

**Report of the Head of Planning, Green Spaces and Culture**

**COMPARATIVE ASSESSMENT**

- Address 1:** FORMER MASTER BREWER SITE, FREEZELAND WAY
- Development:** Mixed use redevelopment comprising the erection of a 3,543 sq.m foodstore (GIA) (Use Class A1), (inclusive of delivery areas) with 181 car parking spaces and 32 cycle spaces; 3 additional retail units, totalling 1,037 sq.m (GFA) (Use Class A1 to A5); a 100 sq.m safer neighbourhoods unit (Use Class D1); a 7 storey (plus plant level) 84 bedroom hotel (Use Class C1), with 18 car parking spaces and 16 cycle spaces; together with associated highways alterations and landscaping.
- LBH Ref Nos:** 4266/APP/2012/1544
- Drawing Nos:** SEE INDIVIDUAL REPORT
- Date Application Received:** 08-06-12
- Date Application Valid:** 12-06-12
- Address:** FORMER MASTER BREWER SITE, FREEZELAND WAY
- Development:** Erection of 5 part 4, part 5 storey blocks to provide 125 residential units (Use Class C3) with 99 car parking spaces and 150 cycle parking spaces and associated highways alterations, together with associated landscaping (outline application).
- LBH Ref Nos:** 4266/APP/2012/1545
- Drawing Nos:** SEE INDIVIDUAL REPORT
- Address 2:** LAND ADJACENT TO HILLINGDON STATION & SWALLOW INN LONG LANE
- Development:** Demolition of the existing public house and timber yard, and the erection of a mixed use redevelopment comprising a foodstore (7829m2 GEA) (Use Class A1); a 6 storey 82 bed hotel (Use Class C1); a 720m2 restaurant/public house facility (Use Class A3/A4); and 107 residential units (Use Class C3), together with reconfiguration of the existing commuter car park, and

associated landscaping, car/cycle parking and ancillary works.

**LBH Ref Nos:** 3049/APP/2012/1352

**Drawing Nos:** SEE INDIVIDUAL REPORT

## **1. SUMMARY**

The Council has before it two schemes (the Spenhill scheme, comprising a full commercial and an outline residential application at the former Master Brewer site and the Bride Hall Developments Ltd scheme, at the Hillingdon Circus site). Both proposals are for mixed use development in North Hillingdon. Both schemes propose a comprehensive mixed-use retail-led development incorporating residential, hotel, and in the case of Spenhill scheme, a community use and café. Because of the need to consider the cumulative impacts of two competing applications and the requirement to conduct a comparative assessment of both schemes, the applications are being considered together at the same committee meeting.

Both schemes have been assessed individually. Whilst the Spenhill application is judged to be acceptable in planning terms, the Bride Hall Development is recommended for refusal on highway grounds. However, to provide for a scenario where Members, the GLA or the Planning Inspectorate consider that on balance the merits of the Bride hall scheme are such that it should be approved, even with highway concerns, consideration of the cumulative impacts of allowing both schemes has been undertaken. As a matter of good practice it is beneficial to compare the benefits of both schemes so that the analysis can inform future planning applications.

In this case, Retail Impact Assessments and Environmental Impact Assessments have been undertaken for both the Bride Hall and Spenhill applications. These assessments suggest that the cumulative impact of the two schemes together would be likely to have an unacceptable impact on town centres within the relevant catchment areas. In addition, a cumulative assessment has also been undertaken and is provided elsewhere on this agenda, which concludes that cumulatively, the impact of both schemes together, in terms of retail, air quality and highway considerations is judged to be unacceptable, to the extent that only one permission can be granted. This has been done by weighing cumulative benefits with cumulative harm. Notwithstanding the individual assessments of both proposals, given that there is evidence that the cumulative impact of both permissions being implemented would be unacceptable in planning terms, it is not considered appropriate to allow permission for both schemes.

In light of the above mentioned considerations, this comparative assessment of each site against the other has been undertaken, in order to decide which scheme is preferred in planning terms. This comparative assessment has been conducted in accordance with relevant criteria in the Development Plan and against the material considerations.

It is judged that the Spenhill scheme is preferable in planning terms and should be approved, whilst the Bride Hall Developments Ltd scheme should be refused.

## **CONSIDERATIONS**

### **2. THE PRINCIPLE OF MIXED USE**

Both applications propose a comprehensive mixed-use retail-led development incorporating residential, hotel, and in the case of Spenhill's, community and café bar.

The application sites have each been identified as being individually appropriate for a retail-led mixed use scheme. Proposals for hotel use are acknowledged as being appropriate in principle within Town Centre locations. Both proposals comply with site specific policy objectives of seeking to ensure that the redevelopment of the site provides for a mix of uses that take advantage of its location, subject to highway and environmental considerations and not adversely impacting upon the vitality and viability of North Hillingdon Local Centre, or other centres in the catchment area.

The schemes are broadly comparable and there are no in principle reasons why one site should be preferred, as such neither scheme is materially preferable in terms of the principle of the development.

### **3. RETAIL**

#### **Scale**

It is worth mentioning that the Bride Hall proposal (i.e. the Bride Hall Developments store) at North Hillingdon would, if the extension at Sainsbury's in Uxbridge was not implemented, be larger than the existing Sainsbury's store at Uxbridge.

At present, North Hillingdon performs the role of a small local centre, little more than a local shopping parade. The previous planning history at the Master Brewer site has meant that there has been the prospect of a resubmission for retail facilities in this location. The Spenhill proposal is for a smaller store, which is more in keeping with the scale of the centre, serving a more local catchment and complementing North Hillingdon as a local centre, subservient to Uxbridge, Ruislip, Yiewsley and Hayes. This is reflected in the significantly smaller catchment area put forward in the retail analysis prepared by Spenhill's retail consultants (for the proposed Spenhill store).

London Plan Policy 4.7 directs that in considering proposals for retail development, 'the scale of retail development should be related to the size, role and function of the town centre and its catchment'. The retail hierarchy, adopted in 2012 as part of the Development Plan and therefore up-to-date in the context of the NPPF, establishes the relationship of each respective centre with its neighbouring centres.

The larger supermarket proposal (i.e. the Bride Hall Developments store) could result in the creation of a 'destination' foodstore which would to some degree disrupt the existing hierarchy of centres including Uxbridge, Ruislip, Yiewsley and Hayes and as a consequence could create unsustainable shopping patterns. Alternatively, if the influence of the larger Bride Hall supermarket (i.e. the Bride Hall Developments store) was much more localised, then the level of impact on Uxbridge town centre would be significantly increased.

Comparatively, the smaller proposal by Spenhill (i.e. the Spenhill store) is more in keeping with the scale of the centre than the larger Supermarket proposed by Bride Hall (i.e. the Bride Hall Developments store) and is preferable in this regard.

#### **Impact on centres and planning investment**

Comparatively, the proposal by Bride Hall will have significantly higher impacts on both planned investment and centres than the smaller proposal by Spenhill. Simply put, the smaller store is preferable as it is less likely to prevent planned investment (and its associated benefits) from going ahead. The impact on centres overall is also reduced when compared to the larger proposal by Bride Hall, and as such, comparatively, the Spenhill proposal is preferable in this regard.

#### **4. TRANSPORT**

Both the Bride Hall and Spenhill schemes provide adequate levels of parking for their respective uses. The schemes are broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other in this regard.

However, the Bride Hall scheme is recommended for refusal as the application fails to demonstrate that the proposed development would have a satisfactory layout, that it would not be detrimental to highway and cyclists' safety and that it would not result in detrimental traffic impacts. The development is therefore considered unacceptable in terms of highway impacts.

By contrast, the Spenhill scheme has been assessed and is considered acceptable in highways and transport terms. Comparatively, the Spenhill proposal is therefore preferable in this regard.

#### **5. AIR QUALITY**

It is likely the air quality will continue to be poor in the area due to existing traffic issues without development, and it will likely worsen due to increase in traffic as a consequence of which ever development comes forward. However, subject to the conditions and planning obligations, it is considered that the impact of either development on the air quality of the area could be partially mitigated; to the extent that refusal of either application on these grounds would not be justified.

As noted in the reports on the individual schemes there are some issues with the methodology of the air quality assessments submitted to accompany both schemes, which makes it difficult to undertake a detailed comparison on this matter. However, given the similarities between the schemes in terms of uses, quantum and location it is not considered that either scheme would be materially preferable in terms of air quality.

#### **6. HOUSING SUPPLY AND UNIT MIX**

Both proposals include a residential component, 125 residential units in the case of the Master Brewer Development and 107 units in the case of the Hillingdon Circus proposals.

In terms of unit mix, the Spenhill development is in outline form only. However an indicative mix has been submitted comprising 1 bed – 32% ,2/3 beds – 38%; and 4 beds – 30%. This element of the application will be subject to future reserved matters applications and so the final mix proposed will be agreed in due course.

In the case of the Bride Hall development, the full application is for 107 flats. The unit mix is 49 x 1 bed (46%), 44 x 2 bed (41%) and 14 x 3 bed units (13%).

While the schemes are broadly comparable in terms of overall unit numbers the Spenhill development would make a slightly greater contribution (circa 18 units)

towards the boroughs housing stock and would also provide for a greater number of larger units. Accordingly, it is considered that the Spenhill development would provide a greater benefit in terms of housing supply.

## **7. DENSITY**

The density of the Spenhill scheme is 225 hrph or 78 dph, which conforms with the suggested range in the London Plan for a Suburban Area with a PTAL rating of 3.

The proposed Bride Hall scheme would have a density of 111.5 units per hectare or 297.9 habitable rooms per hectare. This is within the upper end of the London Plan density range (70-170 units per hectare or 200 - 400 habitable rooms per hectare) based on the site's Public Transport Accessibility Level (PTAL) score of 3.

Both schemes provide an acceptable density and density considerations are fundamentally linked to other matters. However, the density is indicative that the Bride Hall scheme would make slightly more efficient use of a previously developed site. While this weighs slightly in favour of the Bride Hall scheme, it is considered that greater weight should be placed on considerations which have more direct impacts on the locality in undertaking a comparison.

## **8. AFFORDABLE HOUSING**

15% affordable housing is proposed as part of both the Spenhill residential element and Bride Hall Developments Ltd scheme.

The schemes are broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other, as such neither scheme is materially preferable in terms of impacts on the amenity of affordable housing provision.

## **9. LIFETIME HOMES STANDARDS**

In both schemes all units will be designed to Lifetime Homes Standards and provision made for 10% wheelchair accessible units. The schemes are therefore broadly comparable and there are no identified benefits or adverse impacts of one scheme against the other, as such neither scheme is materially preferable in terms of impacts on the amenity of existing residential occupiers.

## **10. IMPACT ON SURROUNDING RESIDENTIAL AMENITY**

The schemes are broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other, as such neither scheme is materially preferable in terms of impacts on the amenity of existing residential occupiers.

## **11. RESIDENTIAL AMENITY STANDARDS**

The schemes are broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other, as such neither scheme is materially preferable in terms of residential amenity for future occupiers.

## **12. URBAN DESIGN**

## Design & Architecture, Layout Scale, Massing and Appearance Impact on the Street Scene

The two proposed schemes are quite different in character. The Bride Hall scheme would form one large block of development with almost total site coverage and continuously developed boundaries at ground and first floors. It would also have part basement parking for residents and shoppers parking at ground floor in an undercroft below the supermarket. On the roof of the shop unit, at podium level, there would be three, 4 storey housing blocks orientated north south, with roof level shared amenity spaces between them. The main entrance to the residential blocks would be on Long Lane with the affordable units accessed from the rear. The servicing for the supermarket would be from Long Lane and whilst screened with planting, this would be noticeable from the road, the station entrance and also from the frontage of the proposed hotel. The rear of the new block would also be highly visible from the station, the station car park and to a lesser degree from the approach road as this is at a higher level. Whilst attempts have been made to make this more interesting with metal detailing, it would never the less be the back of a large building. The hotel as proposed would be positioned adjacent to the station and would be of a simple block like structure of fairly standard design, comprising 5 storeys clad with metal panels.

The Spenhill scheme is more traditional in its design approach with a large supermarket to be positioned towards the north west of the site and extensive ground level parking. The existing wooded embankment along Long Lane would screen the service area. There would be five, 5 storey housing blocks on the south and east site boundaries, set back from Freezeland Way and with a buffer area of planting adjacent to the open land to the east. In addition, the scheme includes commercial units and a 7 storey hotel located at the entrance to the site. One of the main issues with the scheme is the proximity of the large car park to the housing, although the amenity space, which is at ground floor, is positioned between the blocks and away from the parking area. Whilst the design approach is generally low key, the hotel because of its height, would form a land mark feature.

In general, the design quality of both schemes is comparable, the Bride Hall Developments scheme would, however, have a more dense and urban appearance, while the Spenhill scheme includes separate blocks and open areas at ground level. As such, the layout of the latter would more comfortably reflect the established suburban character of the townscape context to the sites. The design of the hotel is not fully satisfactory in either application and the height of the hotel on the Spenhill site is a weakness of the Spenhill design, given the modest scale of the surrounding buildings. However, whilst this building would be the taller, given the change in level between the sites, the overall impact of both hotel buildings in terms of views from the Green Belt, would be broadly similar. In the case of the Spenhill's scheme, landscaping has been incorporated within the adjacent open space to mitigate the impact of the hotel on longer views towards the site.

In conclusion, whilst the design approach to the schemes is very different, their architectural quality is broadly similar and it is considered that neither scheme is materially preferable in terms of design.

### **13. IMPACT ON THE GREEN BELT**

Both schemes would be visible from longer views from Hillingdon House Farm to the west, although their impact is not considered to be significant, given the distances involved. The Spenhill proposal would however have a greater impact on the Green

Belt than the Bride Hall scheme, as the residential element of the former directly abuts Green Belt land to the east and is therefore more visible from the Green belt.

Nevertheless, the Spenhill scheme has been designed to allow visual permeability from the Green Belt, creating green gaps with amenity areas and with a green buffer/tree planting associated with the commercial elements. In addition off-site planting is in the form of a 15m wide belt of woodland near/parallel to the eastern boundary of the site is proposed. This off-site planting would, together with the tree planting on the site, create a new landscape setting for the development, improve the landscape of the Green Belt, and mitigate the landscape/ecological impact caused by the loss of the majority of the trees on the site.

Given that the Spenhill development has provided for adequate and appropriate mitigation in accordance with Policy PR23 of The Local Plan: Part Two Saved Policies UDP it is considered that neither scheme is materially preferable in terms of impacts on the green belt.

#### **14. LANDSCAPING**

The Spenhill applications will require felling of approximately 200 trees, but will incorporate a comprehensive planting scheme within the site to help assist with the overall softening of the appearance of the proposed built form and to define/zone the proposed uses. It is proposed to plant over 190 trees within the site, including significant tree planting within the car park. A well-defined row of trees is proposed along the eastern boundary of the car park to help mark the transition between residential and commercial uses.

The belt of existing tree and shrub planting along the site's western boundary will be retained and extended south towards Hillingdon Circus Junction. The existing hedgerow along the northern boundary will be retained and enhanced. The site's eastern boundary provides an effective screen too much of the proposed residential development and it is proposed that work is undertaken to this boundary planting to further improve its form and screening effectiveness.

Off-site works are proposed which include the fields and woodland between the residential blocks and Freezeland Covert, with the installation of a new footpath link, proposed indigenous woodland blocks and pond enhancements. The application also includes the provision of a woodland buffer and structure planting to be planted on the adjacent Green Belt land to further supplement the existing eastern boundary planting, which will be secured by way of a Section 106 Agreement.

By contrast there is little opportunity for landscape enhancements at ground level for the Hillingdon Circus scheme as there is virtually 100% site coverage by built form. There will be some new planting along the southern and eastern boundaries, small podium level planting to the west of the building and two large communal roof gardens for the benefit of residents.

In assessing this issue officers are mindful that the off-site works provided in relation to the Spenhill development have been provided in terms of mitigating the impacts of the development and securing compliance with Policy PR23 of The Local Plan: Part Two Saved Policies UDP. In comparing the sites on landscape grounds these off-site works should be considered in this light (e.g. as necessary mitigating works rather than as additional benefits).

While there is a difference in the landscape approach between the two schemes, this is appropriate having regard to the context of the development sites and their relationship with neighbouring land uses.

Overall, it is considered that the landscape approach of each development is appropriate and that in landscape terms neither scheme is materially preferable.

#### **15. INCLUSIVE DESIGN**

Both of the schemes have been designed having regard to the planning policies and guidance in respect of inclusive design. The schemes are therefore broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other, as such neither scheme is materially preferable

#### **16. BIODIVERSITY / ECOLOGY**

In terms of biodiversity and ecology it is considered that both of the schemes would mitigate any impacts to an acceptable degree and provide for a slight enhancement to biodiversity and ecology appropriate to their contexts.

The schemes are therefore broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other, as such neither scheme is materially preferable.

#### **17. NOISE**

With appropriate mitigation measures and appropriate conditions both developments could proceed without harming the amenity of existing or proposed residents. The schemes are broadly comparable and there are no identified material benefits or adverse impacts of one scheme against the other, as such neither scheme is considered to be materially preferable in respect of noise.

#### **18. ACCESSIBILITY**

The design approach of the commercial element of the Spenhill scheme is to create a commercial spine extending from North Hillingdon Centre into the site, which facilitates pedestrian movement between the proposed food store via the independent retail units and hotel towards North Hillingdon Centre.

The Bride Hall supermarket would be directly adjacent and integrated into Hillingdon Station and the Oxford Tube and would be integrated and well connected with the shops and services on Long Lane. As such the design is likely to encourage linked trips to other local shops and services and is therefore preferable in this regard.

However, given the changes in levels, cyclists would be at more of a disadvantage in the Bride Hall Development scheme than the Spenhill scheme.

Overall, it is considered that the Bride Hall development would have more material benefits in terms of accessibility and is therefore materially preferable in this regard.

#### **19. JOBS**

The Bride Hall scheme will provide approximately 300 jobs (excluding the hotel).

The Spenhill scheme will provide approximately 200 jobs (excluding the hotel).

Both applicants have indicated that they would be willing to enter into legal agreements to ensure the implementation of initiatives to secure local employment and training opportunities.

It is therefore considered that in terms of job creation the Bride Hall scheme would be materially preferable to the Spenhill scheme.

## **20. OTHER**

Officers have carried out a series of workshops in order to assess the relative benefits of both schemes and it is considered that the following topics do not raise any fundamental issues with regard to the comparison between both schemes.

- Land contamination
- Flooding /Drainage
- Archaeology
- Daylight and sunlight

## **21. OBSERVATIONS OF 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.

## **22. CONCLUSION**

A full comparative assessment been undertaken, in accordance with relevant criteria in the Development Plan and against the material facts of the sites proposed.

Officers have assessed the relative benefits of both schemes and it is considered that the following topics do not raise any fundamental issues with regard to the comparison between both schemes:

The principle of the mixed use development, design, land contamination, flooding/drainage, archaeology, air quality, inclusive design, impact on the Green Belt, landscape impact, residential amenity, biodiversity and noise.

The Bride Hall scheme would provide for a slightly more intensive use of a previously developed site and provides a greater degree of accessibility and integration with the local centre and public transport. It would therefore be materially preferable to the Spenhill scheme in these respects.

The Spenhill scheme would make a greater contribution to meeting the boroughs currently identified housing needs and this would weigh in favour of this development.

The Bride Hall scheme is recommended for refusal on highway safety and traffic impact grounds. By contrast, the Spenhill scheme has been assessed as acceptable in highways and transport terms. Comparatively, the Spenhill proposal is therefore preferable in this regard.

In terms of retail impact, comparatively, the Bride Hall scheme will have significantly higher impacts on both planned investment and centres than the smaller proposal by Spenhill. In addition, the smaller proposal by Spenhill is more in keeping with the

scale of the centre than the larger Supermarket proposed by Bride Hall and is materially preferable in this regard.

In reaching a view on which scheme is materially preferable it is apparent that with respect to the large number of considerations the schemes are similar with a number of individual aspects weighing in favour or against individual schemes.

However, in balancing these considerations considerable weight needs to be given to the harm the Bride Hall scheme would with respect to traffic implications and the additional retail impact should also be given a great weight.

On balance, it is considered that the Spenhill scheme would be materially preferable in planning terms and should be approved, whilst the Bride Hall Developments Ltd scheme should be refused.