

Item No: **Report of the Head of Planning, Green Spaces, and Culture**

Address: FORMER MASTER BREWER SITE AND LAND ADJOINING, FREEZELAND WAY HILLINGDON

Development: Erection of 5 part 4, part 5 storey blocks to provide 125 residential units (Use Class C3) with 100 car parking spaces and 125 cycle parking spaces and associated highways alterations, together with associated landscaping (outline application).

LBH Ref Nos: 4266/APP/2012/1545

Drawing Nos: 09032/P0-001 REV. J
09032/P0-002 REV. L
09032/P0-003 REV. J
09032/P0-005 REV. G
09032/P3-002 REV. D
09032/P2-001 REV. C
W105860 L04 REV E
W105860L07 REV A
W105860L08 REV A
W10 W105860L10
5860L09
W105860L03 REV E
Archaeological Desk-Based Assessment
Air Quality Assessment
Report on Tree Inspections
BREEAM Pre-assessments
Daylight and Sunlight Report
Ecological Assessment
Potable Water Strategy
Statement of Community Involvement summary
Framework Travel Plan
Planning Statement
Environmental Noise Assessment
Transport Assessment
Revised Transport Assessment
Final Addendum Transport Assessment with Appendices March 2013
Flood Risk Assessment
Design and Access Statement
Site Statutory and Site Utility Services Investigations
Energy Statement
Lighting Impact Assessment
Environmental Statement
ES Non-Technical Summary
Addendum Report to ES Final 16.8.13
2016 Proposed Results
Pedestrian Crossing Times - Hillingdon Circus Junction
VISSIM Sensitivity Test Technical Note

Date Plans Received: 08/06/2012

**Date(s) of
Amendment(s):**

02/04/2013
27/06/2012
07/05/2013
11/06/2013
13/08/2013

Date Application Valid: 12/06/2012

1. REASON FOR URGENCY

Given the Public Interest in the application, the scale of development proposed, the complexity associated with the close proximity of other the proposals to one another, as well the significant time period which has elapsed since the applications were initially submitted; a decision is urgently required in relation to the proposal.

2. DEFERRED REASON

The application was heard at the 2 December 2013 Major Applications Committee, where members resolved to refuse the application due to concerns in relation to the, scale and appearance of the proposal, traffic and road safety, cumulative traffic, air quality and retail impacts.

Members also noted that comparatively they preferred the Bride Hall application over the Spenhill (Master Brewer) applications. This is relevant if (for example in an appeal situation) the applications were considered to be acceptable when assessed in isolation, but when considered together, the cumulative impacts were deemed to be unacceptable (and therefore only 1 scheme could be allowed to proceed).

The application was then deferred by members so that officers could formulate the detailed wording of refusal reasons, for further agreement by the Committee. Accordingly, the detailed wording of refusal reasons is set out below for consideration by members.

3. RECOMMENDATION

That should the Mayor not direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application, delegated powers be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reasons:

1. Highways - Individual

The application fails to demonstrate that the proposal would not result in an unacceptable rise in traffic in and around the application site causing severe impacts to the free flow of traffic as well as to highway and pedestrian safety, contrary to policies AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) Policies 6.3, 6.11 and 6.12 of the London Plan (July 2011) and paragraph 32 of the National Planning Policy Framework.

2. Development in Isolation - Individual

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The proposal, if implemented in isolation would not bring forward the regenerative benefits (including job creation and improvements to the vitality and viability of the Hillingdon Local Centre) from developing a mix of uses across the site, additionally the application does not demonstrate that it would not prevent development of a mix of uses on other portions of the allocated site, as such the scheme is contrary to policy PR23 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3. Planning Obligations - Individual

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of Off site Highways Works, Public Transport, Travel Plans, Construction Training, Public Realm, Landscape Screening and Ecological Mitigation, Affordable Housing, Education, Health, Library Facilities, Community Facilities, Air Quality and Project Management and Monitoring). The scheme therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document 'Planning Obligations.

4. Traffic/Highways - Cumulative

The application has failed to demonstrate that in the event that the proposed development (i.e. ref: 4266/APP/2012/1545) was to be granted planning permission alongside the other Spenhill proposal on the site of the Former Master Brewer Hotel (i.e. ref: 4266/APP/2012/1544) and/or the development on the site at Land Adjacent to Hillingdon Station & Swallow Inn Long Lane (i.e. ref: 3049/APP/2012/1352), that the cumulative traffic impacts would not be severe in terms of congestion on the highway network, significantly detrimental to free flow of traffic, highway and pedestrian safety. Accordingly the proposal is contrary to Policies 6.3, 6.11 and 6.12 of the London Plan (July 2011), Policy AM7 of the Hillingdon Local Plan Part 2 and the provisions set out in the National Planning Policy Framework.

5. Air Quality - Cumulative

The application has failed to demonstrate that in the event that the proposed development (i.e. ref: 4266/APP/2012/1545) was to be granted planning permission alongside the other Spenhill proposal on the site of the Former Master Brewer Hotel (i.e. ref: 4266/APP/2012/1544) and/or the development on the site at Land Adjacent to Hillingdon Station & Swallow Inn Long Lane (i.e. ref: 3049/APP/2012/1352), that the cumulative air quality impacts of the developments would not be unacceptable. The scale and magnitude of both developments combined requires a much greater understanding of the air quality impacts and without this no proper assessment of mitigation can occur. The extent of the combined impacts is not sufficiently clearly set out in the cumulative assessments. The uncertainty of the impacts is heightened with the cumulative development and the information to support the suitability of both developments proceeding at the same time is insufficient. Accordingly the proposal is contrary to Policy 7.14 of the London Plan and the Council's Supplementary Planning Guidance on Air Quality and the provisions set out in the National Planning Policy Framework.

6. Comparative

There would be an unacceptable cumulative impact if the proposed development (i.e. ref: 4266/APP/2012/1545) was to be granted planning permission alongside the other Spenhill proposal on the site of the Former Master Brewer Hotel (i.e. ref: 4266/APP/2012/1544) and/or the development on the site at Land Adjacent to Hillingdon Station & Swallow Inn Long Lane (i.e. ref: 3049/APP/2012/1352), and the Council considers that the proposed development (i.e. ref: 4266/APP/2012/1545) is less preferable in planning terms than the Bride Hall Scheme (i.e. ref: 3049/APP/2012/1352) by virtue of the lack of job creation and lack of contribution towards the vitality and viability of the Hillingdon Local Centre and therefore the proposed development (i.e. ref: 4266/APP/2012/1545) on balance is less preferable in terms of meeting the objectives of the Development Plan and the NPPF.

INFORMATIVES

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

2. The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

Part 1 Local Plan Policies

PT1.BE1(2012) Built Environment

PT1.CI1 (2012) Community Infrastructure Provision

PT1.E4 (2012) Uxbridge

PT1.E5 (2012) Town and Local Centres

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

PT1.EM11(2012) Sustainable Waste Management

PT1.EM2(2012) Green Belt, Metropolitan Open Land and Green Chains

PT1.EM4 (2012) Open Space and Informal Recreation

PT1.EM7 (2012) Biodiversity and Geological Conservation

PT1.EM8 (2012) Land, Water, Air and Noise

PT1.T1 (2012) Accessible Local Destination

Part 2 Local Plan Policies

AM1 Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations

AM10 Incorporation in new developments of additions to the proposed cycle network

AM11 Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services

AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

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- (i) Dial-a-ride and mobility bus services
- (ii) Shop mobility schemes
- (iii) Convenient parking spaces
- (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM3 Proposals for new roads or widening of existing roads
- AM7 Consideration of traffic generated by proposed developments
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- BE13 New development must harmonise with the existing street scene.
- BE18 Design considerations - pedestrian security and safety
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions
- BE26 Town centres - design, layout and landscaping of new buildings
- BE28 Shop fronts - design and materials
- BE29 Advertisement displays on business premises
- BE3 Investigation of sites of archaeological interest and protection of archaeological remains
- BE36 Proposals for high buildings/structures in identified sensitive areas
- BE35 requires major development adjacent and visible from the A40 to be of a high standard of design.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE39 Protection of trees and woodland - tree preservation orders
- EC2 Nature conservation considerations and ecological assessments
- EC3 Potential effects of development on sites of nature conservation importance
- EC5 Retention of ecological features and creation of new habitats
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- LE6 Major office and other business proposals in town centres
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE11 Development involving hazardous substances a requirement for ameliorative measures
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- OL5 Development proposals adjacent to the Green Belt
- PR23 Hillingdon Circus
- R1 Accessibility for elderly people, people with disabilities, women and children
- R16 Development proposals in or near areas deficient in recreational open space
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

R2 Provision of recreation, entertainment and leisure facilities in Town Centres
S9 Change of use of shops in Local Centres
T4 Hotels, guest houses and other tourist accommodation - location, amenity and parking requirements

Site specific policy:-
PR23 land at Hillingdon Circus

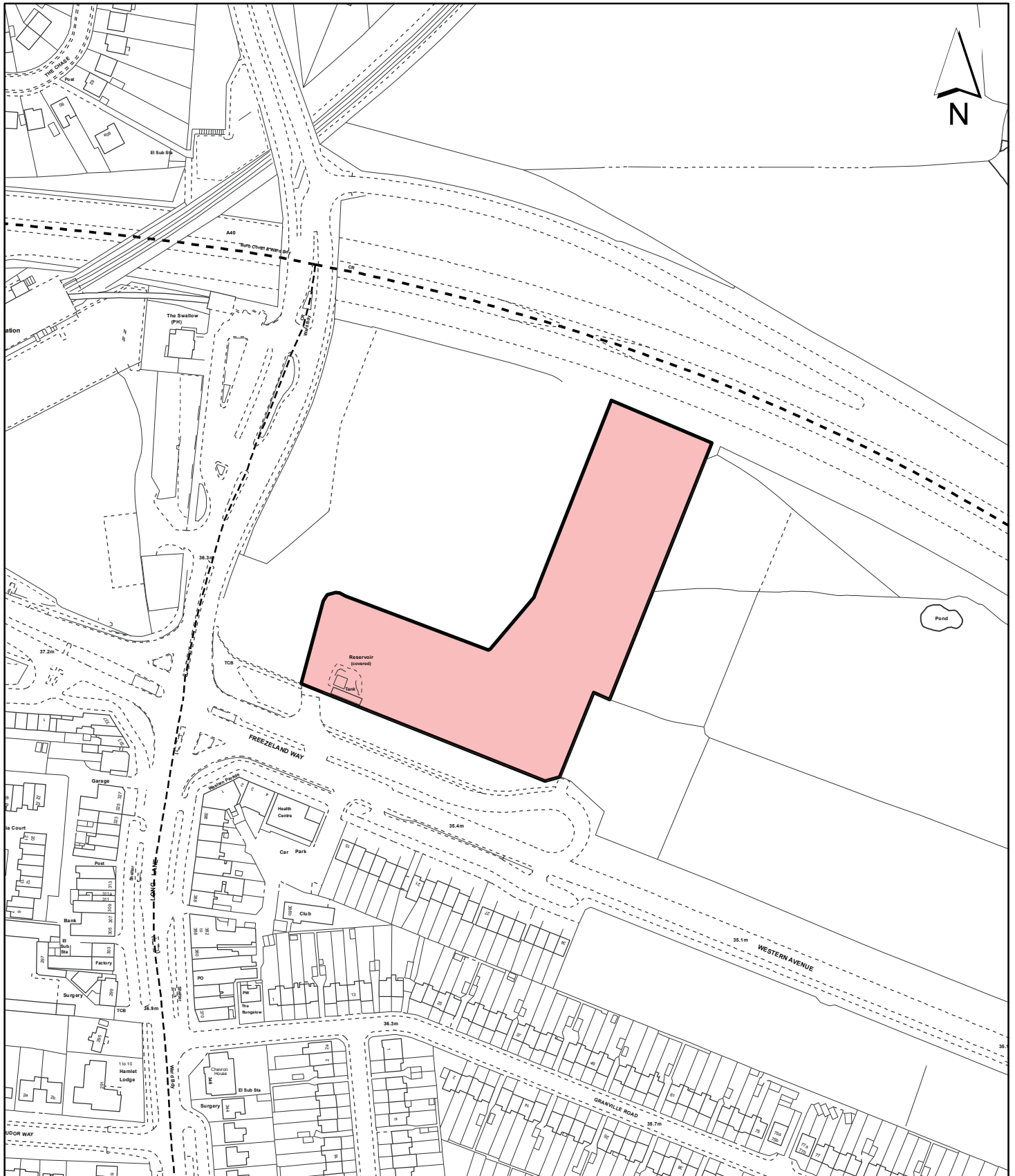
London Plan 2011 policies.

LPP 2.15 (2011) Town Centres
LPP 3.9 (2011) Mixed and Balanced Communities
LPP 4.1 (2011) Developing London's economy
LPP 4.7 (2011) Retail and town centre development
LPP 4.8 (2011) Supporting a successful & diverse retail sector
LPP 4.9 (2011) Small shops
LPP 5.1 (2011) Climate Change Mitigation
LPP 5.11 (2011) Green roofs and development site environs
LPP 5.12 (2011) Flood risk management
LPP 5.13 (2011) Sustainable drainage
LPP 5.14 (2011) Water quality and wastewater infrastructure
LPP 5.7 (2011) Renewable energy
LPP 6.11 (2011) Smoothing traffic flow & tackling congestion
LPP 6.12 (2011) Road Network Capacity
LPP 6.13 (2011) Parking
LPP 6.3 (2011) Assessing effects of development on transport capacity
LPP 7.14 (2011) Improving Air Quality
LPP 7.16 (2011) Green Belt
LPP 7.3 (2011) Designing out crime
LPP 8.2 (2011) Planning obligations


NPPF

3. In this case the Local Planning Authorities has worked proactively with the applicants to try and secure a development that improves the economic, social and environmental conditions of the area.

4. The applicant's own assessment of cumulative impacts arising from Spenhill and Bride Hall Development proposals (planning application refs: 4266/APP/2012/1544, 4266/APP/2012/1545 and 3049/APP/2012/1352), notes that these would be unacceptable.



Notes

 Site boundary

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Site Address

**Former Master Brewer Site
 Freezeland Way
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services**

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

Planning Application Ref:
4266/APP/2012/1545

Scale
1:2,500

Planning Committee
Major Applications

Date
**September
 2013**



HILLINGDON
 LONDON