the London Plan 2021

states:

A - Development Plans and development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through:

- 1) introduction of small units
- 2) development of multi-storey schemes
- 3) addition of basements
- 4) more efficient use of land through higher plot ratios having regard to operational yard space requirements (including servicing) and mitigating impacts on the transport network where necessary.

B - Development Plans and planning frameworks should be proactive and consider, in collaboration with the Mayor, whether certain logistics, industrial and related functions in selected parts of SIL or LSIS could be intensified to provide additional industrial capacity. Intensification can also be used to facilitate the consolidation of an identified SIL or LSIS to support the delivery of residential and other uses, such as social infrastructure, or to contribute to town centre renewal. This process must meet the criteria set out in Part D below. This approach should only be considered as part of a plan-led process of SIL or LSIS intensification and consolidation (and the areas affected clearly defined in Development Plan policies maps) or as part of a co-ordinated masterplanning process in collaboration with the GLA and relevant borough, and not through ad hoc planning applications. In LSIS (but not in SIL) the scope for co-locating industrial uses with residential and other uses may be considered. This should also be part of a plan-led or masterplanning process.

C - Mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:

- 1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function; or
- 2) it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or
- 3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part C of Policy E2 Providing suitable business space).

Mixed-use development proposals on Non-Designated Industrial Sites which co-locate industrial, storage or distribution floorspace with residential and/or other uses should also meet the criteria set out in Part D below.

D - The processes set out in Parts B and C above must ensure that:

- 1) the industrial and related activities on-site and in surrounding parts of the SIL, LSIS or Non-Designated Industrial Site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24-hour access and operational requirements
- 2) the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied
- 3) appropriate design mitigation is provided in any residential element to ensure compliance with 1 above with particular consideration given to:
  - a) safety and security
  - b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict
  - c) design quality, public realm, visual impact and amenity for residents

- d) agent of change principles
- e) vibration and noise
- f) air quality, including dust, odour and emissions and potential contamination.

E - Development Plans and planning frameworks should consider, in collaboration with the GLA and neighbouring authorities within and outside London, the scope to facilitate the substitution of some of London's industrial capacity to related property markets elsewhere in London and beyond London's boundary where:

- 1) this results in mutual advantage to collaboration partners inside and outside London and supports a more efficient use of land
- 2) full regard is given to both the positive and negative impacts of substitution including impacts on servicing the economy inside and outside London, businesses and customers, labour markets and commuting, supply-chains and logistics, congestion, pollution and vehicle miles
- 3) a clearly-defined strategy for the substitution of future demand capacity and/or relocation arrangements, where relevant, is in place to support this process.

This approach should only be considered as part of a plan-led process of consolidation and intensification (and clearly defined in Development Plan policies maps) and not through ad hoc planning applications.

Policy DME 2: Employment Sites Outside Designated Employment Areas of the Hillingdon Local Plan Part 2 (2020) states that proposals which involve the loss of employment floorspace or land outside of designated employment areas will normally be permitted if:

- i) the existing use negatively impacts on local amenity, through disturbance to neighbours, visual intrusion or has an adverse impact on the character of the area; or
- ii) the site is unsuitable for employment reuse or development because of its size, shape, location, or unsuitability of access; or
- iii) Sufficient evidence has been provided to demonstrate there is no realistic prospect of land being reused for employment purposes; or
- iv) The new use will not adversely affect the functioning of any adjoining employment land; or
- v) The proposed use relates to a specific land use allocation or designation identified elsewhere in the plan.

The proposal includes the loss of the existing floorspace and the associated yard space. The application form states that the loss would be 1,868 sqm (GIA) of 'B1(c) - Light industrial', which would fall within the new Use Class E (iii). However, the previous application (6679/APP/2015/3851) stated that the site was in use as B2 General Industrial.

Policy E4 of the London Plan (2021) outlines a series of uses that are considered to be 'industrial and related functions'. This includes both light and general industry. Policy E7 of the London Plan (2021) outlines that mixed-use or residential development proposals on non-designated industrial sites should only be supported in three circumstances. In reference to criterion 2), the site has not been allocated in the Local Plan for residential development. In reference to criterion 3), the proposal does not include industrial, storage or distribution floorspace as part of mixed-use intensification. Therefore, the only way the proposal could comply with Policy E7 is if there was no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4. Paragraph 6.7.5 outlines what evidence should be submitted to demonstrate 'no reasonable prospect', which includes strategic and local assessments of demand, evidence of vacancy and marketing, evidence that the scope for mixed-use intensification with industrial uses has

been explored fully.

The Council's Policy Officer has reviewed the 'Planning Policy Statement 18.11.2021' to see what commentary there is on compliance with Policy E7. However, despite recognition of the London Plan (2021), the applicant has not provided any commentary on compliance with Policy E7. The applicant has included some brief commentary regarding Policy DME 2 of the Hillingdon Local Plan: Part 2 (2020). It should be noted that, in line the Planning and Compulsory Purchase Act, as the most recently adopted part of the development plan, the loss of non-designated industrial floorspace should be considered primarily against London Plan (2021) Policy E7.

The document states that the buildings are 'in a relatively poor state of repair and there would be significant costs associated with redeveloping the site to fit the requirements of modern businesses'. However, no evidence has been submitted to substantiate this statement, which is required in line with Paragraph 6.7.5 of the London Plan (2021). The document also states that the 'sites location away from main roads means it is unlikely to be attractive to a business user.'

However, this not considered to be accurate, as the site is ~2km from the M25, which equates to roughly a 2-3 minute drive. From here, a business user would have full access of the wider Strategic Road Network. The site currently appears to be occupied by existing businesses, which further indicates that there is a reasonable prospect of the site being used by such businesses moving forward.

As such the application fails to justify the loss of the existing industrial use and the proposals as submitted are deemed to be contrary to Policies E4 and E7 of the London Plan (2021) and Policy DME 2 of the Hillingdon Local Plan: Part 2 (2020).

#### Green Belt

Policy G2 London's Green Belt of the London Plan 2021 states:

A The Green Belt should be protected from inappropriate development:

- 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
- 2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.

B Exceptional circumstances are required to justify either the extension or dedesignation of the Green Belt through the preparation or review of a Local Plan.

Policy DMEI 4: Development in the Green Belt or on Metropolitan Open Land of the Hillingdon Local Plan - Part 2 (2020) states:

A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

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

The site is located entirely within the Green Belt. Policy G2 of the London Plan (2021) outlines that Green Belt should be protected from inappropriate development and should be refused except where very special circumstances exist. Policy DME1 4 of the Local Plan: Part 2 (2020) mirrors this policy. Policy EM2 of the Local Plan: Part 1 (2012) outlines that proposals for development in the Green Belt will be assessed against national and London Plan policies, including the very special circumstances test.

The NPPF (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraphs 149 and 150 outline forms of development that are considered to be exceptions and that may be permissible in the Green Belt.

The applicant has sought to justify the development under exemptions under paragraph 149 (g) of the NPPF and specifically (g), which states "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would 'not have a greater impact on the openness of the Green Belt than the existing development; or 'not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land'.

The applicant states within the Planning Policy Statement that the site 'comprises the redevelopment of previously developed land and to have a materially greater impact on openness than the existing development given existing landscaping and views into the site. As a result, it is considered that the proposal accords with one of the exceptions to development in the Green Belt.'

The above is not an exception listed within the NPPF (2021). It is assumed that what is meant is that the site would not have a materially greater impact on openness than the existing development (i.e. Para 149 (g)). However, it is not considered that this could be the case as the proposed development would cover areas of land to the north and east of the site that are not previously developed land. Furthermore, as outlined below, it is considered that the proposal would cause substantial harm to the openness of the Green Belt. Therefore, in line with Paragraph 148 of the NPPF (2021), very special circumstances must exist to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The existing site consists of a number of buildings and associated hardstanding. The applicant has provided some outlines of the existing structures on site. These would appear to broadly match those seen in satellite images taken since 2008. However, the Council's Policy Officer has queried if any of the buildings are temporary structures, including the portacabin stationed to the south east which may not be attached to the ground. They have also questioned the extent to which the outlined hardstanding to the south east of the site constitutes previously developed land. In all the satellite images available since 2008, the land is shown as significant vegetation and with no evidence of impervious concrete hardstanding. Even if it exists under the vegetation, it would appear likely that it has blended into the landscape and therefore no longer constitutes previously developed land, in line with the glossary in the NPPF (2021).

As the application has been submitted as an outline permission with all matters reserved, it is not possible to ascertain what the exact extent of the proposal is and its potential harm to the Green Belt. However, what is stated in the submission is that the proposal would be up to 40 residential units. An indicative layout is provided and the Design and Access Statement outlines that the buildings will be up to 3/4 storeys in height, with attic accommodation in the 4th floor.

In terms of the spatial impact on the openness of the Green Belt, the proposal would introduce new hardstanding and car parking to both the north and south east of the site, including a significant turning circle to the north. There would also be significant new buildings to the north and south east, both of which would be constructed away from the existing compact cluster of buildings that currently occupy the site. Overall, the buildings and associated hardstanding would be more spread out than the existing layout of the site. Regarding the volume of the buildings, it would appear that the three/four storey residential buildings would have a slightly larger footprint than the existing buildings. If it assumed that they will all be three or four storey residential buildings, then the overall volume will be significantly higher than the industrial buildings on site at present.

In terms of the visual impact on the openness of the Green Belt, the applicant has submitted a Landscape and Visual Appraisal, which would typically be a good source of information for assessing the visual impact. However, the appraisal does not make any reference to openness and it does not appear that it has been undertaken with the objective of demonstrating the visual impact on the openness of the Green Belt. Nevertheless, in the absence of any other information on views, it is the best source of information submitted by the applicant. The Council's Policy Officer has highlighted that within the 'proposal description' section, the appraisal states that it has looked at a series of three-storey residential buildings, rather than the four-storey residential buildings that are quoted elsewhere in the submission. It also refers to a 'protective bund' around most of the site, that has not been quantified and has the potential to block views through the site. It is noted that in the 3D modelling, the bunds have not been included and therefore this element of the proposal is absent from the views and analysis. In terms of the views, these have not been agreed with the Council. In particular, it would have been beneficial to have a 3D modelled view that was slightly further north west of Viewpoint 1, so that a view through the site could be seen, rather than just one from the bend.

Utilising the 3D modelled views provided, it is clear there are short terms views of the proposed site from which there would be visual harm to the openness of the Green Belt. It is clear from viewpoint 1 that the proposal would be more prominent from Springwell Lane than the existing development, albeit there are limited views through this part of the site at present due to the existence of the industrial buildings. However, a view taken from slightly further north west up the road and looking back through the site may demonstrate that the new building to the south east of the layout would obscure an existing view that is not restricted by industrial buildings. Viewpoint 2 shows how existing views through the site are partially blocked, however the new buildings would be considerably more prominent and extend further north where there are currently no buildings blocking views through the Green Belt. Viewpoint 3 shows how there is at least one open view corridor through the site from the Stockers Lane public footpath. This view would be severely impacted by the introduction of a new residential building to the south east of the site. Furthermore, if a view was taken from slightly further west along this footpath, it is envisaged that the main cluster of buildings may block another view through the site. It should be noted that all the views that have been provided and modelled are with the vegetation in full leaf and it is considered that existing views through the site would be more prominent than stated at a different

times in the year.

In terms of the long-range views the final heights of the buildings remain unknown and the author has stated they are utilising three storey residential buildings only. It is therefore not possible to definitively concluded at this stage that the proposal would be obscured by vegetation from all these views. It is however likely that the main visual harm to the openness of the Green Belt will be experienced from short views of the site. Overall, whilst there is considerable uncertainty and information outstanding, it is likely that there would be a significant harmful visual impact on the openness of the Green Belt, in particular arising from the loss of short views through open parts of the Green Belt from public spaces. It should be noted that this position has been reached without the inclusion of a bund, which depending on its significance, may also have a visual impact on the openness of the Green Belt.

To conclude, from a spatial and visual perspective, there is likely to be a significant harmful impact on the openness of the Green Belt from this development.

#### Very Special Circumstances

The applicant considers that the proposals accord with Green Belt policy. Officers do not agree with this assessment and the applicant has set out 'very special circumstances' in the event that this position is contested.

The applicant accepts that the site is a very sensitive one in terms of the constraints which exist, namely the Conservation Area, SINC, floodplain and the Green Belt. They argue however that it is currently run down, under-utilised and detracting from the character of the area. The submission therefore proposes that an opportunity to remediate and redevelop the site for a development which enhances its character and appearance should be taken. The applicant argues that the very special circumstances which exist are the 'overall package of benefits' offered by the scheme weighed against harm to the openness of the Green Belt.

The key benefit to which the applicant states significant weight should be afforded is the proposed flood defences. The accompanying statement prepared by Water Environment Limited, states that the proposed defences would not only ensure that the application site would not flood but would also protect the existing residential development to the south and would not increase flood risk elsewhere.

However, the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1). These are for public water supply, comprising a number of chalk abstraction boreholes, operated by Affinity Water Ltd. In relation to flood risk, the modelling used refers to enhancements to Stockers Stream which is in the ownership of Affinity Water. Affinity Water have been consulted as part of the application process and they have confirmed that there is no existing agreement between them and the applicant to complete such works on their property and there are no plans or commitment from Affinity Water to complete these works. As such, the modelling benefits from a proposed situation that the applicant cannot control or guarantee to deliver.

The improvement of Stockers Stream is not within Affinity Water's current river restoration programme and therefore these works are not planned. As such, the current flood risk modelling is incorrect and would need to be remodelled with the stream in its current form, taking into account only factors within the full control of the applicant, for it to be considered



accurate. It should be noted that the Environment Agency have also objected to the development and recommended that it be refused.

The applicant contends that further benefits are that the redevelopment of the industrial site presents an opportunity for the removal of existing contaminated land, enhanced biodiversity on the adjoining site and the opportunity to make further improvements to the water courses within the site together with an enhancement of the Conservation Area. These benefits, if demonstrated through the submission of further details, are not considered to be very special circumstances.

Finally, in line with the NPPF (paragraph 60) requirement to significantly boost the supply of housing, the proposal would contribute to the housing requirements for Hillingdon Borough together with a policy compliant level of affordable housing.

The Council's Policy Officer disagrees however with the application of housing need as a very special circumstance for the development. The housing targets within the London Plan (2021) have been calculated on the basis that Green Belt release is not required and that these targets can be achieved through the development of brownfield land in sustainable locations. The Council can currently demonstrate a five-year land supply of deliverable sites and has already delivered above the housing target in the first year of the London Plan (2021).

As the Council has recently demonstrated that it has a 5 year housing land supply under the new London Plan target, the need for housing is not considered to be a justifiable reason for inappropriate development in the Green Belt in this instance. Substantial weight should therefore be given to any harm to the Green Belt by a development proposal.

#### Conclusion

The proposed development represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to Policy EM2 of the Local Plan Part 1 (2012), Local Plan Part 2 Policy DMEI 4, Policy G2 of the London Plan (2021) and paragraphs 147 to 149 of the NPPF (2021).

#### Sequential Test

Policy DMEI 9: Management of Flood Risk of the Hillingdon Local Plan - Part 2 (2020) states:

A) Development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk. Where no appropriate sites are available, development should be located on the areas of lowest flood risk within the site. Flood defences should provide protection for the lifetime of the development. Finished floor levels should reflect the Environment Agency's latest guidance on climate change.

B) Development proposals in these areas will be required to submit an appropriate level Flood Risk Assessment (FRA) to demonstrate that the development is resilient to all sources of flooding.

C) Development in Flood Zone 3b will be refused in principle unless identified as an appropriate development in Flood Risk Planning Policy Guidance. Development for

appropriate uses in Flood Zone 3b will only be approved if accompanied by an appropriate FRA that demonstrates the development will be resistant and resilient to flooding and suitable warning and evacuation methods are in place.

D) Developments may be required to make contributions (through legal agreements) to previously identified flood improvement works that will benefit the development site.

E) Proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

The Development Plan and the NPPF (2021) outline that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The site lies within Flood Zone 3 and within the functional floodplain of the River Colne. The site and its access have also suffered from historic surface water flooding. A residential proposal for 40 properties is proposed on an industrial site. This is a change from less vulnerable to a more vulnerable use.

The proposed development is therefore subject to the Sequential Test, which is not addressed in the submitted flood risk assessment. However it does conclude that the sequential test is passed: "If the proposed development is not constructed at this location, this benefit to downstream properties will not be realised, thus the Sequential Test is considered to be passed, since there are no alternative sites that would result in the same off-site benefit".

For Flood Zone 3b it is considered that no development should be permitted for a more vulnerable use (residential development) according to Table 3 of Flood And Coastal Change Guidance from the government. Scope for the sequential test has not been discussed with the Council and it is not considered by the Council as a result of this comment to have passed the sequential test.

The Council's current position is that it does not consider that this proposal is necessary to meet its adopted or emerging strategic housing targets and that sufficient available sites in areas with a lower risk of flooding already exist. This is a position that has consistently been supported by planning appeal decisions.

The FRA purpose is to address the Exception Test. It is proposed to protect the new development and benefit properties downstream (Ridge House, Stock Cottages and the Willow Court building) defending them up to the 1 in 100 + 70% climate change event. However, the modelling report relies on works outside the applicant's control and extracts appear to indicate a more significant effect on the local highway network increasing the risk to others and the access along the lane.

A modelling report has been submitted but not the model on which it is based. It is clear that at this location there is complex interaction between surface water, ordinary watercourse and fluvial flood risk and it is not clear that the modelling has assessed these interactions adequately. The extracts contained within the modelling report are insufficient to support the conclusions of the FRA.

Paragraph 4.14 of the submitted Flood Risk Assessment states that Affinity Water support these proposals, however their consultation response objecting to the proposals does not support this statement.

The application site is located within an area of high flood risk where inappropriate development should be avoided by directing development away from areas at highest risk. The applicant has failed to demonstrate that the residential development could not be provided on a suitable sequentially preferable and reasonably available site at a lower risk of flooding. The proposal fails the sequential test and fails to accord paragraphs 159 to 167 of the NPPF (2021), Planning Practice Guidance; Flood Risk and Coastal Change March 2014, London Plan 2021 Policy SI 12; Policy EM6 of the Local Plan: Part 1 (2012), Policy DMEI 9 of the Local Plan: Part 2 (2020).

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

### Housing Mix

Policy H10 of the London Plan (2021) 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. This includes local evidence of need. Policy DMH 2 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires 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. Paragraph 4.6 outlines that there is a substantial borough-wide requirement for larger affordable and private market units, particularly three-bedroom properties.

Family housing is defined within the glossary of the London Plan (2021) and outlines it must generally be of a size that has three or more bedrooms. It is worth noting that the Secretary of State directed changes to Policy H10, in order address the need for new family housing, to prevent families from being forced to move outside of London. These changes were incorporated into the final version of the London Plan (2021).

In terms of factors specific to a site, Policy H10 also includes a need to consider, the mix of uses in the scheme, the range of tenures in the scheme and the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

The proposals submitted are in outline with all matters reserved. As such, only an indicative layout has been submitted which demonstrates that the site could accommodate approximately 40 homes which would meet the space standards set out in policy DMHB 16 and those in policy D6. The final mix would need to be agreed as part of a reserved matters application and it is intended that the mix could comply with Policy DMH 2 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and Policy H10 of the London Plan (2021).

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

### Conservation Area

The NPPF (2021) Chapter 16 requires the conserving and enhancing of the historic environment. Paragraphs 189-208 require consideration of the impact of a proposed development on the significance of a designated heritage asset and assessment of the identification of any harm. In particular, where there is harm identified. Paragraph 201 states that "Where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal,

including securing its optimum viable use".

Policy HC1 of the London Plan (2021) requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, including registered historic parks, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy HE1 of the Local Plan: Part One (2012) states the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes Registered Parks and Gardens and historic landscapes, both natural and designed.

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

A) The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:

- i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
- ii) 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, in accordance with the NPPF;
- iii) it makes a positive contribution to the local character and distinctiveness of the area;
- iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;
- v) the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials;
- vi) buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and
- vii) opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 (2020) states that new development within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.

B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.

The site is located within the Springwell Lock Conservation Area. The outline application only seeks to redevelop the brownfield elements of the site, which are considered to impact negatively on the Conservation Area. In light of this, and in accordance with policy DMHB4 and policy HC1, the proposals are considered to provide an opportunity to enhance the character and appearance of the Conservation Area, subject to appropriate design at reserved matters stage.

## Archaeology

Section 16 of the NPPF (2021) and Policy Policy HC1 of the London Plan (2021) recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. Paragraph 194 of the NPPF (2021) states applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.

Policy DMHB 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that the Council, as advised by the Greater London Archaeological Advisory Service, will ensure that sites of archaeological interest within or, where appropriate, outside, designated areas are not disturbed. If that cannot be avoided, satisfactory measures must be taken to mitigate the impacts of the proposals through archaeological fieldwork to investigate and record remains in advance of development works. This should include proposals for the recording, archiving and reporting of any archaeological finds.

The site falls within the Colne Valley Archaeological Priority Zone. Should the application be recommended for approval then a condition is recommended to be attached that requires an appropriate archaeological survey to be undertaken, including a Written Scheme of Investigation for review in correspondence with the Greater London Archaeological Advisory Service.

### **7.04 Airport safeguarding**

Policy DMAV 1 of the Local Plan: Part Two (2020) notes that the Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the relevant airport operators on proposals in safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

The proposed use and scale of development are considered to be of an acceptable scale such that the proposals would be in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

Policy DMEI 6 of the Local Plan: Part Two (2020) states that new development adjacent to the Green Belt, Metropolitan Open Land, Green Chains, Sites of Importance for Nature Conservation, Nature Reserves, countryside, green spaces or the Blue Ribbon Network should incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries. Dowding Park is designated as Green Belt land and lies 100metres from the site.

The impact of the proposals on the green belt are considered within Section 7.01 of this report.

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

Policies D1-D3 of the London Plan (2021) requires all development to make the best use of land by following a design led approach that optimises the capacity of sites. The policies set out a range of urban design principles relating to the quality of public realm, the provision of convenient, welcoming and legible movement routes and the importance of designing out crime by, in particular, maximising the provision of active frontages and minimising inactive frontages and improving permeability and overlooking.

Policy BE1 of the Local Plan: Part One (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and

sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) re-emphasises the importance of good design in new development by A) requiring all new buildings and extensions to be designed to the highest standards, which incorporate principles of good design, such as harmonising with the local context by having regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure; B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space; C) safeguarding the development potential of adjoining sites and D) making adequate provision for refuse and recycling storage.

Policy DMHB 12 of the Local Plan: Part Two (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The application as submitted is in outline with all matters reserved. At this stage, therefore only an indicative layout has been provided to demonstrate that the number of dwellings proposed can be accommodated within the site.

The indicative layout demonstrates that development will only take place on the previously developed areas of the site, with 8 metres retained to the boundary with the River Colne. As this is an outline scheme, the design and layout would be determined at reserved matters stage, however the application indicates that the buildings could accord with the local vernacular and Policies BE1 and DMHB11 of the Local Plan.

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

Policy BE1 of the Local Plan: Part One (2012) requires developments to be appropriately designed so that they do not adversely affect their surroundings or the local character.

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

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

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

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "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".

The closest residential properties are those in Willow Court to the south of the site on the opposite side of Springwell Lane. The indicative layout demonstrates that a separation distance of well over 21m could be secured between the existing and proposed dwellings. This could be secured at reserved matters stage. Due to the scale of development proposed and the separation distances possible the proposal is not considered likely to have a significant detrimental impact on existing residents in terms of privacy, overlooking or daylight and sunlight.

The proposed scheme is for a residential development and as such is unlikely to generate significant noise pollution. As such it is considered that the scheme would be acceptable in terms of noise.

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

Policy D6 of the London Plan (2021) provides minimum quantitative standards for private internal space, private outdoor space and floor to ceiling heights that apply to all residential accommodation that is self-contained.

##### **Internal Space Standards**

Policy DMHB 16: 'Housing Standards' requires that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet or exceed the most up to date internal space standards.

All of the dwellings proposed should comply with the internal space standards as set out in 'Minimum Space Standards for New Dwellings' of the London Plan 2021. This would be secured at reserved matters stage if the outline application were to be approved.

##### **Amenity Space**

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

- 1 bedroom flat - 20 sqm per flat
- 2 bedroom flat - 25 sqm per flat
- 3+ bedroom flat - 30 sqm per flat

The indicative layout demonstrates that the above external amenity areas could be achieved. This would be secured at reserved matters stage if the outline application were to be approved.

##### **Child's Play**

Policy DMHB 19 'Play Space' of the Local Plan: Part 2 - Development Management Policies (2020) states that new major residential developments which result in a significant net increase in child yield an occupancy of ten or more children will be required to provide children and young people's play facilities on-site. Where a satisfactory level of provision for children and young people's play facilities cannot be achieved on-site, the Council will seek a financial contribution towards the improvement of existing children and young

people's play facilities within the local area.

Policy DMCI 5 'Children's Play Areas' of the Local Plan: Part 2 - Development Management Policies (2020) states that for all major development proposals, the Council will apply Hillingdon's child yields and the London Plan SPG; 'Providing for Children and Young Peoples Play and Informal Recreation', which specifies that 10sqm of play space should be provided for each child and an accessibility standard of 400 metres to equipped playgrounds. In areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision.

London Plan Policy S4 requires development proposals to make provisions for play and informal recreation based on the expected child population generated by a development. This is supported by the Mayor's supplementary planning guidance (SPG) 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10m<sup>2</sup> of useable child play space to be provided per child, with under-fives play space provided on-site as a minimum, and makes clear that play space should not be segregated by tenure.

If the outline application were to be approved then a child yield, based on the above policies, would be calculated at reserved matters stage. The indicative layout demonstrates that there is sufficient space within the site to accommodate a child's play area, subject to other policy requirements.

#### Public Open Space

Policy G4 of the London Plan (2021) states that development proposals should:

- 1) not result in the loss of protected open spaces
- 2) where possible create areas of publicly accessible open space, particularly in areas of deficiency

The London Plan (2021) defines Open Space as the following:

All land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

Policy DMCI 3 of the Local Plan: Part 2 (2020) make specific reference to assessing proposals on private open space. It outlines the following:

Development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

Policy DMCI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) encourages proposals for major new residential development to make provision for new open space, or enhancements to existing open space and says that proposals that fail to do so will be resisted.

The Local Plan: Part 1 (2012) defines Open Space as the following:

All open spaces of public value, including not just land, but also areas of water such as rivers and canals which offer important opportunities for sport and recreation and can also act as a visual amenity. The definition covers a broad range of types of open spaces within the borough, whether in public or private ownership and whether public access is unrestricted, limited or restricted.



The indicative layout demonstrates that there is sufficient land within the site to accommodate appropriate open space. If the outline application were to be approved then this would be secured at reserved matters stage.

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

Policy T1 of the London Plan 2021, states that developments within London should support the Mayor's modal shift targets set out in the London Transport Strategy, with the Mayor setting an overall target of 80% of journeys to be made by walking, cycling and public transport. To support this, outer London is expected to have a sustainable mode share of 75%.

Policy D8 of the London Plan (2021) requires development proposals to ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Paragraph D in particular, expects development proposals demonstrate an understanding of how people use the public realm, and the types, location and relationship between public spaces in an area, identifying where there are deficits for certain activities, or barriers to movement that create severance for pedestrians and cyclists.

Policy D8, paragraph E of the London Plan (2021) seeks to ensure both the movement function of the public realm and its function as a place are provided for and that the balance of space and time given to each reflects the individual characteristics of the area. The priority modes of travel for the area should be identified and catered for, as appropriate. Desire lines for people walking and cycling should be a particular focus, including the placement of street crossings, which should be regular, convenient and accessible.

Policy T6.5 of the London Plan (2021) notes disabled persons parking bays should be located on firm and level ground, as close as possible to the building entrance or facility they are associated with.

Policy T7 of the London Plan (2021) requires development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.

Policy H13 of the London Plan (2021) requires specialist older person housing to ensure pick up and drop off facilities are close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances.

Policy DMT 1 of the Local Plan: Part Two (2020) requires development proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Local Plan: Part Two (2020) notes development proposals must ensure that safe and efficient vehicular access to the highways network is provided to the Council's standards.

Policy DMT 6 of the Local Plan: Part Two (2020) states that development proposals must comply with the relevant parking standards. For a development of this type it is required that the quantum of car parking provided is determined.

The Council's Highways Officer has reviewed the details submitted with the application and notes that the application site is currently a light industrial use E(g) (iii) - (formally (B1(c)))

located in the far northern segment of the borough off Springwell Lane (adopted highway) in Harefield. This is a semi-rural location devoid of footways/parking controls.

Outline planning permission (with all matters reserved) is sought for the redevelopment of the site to provide 40 residential units. There is currently one main warehouse building on the site that would be replaced by 3 separate builds consisting of 26 flats & 14 houses with, in the region of 65 on-plot communal parking spaces. The existing vehicular access point is to be extinguished and replaced with a new single aperture.

The site fails to register a public transport accessibility level (PTAL) rating which therefore encourages near total dependency on the use of private motor transport to and from the address.

#### Parking Provision

##### A) 26 flats

The Council's maximum standard requires 1-1.5 on-plot spaces per unit to be provided for units up to 2 bedrooms in scale with a 2-space requirement for units exceeding this scale. Although scale and unit mix are unspecified at this stage, it considered realistic to assume a mix of flats consisting predominantly of 1 to 2 bedrooms is likely to emerge that would demand in the region of up to 26 - 39 spaces.

##### B) 14 Houses

The maximum parking requirement for residential dwellings with curtilage equates to 2 on-plot spaces per dwelling to comply with the adopted parking standard. This would equate to a requirement of up to 28 spaces.

When combining A & B above, the Highway Authority would potentially seek in the region of 54 - 67 spaces at the reserved matters stage which is at the upper limit of the standard, guided mainly by the 'zero' PTAL rating and resultant near total dependency on the use of private motor transport. The indicated provision of 52 spaces is therefore considered within the range of acceptability subject to final submitted detail at the reserved matters stage.

#### Electric Vehicle Charging Points (EVCP's)

In line with the London Plan (2021), within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions.

#### Disabled Compliant Parking

In accordance with the London Plan (2021), 3% of the overall quantum of parking spaces should be disabled compliant from the onset with 7% being made available on demand as identified within a submitted Parking Design and Management Plan.

#### Cycle Parking

For 1 to 2-bedroom flatted units, secure and accessible cycle parking provision should be at a level of 1 space per unit with 2 spaces for flats scaling in excess of 2 bedrooms. The 14 houses would demand 1 space up to two bedrooms and 2 spaces for 3-bedroom units and above.

#### Motorcycle/Scooter Parking

The Council's Local Plan: Part 2 standard requires that 1 motorcycle/scooter parking space per 20 parking spaces is to be provided within new development and hence this should be inclusive to this proposal with approximately 3-4 allocated spaces.

#### Parking Design and Management Plan (PDMP)

On the premise of best controlling the allocation of parking spaces and usage within the site, it is considered that the application of a PDMP is a key tool which helps to ensure an unhindered and functional operation for all parking spaces within the site envelope. This involves creating an internal site management regime that would enforce and oversee overall parking control on a site wide basis thus ensuring the harmonious and mutual coexistence/interplay of parking bay allocations between new residents. The PMS should set out the methodology behind the allocation/control of parking places which can be supported by enforcement structures that encourage the correct use of parking places which assists in ensuring that parking demand and allocation is properly managed. Accordingly, a PDMP should therefore be submitted at the reserved matters stage.

#### Internal Access Road/Parking Layout

The proposed internal parking and road layout arrangement should conform to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is an operational and safety benefit derived from a site arrangement which allows all vehicles using the site to enter and leave in a forward gear without hindrance resulting from an inadequate road layout design (or other obstructions such as parked vehicles). This is the recommended best practice on operational and highway safety grounds which is also applicable to servicing/delivery, emergency and refuse collection vehicles.

Vehicle 'swept path' analysis has been submitted and it has been demonstrated that the internal roadways afford acceptable access to the all of the indicated surface level parking spaces for the site uses and can satisfactorily cater for service, refuse collection and emergency vehicles (including fire service appliances) without notable hindrance by allowing such vehicles to enter and leave the site in a forward gear thereby conforming to established best practice.

Final designs submitted under reserved matters should therefore reaffirm the above aspects.

#### New & Existing Vehicular Access

The principle of the extinguishment of the existing vehicular access is considered acceptable in principle. However, the proposed 'bell-mouth' access point should be relocated north-westwards i.e. distanced further from the road bridge/culvert to facilitate satisfactory sight-lines at the entrance for both vehicles and pedestrians entering and leaving the site.

Sight-line distances in both directions on Springwell Lane should accord with the aforementioned 'Manual for Streets' best practice guidance. As the presented access location fails to meet the relevant standard, the recommended amendment to the positioning should be integrated within final layout designs submitted at the reserved matters stage.

#### Operational Refuse Requirements

In terms of refuse collection, waste collection distances between the new bin stores (or suitable bin stores/collection points) and a refuse vehicle should not exceed 10m with carrying distances from each residential unit not exceeding a distance of 30m in order to accord with the Council's waste collection standard. This detail would be dealt with under a future reserved matters application.

#### Vehicular Trip Generation

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

The anticipated trip generation impact on the highway related to this application would indicate a likely activity of somewhere in the region of 10 to 20 two-way movements during the most crucial morning and evening peak periods which would represent a general reduction during these peaks as compared to the original commercial use which is estimated at over 80 two-way movements per day with associated HGV movements. Therefore, in overall base-line traffic imposition terms the proposal's likely activity is therefore considered relatively absorbable in generation terms and can be accommodated within the local road network without notable detriment to traffic congestion and road safety.

Potential Obligations - S106 agreement (Town and Country Planning Act 1990)

The proposal would give rise to an uplift in general footfall in the vicinity hence is likely that a financial contribution would be sought should the application be recommended for approval via legal agreement in order to ensure that suitable and effective pedestrian linkages within the locality are fit for purpose. For example, there may be potential to enhance the tow path running adjacent to the Grand Union Canal and the public footpath next to Stockers Lake. It is therefore recommended that the applicant appraises the surrounding area under TfL's 'Healthy Streets (HS) and Active Travel Zone (ATZ)' inventory directives which seek to audit the public realm in line with the set 'Healthy Streets' criteria parameters which include the examination of existing characteristics of the public realm to help determine whether local routing in the vicinity of the site is fit for purpose or requires necessary enhancement where deficiencies are identified.

This 'Outline' application has been reviewed by the Highway Authority who are satisfied that, subject to the repositioning of the new vehicular access point, the proposal is acceptable in principle.

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

Policy D11 of the London Plan (2021) requires development proposals to contribute to the minimisation of potential physical risks and include measures to deter crime and anti social behaviour.

Should the application be determined for approval then a condition is recommended to be attached to any grant of planning consent to ensure that the development achieves the Secured by Design accreditation.

#### **7.12 Disabled access**

Policy D3 of the London Plan (2021) seeks to ensure that new development achieves the highest standards of accessible and inclusive design. Policy D5 of the London Plan (2021) requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

If the outline application were to be approved then these details would be secured at reserved matters stage.

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

The London Plan (2021) Policy H5 sets out a threshold approach to major planning applications requiring 50% affordable housing on non-designated industrial sites. Sites which do not meet this threshold are required to follow the viability tested route to

determine the appropriate level of affordable housing. The proportion of affordable housing is measured as the proportion of habitable rooms to ensure a range of sizes of affordable homes can be delivered.

Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies relates to Affordable Housing with the Council seeking 35% of all new units in the borough delivered as affordable housing. The Council's Planning Obligations Supplementary Planning Document (supplementary planning guidance) states that the Council aims to achieve a tenure mix of 70% social rent and 30% intermediate housing across the Borough, however it notes at paragraph 4.16 that subject to the provision of robust evidence, it will adopt a degree of flexibility in its application of Policy H2 to take account of tenure needs in different parts of the borough as well as the viability of schemes.

Policy DMH 7: Provision of Affordable Housing of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that in accordance with national policy:

- i) developments with a capacity to provide 10 or more units will be required to maximise the delivery of on-site affordable housing;
- ii) subject to viability and if appropriate in all circumstances, 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 as set out in Policy H2: Affordable Housing of the Local Plan Part 1.

Affordable housing should be built to the same standards and should share the same level of amenity as private housing. Proposals that do not provide sufficient affordable housing will be resisted.

Notwithstanding the principle issues outlined within this report, if the proposal were to be acceptable it would be required to provide 50% affordable housing calculated by habitable room. The tenure split would need to be 70% low-cost rent (London Affordable Rent or Social Rent) with the remaining 30% being secured as a supported intermediate product.

The final residential mix is not clarified within the current outline submission. However the application is supported by an Affordable Housing Statement which proposes that 50% affordable housing would be provided (by habitable room). The Affordable Housing Statement also states that tenure would be 30% low cost rent (London Affordable Rent), 30% intermediate product (shared ownership) and 40% also intermediate (shared ownership).

The proposed tenure mix does not therefore accord with Policy and a Financial Viability Appraisal has not been submitted and reviewed in order to determine whether a policy compliant level of affordable housing in terms of habitable rooms and tenure split could be provided.

Taking the above matters into account, the affordable housing offer is not considered to be justified and in accordance with Policy H2 of the Hillingdon Local Plan: Part 1- Strategic Policies and Policy DMH 7: Provision of Affordable Housing of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

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

Policy EM4 (Open Space and Informal Recreation) of the Local Plan: Part 1 - Strategic Policies (2012) says that the Council will safeguard, enhance and extend the network of open spaces, informal recreational and environmental opportunities that operate as carbon

sinks and that meet local community needs and facilitate active lifestyles by providing spaces within walking distance of homes. Provision should be made as close as possible to the community it will serve. There will be a presumption against any net loss of open space in the Borough. The Council will identify new opportunities for open space through an Open Space Strategy. 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 (including the linking of existing fragmented areas) including front and back gardens for the benefit of wildlife and a healthier lifestyle, mitigating climate change.

Policy EM7 (Biodiversity and Geological conservation) of the Local Plan: Part 1 - Strategic Policies (2012) seeks the protection and enhancement of populations of protected species as well as priority species and habitats identified within the UK, London and the Hillingdon Biodiversity Action Plan and will (amongst other things) seek the provision of biodiversity improvements from all development, where feasible.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states (amongst other things) 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. The policy also seeks to protect existing trees through tree root protection areas and an arboricultural method statement where appropriate. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

Policy G6 of the London Plan (2021) states that:

A Sites of Importance for Nature Conservation (SINCs) should be protected.

B Boroughs, in developing Development Plans, should:

- 1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
- 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
- 3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans
- 4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context
- 5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.

C Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

- 1) avoid damaging the significant ecological features of the site
- 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site

3) deliver off-site compensation of better biodiversity value.

D Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

E Proposals which reduce deficiencies in access to nature should be considered positively.

Policy G7 of the London Plan (2021) states that:

A London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest - the area of London under the canopy of trees.

B In their Development Plans, boroughs should:

1) protect 'veteran' trees and ancient woodland where these are not already part of a protected site<sup>139</sup>

2) identify opportunities for tree planting in strategic locations.

C Development proposals should ensure that, wherever possible, existing trees of value are retained.<sup>140</sup> If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

The Council's Landscape Architect has reviewed the submitted details and raised concerns. This site is occupied by an area of open semi-improved grassland with occasional trees and woodland beyond to the north and east. A large commercial unit, car sales yard and area of concrete hard-standing is located in the south-west corner. The site is accessed from to the north of Springwell Lane to the south.

Situated within the Colne Valley Regional Park, Springwell Lake is situated to the south-east and Stockers Lake to the north, with the Grand Union Canal a short distance away to the east.

The site lies within the Springwell Lock Conservation Area, a designation which protects all trees with a stem diameter of >75mm. It is also located adjacent to two Local Nature Reserves immediately to the north and south of the site. It is within the Metropolitan Green Belt and also within the Colne Valley regional park.

#### Trees

A tree report (arboricultural impact assessment), dated January 2016, by AGB Environmental, has been submitted. At almost 6 years old, this report is out of date and cannot be relied upon due to the natural process of the development / decline of trees.

Nevertheless, the condition and value of the trees (in 2016) has been reviewed. The report identified 21 trees/groups/woodland blocks. No A grade trees were noted. 7 x individual trees; T1,T2,T5,T6,T7,T8,T9, 2 x groups; G3, G4 and 3 x woodland parcels; W1,W2 and W3 were category B. According to BS59837:2012, category A and B tree are worthy of protection and retention on development sites.

7 x C grade (lower category) trees were identified; T3,T4,T10,G1,G2,G5 and W2. While of lower value, these trees have some landscape (amenity/ ecological) value and should be retained if possible. T11 and T12 were U grade trees whose removal is justified in the

interests of good management.

The 2016 arboricultural impact assessment refers to a previous residential layout. The trees need to be re-surveyed and a bespoke arboricultural impact assessment produced in order to determine the acceptability of the proposals in terms of their impact on trees.

The lack of an up to date arboricultural impact assessment is not deemed a reason for refusal, but an informative is recommended to be attached that advises that an up to date arboricultural impact assessment is required in order to guide any future appeal or resubmission.

#### Ecology

An ecology report (Extended Phase 1 Habitat Survey), originally prepared in 2015 and updated in November 2020, by Applied Ecology, has been submitted.

The report notes, at 3.7, that there is an area of Japanese Knotweed, a non-native invasive species among the ruderal vegetation to the east. At 3.8 the report confirms that this vegetation is the subject of an eradication programme by a specialist company - and has not been mapped.

The survey concludes (4.5) that 'no overriding protected animal species constraints have been identified by the walkover survey, although a number of additional surveys are considered necessary to fully inform the development proposals and mitigation requirements' as summarised in 4.6 -4.8. issues to be addressed include a more detailed assessment of the development impacts on habitat loss and disturbance, SUDS and potential light pollution. More detailed assessments of bat activity and a reptile survey are also required. Tree loss details will be required in relation to the de-silting and engineering proposals for Stockers stream - which will also require bat surveys and surveys for water vole and potentially otter.

#### Conclusion

The ecological report that supports this application does not contain any definitive measures that must be implemented, only recommendations of what could be done and the requirement for outstanding surveys to be completed. Insufficient information has therefore been provided to determine the impact of the proposals on ecology and existing trees. The proposals are therefore considered to be contrary to Policy EM4 (Open Space and Informal Recreation) and Policy EM7 (Biodiversity and Geological conservation) of the Local Plan: Part 1 - Strategic Policies (2012), Policy DMHB 11 and Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy G6 of the London Plan (2021).

#### Landscape

The proposed development will result in a marked physical change to the landscape and whilst there are relatively limited or low value physical features that will be affected within the site itself, the change of use will ultimately result in a clear and distinct transformation to the character of the site. As such, the magnitude of effects (without mitigation) is judged to be high.

Under the MoL's Urban Greening Factor, this residential development should achieve a score of 0.4. No Urban Greening factor masterplan or calculation has been submitted.

Notwithstanding the special circumstances required to justify development within the Green



Belt, the fundamental aim of which is to retain openness and prevent urban sprawl, at present the proposed masterplan lacks detail and is not supported by an Urban Greening Factor calculation. Should the application for outline consent be approved then these details would be required by condition or at reserved matters stage.

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

Policy EM11 of the Local Plan: Part One (2012) requires all new development to address waste management at all stages of a development's life from design and construction through to the end use and activity on site, ensuring that all waste is managed towards the upper end of the waste hierarchy.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two (2020) states that development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Should the application be determined for approval then a condition is recommended to be attached to any grant of planning consent to require that waste storage and collection details be submitted for approval by the Council.

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

Policy SI 2 of the London Plan (2021) requires major developments to be net zero-carbon. Major development proposals are expected to include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided that an alternative proposal is identified and delivery is certain.

Policy SI 4 the London Plan (2021) requires major development proposals to demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process.

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that: A) All developments make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets; B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved; C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, if the Council is minded to approve the application despite not meeting the carbon reduction targets, then it will seek an off-site contribution to make up for the shortfall. The contribution will be sought at a flat rate at of £/tonne over the lifetime of the development, in accordance with the current 'allowable solutions cost'.

Insufficient details have been provided at this stage to determine the acceptability of the proposals with regard to renewable energy or sustainability. No energy statement has been

submitted, however these details can be dealt with by way of a suitable condition (as determined by the Planning Inspectorate under Appeal Ref: APP/R5510/W/21/3285053) and an appropriately worded obligation in a s106 legal agreement any shortfall of emissions onsite at £95/tCO2 annualised for 30 years.

## **7.17 Flooding or Drainage Issues**

The requirement for a sequential test is covered within Section 7.01 of this report.

Contamination of the groundwater Source Protection Zone 1 is covered within Section 7.22 of this report.

### **FLOODING**

Policy SI 13 of the London Plan (2021) requires development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy.

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

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

The flood risk sequential test is used to avoid developing areas at risk of flooding and to direct development towards areas of little or no flood risk. However, if there are no available other sites and the development must be located in the high risk flood area, then this application should also be subject to the exception test.

The commentary on the sequential test is set out above. This section will focus on the second part of the exception test, i.e. would it be safe over the lifetime of the development.

The site lies within Flood Zone 3 and within the functional floodplain of the River Colne. The site and its access have also suffered from historic surface water flooding. A residential proposal for 40 properties is proposed on an industrial site. This is a change from less vulnerable to a more vulnerable use. The application is for a major development and as such the applicant has submitted a Flood Risk Assessment (FRA) which sets out the sites potential flood risk and how the development would deal with drainage / flooding matters within the boundary of the site.

In relation to flood risk, the modelling used refers to enhancements to Stockers Stream which is in the ownership of Affinity Water. Affinity Water have provided a consultation response to the application and note that there is no existing agreement with them for the applicant to complete such works on their property and there are no plans or commitment from Affinity Water to complete these works. As such, the modelling benefits from a proposed situation that the applicant cannot control or guarantee to deliver.

In addition the improvement of Stockers Stream is not within Affinity Water's current river restoration programme. As such, the current flood risk modelling is incorrect and therefore an objection has been raised by the Councils Flood Water Management Officer. Paragraph 4.14 of the submitted Flood Risk Assessment states that Affinity Water support these proposals, however their consultation response objecting to the proposals does not support this statement.

In addition to the concerns about reliance on measures outside the control of the applicant in order to reduce flooding, the applicant predominantly relies on a new flood defence bund to protect the site. The applicant has indicated that the Environment Agency have no objections to the use of this bund through pre-application discussions (Environment Agency letter appended to flood risk assessment) however, no formal response has been received.

Notwithstanding the lack of response, the applicant has not presented the evidence with the application to support the conclusion that the flood defence would be effective, i.e. through the modelling referred to in the flood risk assessment. Given the extreme nature of flooding and the serious risk to human life, this is not acceptable and does not provide sufficient comfort that the flood defence would operate as suggested. There remains an insufficiency of information to support the conclusions that the proposed defence would secure the protection necessary.

Furthermore, serious concerns remain about securing the long term maintenance of the proposed defence. As stated previously, defences can fail leading to rapid inundation of water without warning. This can have serious consequences and risk to life. Appropriate maintenance arrangements and agreements with the Environment Agency would be required and these have not been presented.

Finally, as the site is within flood zone 3, that applicant would be expected to provide a flood warning and evacuation plan. This is required to inform the application as without it, the Council cannot be satisfied that a) there is suitable areas of evacuation, b) that there won't be onerous demands on emergency services, c) potential for residents to access or egress properties safely or d) understanding of what to do in a breach scenario. In relation to (c) it should be noted that the sole access into and out of the site is also shown to be in Flood Zone 3 and therefore would presumably also be impacted by flood water cutting off a dry evacuation route.

As the application fails to demonstrate that flood risk can be suitably mitigated, it is considered to be contrary to Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

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

### **Noise**

The National Planning Policy Framework (NPPF) provides the Government's guidance on noise issues and paragraph 182 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use to residential) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Policy 7.15 of the London Plan seeks to reduce noise and minimise the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors. Policy 7.14 of the London Plan (March 2016) further supports this.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development proposals should not adversely impact on the amenity of adjacent properties and open space.

The proposed scheme is for a residential development and as such is unlikely to generate significant noise pollution. As such it is considered that the scheme would be acceptable in terms of noise.

#### Air Quality

London Plan (2021) Policy SI 1 states:

A - Development Plans, through relevant strategic, site-specific and area-based policies, should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.

B - To tackle poor air quality, protect health and meet legal obligations the following criteria should be addressed:

1) Development proposals should not:

- a) lead to further deterioration of existing poor air quality
- b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits
- c) create unacceptable risk of high levels of exposure to poor air quality.

2) In order to meet the requirements in Part 1, as a minimum:

- a) development proposals must be at least Air Quality Neutral
- b) development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures
- c) major development proposals must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1
- d) development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure.

C - Masterplans and development briefs for large-scale development proposals subject to an Environmental Impact Assessment should consider how local air quality can be improved across the area of the proposal as part of an air quality positive approach. To achieve this a statement should be submitted demonstrating:

- 1) how proposals have considered ways to maximise benefits to local air quality, and
- 2) what measures or design features will be put in place to reduce exposure to pollution, and how they will achieve this.

D - In order to reduce the impact on air quality during the construction and demolition phase development proposals must demonstrate how they plan to comply with the Non-Road Mobile Machinery Low Emission Zone and reduce emissions from the demolition and construction of buildings following best practice guidance.<sup>147</sup>

E - Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site. Where it can be demonstrated that emissions cannot be further reduced by on-site measures, off-site measures to improve local air quality may be acceptable, provided that equivalent air quality benefits can be demonstrated within the area affected by the development.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure

the protection of both existing and new sensitive receptors.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The application site is not within an air quality management area. The applicant has not submitted an air quality assessment for the proposed development, but has submitted an air quality statement outlining the primary potential air quality constraints. As such insufficient details have been provided at this stage to determine the acceptability of the proposals with regard to Air Quality and the development is likely to not be Air Quality Neutral and further action is required to reduce emissions.

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

Therefore, a section 106 agreement with the LAP of £25,615 is required to deliver its air quality local action plan and/or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduces human exposure to nitrogen dioxide levels.

Whilst no Air Quality Assessment has been submitted, these details can be dealt with by way of a suitable condition (as determined by the Planning Inspectorate under Appeal Ref: APP/R5510/W/21/3285053) and an appropriately worded obligation in a s106 legal agreement.

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

The matters raised in submissions have been either been dealt with in the body of this report or are not material planning matters.

#### **7.20 Planning obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

At a regional level, the London Plan (2021) stipulates that when considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

Should the application be approved then the following contributions or planning obligations to mitigate the impacts of the development as considered to be required. As the application is being recommended for refusal, no negotiations have been entered into with the developer in respect of these contributions. However, if the application were to be considered for approval, the following heads of terms would have been pursued:

1. Canal Towpath/Active Travel Zone improvements
2. Affordable Housing
3. Carbon Offset Contribution
4. Air Quality Contribution of £25,615
5. Long Term Management and Maintenance Plan for the Proposed Flood Defence
6. Flood Warning and Evacuation Plan
7. Construction Training
8. Project Management and Monitoring Fee

No legal agreement to address these issue has been offered. As such, the proposal fails to comply with Policy DMCI 7 and it is recommended the application should be refused.

#### Community Infrastructure Levy (CIL)

In addition to S106 contributions the Council has adopted its own Community Infrastructure Levy (CIL) with a charge of £95 per square metre of gross internal residential floor area and £35 per square metre of gross internal office floor area. This application is CIL liable with respect to new floorspace being created.

In addition to the London Borough of Hillingdon CIL, the Mayor of London's Community Infrastructure Levy (CIL) has introduced a charging system within Hillingdon of £60 per square metre (as of the 1st of April 2019) of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail. This application is CIL liable with respect to new floorspace being created.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

### Contaminated Land

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMEI 11, DMEI 12 and Policy DMEI 13 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) seek to control the risk from contamination.

Policy DMEI 11 (Protection of Ground Water Resources) of the Local Plan: Part 2 - Development Management Policies (2020) states:

All development proposals within a Source Protection Zone, Safeguard Zone or Water Protection Zone must assess any risk to groundwater resources and demonstrate that these would be protected throughout the construction and operational phases of development.

Policy DMEI 12 (Development of Land Affected by Contamination) of the Local Plan: Part 2 - Development Management Policies (2020) states:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any 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 remediated so that the development can be made suitable for the proposed use.

B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The Council's Contaminated Land Officer has reviewed the submitted details and suggested conditions to mitigate the impact of contamination should the application be approved. As such the proposals are considered to be acceptable from a land contamination perspective for potential future occupiers of the site.

However the Environment Agency have raised an objection to this development as it does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed.

The previous industrial use of the site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this locations as:

- The site is located within a groundwater Source Protection Zone 1 (SPZ1). Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.
- The site is underlain by a Principal Bedrock Aquifer (Chalk).
- The site is underlain by a Secondary A Superficial Aquifer (Alluvium).

- The site is located within a Water Framework Directive Groundwater water body with "Poor" overall classification (Mid-Chilterns Chalk GB40601G601200).

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in Paragraphs 174 and 183 of the National Planning Policy Framework. The application also fails to meet Policy DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) and as such is recommended for refusal.

#### Fire Safety

Policy D12 (Fire safety) of the London Plan (2021) states that in the interests of fire safety and to ensure the safety of all building users, development proposals must achieve the highest standards of fire safety.

No fire statement has been provided with the application, however given the proposals are for outline consent with all matters reserved it is considered that fire safety could be resolved at reserved matters stage or by condition.

## **8. Observations of the Borough Solicitor**

#### General

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

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

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

#### Planning Conditions

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

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning



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

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

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

## **9. Observations of the Director of Finance**

Not applicable

## **10. CONCLUSION**

The application is for outline consent with all matters reserved for the redevelopment of the Springwell Factory site to provide 40 residential units with associated car parking and landscaping.

The application proposes the loss of non-designated industrial floorspace without providing an acceptable justification to demonstrate there is no reasonable prospect of the site being utilised for industrial purposes. The application is inappropriate development within the green belt and no very special circumstances have been provided. The application site is within a flood zone and no sequential test has been provided to justify the development of a more sensitive use (residential) within this location. The site is also located within a groundwater Source Protection Zone 1 which is a source of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses and the planning application is not supported by an appropriate risk assessment, as such the Environment Agency has objected to the proposal. Insufficient details have been provided with regard to Ecology.

Finally, 50% affordable housing is proposed (by habitable room), however the proposed tenure mix does not accord with relevant policy and a Financial Viability Appraisal has not been submitted in order to determine whether a policy compliant level of affordable housing could be provided.

The applicant has failed to secure provision of contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development in respect of affordable housing, canal towpath/active travel zone improvements, carbon offset, air quality, long term management and maintenance plan for the proposed flood defence, flood warning and evacuation plan, construction training and a project management and monitoring fee.

The Greater London Authority have raised concerns with the proposals, including with the principle of the development.

The application is recommended for refusal.

#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (2012)

Hillingdon Local Plan: Part Two - Development Management Policies (2020)

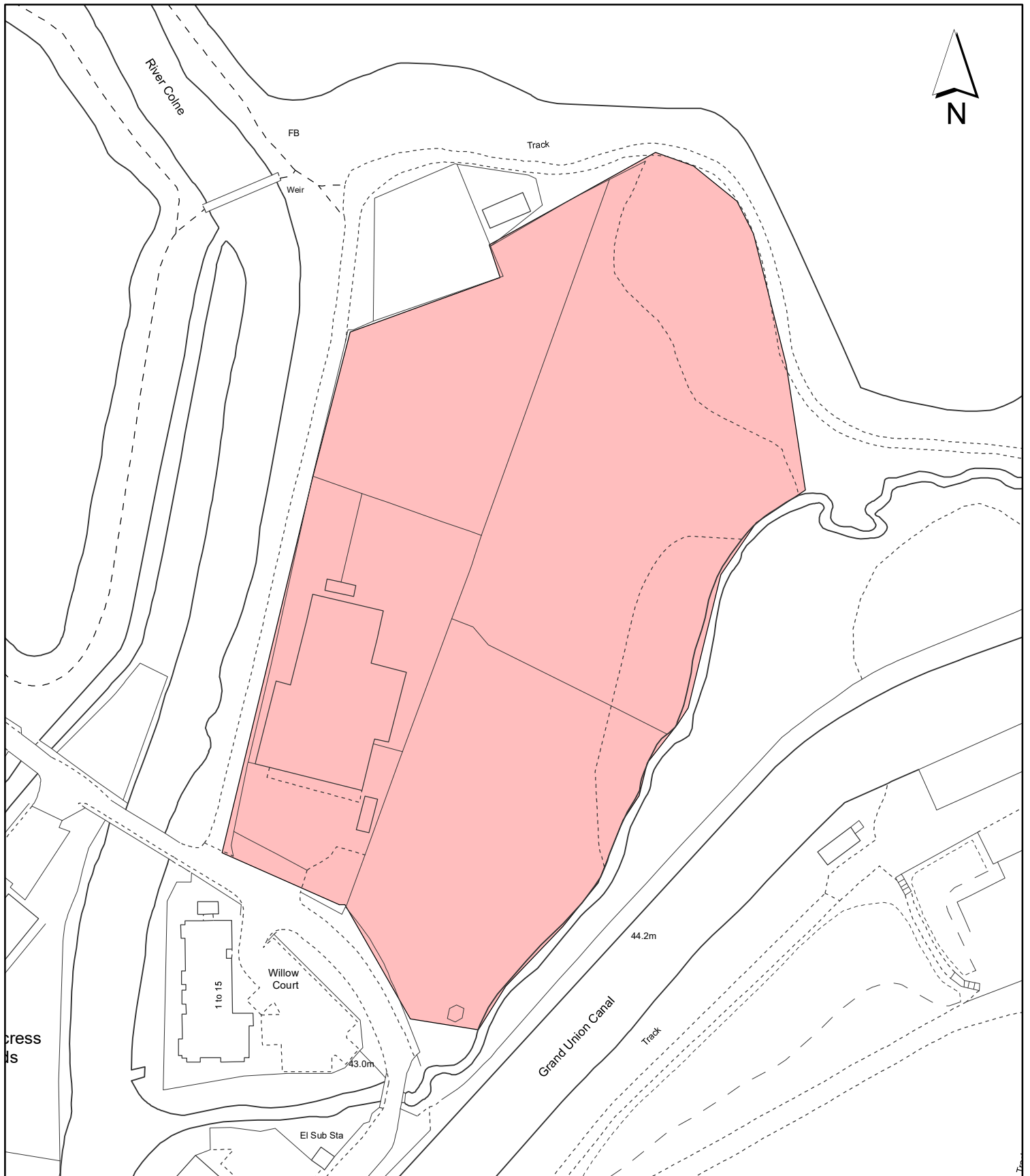
London Plan (2021)

Homes for Londoners Affordable Housing and Viability SPG (2017)

National Planning Policy Framework (2021)

**Contact Officer:** Ed Laughton

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**Springwell Factory  
 Springwell Lane**

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

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

Planning Application Ref:

**35376/APP/2020/3275**

Scale:

**1:1,250**

Planning Committee:

**Major Page 69**

Date:

**May 2022**



**HILLINGDON**  
 LONDON

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

**Address** LAND AT RAINBOW INDUSTRIAL ESTATE TROUT ROAD YIEWSLEY

**Development:** Retention of entrance gates and change of use for use class sui generis including container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos and other structures for a period of 12 months (retrospective application).

**LBH Ref Nos:** 38058/APP/2022/64

**Drawing Nos:** Noise technical note 10.01.22  
SK02 Swept path analysis  
Planning, Design and Access Statement Jan 2022  
Concrete Silo Brochure  
Fire Strategy Statement 10.01.22  
Palisade Data Sheet  
Palisade Fencing Specification Plan  
Textainer Container 20ft- Dry Freight Features Specification  
Air Quality note 10.01.22  
Flood Risk Assessment April 2021  
Air quality assessment 15.03.22  
Dust emissions statement  
Transport Assessment Troutbourne May 2022  
Revised Noise impact assessment 09.05.22  
Site Location Plan  
Proposed Site Plan  
Portacabin Photo (4)  
Portacabin Photo (2)  
Portacabin Photo (3)  
Portacabin Photo (1)

<b>Date Plans Received:</b>	11/01/2022	<b>Date(s) of Amendment(s):</b>	22/03/2022
<b>Date Application Valid:</b>	04/03/2022		12/01/2022
			11/01/2022

### 1. SUMMARY

The application seeks temporary planning consent for up to 12 months for the retention of the Sui Generis use. The site accommodates a number of different open and closed storage occupiers. A similar application was refused in 2021 for 3 reasons which related to the impact the proposed use would have on the Grand Union Canal, local residential amenity in terms of noise impact and Air Quality. The applicant has undertaken remedial works on site to address the concerns which formed the 3 reasons for refusal. This changes include moving the aggregates storage to the north of the site, adopting dust management measures and submitting further details for assessment in respect of noise and air quality. These documents have been assessed by the relevant Council specialist who have raised no objection subject to conditions and/or planning obligations.

In addition to the above, the application site is an allocated site for a residential led development within the Councils Local Plan and positive discussions regarding the

delivery of a housing development are ongoing. This application therefore proposes meanwhile uses which the London Plan (2021) encourages Local Planning Authorities to support where they would not give rise to significant impacts upon local residential amenity.

It should also be noted that the Councils Planning Enforcement Team have issued an Enforcement Notice following the unauthorised use of the land as Sui Generis use. The current proposal seeks to address the concerns raised in the Enforcement Notice and would put into place parameters to help control the use of the site which could be enforced if the applicant were to deviate from the consented scheme.

Taking the points above into consideration and those raised in further detail within the Officer report, the application is recommended for approval.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Deputy Director of Planning and Regeneration to confirm Prior Approval is required and is GRANTED subject to:**

**A) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:**

**1. A s278; Highway works needed to facilitate the development which will include provision of vulnerable road users.**

**2. Air quality damage cost £39,459.**

**3. Project management and monitoring fee: A financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.**

**B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the review and preparation of the Unilateral Undertaking and any abortive work as a result of the agreement not being completed.**

**C) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**D) If the Legal Agreements have not been finalised by 18/06/22, delegated authority be given to the Deputy Director of Planning and Regeneration to refuse the application for the following reason:**

**'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to the highways necessary as a consequence of demands created by the proposed development. The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2015, policies DME1 7, of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (2021) and the NPPF.'**

**E) That subject to the above, the application be deferred for determination by the Deputy Director of Planning and Regeneration under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Deputy Director of Planning and Regeneration prior to issuing the decision.**

**1 B18 Temporary Permissions**

The use hereby permitted shall be for a limited period of 12 months from the date of this decision. The use hereby permitted shall be discontinued and the land restored to a condition to be agreed with the LPA on or before the expiration of the 12 months from the date of this decision, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the LPA.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the 'Proposed Site Plan'.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Planning, Design and Access Statement Jan 2022  
Air Quality note 10.01.22  
Fire Strategy Statement 10.01.22  
Flood Risk Assessment April 2021  
Noise technical note 10.01.22  
Textainer Container 20ft- Dry Freight Features Specification  
Palisade Data Sheet  
Palisade Fencing Specification Plan  
Portacabin Photo (1)  
Portacabin Photo (3)  
Portacabin Photo (4)  
Portacabin Photo (2)  
Concrete Silo Brochure  
Transport Assessment Troutbourne May 2022  
Air quality assessment 15.03.22  
Revised Noise impact assessment 09.05.22  
Dust emissions statement  
SK02 Swept path analysis

Thereafter the development shall be retained/maintained in accordance with these details

for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**4 NONSC Noise management plan**

Within 28 days of the receipt of planning permission a noise management shall be submitted and approved in writing by the Local Planning Authority. The management plan shall include details of how noise complaints from local residents will be dealt with and remedied.

Thereafter the development shall be implemented in accordance with the approved document and retained/maintained in accordance with these details for as long as the development remains in existence.

**REASON**

To ensure the development accords with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy D14 of the London Plan (2021).

**5 NONSC Noise levels**

The sound levels from the site shall not, at any time permitted, exceed 50 dB LAeq,1h (free-field) as measured or calculated 1m outside the nearest residential windows. A correction of -3 dB should be applied to any measurements under facade conditions. Where complaints regarding noise from the site are received by the Local Planning Authority, the applicant or its representative shall follow the procedures within the noise management plan and, where the associated source or activity continues operation, arrange for sound level measurements to be undertaken by a suitably qualified acoustics consultant within a period of two weeks, with the details provided to the LPA within three weeks of knowledge of the complaint.

Thereafter the development shall be implemented in accordance with the approved document and retained/maintained in accordance with these details for as long as the development remains in existence.

**REASON**

To ensure the development accords with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy D14 of the London Plan (2021).

**6 NONSC Noise mitigation requirements**

Within 28 days of receipt of planning permission, in order to monitor and manage noise emissions from the site, the following works shall be implemented in full and maintained in good order for the life of the development:

- (1) the enclosure to the open aggregate storage on the site; and
- (2) construction of 2 metre high acoustic fencing to along the boundaries shared with residential properties (Trout Road/Caxton House/St Stephens Road).

**REASON**



To ensure the development accords with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy D14 of the London Plan (2021).

#### **7 NONSC Air quality 1**

Within 28 days of receipt of planning permission, a dust management plan shall be submitted and approved in writing by the Local Planning Authority. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document). The plan shall also include details of all methods of dust management and clearance which arise from the development.

Thereafter the development shall be implemented in accordance with the approved document and retained/maintained in accordance with these details for as long as the development remains in existence.

Reason:

Compliance with London Plan and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

#### **8 NONSC Crane management**

Should a Crane be required during the lifespan of the temporary permission a Crane Operation Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Ministry of Defence (RAF Northolt) and Heathrow Airport Limited. The submitted plan shall include details of:

- cranes and other tall construction equipment (including the details of obstacle lighting) - Such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues'(available at [www.aoa.org.uk/policy-campaigns/operations-safety](http://www.aoa.org.uk/policy-campaigns/operations-safety)).

The approved Crane Operation Plan (or any variation approved in writing by the Local Planning Authority) shall be implemented as approved.

REASON

In the interests of aircraft safety in compliance with Policy DMAV 1 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (January 2020).

#### **9 NONSC External lighting plan**

Within 28 days of permission an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be implemented in accordance with the approved document and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

In order to protect the wildlife and ecological habitats within close proximity to the site in accordance with Policy EM7 of the Local Plan Part 1 (2012).

#### **10 COM22 Operating Hours**

The site and uses shall not be used except between:

7am - 7pm on weekdays  
7am - 1 pm on Saturdays

The site and uses shall be closed on Sundays, Bank and Public Holidays.

#### REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **11 NONSC Non Standard Condition**

The use shall at all times be operated to enable vehicles to turn within the site boundaries so that vehicles may enter and leave the site in forward gear.

#### REASON

To ensure the development provides safe movement for pedestrian and cyclists and accords with the requirements of Policy T4 of the London Plan (2021).

#### **12 NONSC Non Standard Condition**

All drivers and vehicles visiting the site shall comply with the Freight Operators Recognition Scheme Gold standard.

#### REASON

To ensure the development provides safe movement for pedestrian and cyclists and accords with the requirements of Policy T4 of the London Plan (2021).

### INFORMATIVES

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

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

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

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMCI 7	Planning Obligations and Community Infrastructure Levy
DME 2	Employment Uses Outside of Designated Sites
DMEI 14	Air Quality
DMEI 8	Waterside Development
DMEI 2	Reducing Carbon Emissions
DMEI 9	Management of Flood Risk
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

DMT 7	Freight
SA 39	Trout Road, Yiewsley
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D14	(2021) Noise
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF11	NPPF 2021 - Making effective use of land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making

### **3 I15 Control of Environmental Nuisance from Construction Work**

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

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

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

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

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

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

### **4 I47 Damage to Verge - For Council Roads:**

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

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

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

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

### **5            I70                    LBH worked applicant in a positive & proactive (Granting)**

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

## **3.            CONSIDERATIONS**

### **3.1        Site and Locality**

The site comprises 1.25 ha adjacent to Yiewsley town centre and falls within the wider Rainbow and Kirby Industrial Estates site which extend to 2.15ha. To the immediate north, opposite the entrance to the site on Trout Road, is a 4/5 storey residential block along with similar residential blocks opposite along Trout Road. To the east are small industrial units ranging from 1 to 2 storeys which are accessed off Trout Road to the north east. To the south are residential properties along St Stephen's Road which are two storey detached and semi-detached properties along with a religious centre located adjacent to the access point off St Stephen's Road. Immediately adjacent to the south west is The Grand Union Canal, beyond which are further residential properties in Peplow Close.

The site has two access points, the principal one being from Trout Road to the north west for vehicular and pedestrian access with the secondary access from St Stephen's Road used as an emergency exit only. Both access points are gated. Around half of the site has a PTAL level of 3 and the remaining area has a PTAL of 2. The site lies approximately 6km from Heathrow Airport, with the M25 and M4 in close proximity. Trout Road is a single carriageway with the western end providing a bridge access over the Grand Union Canal which is signalled at both ends as the bridge is narrow and can only allow a single lane of traffic to pass. St Stephen's Road is a single carriageway road.

With the exception of a small area of hardstanding by the Trout Road entrance, the site comprises unmade ground. The previous airport parking use has now ceased but two portacabins, the Trout Road entrance gates, an area of hardstanding and CCTV and lighting associated with this use remains in situ. The portacabins are presently stored behind the existing substation by the boundary to the Trout Road bridge.

The Hillingdon Local Plan: Part 2 - Development Management Policies (2020) contains an allocation policy (ref. SA 39 Trout Road, Yiewsley) for a residential-led mixed-use development of 217 dwellings. Development is allocated across three sites - A, B, and C. Sites B and C have now been constructed and falls outside the wider Rainbow and Kirby Industrial Estate. Site A relates to the Rainbow and Kirby Industrial Estate with the current application site comprising over half of the area of Site A within this policy allocation. There are ongoing discussions regarding a future planning application for a mixed use development at the site.

### **3.2 Proposed Scheme**

The proposal involves installation of two portacabins and retention of entrance gates; a change of use to a mix of uses (sui generis) to include closed storage comprising containers (maximum of 25), open storage of aggregates and building materials; and vehicle storage and sales for a period of 12 months.

The site will predominantly be used for a variety of open and closed storage such as the following:

- Container storage area
- Vehicle storage and sales
- Marble storage
- Timber storage including semi enclosed store and portacabin
- Conway street lighting storage area including 2 x stacked portacabins
- Skip storage area including 1 container
- Open storage of building and scaffolding materials
- Aggregates area including open stores, 3 x silos, water taken container, portacabin and water tank

The palisade fencing and gate around the site entrance off Trout Road will be retained to ensure site security and will serve as the primary access point. The St Stephen's Road access will be used as an emergency exit only (and as operated during the airport parking use).

Proposed hours of use are 7am - 7pm on weekdays, 7am - 1 pm on Saturdays, and closed on Sundays, Bank and public holidays

The applicant explains that the proposed use is sought for a temporary period of 12 months whilst a mixed use, residential-led scheme for the wider Rainbow and Kirby Industrial Estate is discussed with the LPA and a formal planning application is then submitted and determined. The pre-application discussions are currently ongoing concerning the wider redevelopment of the land.

It is understood that the storage elements of the proposal are presently ongoing but that the car storage/ sales has not yet commenced on site.

### **3.3 Relevant Planning History**

38058/APP/2021/1327 Land At Rainbow Industrial Estate Trout Road Yiewsley

Installation of two portacabins and retention of entrance gates and proposed change of use for Use Class Sui Generis including container storage; open and closed storage of building and scaffolding materials; storage of aggregate materials; vehicle storage and sales for a period of 31 months (part retrospective application).

**Decision:** 18-08-2021 Refused

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

The site was subject to a recent application (38058/APP/2021/1327) for a similar use (Installation of two portacabins and retention of entrance gates and proposed change of use for Use Class Sui Generis including container storage; open and closed storage of building and scaffolding materials; storage of aggregate materials; vehicle storage and sales for a period of 36 months (part retrospective application), which was refused for the following reasons.

(1) It has not been demonstrated that the proposed development would not cause unacceptable adverse impacts arising from noise resulting in significant harm to the living conditions and well-being of neighbouring residents and user of the Canalside Moorings and Towpath. The proposal thereby conflicts with Paragraph 185 of the NPPF (2021), Policy D14 of the London Plan (2021), Policies BE1 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Polices (2020).

(2) It has not been demonstrated that the proposed development would not cause unacceptable adverse impacts arising from dust and deteriorating air quality resulting in significant harm to the living conditions and well-being of neighbouring residents in this Air Quality Management Area. The proposal thereby conflicts with Paragraph 186 of the NPPF (2021), Policy SI 1 of the London Plan (2021), Policies BE1 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policies DMEI 14 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

(3) Due to the applicants refusal to agree to the requested conditions, the proposed development would result in an adverse impact on the biodiversity of the Grand Union Canal by virtue of light spill, water quality, dust pollution and noise pollution and would thereby conflict with Policies EM7 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies G9, SI 16 and SI 17 of the London Plan (2021).

The site has historically been used for industrial and storage purposes. It was used as an unauthorised off-airport car park from 2013 to 2016. In October 2016, an Enforcement Notice was served and the Notice was the subject of an appeal, which was allowed (ref: APP/R5510/C/16/3163200 & 3163365 dated 8 June 2017), and permission was granted for a limited period of 12 months.

The permission expired on 8 June 2018. Subsequently an application was received 5 October 2018 to continue the use of the site for car parking for a further 2 years (38058/APP/2018/3554). This application was refused permission on 6 December 2018.

The use of the land for off-airport car parking use has since ceased and the site was vacant for a short period of time. The site is currently being used for commercial storage/commercial operations.

Outline planning permission was granted for a residential-led redevelopment of the wider

Rainbow and Kirby Industrial Estate in 2014 with Reserved Matters approved in 2018. These permissions expired on 1st May 2021.

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

##### Development Plan

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

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

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

##### Material Considerations

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

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

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

##### Part 1 Policies:

PT1.BE1 (2012) Built Environment  
PT1.E1 (2012) Managing the Supply of Employment Land  
PT1.EM3 (2012) Blue Ribbon Network  
PT1.EM6 (2012) Flood Risk Management  
PT1.EM7 (2012) Biodiversity and Geological Conservation  
PT1.EM8 (2012) Land, Water, Air and Noise

##### Part 2 Policies:

DMCI 7 Planning Obligations and Community Infrastructure Levy  
DME 2 Employment Uses Outside of Designated Sites  
DMEI 14 Air Quality  
DMEI 8 Waterside Development  
DMEI 2 Reducing Carbon Emissions  
DMEI 9 Management of Flood Risk  
DMHB 11 Design of New Development  
DMHB 12 Streets and Public Realm  
DMHB 14 Trees and Landscaping

DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMT 7	Freight
SA 39	Trout Road, Yiewsley
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D14	(2021) Noise
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF11	NPPF 2021 - Making effective use of land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making

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

**5.1** Advertisement Expiry Date:- **6th April 2022**

**5.2** Site Notice Expiry Date:- **13th April 2022**

## **6. Consultations**

### **External Consultees**

Letters were sent 135 neighbouring properties, a site notice was placed outside of the site for a period of 21 days and the application was advertised in the local press.

3 letters of objection were received raising the following concerns:

- Highway safety
- Dust emissions
- Canal pollution
- Congestion
- Air quality



GLAAS:  
Recommend No Archaeological Requirement

**HEATHROW SAFEGUARDING:**

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, if a crane is needed for installation purposes, we would like to draw your attention to the following:

**Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

All crane applications should be sent to Heathrow's Works Approval Team via the following address: [Airside\\_Works\\_Approvals@heathrow.com](mailto:Airside_Works_Approvals@heathrow.com)

**CASE OFFICER COMMENT:** A condition is proposed to secure a Crane Management Plan.

**TfL (Summary)**

TfL officers note that the information has been reviewed by Hillingdon Transport officers who do not share these objections. Given the location and distance to the TfL strategic network there are not considered to major adverse impacts on the strategic network, therefore TfL no longer objects to the proposal in its current form.

**CANALS AND RIVERS TRUST(CRT):**

Could you would be able to forward over a copy of Appendix A of the Flood Risk Assessment? This doesn't appear to be available on your website, it is the 'Ramboll foul sewerage & Utilities Assessment'.

**CASE OFFICER COMMENT**

In commenting on the previous application the CRT raised some concerns which were mainly relating to the impact the aggregate storage and car storage could have on the canal in terms of contamination, the impact from possible light spillage and noise could have on local ecology. The current proposal would include a restriction on the operating hours and also enclosed storage along the canal side to reduce noise, dust and emissions as well as containing any requirements for lighting internally. A dust management plan condition is to be added to any grant of consent and also a noise management condition and SUDS condition. As such the CRT's previous concerns are considered to be addressed.

**Internal Consultees**

**AIR QUALITY**

The proposed development is located within the LBH Air Quality Management area (AQMA), and within the West Drayton/Yiewsley Focus Area (FA) catchment area, bringing additional traffic emissions which will add to current likely exceedances. As per the London Plan and LBH Local Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of air pollutant emissions in these sensitive locations. LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas.

Furthermore, policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2),

requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan (March 2021) requires development to be air quality neutral as minimum and air quality positive in certain circumstances, actively contributing to reduce pollutant emissions to the atmosphere. The proposed use is sought for a temporary period of 12 months as a meanwhile use of the site whilst a mixed use, residential-led scheme for the Rainbow and Kirby Industrial sites is discussed with LBH during pre-application discussions and a formal planning application is submitted and determined.

The proposals follow the refusal of planning permission by LB Hillingdon (LBH) for a similar temporary use proposal on 19th August 2021 for 'Installation of two portacabins and retention of entrance gates and proposed change of use for Use Class Sui Generis including container storage; open and closed storage of building and scaffolding materials; storage of aggregate materials; vehicle storage and sales for a period of 36 months (part retrospective application)' (LPA Ref: 38058/APP/2021/1327) ('The 2021 Refusal Application) and a subsequent Enforcement Notice issued by LBH on 3rd September 2021 (Ref: HS/ENF/019144).

The development is not Air Quality Positive and further action is required to reduce emissions. The unauthorised use of the land would cause unacceptable adverse impacts arising from dust and deteriorating air quality resulting in significant harm to the living conditions and wellbeing of neighbouring residents in this Air Quality Management Area. The development therefore will need to deploy suitable mitigation to minimise the impacts on local air quality. The application site previously had a temporary (12 month) permission to operate as an airport parking car park. Prior to this, outline planning permission and Reserved Matters has been approved for redevelopment of the wider Rainbow and Kirby

Industrial Estates site (which includes this site) for a mixed-use development including the demolition of existing premises and erection of 99 residential units (C3), 50-unit extra care/dementia sheltered housing scheme (C3), 1,529.4sqm light industrial floorspace comprising 17 business units (B1c) and 611.30sqm of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping.

#### DAMAGE COST AND MITIGATION MEASURES

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach. The level of mitigation required to the proposed development for traffic emissions is £39,459. Therefore, a section 106 agreement with the LAP of £39,459 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

2 Reason for Refusal (if objecting)

N/A

3 Observations

The site is already in operation for the activities listed in the application for change of use for use class sui generis (which include container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos) and is creating a public nuisance with dust emissions, affecting nearby residents (there are human receptors within 250 m of the site boundary). The site is classified as a High-Risk site for dust emissions. The air quality report submitted to support the planning application identifies receptors with adverse impacts due to dust emissions (R3 and R4) and therefore suitable mitigation needs to be deployed. The mitigation listed in the air quality report is to be included in a Dust Management Plan (DMP) to be submitted to the LA and approved in writing. Therefore, three Air Quality conditions are required to manage emissions as required by the Mayor of London. See text below.

#### Condition - Reducing Dust Emissions from Site Activities

No development shall commence until a Dust Management Plan (DMP) has been submitted to, and approved in writing by, the LPA. The Mitigation is to include, but not be restricted to the mitigation listed in the air quality report, incorporating specific measures to address impacts observed at Caxton House (R3) and on St Stephen's Road (R4). These shall include as a bare minimum, the provisions listed in Appendix of this note. Should any control measures be shown to be failing, or should a need for further control measures be identified, new controls will be agreed and implemented in an updated DMP.

Reason - As the application site is within an Air Quality Management Area, in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

#### Conditions - Reducing Emissions from Demolition and Construction

A No development shall commence until a Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

Reason: Compliance with London Plan and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

B All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

#### Context

The proposed development is within an Air Quality Management Area and will affect identified Air Quality Focus Areas. Air Quality Focus Areas are defined by the GLA as areas already suffering from poor air quality where prioritisation of improvements is required. This is supported by:

#### Local Plan Part 2 Policy DME1 14

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

- i) be at least "air quality neutral";
- ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
- iii) actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

CASE OFFICER COMMENT: The NRMM condition proposed relates to construction traffic and is not therefore relevant in this instance and will not be imposed, All other requested conditions are

proposed to be included in any future grant of consent.

#### NOISE (Summary)

If Hillingdon is minded to grant permission, a condition will be imposed limiting hours as appropriate, where the following are proposed in the PDAS: "7am - 7pm on weekdays, 7am - 1 pm on Saturdays, and closed on Sundays, Bank and public holidays" [paragraph 2.3.4]

Picking up on statements in the Noise Assessment reports, therefore, and where the Council is minded to grant planning permission, we would recommend conditions along the lines of the following:

"Within one month of receipt of planning permission, in order to monitor and manage noise emissions from the site, a site-wide noise management plan should be submitted to the Local Planning Authority, and implemented thereafter. It should include, as a minimum, details of roles and responsibilities, the procedures to be followed in the event of any noise complaints received directly or via the LPA, and confirm details of enclosure to the open aggregate storage on the site, adjustment to the haul route on site to minimise proximity to Caxton House, and the erection of solid fencing to protect the dwellings on St Stephen's Road."

"The sound levels from the site shall not, at any time permitted, exceed 50 dB LAeq,1h (free-field) as measured or calculated 1m outside the nearest residential windows. A correction of -3 dB should be applied to any measurements under facade conditions. Where complaints regarding noise from the site are received by the Local Planning Authority, the applicant or its representative shall follow the procedures within the noise management plan and, where the associated source or activity continues operation, arrange for sound level measurements to be undertaken by a suitably qualified acoustics consultant within a period of two weeks, with the details provided to the LPA within three weeks of knowledge of the complaint."

#### CASE OFFICER COMMENT:

The noise consultants comments regarding the quality and accuracy of the noise assessment are noted. However given the temporary nature of the proposal, the mitigation measures which are to be condition and the restrictions imposed to working hours which are also to be conditioned, the proposal is considered to be acceptable on-balance. In addition a revised noise assessment has been submitted with an updated plan indicating the actual location of the haul road which is already position a reasonable distance from Caxton House. As such this does not form part of the condition.

#### HIGHWAY OFFICER COMMENT (Sumamry):

No objection subject to the following planning conditions and Head of Terms.

##### Conditions

- A condition requiring the applicant to submit a Service and Delivery Plan
- A condition requiring that all drivers and vehicles visiting the site comply with the Freight Operators Recognition Scheme Gold standard.
- A S278 agreement for highway works.

Subject to the above there are no highway objections to this proposal.

#### CASE OFFICER COMMENT:

It is not relevant to impose a servicing a delivery plan at the site given the nature of the temporary use. The other condition and Head of Term will be added to the Recommendation.

#### FLOODING

The FRA does not appear to answers any questions raised previously in relation to 38058/APP/2018/3554 where the site has no information on the risk to the proposed uses or any proposals to manage pollution from car storage and sales and drainage controls within the site.

**CASE OFFICER COMMENT:**

The Councils Flooding Officer has not raised an objection to the proposal but has requested further information relating to the drainage of surface water which is also raised in the comments by the CRT during the assessment of the previous application. The main drainage concern is limiting the potential for contamination into the canal. It should be noted that in determining appeal ref APP/R5510/C/16/3163200 & 3163365 the inspector stated it would not be reasonable to expect a temporary 12 month planning permission to include a SUDS scheme. Further detail on this can be found in section 7.17 of this report.

**WASTE MANAGEMENT OFFICER COMMENT:**

No objection.

**POLICY OFFICER COMMENT:**

No comment

**CONTAMINATED LAND OFFICER COMMENT:**

No objection

## **7. MAIN PLANNING ISSUES**

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

Chapter 11 of the NPPF (2021) encourages the efficient use of land and at Chapter 6 states that decisions should help create the conditions in which businesses can invest, expand and adapt.

The site is allocated (Site Allocation 39 Part A of the adopted Local Plan Part 2(2020)) for a residential-led mixed use development. The site had benefited from planning permission, pp ref 38058/APP/2013/1756, to the wholesale development of the site, however this permission lapsed in May 2021. The Council remains in discussions with the owner of the site regarding the delivery of site allocation.

London Plan Policy H3 encourages Councils to discuss proposals for meanwhile uses on sites awaiting longer-term development. Whilst the policy text relates more specifically to "Meanwhile uses as Housing", the subtext states that "meanwhile uses are a range of temporary uses in land and property awaiting longer-term development" therefore it is considered that the policy does not apply to housing meanwhile uses only. The application site is allocated for residential redevelopment within the Councils Local Plan therefore it is considered that Policy H3 would be applicable. It should be noted that the meanwhile use policy specifically states that applications should not be used for the permanent change of use of the land and should not result in significant impacts on residential amenity.

This application proposes the retention of the Sui Generis use of the site. The use is broken down into various open and closed storage sections with the operation varying between uses akin to B2, B8 or E(g)iii. Given the variety of uses on site the Council accepts that a Sui Generis use class is a more relevant description of the use.

The proposal is to retain this use for a period of 12 months whilst the applicant team work towards the approval of a masterplan for the redevelopment of the entire site. The site falls outside any designated employment site, but has historically been in use for industrial and storage purposes. The applicants team have been in discussions with the Council regarding a revised proposal for the redevelopment of the site, however, no formal planning application has yet been lodged.

The principle of the use of the site for some form of industrial use is accepted, given the site's history of industrial and storage uses. A temporary meanwhile use permission is also appropriate in principle whilst the long term residential-led redevelopment is progressed.

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

This section relates to residential development and is therefore not relevant to the assessment of this application.

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

The site does not fall within a Conservation Area or Area of Special Local Character and does not include any listed buildings or affect any listed building's setting.

Greater London Archaeological Advice Service state that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The proposal would not affect any heritage asset and is considered acceptable in this respect.

#### **7.04 Airport safeguarding**

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) notes that the Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the relevant airport operators on proposals in safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

No objection is raised to the application subject to the requested conditions put forward by Statutory Consultees. In the event that planning permission were granted, the requested conditions would be added to a decision notice.

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

The site is not located within the Green Belt, as such this section is not relevant to the assessment of the application.

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

Policies D1-D3 of the London Plan (2021) requires all development to make the best use of land by following a design led approach that optimises the capacity of sites. The policies set out a range of urban design principles relating to the quality of public realm, the provision of convenient, welcoming and legible movement routes and the importance of designing out crime by, in particular, maximising the provision of active frontages and minimising inactive frontages and improving permeability and overlooking.

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy DMHB 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all new development to be of a height, form, massing and footprint proportionate to its location and sensitive to adjacent buildings and the wider townscape context. Consideration should be given to its integration with the local street network, its relationship with public and private open spaces and its impact on local views.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the importance of good design in new development by A) requiring all new buildings and extensions to be designed to the highest standards, which incorporate principles of good design, such as harmonising with the local context by having

regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure; B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space; C) safeguarding the development potential of adjoining sites and D) making adequate provision for refuse and recycling storage.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

In terms of the visual impact of the development, public views into the site are restricted by surrounding residential and commercial buildings and canal tree screening. The proposed temporary uses comprises portacabins, containers and aggregate mounds which are functional and utilitarian features which in themselves are not attractive but are equally not out of place and not unexpected on a large site which has a history of industrial and storage use. The portacabins proposed measure 3.3(w) x 9.8(i). The two portacabins located within the Conway Street Lighting section of the site are stacked on-top of one another therefore would be the most prominently viewed from outside of the site and would result in an overall height of 5.3 m. Given that they are set back from the boundaries of the site by a significant distance and their immediate context within the industrial site, views of them would not be considered detrimental to the character and appearance of the street scene. The proposed open storage area located predominately adjacent to the canal but also to the rear of properties on St Stephens Road, is proposed to store materials up to a height of 5.2 metres (the applicant has stated that it would not exceed the height of 2 portacabins).

Given this, and the limited view into the site, principally from the Trout Road entrance, it is considered that the proposal can be accepted in terms of visual impact on its surroundings.

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

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) requires developments to be appropriately designed so that they do not adversely affect their surroundings or the local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that development should not adversely impact on the amenity, daylight and sunlight of adjacent properties.

#### **PRIVACY**

The nature of the commercial operations is such that there are no impacts upon the privacy of adjoining occupiers at St Stephens Road and Trout Road. Whilst the proposal comprises open storage adjoining some rear garden areas on St Stephens Road, the open storage would not result in any overlooking into the properties, or others surrounding the site.

#### **DAYLIGHT AND SUNLIGHT**

Only some of the site will comprise physical structures such as portacabins, which are a maximum height of 5.3 metres. In other areas, there is a small area of vehicle storage and other areas of open storage. The proposals would not result in any loss of daylight and sunlight to adjoining residential occupiers.

## OVERBEARING/OVERDOMINANCE

The majority of the site will comprise of works which are low level in height. The only parts of the proposal which have the potential to be overbearing are the areas of open storage where it has been declared that the open storage may go up to 5.2metres in height. Whilst this is not an ideal relationship to the residents of St Stephens Road and Trout Road, an existing bank of trees to the rear of the St Stephens Road properties offers some screening from the open storage. The Trout Road properties are slightly further from these areas of open storage and therefore the proposals have less impact to these residents. The Canal side forms the other site boundary along which open storage up to 5.2 metres is proposed. Again, there is existing landscaping which would offer screening to any users of the canal towpath from seeing the works within the application site. In summary, it is considered that the proposals would not result in an overbearing development however, were the application recommended for approval, it would be considered necessary to attach a compliance condition that the open storage could not exceed 5.2metres as per the information declared in the planning application to avoid blight to local residents and users of the canal and canal towpath.

The nature of the proposed use, with structures limited to portacabins and containers, is such that the proposal does not raise concerns around loss of light, privacy or outlook.

The proposal is considered acceptable in respect these matters.

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

This section of the report is relates to applications for residential redevelopment and is therefore not relevant to the assessment of this application.

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

Para.104 of the NPPF (2021) states that consideration should be given to the potential impacts; opportunities taken to promote walking, cycling and public transport; environmental impacts of traffic should be considered and opportunities taken to avoid and mitigate adverse effects.

Policies T2 and T4 of the London Plan (2021) require developments to contribute to healthy streets, fully assess transport impacts and provide mitigation where necessary, and reduce vehicle emissions and noise.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that development has no significant transport or associated air quality and noise impacts on the local and wider environment. Policy DMT 2 requires safe and efficient vehicle access and and that development does not contribute to a deterioration in air quality, noise, amenity and safety of road users and residents.

It should be noted that the previously refused scheme for a 3 year temporary permission did not raise highway concerns or objections.

No objection is raised in the current 1 year temporary application to the volume of traffic generated, taking into account the lapsed planning permission for a mixed use development at the site and the sites historic use as an industrial site. In particular, it is considered that the local highway network can absorb the estimated trip generation which arises as a result of the proposals, without having a severe impact upon the highway network. Subject to conditions and planning obligations securing safety signage for cyclists and footway works (S278), the the proposal would accord with the above policies.

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



URBAN DESIGN; CONSIDERED UNDER SEC 7.07

ACCESS; ASSESSED UNDER 7.10

#### SECURITY:

Policy D11 of the London Plan (2021) requires development proposals to contribute to the minimisation of potential physical risks and include measures to deter crime and anti social behaviour.

The applicant has explained that a significant benefit of the proposed temporary use of the site is the security against theft, arson, fly-tipping and similar anti-social behaviour pending the long term redevelopment of the site. This is noted and accepted but this needs to be considered in the context of the other impacts which would result from the temporary use of the land.

#### **7.12 Disabled access**

Accessibility for disabled people is legislated under the Disability Discrimination Act (DDA) 1995 (amendment) Regulations 2003. Policies GG1 and D5 of the London Plan (2021) seek to create an environment where all Londoners including disabled people can move around with ease and with choice and dignity, avoiding separation or segregation.

Given the nature of the use, primarily storage and distribution, and that a temporary permission is being sought, it is not considered necessary for the temporary consent to meet DDA requirements.

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

N/A

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

##### TREES AND LANDSCAPING

Policy G5 of the London Plan (2021) requires major developments to incorporate high-quality landscaping.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

The proposed development is a meanwhile use and therefore the requirement to provide additional trees and landscaping as part of this application is considered superfluous, however, this would be necessary as part of any application to redevelop the whole site.

#### ECOLOGY/BIODIVERSITY

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by among other measures, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy SI 17 of the London Plan (2021) requires development along London's canal network to respect local character and biodiversity.

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the design and layout of new development to retain and enhance any existing features of biodiversity or geological value within the site.

Policy DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) expect development alongside the Grand Union Canal to contribute to the improvement of the Canal and its biodiversity.

The application sites southern most boundary adjoins the Grand Union Canal and the Canal Towpath, which is publicly accessible for a stretch of 105 metres approximately. Significant investment into the Canal Towpath which runs through the Borough has been an ongoing project for the Borough and the Canals and Rivers Trust for many years. Planning policies have strongly supported the improvement of the Canal Towpath to ensure biodiversity enhancements alongside creating a sustainable and viable alternative walking and cycling route through the borough.

The Canals and Rivers Trust (CRT) have been consulted as part of the processing of the application. It is noted that during the assessment of the previous application the CRT raised a number of concerns which may have been addressed by the submission of additional information, however the applicant refused to agree to the suggested conditions. As such the impact the proposed development would have on the Canal and it's ecological habitat formed a reason for refusal.

The CRT has not raised concerns in commenting on the current proposal other than raising a request for further drainage details to be submitted. As stated within the Flooding section of this report the inspector for APP/R5510/C/16/3163200 & 3163365 stated that no drainage condition for the temporary planning consent for the off airport car park was required given the temporary nature of the consent. It is important that the inspectors view on this is reflected in this current application for temporary planning consent. Given that the request raised by the CRT has been deemed to be unnecessary under the appeal decision, it is not considered expedient to seek the drainage details requested.

In terms of the remaining concerns raised in the previous application, the revised proposal re-locates the aggregates storage area to the north of the site, much further away from the Canal where it was considered to result in significant concerns on ecology because of possible contamination, noise, dust and emissions. A noise report has been reviewed by the Councils noise consultant who has stated that whilst the survey data could be more accurate, the proposal would not give rise to significant noise concerns providing the applicant agrees with the suggested conditions which restrict the volume of noise and working hours.

The CRT's request for landscaping improvements when commenting on the previous application is noted however the current application proposes a 12 month temporary permission therefore it is unlikely that landscaping of any value could be implemented and flourish within the life span of the proposed use. As such the Council will not be imposing a condition relating to the provision of additional landscaping. Notwithstanding this point it is important to take in the positive changes which have been made which are re-locating the more noisy uses to the northern end of the site which is much further away from the Canal, and the agreement of noise conditions to give the Council greater control over noise

impacts.

In addition the Council has requested that further details relating to lighting locations and levels are submitted to reduce the concerns about light spillage. These will be secured by an appropriately worded condition.

Due to the applicants refusal to agree to the requested conditions, the proposed development would result in an adverse impact on the biodiversity of the Grand Union Canal by virtue of light spill, water quality, dust pollution and noise pollution and would thereby conflict with Policies EM7 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies G9, SI 16 and SI 17 of the London Plan (2021).

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

The proposal comprises delivery and redistribution of materials together with closed storage and car storage/ sales. As such this matter is not considered relevant to the application.

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

It is accepted that the temporary nature of the proposed development is such that there is limited potential for incorporation of low carbon and renewable technologies.

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

The NPPF 2021 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is reflected in Policy EM6 of the Hillingdon Local Plan: Part 1 - Development Management Policies (2020). Where development is necessary in flood risk areas, it can be permitted provided it is made safe without increasing flood risk elsewhere. The London Plan (2021) reiterates national policy guidance, and Policy SI 12 states that development should ensure that flood risk is minimised and mitigated and that residual risk is addressed.

A Flood Risk Assessment accompanied the application which concludes that the future occupants and users of the proposed development will be at a low risk of flooding.

The site is more than 1ha but falls within Flood Zone 1, the area of least risk, and is not within a Critical Drainage Area. No alterations are proposed to the existing site surfaces. The proposal is considered acceptable from a flood risk point of view, albeit matters of surface water drainage are not considered to have been adequately addressed. The concerns regarding surface water drainage were presented by the Council when refusing application reference 38058/APP/2021/1327 and whilst the applicant has not submitted information to address these concerns, the Council did not consider this a reason for refusal.

Whilst both the CRT and the Councils Flooding Officer have raised questions relating to the proposed surface water drainage, particularly in the open storage and sale of car area, the appeal inspector did not agree that a SUDS scheme should be required for a temporary permission. The inspector states in the appeal decision: "In that context it would be disproportionate to require a sustainable drainage system [SuDS]. In reaching this view I have taken account of the House of Commons Written Statement [HCWS161] made on 18 Dec 2014. The distinction I draw for not applying it, in the absence of it having been demonstrated that a SuDS would be inappropriate, is that it would not be reasonable to impose a condition to require a SuDS on what is expressly sought to be a one year

temporary permission. To impose such a condition would therefore be contrary to the policy in paragraph 206 of the Framework. Indeed it is noticeable that the Council has not even suggested that a SuDS condition should be imposed, despite the absolute terms of SP Policy EM6 and the absence of an assessment to demonstrate that it would not be viable. This material consideration therefore outweighs the breach of the policy."

In addition to the above the application proposes the storage and sale of cars rather than storage, sale, repair and maintenance which is distinctively different. Repair and maintenance could give rise to concerns relating to pollution from surface water from oil and petrol. This would not be apparent with the storage and sale of cars. Furthermore a site visit was undertaken and found that there is a level change between the canal towpath (entrance to the canal) which is at a much higher level than the area of land indicated on the site plan for storage and sale of cars. As such surface water would not filter across towards the canal towpath and then into the canal.

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

### **NOISE**

Para.185 of the NPPF (2021) requires new development to mitigate and reduce to a minimum potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

Policy D14 of the London Plan (2021) requires proposals to avoid significant adverse noise impacts on quality of life, and minimise and mitigate potential adverse noise effects.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) seeks to ensure that noise generating development adequately control and mitigate noise impacts.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires new development to avoid adverse impacts on the amenity, noise, daylight and sunlight of adjacent property and open space.

The application site is located adjacent to residential occupiers on St Stephens Road and also transient occupants of leisure moorings on the Grand Union Canal. Other residential developments around the site include Caxton House and Rowlock House on Trout Road.

The applicants have submitted a Noise Assessment alongside their planning submission. The document fails to give an accurate assessment of the potential noise impact as it is based on the assumptions drawn from the light industrial space which was granted as part of the mixed used residential led consent. The document has been reviewed by the Councils appointed Noise Consultant who has agreed that the document does not provide an accurate measurement of the potential noise impacts which could arise from the development. Notwithstanding this point, the comments from the Noise Consultant concludes that whilst the submitted Noise Assessment is not robust, the proposal for a 12 month temporary planning consent would not give rise to detrimental harm subject to conditions restricting the levels of noise and the hours of operation. In addition a revised noise assessment has been submitted with an updated plan indicating the actual location of the haul road which is already position a reasonable distance from Caxton House. As such this does not form part of the condition. The applicant has agreed to these conditions which assist with controlling the impact upon local residential amenity therefore the proposal is considered to be acceptable.

### **AIR QUALITY**

Para. 186 of the NPPF (2021) states that planning decisions should sustain and contribute towards compliance with relevant limit values taking account of Air Quality Management Areas.

Policy SI 1 of the London Plan (2021) requires that development should not lead to deterioration of existing poor air quality.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2021) seeks to ensure development does not cause deterioration in local air quality levels.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires new development to avoid adverse impacts on the amenity, noise, daylight and sunlight of adjacent property and open space.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to protect air quality from deterioration throughout the Borough.

The proposed development is located within the LBH Air Quality Management Area and the West Drayton/Yiewsley Focus Area, bringing traffic emissions which are likely to add to current exceedances. As per the London Plan and the LBH Air Quality Local Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Policy DMEI 14 of the Local Plan requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

In addition, under the Environmental Protection Act 1990, dust nuisance, if it is a regular problem which is substantially affecting resident's health or well-being, or interfering with the use and enjoyment of homes, is considered a statutory nuisance. The proposed development has the potential to generate high risk of nuisance to the nearby residents during its operation phase, particularly given the nature of the use and accompanying HGV traffic. The applicant has not provided sufficient information on the following:

- a) Impacts of transportation of stored materials on local residential areas, namely lorries carrying construction materials to and from the application site; these can include emissions from track-out, fugitive emissions from stockpiling construction materials, and increased congestion due to large size vehicle movements to and from the site to deposit/collect the stored materials. No cumulative assessment of the total vehicle movements (both cars, vans and lorries) with other existing activities in the vicinity of the site was undertaken.
- b) Plans and measures to mitigate fugitive emissions likely to originate from the application site during operation through a Dust Management Plan (DMP);
- c) Plans and measures to manage traffic routes for material transportation lorries to avoid sensitive and congested areas of the Focus Area through a Traffic Management Plan.

The applicant has submitted an air quality assessment which has been reviewed by the Councils Air Quality Officer who has stated that the development is not Air Quality positive and lacks in depth mitigation measures. The document mainly focuses on the air quality issues which would be resultant of trip generation however it is important that dust and

emissions matters are addressed given that these have been raised as a concern by residents during the public consultation period. Upon reviewing the application, the Councils AQ Officer agrees that the trips generated would be less than the permitted mixed use development which has now expired and the temporary car park permission granted at appeal which has also expired.

It is also noted that the applicant has committed to improving the layout of the site by containing some of the uses within closed storage areas. Upon discussing the dust and emissions concerns with the applicant a contract has been entered into with a National Road Sweeping Company that will sweep the site and along Trout Road to sweep any debris/ dust. Initially they will do this on a weekly basis and depending on effectiveness, there is scope to increase the frequency if required. This will supplement the manual operation whereby the road / yard is swept by a person, working intermittently between the vehicle sweeping. An electric road sweeper has also been purchased and will be used between the two operations above.

The above measures are to be secured by the attaching of a condition pertaining to the submission of a dust management plan. Subject to the inclusion of the DMP and a condition restricting the power output of all non-road machinery and the agreement to enter into a legal agreement to secure the above damage cost, the application is considered to be acceptable.

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

Public consultation comments are detailed in the external comments section of this report

#### **7.20 Planning obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

At a regional level, the London Plan (2021) stipulates that when considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

The following contributions or planning obligations are required in order to mitigate the

impacts of the development as required by Policy DMCI 7 (Planning obligations and CIL) of the Local Plan Part 2 Development Management Policies (2020):

1. A s278; Highway works needed to facilitate the development which will include provision of vulnerable road users.
2. Air quality damage cost £39,459.
3. Project management and monitoring fee: A financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

It is considered that the level of planning benefits sought in the event of an approval would be reasonable, adequate and commensurate with the scale and nature of the proposed development, in compliance with Policy DMEI 7 (Planning obligations and CIL) of the Local Plan: Part 2 - Development Management Policies (2020).

#### **7.21 Expediency of enforcement action**

A planning enforcement case ENF/421/21 was opened in 2021 for the unauthorised use of land. An enforcement notice was then served. The applicant has appealed the enforcement notice and this remains a live appeal case which ongoing.

#### **7.22 Other Issues**

##### **CONTAMINATED LAND**

Policy DMEI 12 of the Local Plan: Part Two (2020) requires proposals for development on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants. Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

The application site is not located within an area identified as being at risk of possible contamination. In terms of the proposed contamination risk generated by the development, a SUDS condition is to be attached to any grant of consent in order to ensure that contaminants from the car storage area cannot pollute the Gran Union Canal. As such the proposal does not raise contamination concerns and is therefore considered to be acceptable.

##### **FIRE SAFETY**

Policy D12 of the London Plan (2021) is an important consideration and states:

A) In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space:
  - a) for fire appliances to be positioned on
  - b) appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size

and use of the development.

B) All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The applicant submitted a Fire Safety Strategy as part of the submission for the recently refused application. No objections were raised during the assessment of this application in terms of Fire Safety. As such no objection is raised against this current application.

## **8. Observations of the Borough Solicitor**

### General

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

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

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

### Planning Conditions

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

### Planning Obligations

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



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

#### Equalities and Human Rights

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

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

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

#### **9. Observations of the Director of Finance**

Not applicable

#### **10. CONCLUSION**

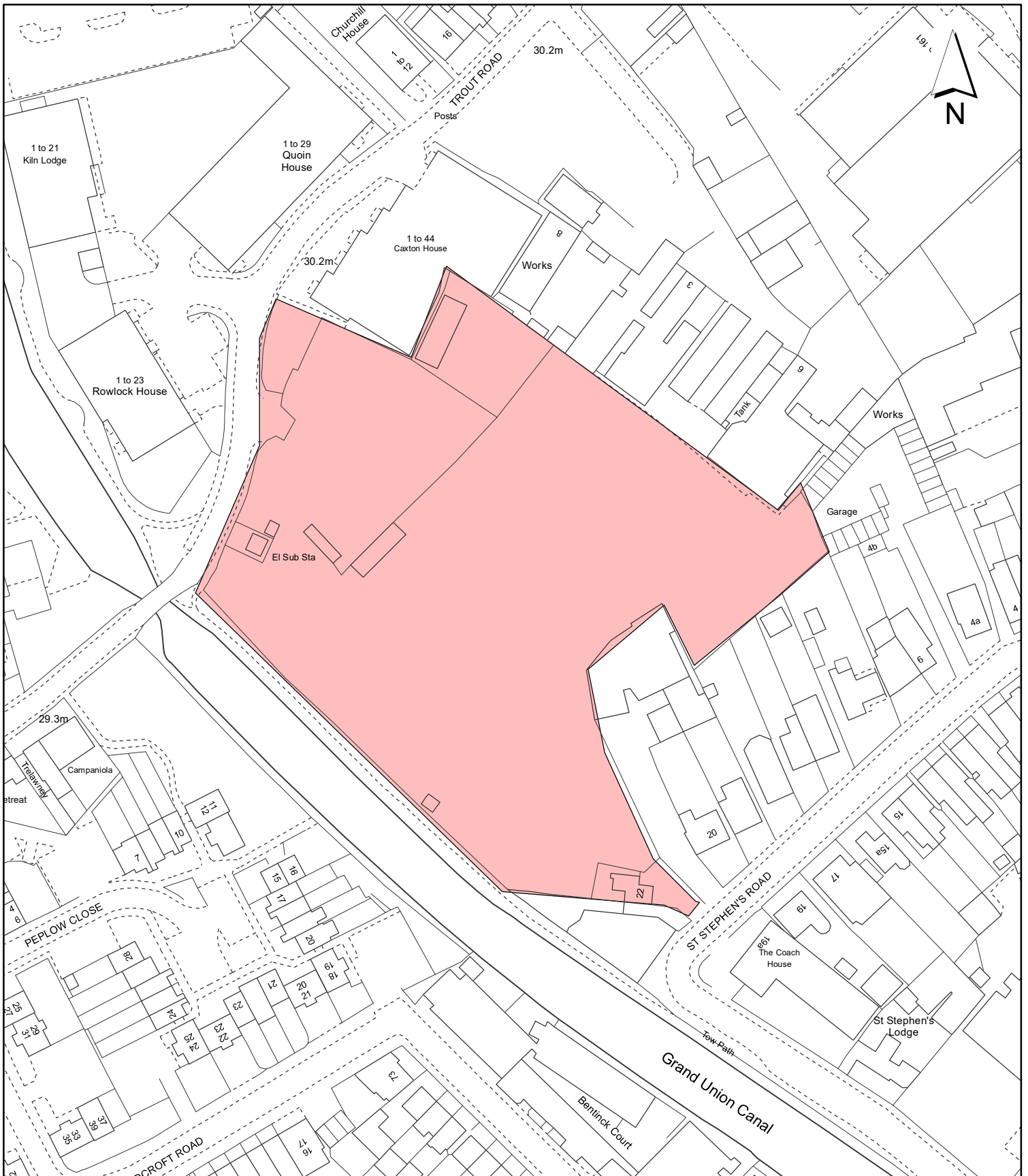
The application proposes temporary planning consent for up to 12 months for the change of use of the site to Sui Generis. The temporary consent would allow the applicant the necessary time to progress with the masterplan to deliver a scheme which meets the detailed brief of the site plan identified within the Councils Local Plan Part Two. As such the application is considered to meet the description of a meanwhile use application which the London Plan encourages local planning authorities to agree providing it would not lead to significant impacts upon local residential amenity. As described in this report the proposal would not give rise to significant impacts upon local residential amenity, the local highway network or the Gran Union Canal which bounds the site. The applicant has agreed to restrict the hours of operation and put into place a variety of mitigation measures to contain any potential impacts relating to noise and air quality. As such it is recommended that the application be approved subject to conditions and the applicant entering into a legal agreement relating to the payment of an air quality damage cost.

#### **11. Reference Documents**

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)  
NPPF (2021)

**Contact Officer:** Christopher Brady

**Telephone No:** 01895 250230



**Notes:**

Site boundary

For identification purposes only.  
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Site Address:

**Rainbow Industrial Estate**

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

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

Planning Application Ref:  
**38058/APP/2022/64**

Scale:  
**1:1,250**

Planning Committee:  
**Major Page 101**

Date:  
**May 2022**



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

<b>Address</b>	FLC CAR SALES FALLING LANE YIEWSLEY		
<b>Development:</b>	Reserved Matters Application regarding appearance and landscaping, as required by Condition 2 of outline planning permission ref. 692/APP/2017/749 dated 11-03-2019 (Erection of a 2-4 storey building comprising 30 no. studio, 1, 2 and 3-bedroom apartments (Use Class C3) with associated access, car parking and refuse/recycling store, involving demolition of the used car sales garage).		
<b>LBH Ref Nos:</b>	692/APP/2021/4071		
<b>Drawing Nos:</b>	15/2936/5 (Proposed First Floor Plan) 15/2936/6 (Proposed Second Floor Plan) 15/2936/3 Rev. A (Proposed Basement Floor Plan) Existing Site Plan 1059.21.1A (Landscape Proposals) 15/2936/4 (Proposed Ground Floor Plan) 15/2936/2 Rev. B (Proposed Site Plan) Landscape Specifications and Maintenance, Ref: 1059.21.1/ 1:1250 Location Plan 15/2936/8 Rev. C (Proposed Roof Plan) 15/2936/7 Rev. C (Proposed Third Floor Plan) 15/2936/9 Rev. C (Proposed Street Elevations) 15/2936/10 Rev. B (Proposed Side and Rear Elevations)		
<b>Date Plans Received:</b>	03/11/2021	<b>Date(s) of Amendment(s):</b>	03/11/2021
<b>Date Application Valid:</b>	17/02/2022		17/02/2022

### 1. SUMMARY

Outline planning permission on this site for the erection of a 2-4 storey building comprising 30 no. studio, 1, 2 and 3-bedroom apartments (Use Class C3) with associated access, car parking and refuse/recycling store, involving demolition of the used car sales garage was granted on 11/3/19 (692/APP/2017/749).

A reserved matters application deals with some or all of the outstanding details of the outline application proposal, including:

- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development
- means of access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- scale - includes information on the size of the development, including the height, width and length of each proposed building

This Reserved Matters Application seeks to address ONLY the outstanding detailed design issues of appearance and landscaping as required by Condition 2 of the outline

permission, as the outline application approved details of the layout, scale and access.

There are only limited conditions attached to this reserved matters application, this is because the outline planning permission conditions (ref: 692/APP/2017/749) remain relevant to this reserved matters application and will need to be submitted for approval following the grant of permission of this reserved matters application.

The overall development is considered to be of an acceptable appearance and design and will provide suitable landscaping in the context of the character and appearance of the surrounding area, including the adjoining Green Belt. The proposed development would deliver a high quality housing scheme which would widen the choice of housing within the Borough, in accordance with the outline permission, and other relevant planning policies and guidance in the Development Plan and it is therefore recommended that planning permission is granted, subject to the imposition of the recommended planning conditions.

## **2. RECOMMENDATION**

**APPROVAL subject to the following:**

### **1 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

15/2936/5 (Proposed First Floor Plan)  
15/2936/6 (Proposed Second Floor Plan)  
15/2936/3 Rev. A (Proposed Basement Floor Plan)  
1059.21.1A (Landscape Proposals)  
15/2936/4 (Proposed Ground Floor Plan)  
15/2936/2 Rev. B (Proposed Site Plan)  
1:1250 Location Plan  
15/2936/8 Rev. C (Proposed Roof Plan)  
15/2936/7 Rev. C (Proposed Third Floor Plan)  
15/2936/9 Rev. C (Proposed Street Elevations)  
15/2936/10 Rev. B (Proposed Side and Rear Elevations)

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

### **2 RES5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Landscape Specifications and Maintenance, Ref: 1059.21.1A

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

#### **REASON**

To ensure that the development complies with the objectives of Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## INFORMATIVES

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

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

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

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMEI 6	Development in Green Edge Locations

### **3 I70 LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **4**

The applicant is advised of the need to comply with all the conditions attached to the outline consent granted on 11/3/19 (692/APP/2017/749) and in particular those conditions which relate to appearance and landscaping, including Conditions 4 (Materials and External Surfaces), 9 (Landscape Scheme), Condition 11 (Ecological Enhancement Scheme), 15 (Details of floodlighting) and 20 (Compliance with Energy and Ecology Reports) as the level of detail provided within this reserved matters application is not sufficient to fully discharge these conditions.

### **5**

You are advised that in order to satisfy Conditions 9 and 14 of the outline consent granted on 11/3/19 (692/APP/2017/749), the wall upon which the 1.2 metre vertical bar rails would be mounted on the eastern side of the vehicular basement entrance should not exceed 0.6m in height.

### **6**

The materials details that would need to be submitted in order to discharge Condition 4 should include fire safety performance (in particular as regards cladding).

### **7**

The 2019 outline approval (ref: 692/APP/2017/749) should not be taken as prejudicial to

any future building control application which will need to comply with the Building Control Regulations in place at the time of the submission of a future Building Control application.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The site is located on the corner of Falling Lane and High Street Yiewsley, with frontages onto both of these roads. The site is broadly triangular and is approximately 0.17 ha in area. It contains an existing used car sales garage (Falling Lane Cars), with a single storey car showroom and forecourt display area. The car showroom is brick built with large glazed frontages. The forecourt is a flat concrete area with cars parked for viewing and display.

The site is located to the north of Yiewsley/West Drayton (Major) town centre, in a mixed use area, surrounded by residential, commercial and retail development. A block of 3 storey residential flats and two storey houses are located to the north/north east. Yiewsley library and recreation ground are located to the south. Commercial office buildings and large retail warehouse development (including a large Tesco superstore) lie to the west.

The site lies adjacent to Green Belt land to the north-west, which includes the Celandine Route along the River Pinn and a Nature Conservation Site of Borough Grade II Importance (Manor Farm Pastures Site of Importance for Nature Conservation).

The site is not covered by any site specific designations in the Development Plan.

#### **3.2 Proposed Scheme**

This Reserved Matters Application seeks to address the outstanding detailed design issues of appearance and landscaping for a 2 - 4 storey building, comprising 30 apartments at the application site.

It is important to note that the principle of the residential re-development of this site, together with details of access, layout and scale have already been agreed under the outline application 692/APP/2017/749 which was allowed on 11/3/19. It is only the specific detail in terms of the appearance and landscaping that is now being considered.

The Outline Planning permission was for the demolition of the used car sales garage and redevelopment to create a 2-4 storey building comprising 30 no. studio, 1, 2 and 3 bedroom apartments (Use Class C3) with associated access, basement car parking for 30 cars, motorcycle parking, bicycle parking for up to 41 bicycles, a refuse/recycling store, amenity space and a children's play area. The Gross Internal Floor Area of the approved building is 2,171 sq. m.

The development comprises a broadly "J" shaped building, with the main 4 storey element fronting Falling Lane. The block drops from 4 to three storeys towards the north east boundary with adjoining residential development and from 4 to three and then 2 storeys towards the north west boundary with the Green Belt.

The use of each floor is as follows:

- Basement parking for 30 vehicles.
- Ground Floor - 1 x studio, 3 x 1 bed, 1 x 2 bed, 1 x 3 bed, amenity space, bicycle parking and refuse/recycling store;



- First Floor - 1 x studio, 5 x 1 bed, and 3 x 2 bed;
- Second Floor - 1 x studio, 3 x 1 bed, 3 x 2 bed and 1 x 3 bed;
- Third Floor 1 x studio, 4 x 1 bed, and 2 x 2 bed.

### 3.3 Relevant Planning History

#### Comment on Relevant Planning History

The only relevant recent planning history on this site relates to the outline application for the erection of a 2 - 4 storey building, comprising 30 no. studio, 1, 2 and 3-bedroom apartments (Use Class C3) with associated access, car parking and refuse/recycling store, involving demolition of the used car sales garage which was approved on 11-03-2019 (692/APP/2017/749). Only details of appearance and landscaping were reserved for subsequent approval.

### 4. Planning Policies and Standards

Development Plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
 The Local Plan: Part 2 - Development Management Policies (2020)  
 The Local Plan: Part 2 - Site Allocations and Designations (2020)  
 The West London Waste Plan (2015)  
 The London Plan (2021)

Material Considerations:

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

#### UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment  
 PT1.EM7 (2012) Biodiversity and Geological Conservation

Part 2 Policies:

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment  
 DMHB 11 Design of New Development  
 DMHB 12 Streets and Public Realm  
 DMHB 14 Trees and Landscaping  
 DMEI 6 Development in Green Edge Locations

### 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **23rd March 2022**

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

## **6. Consultations**

### **External Consultees**

A total of 75 surrounding properties have been consulted on the reserved matters application, the application has been advertised in local press and a site notice were displayed on 2/3/22, with the latest consultation period expiring on 23/3/22. No responses have been received.

### **Internal Consultees**

#### **POLICY OFFICER:**

There are no comments to make on the appearance and landscaping of this scheme from the Policy Team.

#### **HIGHWAY ENGINEER:**

There are no highway objections to this proposal subject to a planning condition requiring that the wall upon which the 1.2 metre vertical bar rails are mounted on the eastern side of the vehicular basement entrance does not exceed 0.6m in height. This condition is to ensure drivers leaving the basement have good visibility of pedestrians.

#### **Case Officer comment:**

Condition 14 of the outline planning consent requires that the access for the proposed site entrance shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site

in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway. The final details/ design of the boundary treatment would also still need to be submitted as part of Condition 9, Part 2.B (Landscaping Scheme) attached to the outline permission which requires details of site enclosure / boundary treatment to be submitted.

#### **TREES /LANDSCAPE OFFICER:**

Condition 2: Reserved Matters This submission includes a landscape plan by Elizabeth Greenwood, ref. 1059.21.1 Rev. A, supported by a Landscape Specification and Maintenance document. The landscape layout plan shows the disposition of hard and soft landscape elements, with schedules of planting and hard landscape materials (boundary details, hard paving and play areas).

The planting proposals include 17 new specimen trees, mixed native hedges, ornamental hedges, shrubs three native /wildflower mixes and an extensive green roof. The planting mix of native species and ornamental species, of know value to wildlife, responds to the recommendations (section 6) of the approved ecology report by Babec, submitted under application ref. 692/APP/2017/749.

#### **Recommendation:**

There is no objection to the current proposals, however, further hard and soft landscape details are required to complete the submission, in accordance with conditions RES9 1, 2, 3, 4, 5 and 6.

\* No detailed specification of the extensive green roof has been submitted - or of its installation and maintenance.

\* Further opportunities for biodiversity enhancement were identified in the approved Ecology Report including: the installation of bird and bat boxes, and the specification of any external lighting which

should be designed and specified to be directional so that it does not pollute the night sky or the trees on the adjacent site. This is required to minimise any disturbance to bats and night flying insects.

\* Additional planting on the larger roof terraces would create more desirable and interesting amenity spaces. Planting should include small multi-stemmed trees.

Finally, an Urban Greening Factor assessment (UGF) and score should be provided in accordance with the GLA's advice. The target score for residential sites is 0.4.

Case Officer comment:

The comments of the Tree / Landscape Officer were forwarded to the agent. In their email dated 13/4/22, they advise that the specific detail required to discharge Condition No. 9 (Landscaping Scheme) is not being applied for within this reserved matters application and the additional information requested would be dealt with as part of the details to discharge Condition No.9, which will be made in the future. Officers do not raise any objection to this and it is noted that as regards the UGF, the outline permission, which included the layout of the site was approved in March 2019, prior to the adoption of Policy G5 (Urban Greening) of the London Plan (March 2021) so that there would not be any scope for any significant increase in the quantum of landscaping on site.

WATER AND FLOOD MANAGEMENT OFFICER:

Not sure why I have been consulted on this without a Basement Impact Assessment - should not have been validated.

Case Officer comment:

This is a reserved matters application that only seeks to discharge the matters reserved for approval at the outline stage, namely appearance and landscaping. A condition (Condition 6) was added at the outline stage which requires that prior to development commencing, a site investigation/structural statement is submitted to and approved by the LPA which addresses the impact of the development on drainage and flooding and the stability of buildings and it stipulates that this needs to specifically assess groundwater levels, local ground conditions, water movement and drainage of the site. Details to discharge this condition have as yet not been submitted.

ACCESS OFFICER:

I have considered the detail of this planning application and have no comments to make at this time

## **7. MAIN PLANNING ISSUES**

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

The principle of re-developing this site for residential use, including the loss of the car sales use on this site and its suitability to provide housing has already been accepted with the granting of the outline permission for the residential re-development of this site on 11/03/19 (692/APP/2017/749).

The officer's committee report on the outline application advised that the application site is currently in use as a car sales garage. This use is sui generis and there are no specific Local Plan or London Plan Policies which seek to protect such a use. In addition, the site itself is not covered by any site specific designations and as such, no objections are raised to the loss of the car sales use.

In terms of the proposed use, the report advised that the development comprises an entirely residential scheme (within Use Class C3) and that the National Planning Policy Framework (NPPF) seeks to significantly boost the supply of housing and as such, the additional housing is considered to be a public benefit and the NPPF supports the delivery

of a wide choice of high quality homes, widening opportunities for home ownership and the creation of sustainable, inclusive and mixed communities. The report also advised of the London Plan and Hillingdon's Local Plan support for additional housing and advised that a satisfactory residential environment can be created for all of the future occupiers and the proposed scheme is not considered to be contrary to Green Belt, flooding, urban design policies and highway issues can be satisfactorily resolved so that given the nature and deliverability of the proposed development on the edge of Yiewsley Town Centre, the scheme would contribute positively and actively meet the overall housing requirement for Hillingdon over the Local Plan period.

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

The officer's report on the outline application advised that the proposal on this edge of town centre site, with a density of 176 dwellings per hectare, was broadly compliant with the suggested density range recommended by the London Plan of 70-170 units per hectare and that the unit mix of 4 x studio apartments, 15 x 1 bedroom, 9 x two bedroom and 2 x 3 bedroom units was acceptable and complied with emerging Policy DMH2 which requires the housing mix to reflect the Council's latest information on housing need, with a changing trend in the housing market showing a need for larger family, 3-4 bedroom units.

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

As previously advised within the officer's report on the outline application, the site does not fall within a conservation area or archaeological priority area; neither is the site located in the vicinity of any statutory or locally listed buildings. As such, it is not considered that the development would affect any heritage asset within the Borough.

#### **7.04 Airport safeguarding**

There are no airport safeguarding issues raised by this development.

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

Policy DME1 6: Development in Green Edge Locations of the Hillingdon Local Plan, Part 2 advises that:

'New development adjacent to the Green Belt, Metropolitan Open Land, Green Chains, Sites of Importance for Nature Conservation, Nature Reserves, countryside, green spaces or the Blue Ribbon Network should incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries.'

The officer's report on the outline application advised that the site does not form part of, but does lie adjacent to the Green Belt boundary, which also forms a Nature Conservation site to the north west. Here, the building steps down from four to two storeys with a gap that is in excess of 5 metres and the main 4 storey element would be a minimum of 16 metres, increasing to 22 metres from the Green Belt boundary. The reduction in height and distance from the site boundary helps limit the impact on Green Belt land to the north west and the report concluded that the scheme would not impact significantly on the visual amenities of the Green Belt.

The landscaping details submitted with this reserved matters application show a mixed species hedge being planted along the majority of the Green Belt boundary. The Council's Tree and Landscape Officer has reviewed these details and considers them to be acceptable in principle and only commented that extra detail would be required to enable Condition 9 to be fully discharged (which does not form part of this submission).

The siting and overall bulk and massing of the building (see comments in Section 7.04 below) has not altered and the details submitted of the appearance and landscaping as part of this reserved matters application would not give rise to any additional impact on the

openness of the Green Belt and would help to assimilate the proposals into the surrounding area, in accordance with Policy DMEI 6.

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

Policy D1 of the London Plan requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds successfully to the identity and character of the locality.

Part 1 Policy BE1 of the Local Plan requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Local Plan Part 2 (2020) requires all development to be designed to the highest standards and incorporate principles of good design, including harmonising with the local context; use of high quality building materials and finishes; protects features of positive value and their settings and includes landscaping and tree planting.

Policy DMHB 12 re-iterates Policy DMHB 11 by stating that development should be well integrated with the surrounding area and be accessible by improving legibility and promote routes and wayfinding between the development and local amenities; public realm design takes account of the established townscape character and quality of the surrounding area; includes landscaping that is suitable for the area; makes provision for the safe and direct movement of pedestrians and cyclists; incorporates appropriate and robust hard landscaping; incorporates public art where appropriate and incorporates inclusive design. Public realm improvements will also be sought from developments close to transport interchanges and community facilities.

Policy DMHB 14 requires, amongst other criteria, that all development should retain or enhance existing landscaping, trees, biodiversity or other natural features of merit; provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure and where space for ground level planting is limited, such as high rise buildings, include living walls and roofs where feasible.

The officer's report on the outline application advised that:

'The scale, bulk and siting of buildings are key determinants in ensuring that the amenity and character of established town centre areas are not compromised by new development. The main constraints and opportunities of the site have been identified, in particular its proximity to the Green Belt.

There is no distinctive or dominant architectural style immediately surrounding the site, whilst the existing car sales building is not considered to be of any particular architectural merit. It is considered that the development has been designed and laid out to respond to the location of the site, which is in a prominent location on the corner of Falling Lane and High Street. The proposed building has been laid out to address the main street frontages on these roads.

Articulation has been achieved in the roof height, with the highest element of the proposed building being located on the corner of High Street and Falling Lane, which addresses the key corner elevation, with the building stepping down towards the north-eastern elevation (nearest neighbouring residential properties) and the north-western elevation, adjacent to the Green Belt.

In terms of appearance, the planning application is in outline only, with details of appearance reserved for future determination. The illustrative elevations do however show the likely appearance of the building. The proposed building has a mansard roof which serves to reduce the perceived bulk of the building whilst addressing the gabled roofline of the building on the opposite side of High Street.

It is considered that the design of the proposed building will fit sensitively with existing neighbouring buildings and making a visual improvement to the existing built form on the site.'

This reserved matters application includes almost identical elevational drawings, with the only difference being the treatment of the top floor of the three storey element on the north eastern end of the building on Falling Lane which now has a squared-off recessed roof form as opposed to a mansard roof form which better reflects the approved floor plans. The third floor plan has also been revised, but only to more accurately show the roof/garden area and correct the siting of the side windows on this end of the building.

The submitted landscape plan shows a 1.2m high vertical wall-mounted rails along the frontage and tree and specimen shrub and single species hedge planting along the road frontages, a brick wall along the north-eastern boundary and a 1.8m high close boarded fence along the Green Belt boundary, with a mixed native hedge along much of this boundary, although the detail is lacking. The Council's Tree / Landscape Officer does not raise any objection in principle to the planting scheme.

It is considered that the proposal would enhance the street scene and local environment with a high quality new building, as compared to the existing use of the site for car sales. Nevertheless, it will be important to ensure that appropriate materials and landscaping details are agreed as part of the discharge of condition details for Conditions 4 (Materials and External Appearance) and Condition 9 (Landscape Scheme) of the outline application. Subject to satisfactory materials and landscaping details being agreed, it is considered that the scheme complies with Policy D1 of the London Plan, Part 1 Policy BE1 of the Local Plan and Policies DMHB 11, 12 and 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

The officer's report on the outline application advised that:-

'There are no residential properties in close proximity to the site to the east, west or south of the site. The nearest residential properties are located to the north and north east. The building line of the proposed new building has been set at a similar distance to the building line of existing properties fronting Falling Lane to the north east. The proposed building would be separated from the nearest neighbouring property fronting Falling Lane (No. 17) by a gap of over 25 metres. In addition, the proposed building would fall outside a 45 degree angle of vision from windows in the block of flats to the north east of the site (15A Falling Lane).'

The report also went on to state that the proposal would not appear unduly dominant and complies with relevant guidance so as not to result in an over dominant form of development which would detract from the amenities of neighbouring occupiers and similarly, there would not be a material loss of daylight or sunlight to any neighbouring residential property. Furthermore, the new building would not impinge into the 21 metre privacy separation distance, drawn at an angle of 45 degrees from the existing windows of any neighbouring property and the proposed windows have been orientated to avoid

overlooking windows of neighbouring properties. As such, the scheme accords with all relevant policies and design guidance.

This reserved matters application does not alter the relationship of the proposed building with adjoining properties and does not reduce any of the separation and overlooking distances so that it remains fully policy compliant.

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

The officer's committee report on the outline application advised that all the proposed units met or exceeded the minimum internal floor areas to satisfy relevant policy requirements and Nationally described space standards. As regards external amenity space, the development would require a total of 585sqm (1 bedroom flat - 20m<sup>2</sup> per flat x 15 = 300; 2 bedroom flat - 25m<sup>2</sup> per flat x 9 = 225 and 3 bedroom flat - 30m<sup>2</sup> per flat x 2 = 60) whereas the proposal provides a combination of communal amenity space at ground floor (686 m<sup>2</sup>), private defensible space at ground floor (97m<sup>2</sup>), private roof terraces (64.4m<sup>2</sup>), balconies (18.6 m<sup>2</sup>), communal roof terrace (96.5 m<sup>2</sup>) and a dedicated children's play area (68m<sup>2</sup>) which equates to a total of 1,029m<sup>2</sup> of external amenity space.

The report further advised that the site is not identified as being within an area deficient of either public open space or children's play areas. The site is adjacent to retained Green Belt land and the public Celandine Route (along the River Pinn). The close proximity of this open space to new residents ensures easy access to alternative amenity areas. Given the location of the site adjacent to a town centre and the proximity of the site to outdoor recreational areas, the amenity space provided is considered acceptable, in compliance with relevant policy and design guidance.

This reserved matters application has not altered the internal nor the external layout of the development layout, and therefore this assessment remains valid and the scheme provides good quality accommodation and external amenity space that satisfies relevant standards.

The officers report also advised that in order to achieve a high quality environment, as much natural daylight as possible is required and to this end, the scheme has been designed to achieve as many dual aspect units as possible, whilst still making the most efficient use of land and respecting the privacy and amenity of neighbouring development. 3 units are triple aspect, 7 units double aspect, with the remaining units single aspect. The single aspect units are generally orientated to ensure they receive good levels of lighting. On this aspect, the report concluded that the daylight and sunlight compliance levels for the proposals are high, for an urban environment such as this one, and therefore the proposed development is acceptable on daylight/sunlight grounds, in compliance with relevant policy

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

The officer's report at outline stage advised that the vehicular access arrangements, which utilised the existing access point to the site was acceptable and the proposed basement car park would provide for 30 cars, equating to 1 space per unit and 2 motor cycle bays. The car parking provision also includes 10% (3) disabled spaces and 12 electric vehicle charging points. 41 cycle spaces would be provided in a secure and covered semi-vertical bike stand at ground floor level in the northern eastern block.

The report also noted that the site's location, adjacent to Yiewsley Town Centre, with all the services and facilities it offers and proximity to a range of public transport facilities (including West Drayton Train Station with future Crossrail services), is a sustainable one with a current PTAL rating of 3 and the 1 parking space per unit satisfies the maximum London Plan standard and considered acceptable.

This reserved matters application makes the same level of provision and is acceptable.

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

The officer's report on the outline application advised:-

'The scheme has been designed to a high quality design standard which has been enhanced through the evolution of the scheme during the pre-application process. It is considered that the scale of the building responds to site characteristics and ensures a good relationship with neighbouring land uses in terms of protecting privacy and amenity.

The development meets and often exceeds the internal space requirements for one, two and three bedroom units. Private amenity space in the form of balconies/terraces is provided for flats on the upper levels where possible. Flats on the ground floor have access to private, defensible terrace space where possible and communal amenity space both at ground floor level and a communal roof terrace.

A dedicated children's play area is included as part of the scheme. The siting and window orientation has been carefully considered to ensure that there is a good standard or amenity for existing neighbours and future occupiers.'

This reserved matters application does not alter the layout of the scheme and this assessment remains valid.

#### **7.12 Disabled access**

The officer's outline report advised that the Mayor of London's Housing Standards require that all residential units within the development are to be 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). Appropriately worded conditions are recommended accordingly, to ensure compliance with these standards. The scheme incorporates a lift from the basement (designed to the relevant DDA standard) to all levels of development.

The report also advised that with regard to Blue Badge parking, the Greater London Authority's guidance on 'Wheelchair Accessible Housing' (September 2007), further states that "generally one blue badge parking space will be required for each wheelchair accessible unit, including those that would otherwise be car-free". 3 disabled parking bays have been provided for, in compliance with these standards.

This reserved matters application does not alter the layout nor the level of disabled parking provision and the scheme is acceptable, subject to compliance with the conditions attached to the outline application.

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

The outline application was supported by a full Financial Viability Appraisal (FVA), which was reviewed by an appropriately qualified third party financial consultant. The Council's assessor confirmed that the scheme is able to support an Affordable Housing Off-Site Contribution for the amount of £298,770 in lieu of on-site provision.

The reserved matters application does not alter this assessment and the in lieu contribution, together with an affordable housing review mechanism to ensure that if the scheme is delayed, its viability is re-assessed in the light of future economic conditions has been secured as part of the S106 Agreement at the outline stage.

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

Policy DMHB 14 requires, amongst other criteria, that all development should retain or



enhance existing landscaping, trees, biodiversity or other natural features of merit; provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure and where space for ground level planting is limited, such as high rise buildings, include living walls and roofs where feasible.

Policy DMEI 1 states that all major development should incorporate living roofs and/or walls into the development and suitable justification should be provided where living walls and roofs cannot be provided which is particularly important in Air Quality Management Areas.

The Council's Tree / Landscape Officer has reviewed this reserved matters submission and advises that the planting proposals include 17 new specimen trees, mixed native hedges, ornamental hedges, shrubs, three native /wildflower mixes and an extensive green roof and that there is no objection to the current proposals, although further hard and soft landscape details are required to complete the submission, in accordance with condition RES9, Part 1, 2, 3, 4, 5 and 6, including the detailed specification of the extensive green roof, including its installation and maintenance and additional planting on the larger roof terraces should be considered to create more desirable and interesting amenity spaces, which should include small multi-stemmed trees.

The comments of the Tree / Landscape Officer were forwarded to the agent, but they advise that this reserved matters application does not seek to discharge Condition 9 and its specific detail which will be dealt with at a later date. No objections are raised to this approach and an informative has been added advising of the need to comply with all the outline consent conditions, including Condition 9.

As regards the lack of an UGF, the outline permission, which included the layout of the site was approved in March 2019, prior to the adoption of Policy G5 (Urban Greening) of the London Plan (March 2021) so that there would not be any scope for any significant increase in the quantum of landscaping on site.

## ECOLOGY

Policy DMEI 7 advises that the design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site, if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects and that development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

The site is adjacent to the River Pinn and Manor Farm Pastures Site of Importance for Nature Conservation (SINC) which is of Borough Grade II importance.

As part of the outline submission, a desk study, extended phase 1 habitat survey, building inspection and ground level tree assessment was carried out. The officer's report on the outline application advised:-

'The report confirms that no evidence of bats was found on site, but there were some potential roosting habitats for bats on trees just outside of the site. It confirms that the site is located outside of the SINC and will therefore not directly affect the non-statutory designated site. It confirms that provided that trees located adjacent to the site boundary

are retained and protected, will not be illuminated by external lighting and that dust will be controlled during demolition and construction, there should be no indirect effects on the SINC. The report also concludes that the proposed development is unlikely to adversely affect other non-statutory sites or areas of Habitats of principal Importance within 1 km of the site boundary.'

The report did note that the proposed scheme includes a green roof on the north western part of the building which represents an ecological enhancement to the site and also introduces amenity space into an area which is currently 100% hardstanding which offers further potential environmental and ecological benefits to the site when compared to the current situation.

The outline consent does include a condition requiring details of ecological enhancement, to promote and enhance wildlife opportunities within the landscaping and the fabric of the buildings and that subject to compliance with this condition, it was considered that the ecological mitigation is satisfactory to comply with relevant policy.

The Council's Tree / Landscape Officer has reviewed this reserved matters application and advises that the planting mix of native species and ornamental species are of know value to wildlife and responds to the recommendations (section 6) of the approved ecology report by Babec, submitted under the outline application (692/APP/2017/749).

However, further opportunities for biodiversity enhancement were identified in the approved Ecology Report including the installation of bird and bat boxes and the specification of any external lighting which should be designed and specified to be directional so that it does not pollute the night sky or the trees on the adjacent site in order to minimise any disturbance to bats and night flying insects.

Again, conditions were attached to the outline permission which adequately deal with ecological mitigation / enhancement which this reserved matters application does not seek to discharge, namely Condition 11 which requires an ecological enhancement scheme, based on the recommendations of the previously submitted ecology report to be submitted, Condition 15 which requires details of any floodlighting or other external lighting to be submitted to the LPA prior to installation and Condition 20 which requires compliance with the ecology report.

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

The officer's report on the outline application advised that in order to address relevant policies, 'the scheme incorporates provision for refuse and recycling in a dedicated space on the ground floor on the north eastern part of the building and that the space is located away from the amenity area and is integrated within the building, providing suitable off road storage space for wheelie bins and recycling facilities. The facilities are easily and safely accessible from the highway collection point.

This reserved matters application does not alter the external layout or the provision to be made for refuse / recycling facilities.

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

The outline application was supported by a Sustainability and Energy Statement, which was reviewed, resulting in the assessment that there is a shortfall in minimising carbon emissions from the development and that the applicant had agreed to pay an in lieu carbon offset payment of £19,404.

This reserved matters application does not alter this assessment and the in lieu

contribution, which has been secured as part of the S106 Agreement at the outline stage.

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

In terms of flooding and drainage issues, the officer's report on the outline application advised that a Flood Risk Assessment had been submitted in support of the application which was reviewed. The officer's report advises that further information was required by way of a groundwater site investigation and structural statement. This requirement is dealt with by Condition 6 attached to the outline consent.

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

The officer's report on the outline application advised that the application site is on a busy high road and it is therefore reasonable to expect that traffic is likely to be at a high enough level to affect the residential amenities of future occupiers.

A noise assessment had been carried out in support of the outline application which concluded that the principle of residential accommodation is acceptable in this location, subject to the mitigation measures outlined within the report. The report identified that traffic noise from Falling Lane and High Street were the dominant sources of noise across the site and advised that mitigation measures such as specialist glazing and alternative forms of ventilation will be required for habitable rooms to comply with relevant noise requirements.

In terms of the amenity space, the report confirmed that the proposed layout along with recommendations for acoustic fences ensure that noise levels are minimised and the majority of areas will meet the relevant noise requirements. Overall the Noise Assessment concluded that based on the mitigations measures suggested that an appropriate acoustic environment can be provided to the proposed residential properties.

In addition to these measures, the Council's EPU noted that the facades facing the High Street and Falling Lane have balconies proposed, which are unlikely to meet the external amenity space criteria and therefore recommended mitigation measures to meet the recommended levels in the appropriate guidelines.

Again, appropriate sound attenuation is dealt with by Condition 21 (Scheme for Protection from Road Traffic Noise) of the outline consent.

#### **AIR QUALITY**

The proposed development is within Hillingdon's declared Air Quality Management Area (AQMA). The development is introducing sensitive receptors into a poor air quality area. The Council's Environmental Protection Unit on the outline application requested a Section 106 obligation of up to £16,500 for contributions to the air quality monitoring network in the area.

This reserved matters application does not alter the requirement for the in lieu contribution, which has been secured as part of the S106 Agreement at the outline stage.

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

No public comments have been received.

#### **7.20 Planning obligations**

Policy DF1 of the London Plan (2021) requires development proposals to provide the infrastructure and meet relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

The planning obligations for the development of the site were secured as part of the outline planning permission (ref: 692/APP/2017/749) which remain relevant to this reserved matters application.

#### **7.21 Expediency of enforcement action**

This application does not raise any enforcement issues.

#### **7.22 Other Issues**

This application can only consider landscaping details and the external appearance of the building.

The London Plan was adopted after the outline application was granted, in effect this means any new policies in the London Plan can only be applied as regards how they pertain to landscaping and external appearance, which in practice severely limits applying such policies. The 2021 London Plan does place greater emphasis (through policy D12) on consideration of fire safety. Nonetheless this does not raise any substantial concerns with this case, as the building is not a tall building and there are no obvious indicators that the scheme would not comply with the latest building regulations.

In effect this means that the Council cannot reconsider the layout of the development as regards fire safety compliance. It should also be noted that condition 04 on the outline consent requested comprehensive details of materials as set out below:

Details should include information relating to:

- (i) fenestration and doors
- (ii) balconies including obscure screening (where applicable)
- (iii) boundary walls, retaining walls and railings
- (iv) comprehensive colour scheme for all built details
- (v) make, product/type, colour and photographs/images.
- (vi) bricks, render, cladding, roof finishes

Fire safety is clearly an important material planning consideration and in conclusion it is considered that two additional Informatives need to be added to the reserved matters approval.

The first informative would state that the materials details submitted to discharge 04 should include fire safety performance (in particular as regards cladding).

The second informative, suggested by the Council's Building Control team, is to state that the 2019 approval (ref: 692/APP/2017/749) should not be taken as prejudicial to any future building control application which will need to comply with the Building Control Regulations in place at the time of the submission of a future Building Control application.

These informatives form part of the officer's recommendation.

### **8. Observations of the Borough Solicitor**

General

Members must determine planning applications having due regard to the provisions of the

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

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

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

#### Planning Conditions

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

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

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

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

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

### **9. Observations of the Director of Finance**

Not applicable

## **10. CONCLUSION**

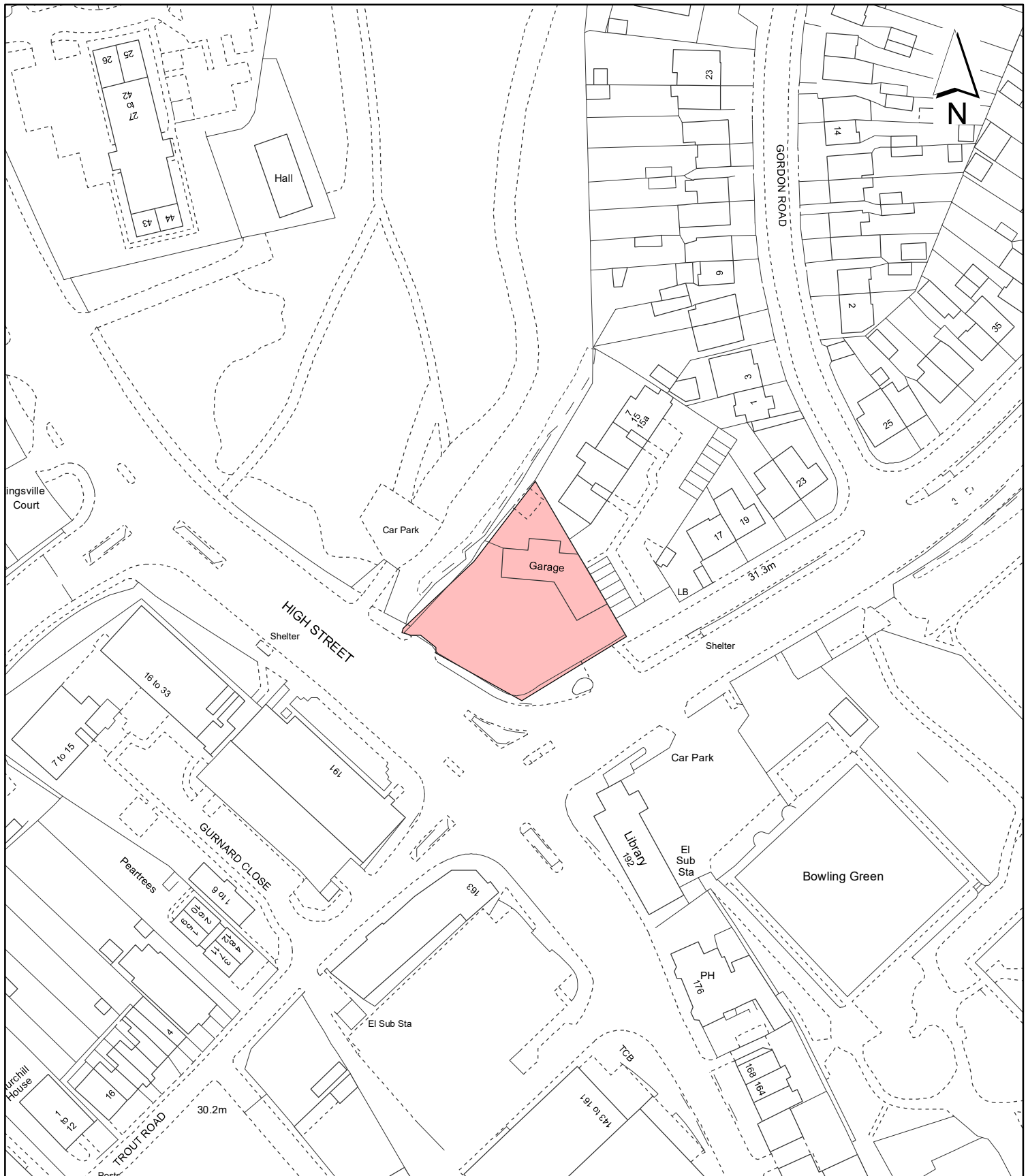
The details of appearance and landscaping are considered acceptable to enable the discharge of this reserved matters application, although further details are still required to satisfy Conditions 4 (Materials and external surfaces) and 9 (Landscape scheme) of the outline consent which have yet to be submitted.

## **11. Reference Documents**

The Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Development Management policies (January 2020)  
London Plan (March 2021)  
National Planning Policy Framework (2021)  
Council's Supplementary Planning Document - Accessible Hillingdon  
Council's Supplementary Planning Document - Planning Obligations

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**FLC Car Sales,  
 Falling Lane,  
 Yiewsley**

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

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

Planning Application Ref:

**692/APP/2021/4071**

Scale:

**1:1,250**

Planning Committee:

**Major Page 121**

Date:

**May 2022**



**HILLINGDON**  
 LONDON

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# Plans for Major Applications Planning Committee

Wednesday 18th May 2022



**HILLINGDON**  
LONDON

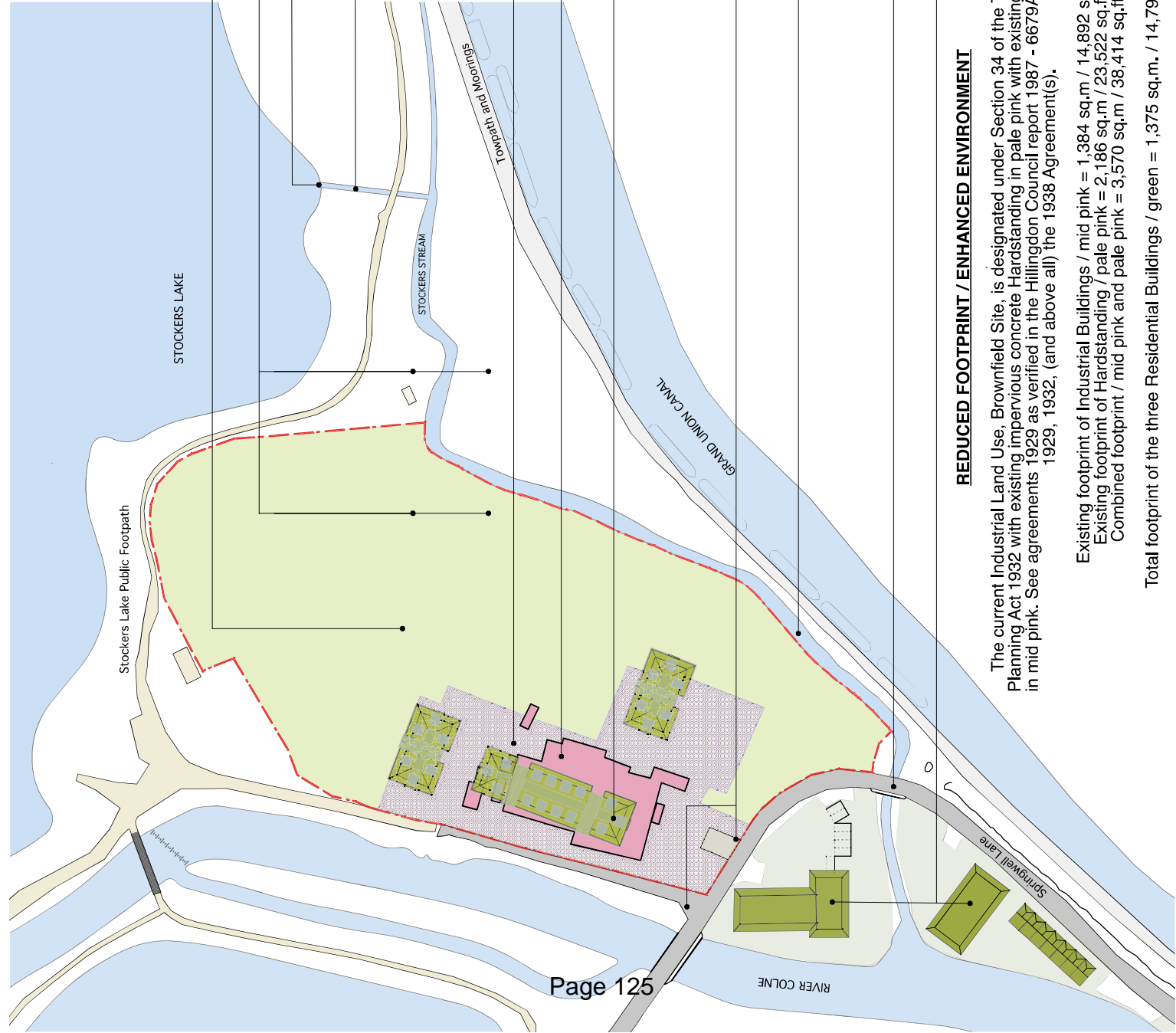
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

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

**Address** SPRINGWELL FACTORY SPRINGWELL LANE HAREFIELD

**Development:** Redevelopment of the site to provide 40 residential units with associated car parking and landscaping (Outline application with all matters reserved).

**LBH Ref Nos:** 35376/APP/2020/3275



Openess' of Site maintained / Enhanced.

Existing Wetlands / Nature Reserve.

Weir.

Existing Stockers Lake overflow linked to Stockers Stream via Weir and Culvert under Stockers Lake Public Footpath.

All storage and impervious concrete Hardstanding / pale pink, to be removed. All existing Industrial Buildings / mid pink, to be removed.

Three proposed Residential Buildings / green.

The two dangerous current Access Roads to Springwell Lane to be removed / improved Road Safety.

Stockers Stream to be desilted and properly maintained / improved site drainage / Enhanced Environment.

Restoration and planned maintenance of existing Culvert under Springwell Lane.

Existing 4 and 5 storey Residential Buildings.

**REDUCED FOOTPRINT / ENHANCED ENVIRONMENT**

The current Industrial Land Use, Brownfield Site, is designated under Section 34 of the Town and Country Planning Act 1929 with existing impervious concrete Hardstanding in pale pink with existing Industrial Buildings in mid pink. See agreements 1929 as verified in the Hillingdon Council report 1987 - 6679AL/87/1246 citing the 1929, 1932, (and above all) the 1938 Agreement(s).

Existing footprint of Industrial Buildings / mid pink = 1,384 sq.m / 14,892 sq.ft.  
 Existing footprint of Hardstanding / pale pink = 2,186 sq.m / 23,522 sq.ft.  
 Combined footprint / mid pink and pale pink = 3,570 sq.m / 38,414 sq.ft.

Total footprint of the three Residential Buildings / green = 1,375 sq.m. / 14,797 sq.ft.

Project Title: **PROPOSAL FOR THE IMPROVEMENT TO THE INDUSTRIAL, BROWNFIELD SITE TO PROVIDE RESIDENTIAL HOUSING UNDER SECTION 34 OF THE TOWN AND COUNTRY PLANNING ACT 1929 AT SPRINGWELL LANE, HAREFIELD, HILLINGDON, WD3 8UX**

Drawings: **EXISTING BUILDINGS AND HARDSTANDING with outline PROPOSAL**

Revision: **Rev.A FEB 2020 Overlay with Outline proposal**  
 Rev.B June 2020 Updated with Outline proposal overall

Date: 03.02.2020	Drawing No: 12.168F04.SK1.B	Job No: 12.168F
Client: R.K.	Scale: 1:1250 @ A3	

Prepared by: **RBH Chartered Architects**  
 25, The Station Approach, Hillingdon, Uxbridge, Middlesex, UB8 3PH  
 Tel: +44 (0)1895 753300  
 Email: [info@robh.co.uk](mailto:info@robh.co.uk)  
 www.robh.co.uk

Approved for construction of the proposed development under Section 34 of the Town and Country Planning Act 1929

Exempt from full planning application under Section 34 of the Town and Country Planning Act 1929

Exempt from the requirements of the Town and Country Planning Regulations 2004

Approved for construction of the proposed development under Section 34 of the Town and Country Planning Act 1929

Exempt from full planning application under Section 34 of the Town and Country Planning Act 1929

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Exempt from full planning application under Section 34 of the Town and Country Planning Act 1929

Exempt from the requirements of the Town and Country Planning Regulations 2004

Public Footpaths along the River Colne and around the local Lake System

Canal Towpath for Pedestrians and Cyclists

Visitor and Resident Parking. Pedestrian access to the Residences is as indicated by the arrows. Parking provision is for 1 parking space per residence and 0.5 parking spaces per residence for visitors.

**ACCESS AND STRATEGIC LAYOUT**

Vehicular access to 'Springwell Green' is from Springwell Lane. There are multiple pedestrian and cycle routes around the site, including footpaths associated with the River and Lakes plus a Tow Path which enables cycling and walking into Rickmansworth and other local locations.

For details of the Highway Access, Visibility Splays and Swept Path Analysis please see associated drawings by JGHighways JG.01 and JG.02



Project Title: IMPROVEMENT TO THE INDUSTRIAL - BROWNFIELD SITE  
THE RESIDENTIAL DEVELOPMENT AT SPRINGWELL GREEN  
SPRINGWELL LANE, WATFORD, HERTS, WD3 8UX

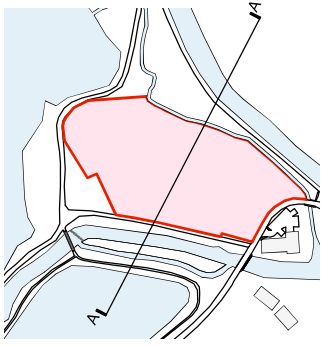
Drawing: ACCESS PROPOSAL

Revision:

Date: 06.10.2023	Drawing No: J2.18BF0A.SK02	Job No: 12.18BF
Client: R.K.	Scale: 1:1250 @ A3	

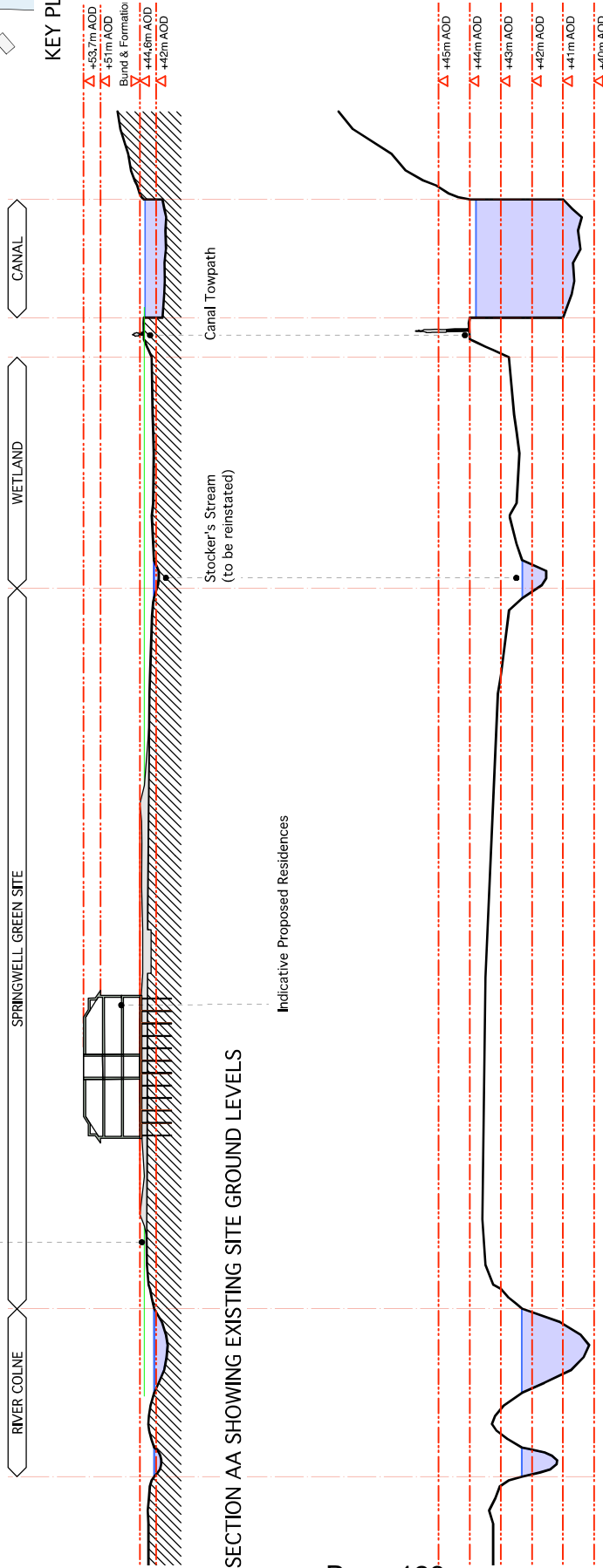

  
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**KEY PLAN**

The site has side banks sloping to the River Colne and Stocker's Stream.



**Project Title:** REF: IMPROVEMENT TO THE INDUSTRIAL BROWNFIELD SITE  
 SPRINGWELL GREEN  
 SPRINGWELL LANE, HAREFIELD, HILLINGDON, WDS 8UX

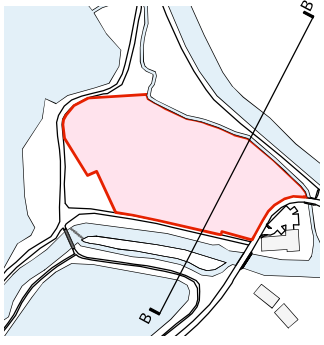
**Drawing:** CROSS SECTION AA THROUGH EXISTING SITE WITH PROPOSAL OVERLAY

**Revision:** Rev A, 26.09.2016 - levels checked  
 Rev B, 11.10.2016 - Stocker's Stream reinstated  
 Rev C, 11.10.2016 - Indicative Proposed Residences formation level of proposed residential units  
 Rev D, 21.09.2020 - revised proposed residential units added

**Date:** 27.09.16 **Drawing No:** 12-168F-SITE-210.D **Job No:** 12-168F

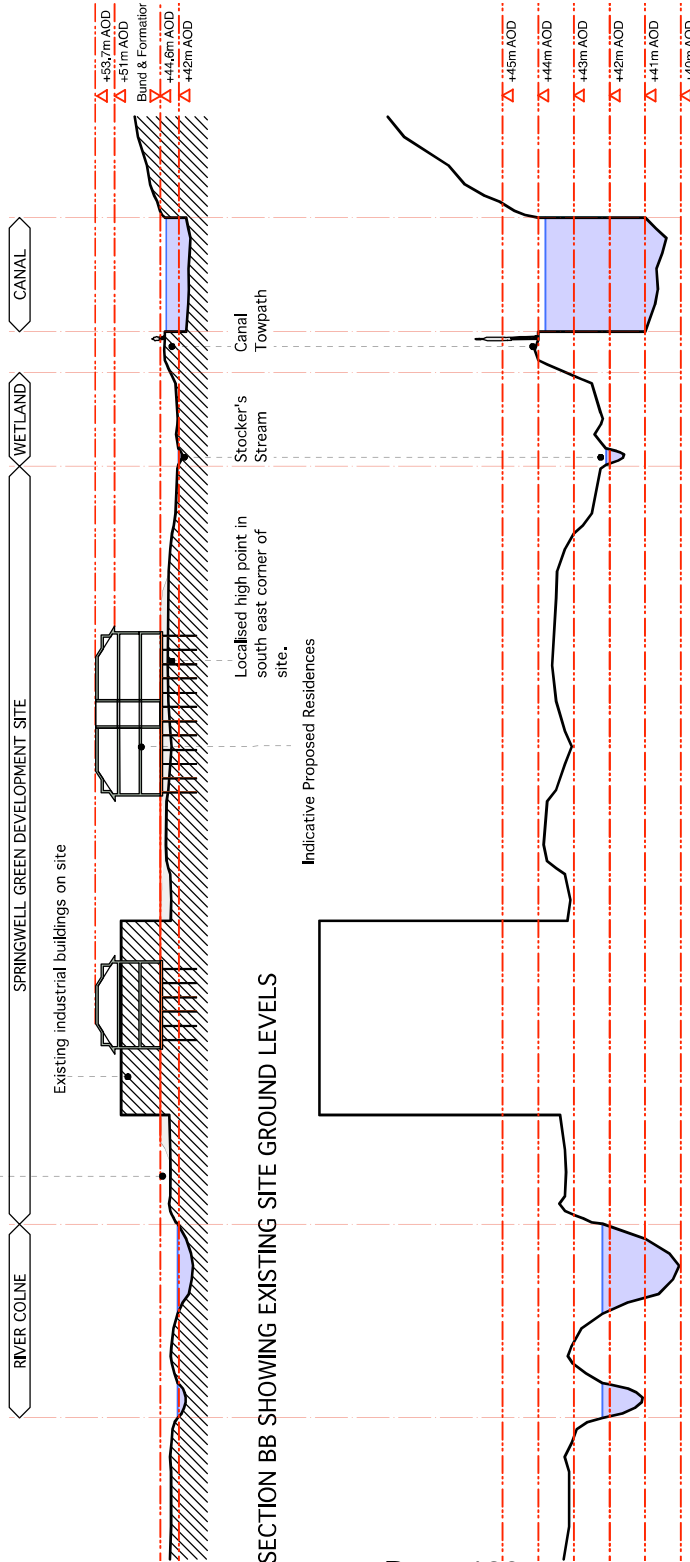
**Client:** R.K. **Scale:** 1:750 @ A3

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 Fax: +44 (0)20 730 8307  
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KEY PLAN

Site generally slopes down from west to east, with a high bank to the River Colne. The site does not flood from the River Colne breaking its banks, but from Stocker's Lake, via the wetland.



SECTION BB WITH EXAGGERATED (5X) Y-AXIS

**Project Title:**  
 REF: IMPROVEMENT TO THE INDUSTRIAL BROWNFIELD SITE  
 SPRINGWELL GREEN  
 SPRINGWELL LANE, HAREFIELD, HILLINGDON, WDS 8UX

**Drawing:**  
 CROSS SECTION BB THROUGH EXISTING SITE WITH  
 PROPOSAL OVERLAY

**Revision:**  
 Rev. A, 01.05.2020 - Indicate bund with formation levels of proposed residential units with formation  
 Rev. B, 21.09.2020 - revised location of the proposed residential units.

**Date:** 27.09.16 | **Drawing No.:** 12.168F-SITE.211.B | **Job No.:** 12.168F  
**Client:** R.K. | **Scale:** 1:750 @ A3

**soes**  
 spaced out architecture studio

**RBA Chartered Architects**  
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**TRAINS**  
Metropolitan Line towards Amersham (11 mins) and Chessham (17 mins)  
Chiltern Railways towards Aylesbury (60 mins)

**M25**  
Clockwise towards Watford

**BUS**  
41 from Watford, Abbots Langley

**CHORLEYWOOD TRAIN STATION**  
London Underground / Chiltern Railways  
20 mins drive from Springwell Lane  
10 mins cycle from Springwell Lane

**BUS**  
R21 loop  
**BUS**  
R4 to Chorleywood Station (8 mins)

**M25 JUNCTION 17**  
4 mins drive from Springwell Lane

**M25**  
Anti-clockwise towards Uxbridge  
**BUS STOP**  
Uxbridge Road, Long Lane  
Routes: 41, 321, 324, R4, R21, W1  
All buses go to Rickmansworth Railway Station / High Street (5 mins)  
6-8mins walk from site,  
6-8 mins walk to nearest bus stop, 4 mins of which on Springwell Lane road-way, with no footpath

**BUSES**  
Routes 41, 321, 324 and W1, towards Croxley Green (15mins) and Watford (30mins)

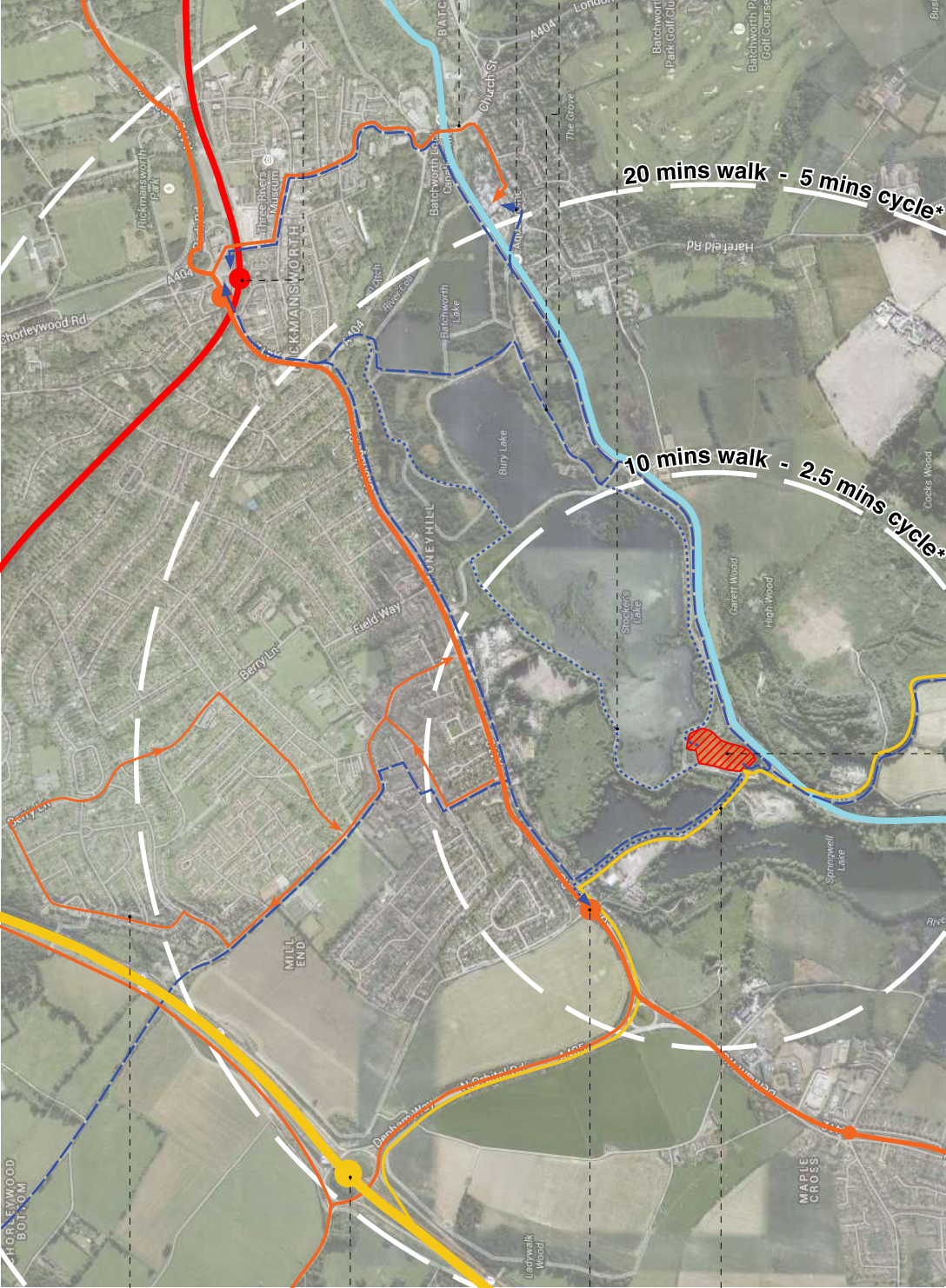
**TRAINS**  
London Underground Metropolitan Line towards Baker Street (38 mins)  
Chiltern Railways towards Marylebone (34 mins)

**RICKMANSWORTH TRAIN STATION**  
30 mins walk from Springwell Lane  
10 mins cycle from Springwell Lane

**GRAND UNION CANAL**  
Waterway towards Northampton, Milton Keynes and beyond

**BUS**  
R4 to Harefield Road Tesco's (9 mins from Uxbridge Road, Long Lane stop)  
7 mins cycle - 25 mins walk along canal tow path to Tesco's

10 mins cycle - 30 mins walk along canal tow path / through park to Rickmansworth town centre and train station  
30 mins walk along through park to Rickmansworth town centre and train station



20 mins walk - 5 mins cycle\*

10 mins walk - 2.5 mins cycle\*

14 min cycle to Harefield  
9 min drive to Harefield

**THE SITE**  
Grand Union Peninsula  
Springwell Lane WD3 8UX  
DESIGNATED AS INDUSTRIAL USE

**BUSES**  
R21 to Denham (15mins) and Uxbridge (30mins)  
724 to Denham (15mins), Uxbridge (30 mins), and Heathrow Airport

**LEGEND**

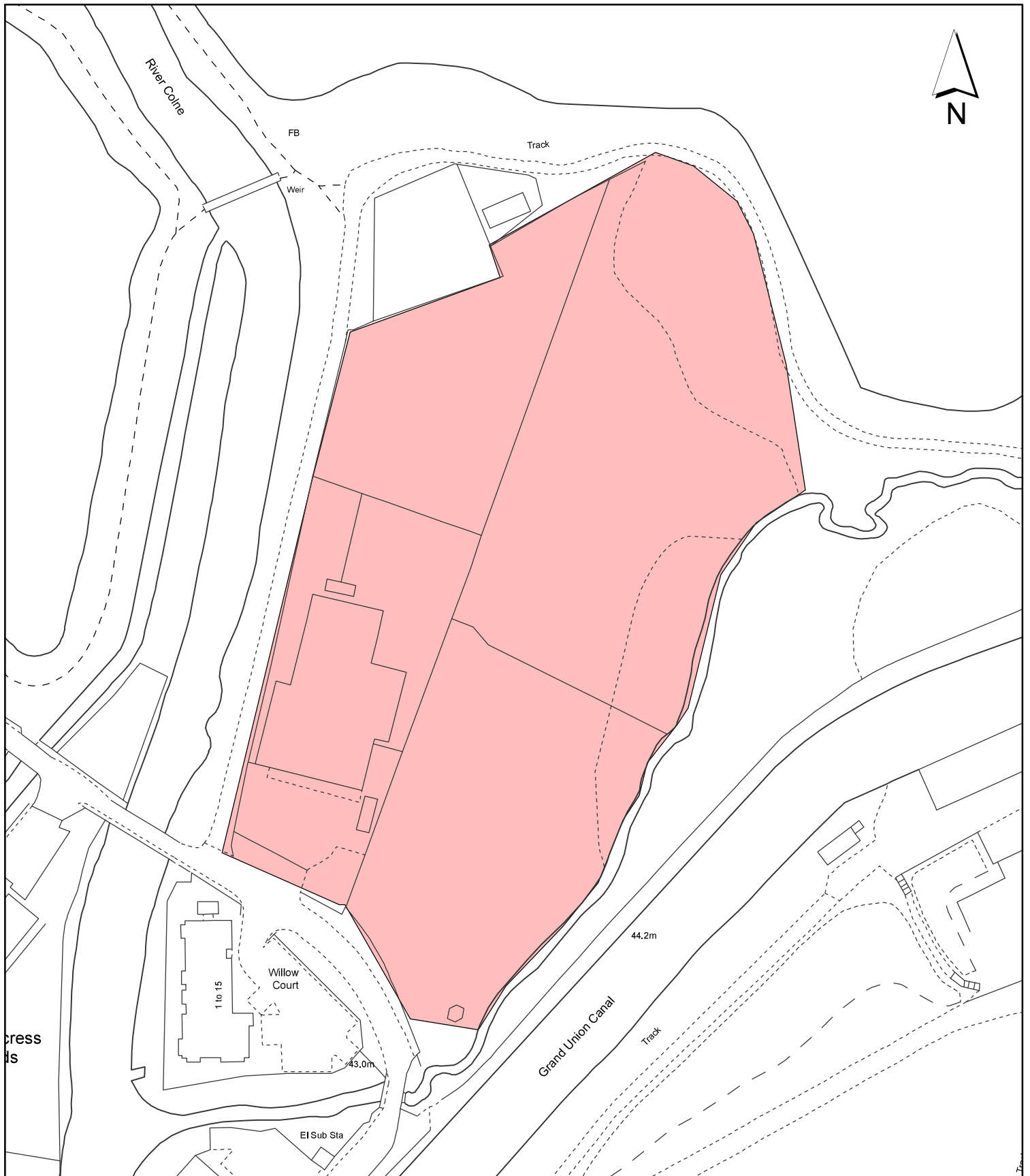
- Walking
- Cycling & Walking
- Buses
- Trains
- Cars
- Waterways

\*Average straight line walking / cycling speed

**SUMMARY**  
The canal towpath provides an excellent and attractive cycle connection to Rickmansworth town centre and train station. There is also the possibility to cycle through the park, a very pleasant journey.  
Rickmansworth town centre is within walking distance, and though this walk is very appealing, it is perhaps a little long.  
There is a well served bus stop within comfortable walking distance, although half of this walk is along Springwell Lane with no pavement / streetlighting.  
The site is very well connected by car, with the A412 only 2 minutes drive up Springwell Lane, and Junction 17 of the M25 just 4 minutes away.







**Notes:**

 Site boundary

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Site Address:

**Springwell Factory  
 Springwell Lane**

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

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

Planning Application Ref:

**35376/APP/2020/3275**

Scale:

**1:1,250**

Planning Committee:

**Major Page 131**

Date:

**May 2022**



**HILLINGDON**  
 LONDON

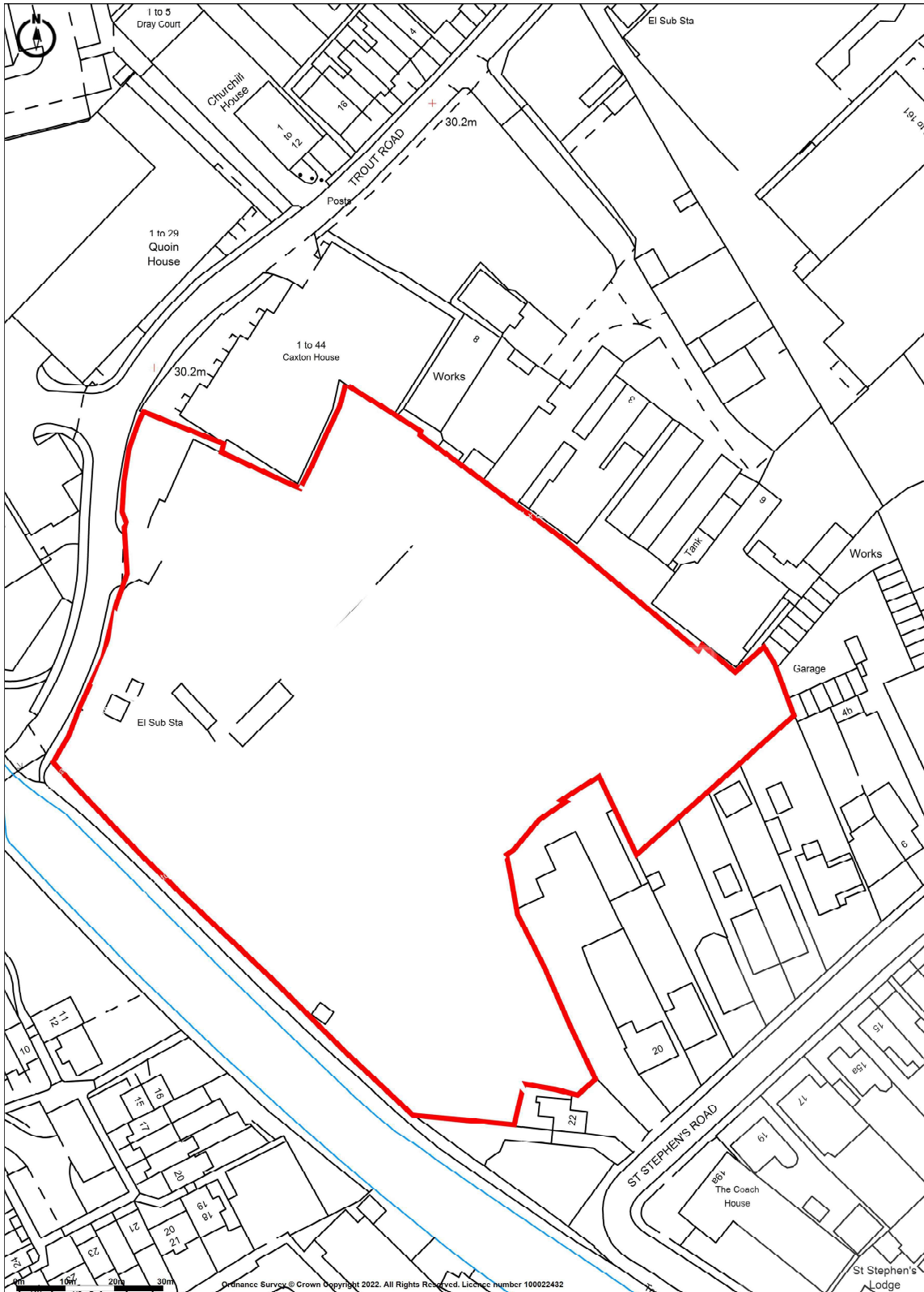
## **Report of the Head of Planning, Transportation and Regeneration**

**Address** LAND AT RAINBOW INDUSTRIAL ESTATE TROUT ROAD YIEWSLEY

**Development:** Retention of entrance gates and change of use for use class sui generis including container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos and other structures for a period of 12 months (retrospective application).

**LBH Ref Nos:** 38058/APP/2022/64

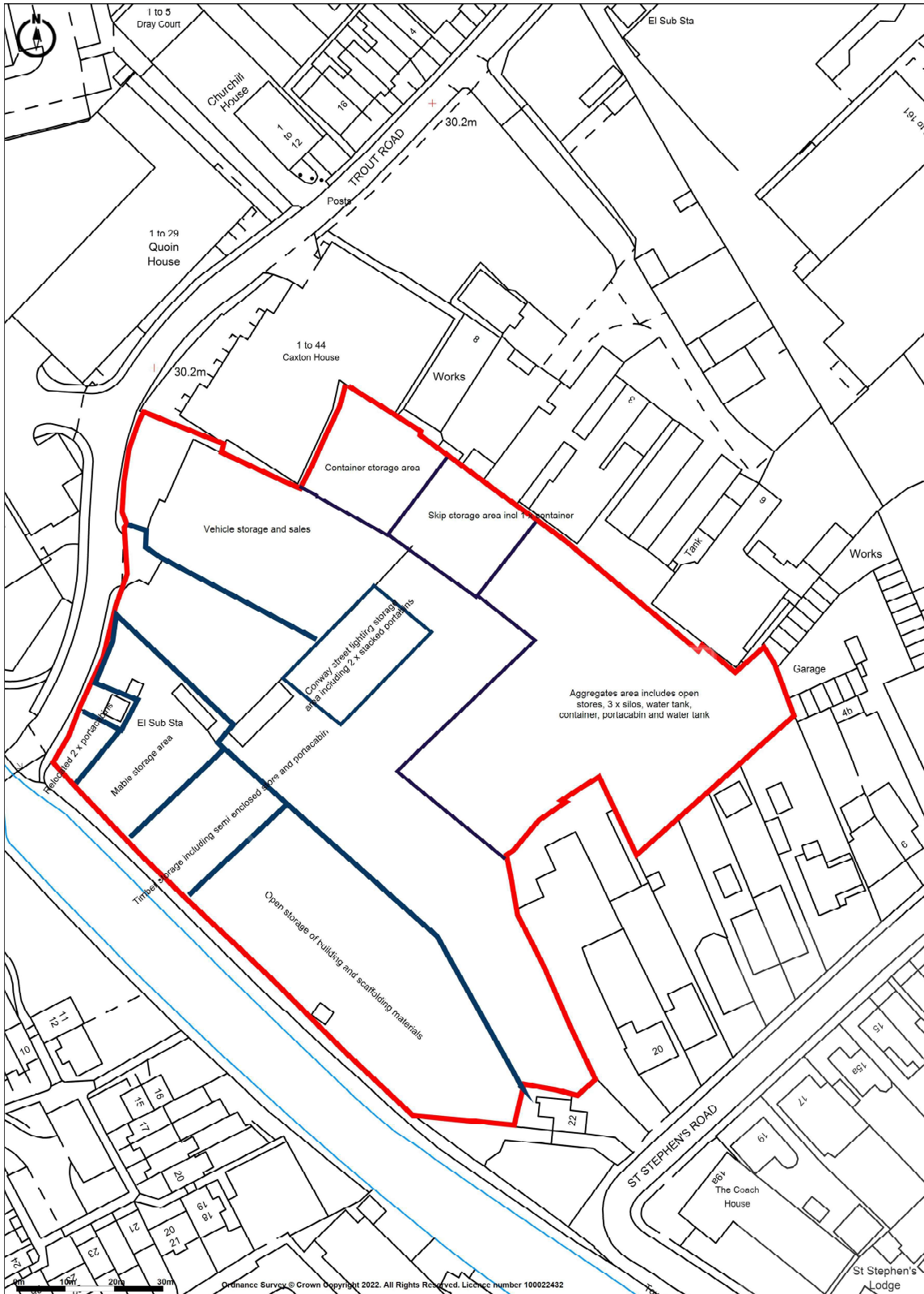
Site Location Plan

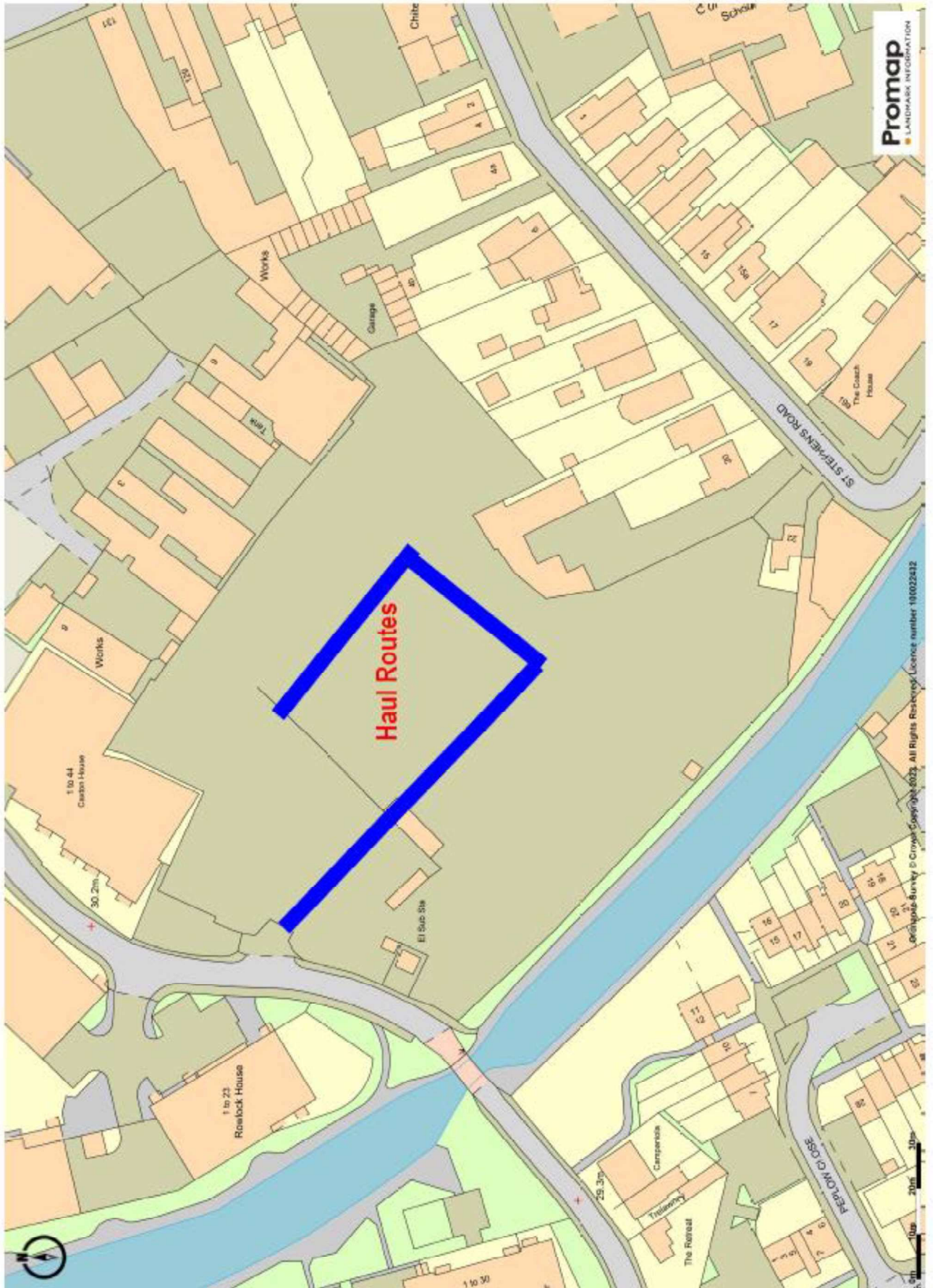


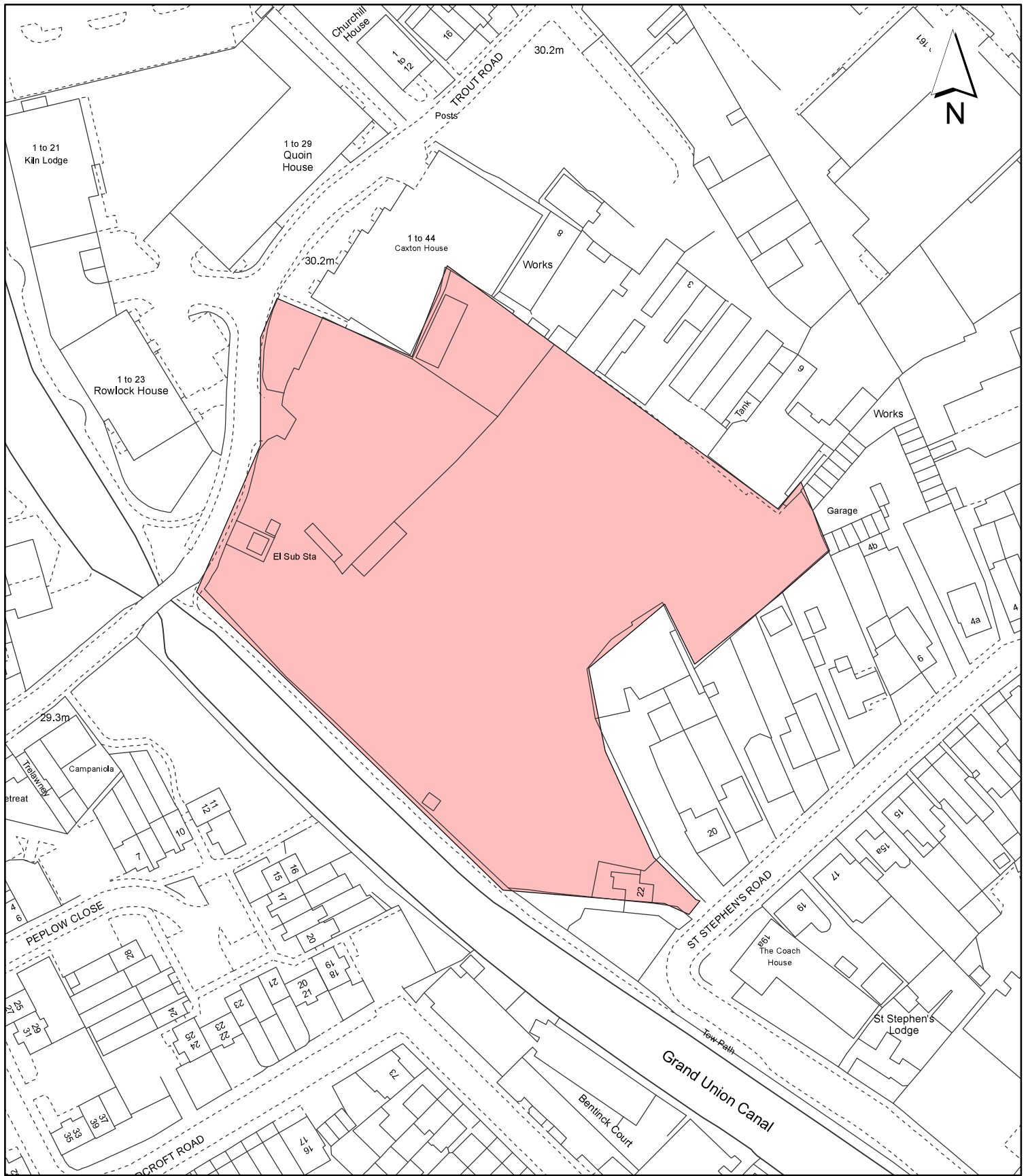
**Promap**  
LANDMARK INFORMATION



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Licence number 100022432  
Plotted Scale - 1:1250. Paper Size - A4

Proposed Site Plan - Indicative areas for proposed sui generis uses







<p><b>Notes:</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2020 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p><b>Rainbow Industrial Estate</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services Planning Section</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 01895 250111</p>
<p>Planning Application Ref:</p> <p><b>38058/APP/2022/64</b></p>	<p>Scale:</p> <p><b>1:1,250</b></p>	 <p><b>HILLINGDON</b> LONDON</p>	
<p>Planning Committee:</p> <p><b>Major Page 136</b></p>	<p>Date:</p> <p><b>May 2022</b></p>		

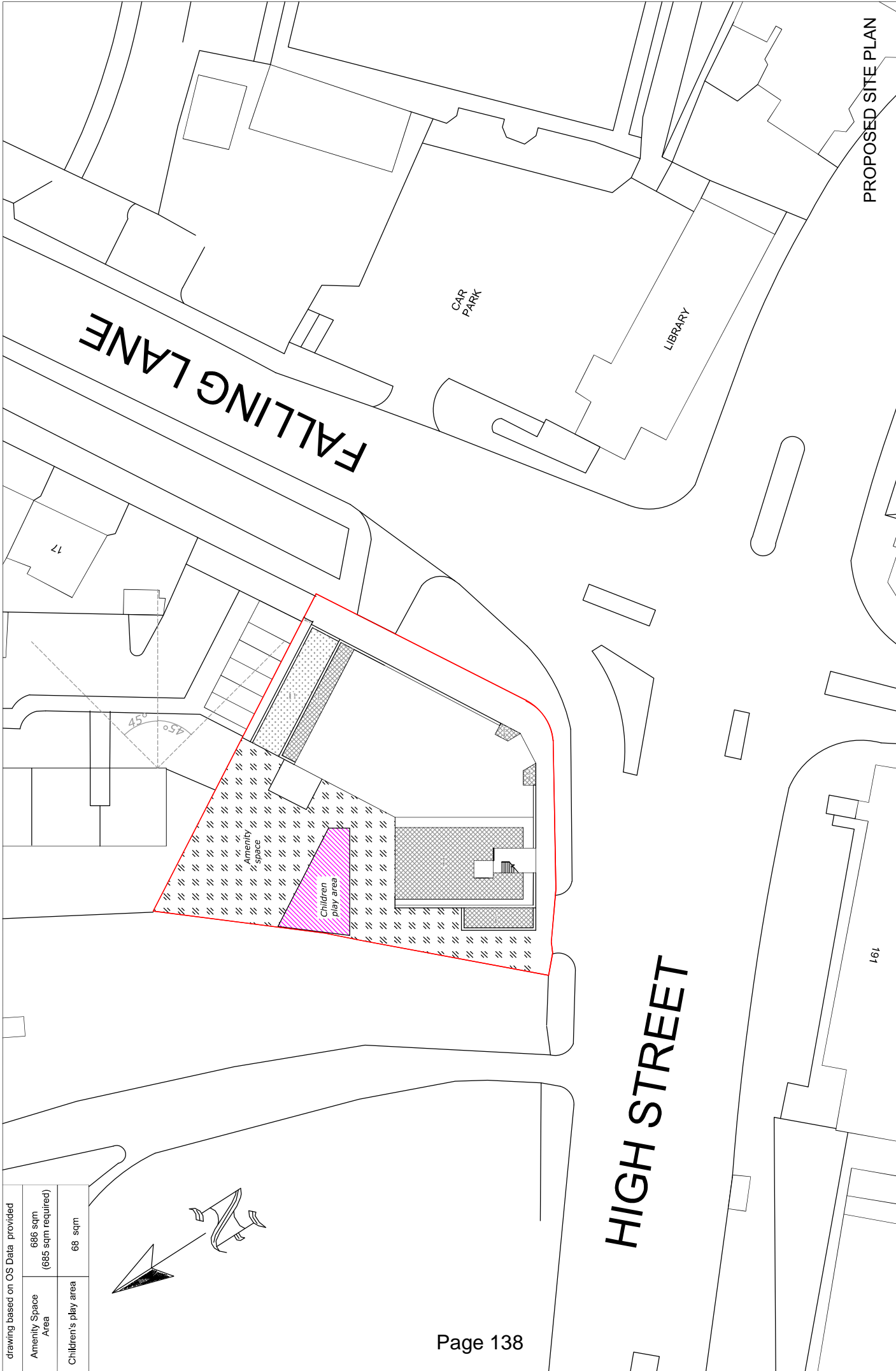
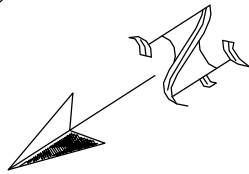
## **Report of the Head of Planning, Transportation and Regeneration**

**Address** FLC CAR SALES FALLING LANE YIEWSLEY

**Development:** Reserved Matters Application regarding appearance and landscaping, as required by Condition 2 of outline planning permission ref. 692/APP/2017/749 dated 11-03-2019 (Erection of a 2-4 storey building comprising 30 no. studio, 1, 2 and 3-bedroom apartments (Use Class C3) with associated access, car parking and refuse/recycling store, involving demolition of the used car sales garage).

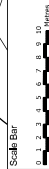
**LBH Ref Nos:** 692/APP/2021/4071

drawing based on OS Data provided	
Amenity Space Area	686 sqm (665 sqm required)
Children's play area	68 sqm



191

**FLC MOTORS, HIGH ST, YIEWSLEY  
MIDDLESEX UB7 8AA**



1:200 @ A1



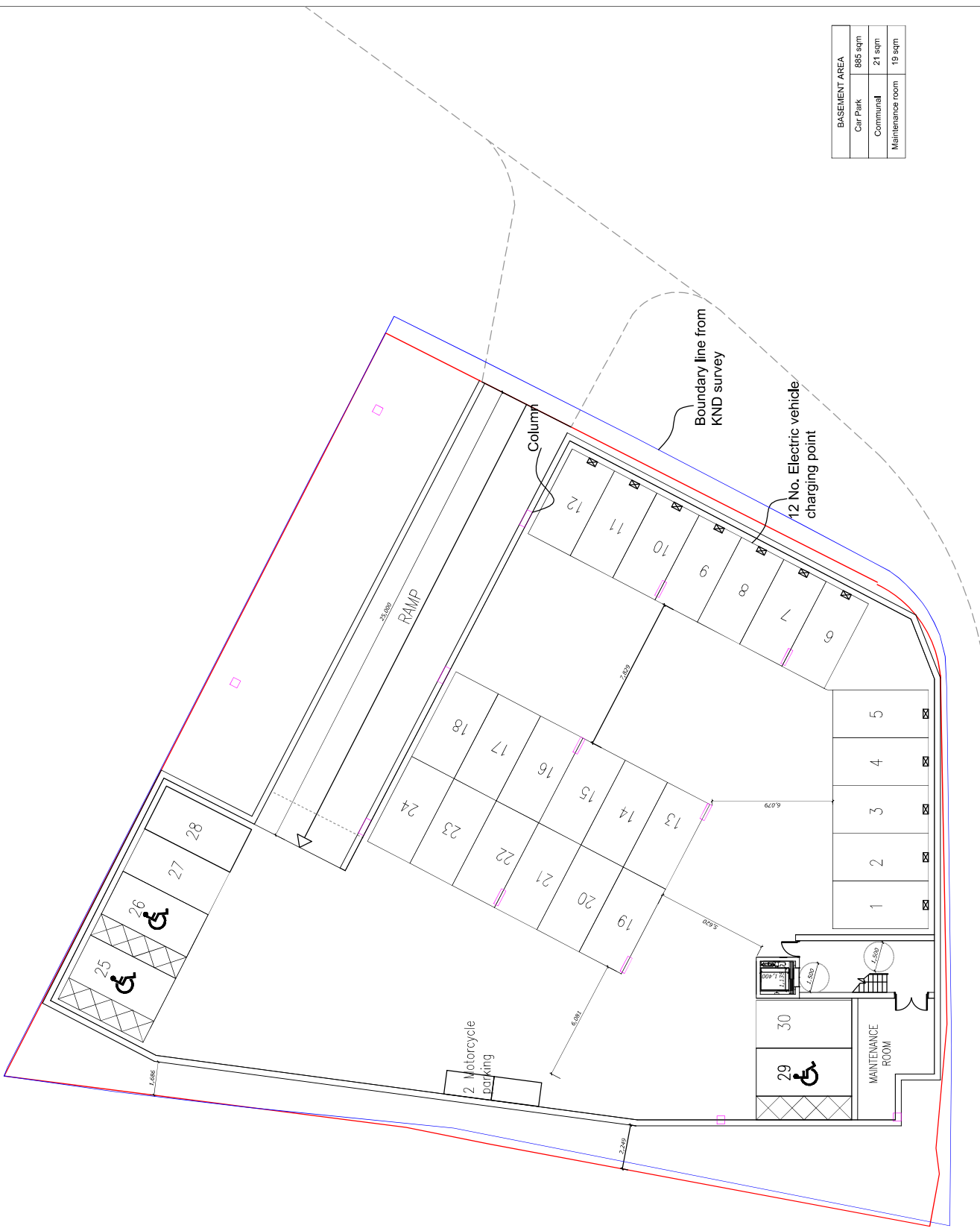
**PROPOSED SITE PLAN**

**THE GILLET MACLEOD PARTNERSHIP**  
Chartered Architects & Town Planning Consultants  
1 High Road Old Epsom Middlesex HA5 2EW Tel. 0208 868 1333

Drwg. No. 15/2936/2 B  
Scale 1:200  
Date 17/10/16  
Drawn by D. Suarez

REVISION	B
	C



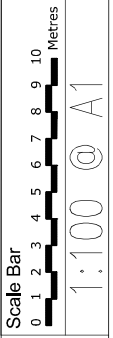


BASEMENT AREA	
Car Park	886 sqm
Communal	21 sqm
Maintenance room	19 sqm

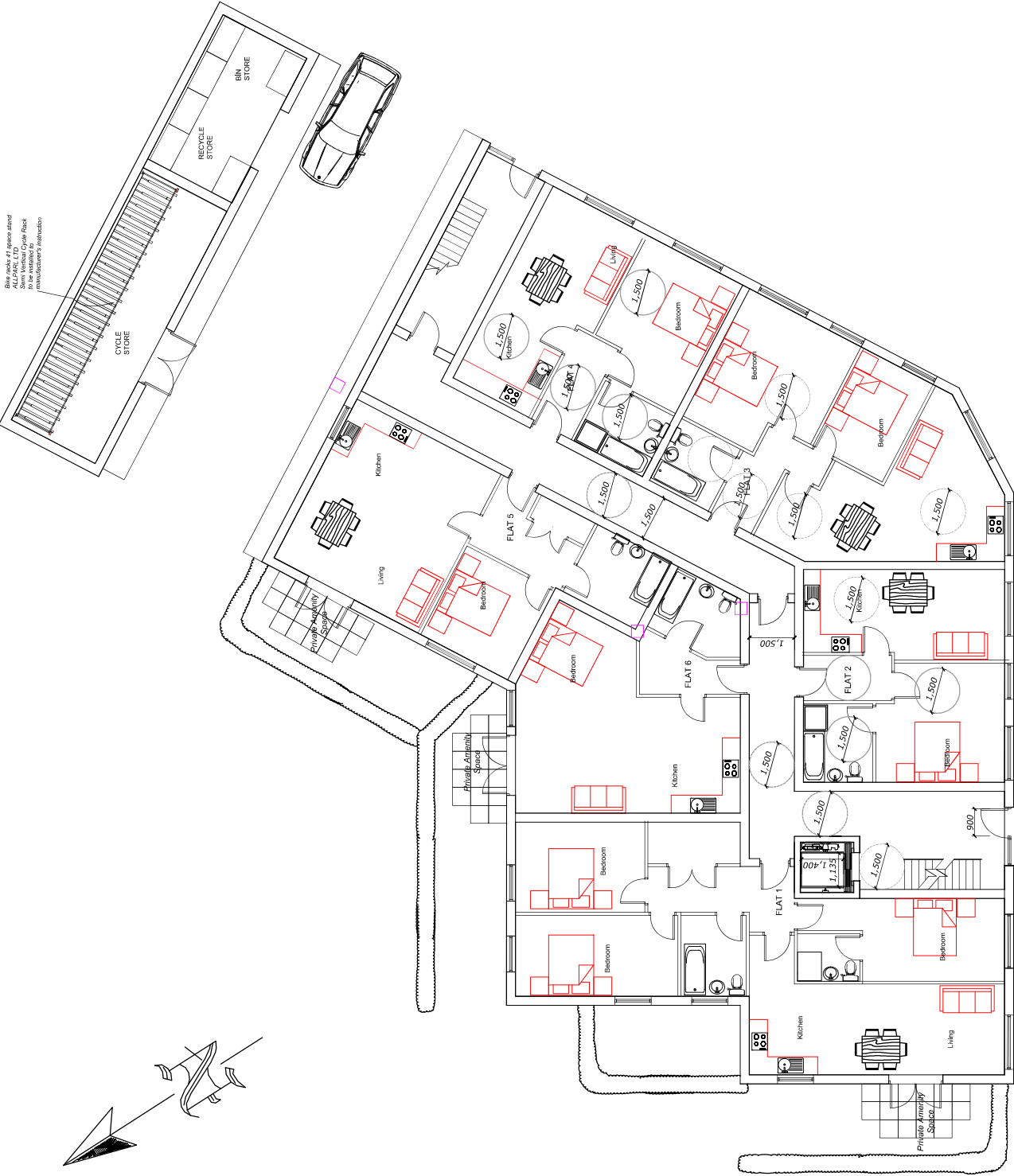
## BASEMENT FLOOR PLAN

REVISION	DRG. No.
A	15/2936/3-A
	Scale 1:100
	Date 17/10/16
	Drawn by D. Suarez

THE GILLETT MACLEOD PARTNERSHIP  
 Chartered Architects & Town Planning Consultants  
 1 High Road Old Eastcote Pinner Middlesex HA5 2EW Tel. 0208 868 1333



**FLC MOTORS, HIGH ST, YIEWSLEY  
 MIDDLESEX UB7 8AA**



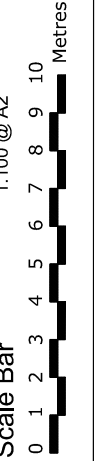
Area of defensible space	
FLAT 1	43 sqm
FLAT 5	22 sqm
FLAT 6	32 sqm

FLAT No.	AREA (m <sup>2</sup> )	No. Bedroom
1	96	3
2	50	1
3	68	2
4	51	1
5	62	1
6	51	Studio

Communal Area	
Ground Floor	76 sqm

# GROUND FLOOR PLAN

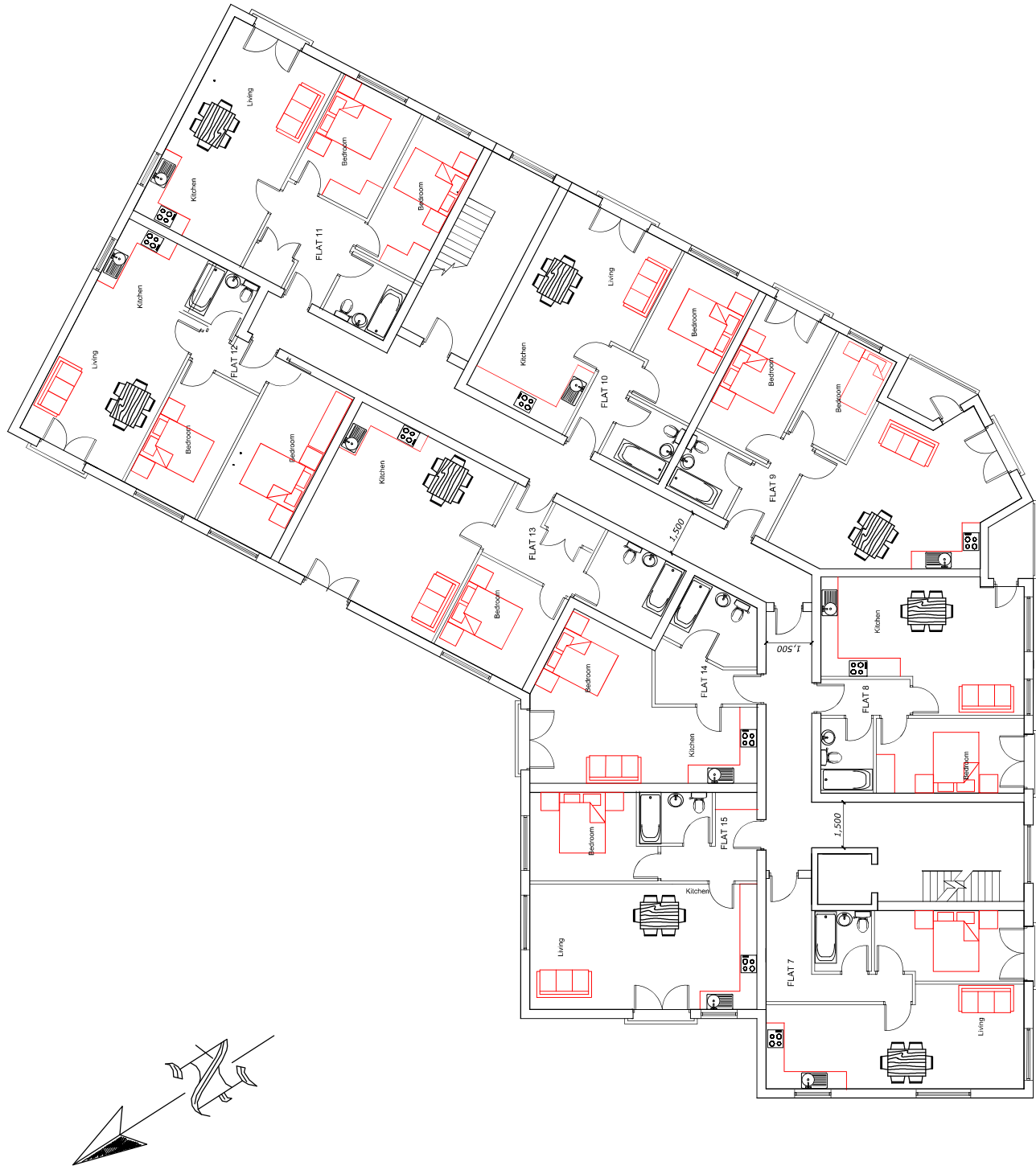
**FLC MOTORS ,HIGH ST, YIEWSLEY  
 MIDDLESEX UB7 8AA**



**THE GILLETT MACLEOD PARTNERSHIP**  
 Chartered Architects & Town Planning Consultants  
 1 High Road Old Eastcote Pinner, Middlesex HA5 2EW Tel. 0208 868 1333  
 Drawn by D. Suarez

Drq. No. 15/2936/4  
 Scale 1:100  
 Date 17/10/16  
 Drawn by D. Suarez

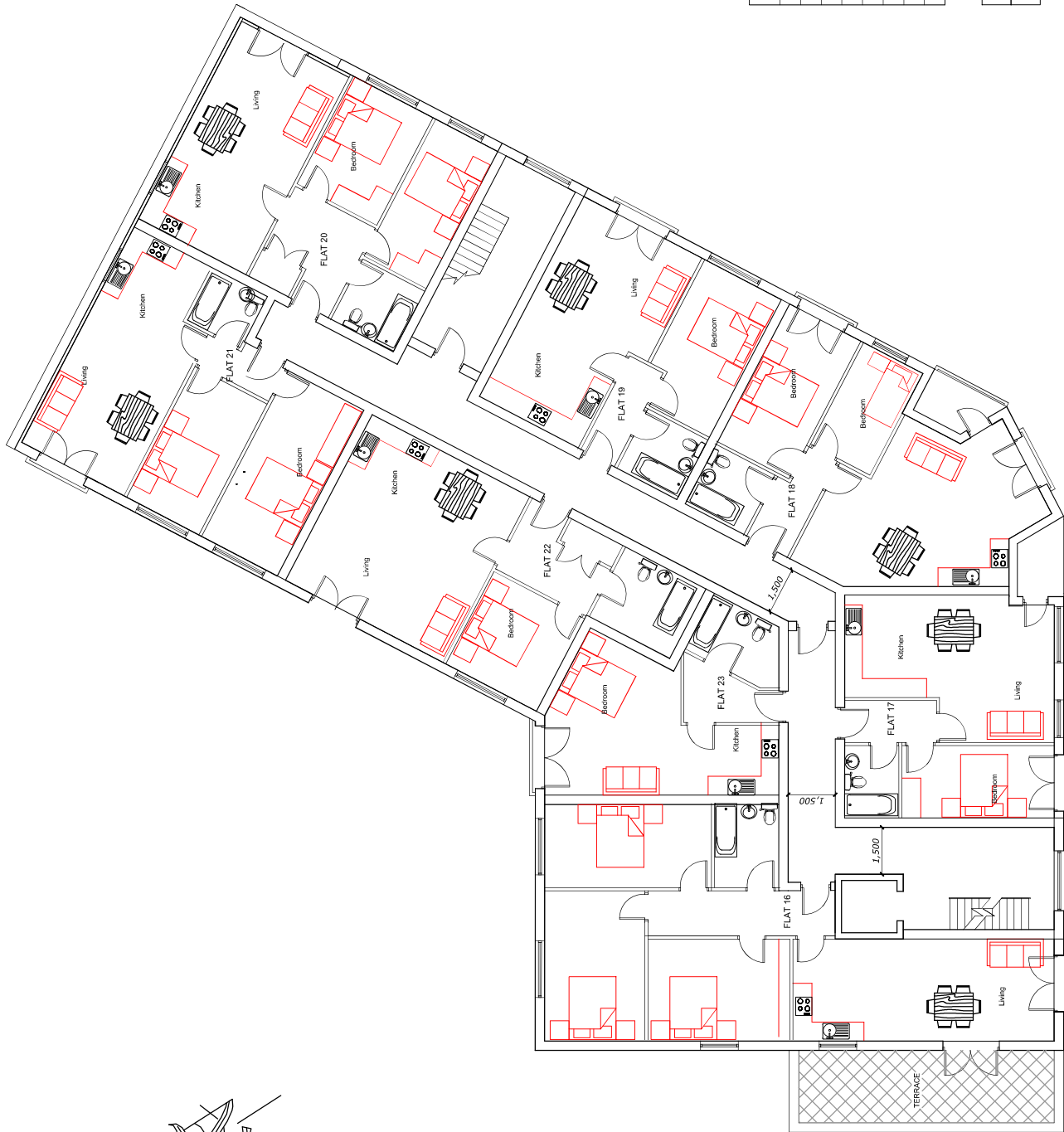
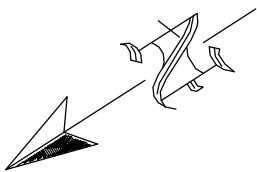
REVISION	drawn
	C



FLAT No.	AREA (m <sup>2</sup> )	No. Bedroom
7	51	1
8	50	1
9	64	2
10	51	1
11	69	2
12	65	2
13	62	1
14	40	Studio
15	54	1

Communal Area	
First Floor	85 sqm

**FIRST FLOOR PLAN**



FLAT No.	AREA (m <sup>2</sup> )	No. Bedroom
16	88	3
17	50	1
18	64	2
19	51	1
20	69	2
21	65	2
22	62	1
23	40	Studio

Communal Area	
First Floor	82 sqm

## SECOND FLOOR PLAN

**FLC MOTORS ,HIGH ST, YIEWSLEY  
MIDDLESEX UB7 8AA**

Scale Bar 1:100 @ A2

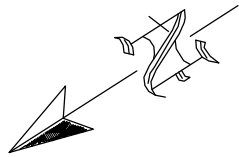
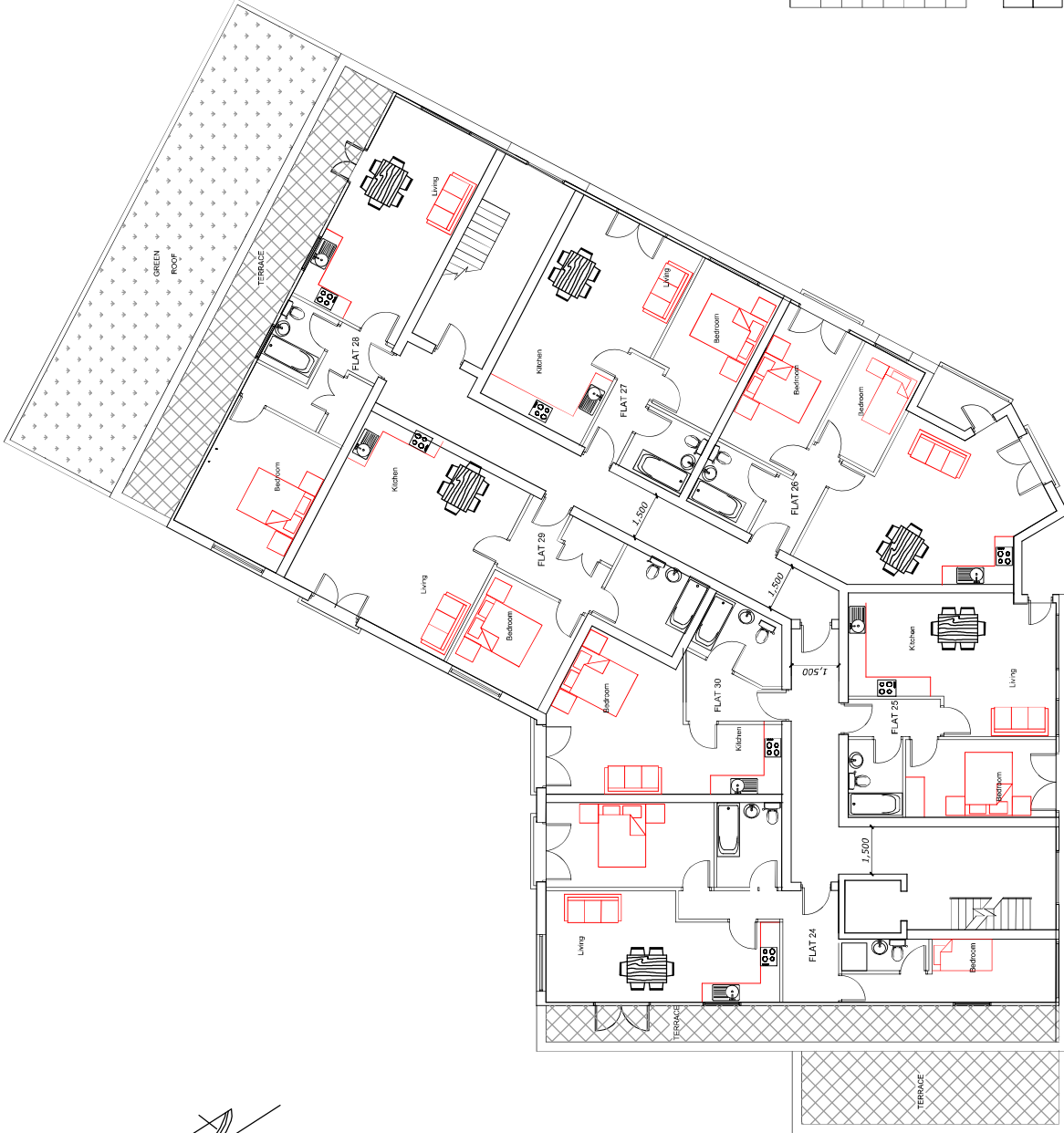


**THE GILLET MACLEOD PARTNERSHIP**  
Chartered Architects & Town Planning Consultants  
1 High Road Old Eastcote Pinner, Middlesex HA5 2EW tel. 0208 868 1333

Drng. No. 15/2936/6  
Scale 1:100  
Date 17/10/16  
Drawn by D. Suarez

REVISION	drawn
	C

REVISIONS	
A	Drawing corrected 04/4/2022
B	mansard roof on 2nd slowny changed 05/4/2022
C	drawing corrected 11/4/2022



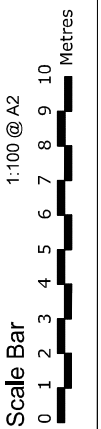
FLAT No.	AREA (m <sup>2</sup> )	No. Bedroom
24	69	2
25	50	1
26	64	2
27	51	1
28	58	1
29	62	1
30	40	Studio

Communal Area	
First Floor	77 sqm

### THIRD FLOOR PLAN

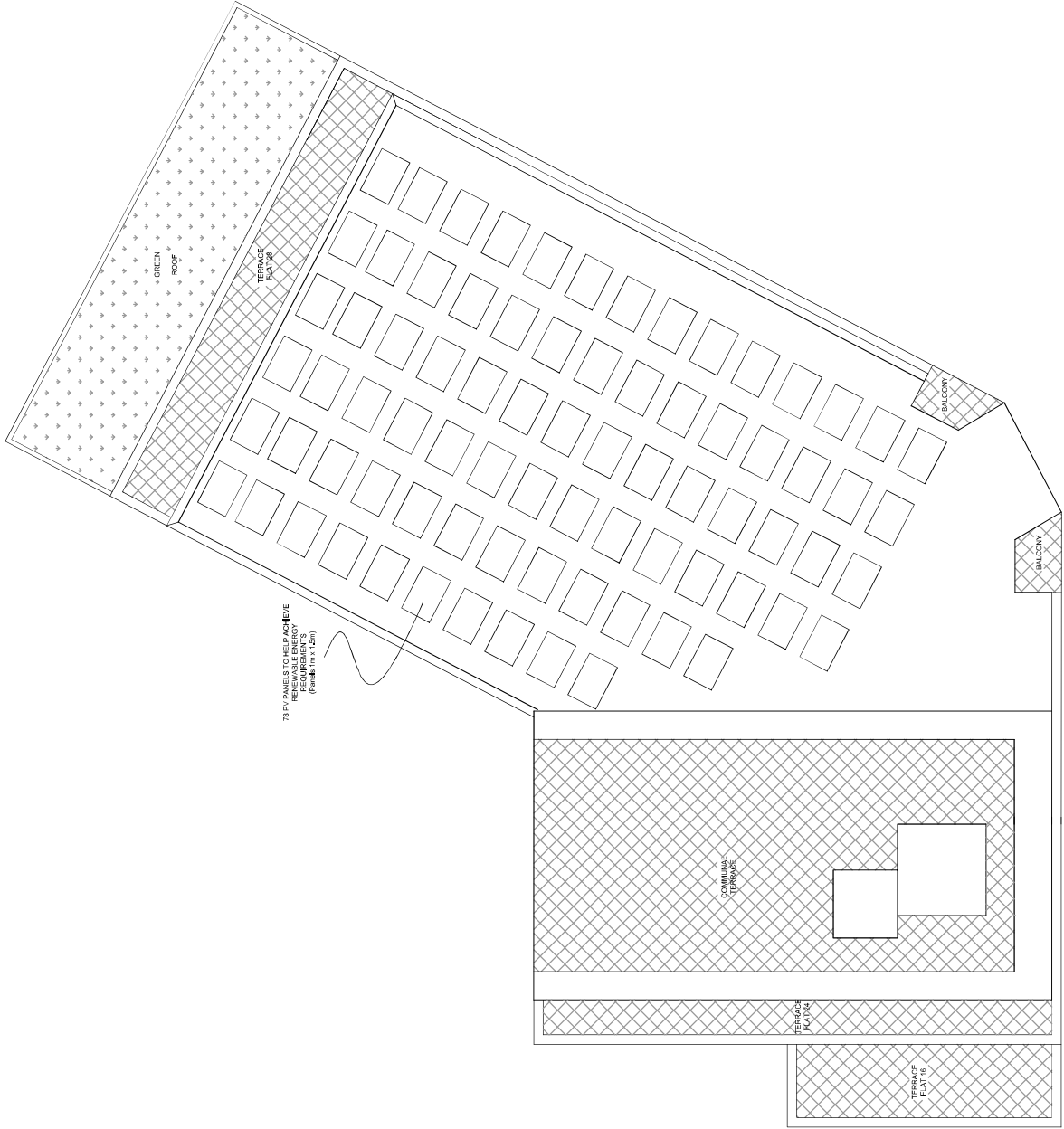
REVISION	Drq. No.	15/2936/7C
C	Scale	1:100
	Date	17/10/16
	Drawn by	D. Suarez

THE GILLET MACLEOD PARTNERSHIP  
 Chartered Architects & Town Planning Consultants  
 1 High Road Old Farnote Pinner Middlesex HA5 2W Tel. 0208 868 1333



**FLC MOTORS ,HIGH ST, YIEWSLEY  
 MIDDLESEX UB7 8AA**

REVISIONS	
A	Drawing corrected 08/2/2022
B	Drawing corrected 04/4/2022
C	mansard roof on 2nd storey changed 05/4/2022

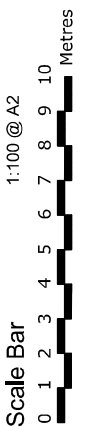


TERRACE	AREA (m <sup>2</sup> )
Flat 16	19.1
Flat 24	18.7
Flat 28	26.6
Communal	96.5

# ROOF PLAN

REVISION	
C	

Drg. No. 15/2936/8C  
 Scale 1:100  
 Date 17/10/16  
 Drawn by D. Suarez



**FLC MOTORS ,HIGH ST, YIEWSLEY  
 MIDDLESEX UB7 8AA**

REVISIONS	
A	Drawing completed 09/12/2022
B	Drawing corrected 04/12/2022
C	revised road on 2nd storey changed 05/04/2022



HIGH STREET ELEVATION (SOUTH WEST)



FALLING LANE ELEVATION (SOUTH EAST)

PROPOSED ELEVATIONS

REVISION	Drawn by
C	D. Suarez

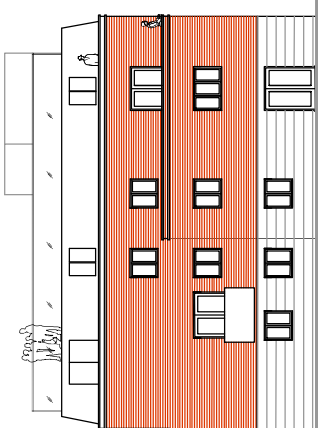
THE GILLETT MACLEOD PARTNERSHIP  
 Chartered Architects & Town Planning Consultants  
 1 High Road Old Eastcote Pinner Middlesex HA5 2EW Tel. 0208 868 1333



Scale Bar  
 0 1 2 3 4 5 6 7 8 9 10 Metres  
 1:100 @ A1

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 MIDDLESEX UB7 8AA

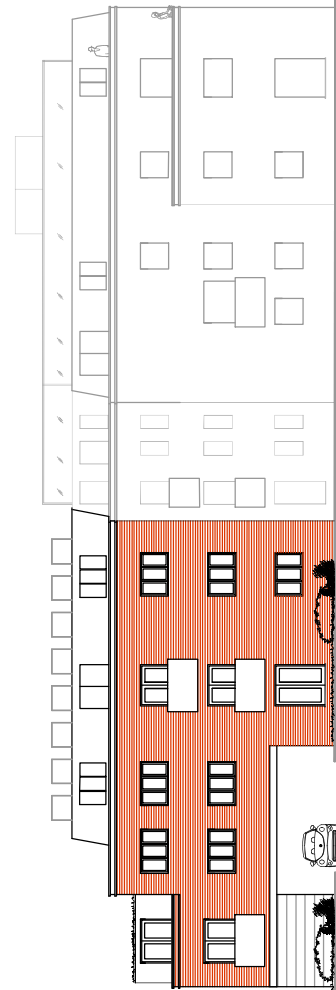
REVISIONS	
A	Initial design for planning
B	Final design for planning
R	Revised design



NORTH WEST ELEVATION



NORTH EAST ELEVATION

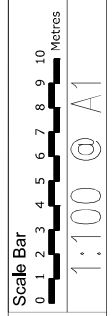


NORTH WEST ELEVATION



NORTH EAST ELEVATION

**FLC MOTORS, HIGH ST, YIEWSLEY  
MIDDLESEX UB7 8AA**



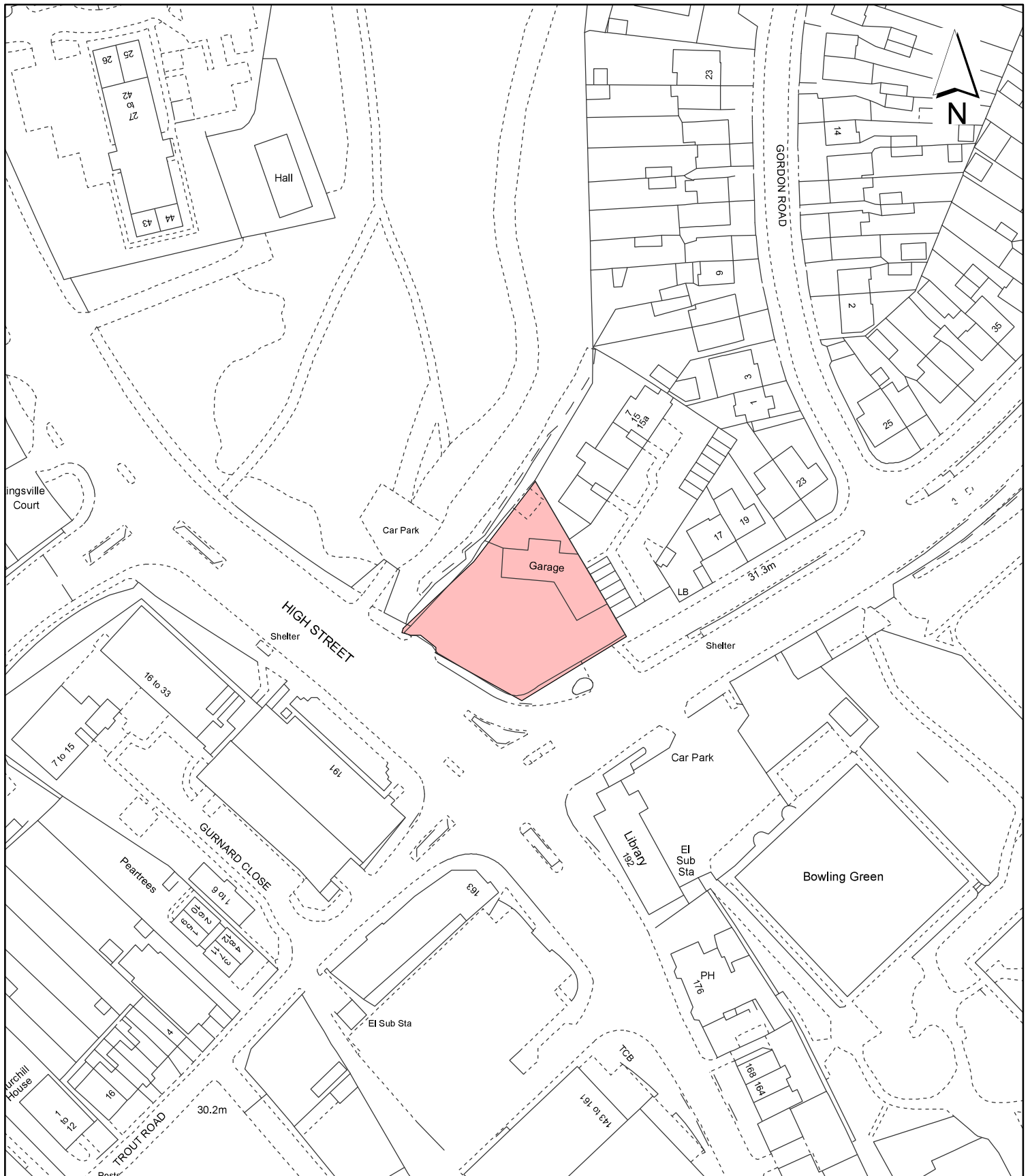
**THE GILLETT MACLEOD PARTNERSHIP**  
Chartered Architects & Town Planning Consultants  
1 High Road Old Eustace Primer Middlesex HA5 2EW Tel. 0208 868 1333



PROPOSED ELEVATIONS	
Prog. No.	15/2936/10B
Scale	1:100
Date	08/02/22
Drawn by	AK
REVISION	B
drawn	C







**Notes:**

 Site boundary

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Site Address:

**FLC Car Sales,  
 Falling Lane,  
 Yiewsley**

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

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

Planning Application Ref:

**692/APP/2021/4071**

Scale:

**1:1,250**

Planning Committee:

**Major Page 148**

Date:

**May 2022**



**HILLINGDON**  
 LONDON