

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

**Address:** 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 (7,829m<sup>2</sup> GEA) (Use Class A1); a 6 storey 82 bed hotel (Use Class C1); a 720m<sup>2</sup> 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:** 8023-PP-109 Rev D  
8023-PP-110 Rev D  
8023-PP-111 Rev D  
8023-PP-112 Rev A  
8023-PP-113 Rev E  
8023-PP-114 Rev D  
8023-PP-115 Rev D  
8023-PP-116 Rev C  
8023-PP-117 Rev D  
8023-PP-140 Rev C  
8023-PP-141 Rev C  
8023-PP-142 Rev C  
8023-PP-143 Rev B  
8023-PP-144 Rev C  
8023-PP-145 Rev A  
8023-PP-146 Rev A  
8023-PP-147 Rev A  
8023-PP-148 Rev A  
8023-PP-149 (1) Rev A  
8023-PP-149 (2) Rev B  
8023-PP-150 (1) Rev A  
8023-PP-150 (2) Rev A  
8023-PP-151 Rev C  
8023-PP-152 Rev B  
8023-PP-153 Rev B  
8023-PP-154 Rev C  
8023-PP-155 Rev A  
8023-PP-156 Rev A  
8023-PP-157 Rev A  
8023-PP-158 Rev A  
8023-PP-160 Rev B  
8023-PP-161 Rev B  
8023-PP-162 Rev B  
8023-PP-163 Rev A  
5238-100 Rev B  
5238-101 Rev B  
5238-102 Rev B  
8023-PP-174 Rev B  
8023-PP-175 Rev B  
8023-PP-177 Rev A

8023-PP-174 Rev C  
 8023-PP-175 Rev C  
 8023PP100  
 Arboricultural Implications Assessment & Tree Protection Plan – dated 23 May 2012  
 Revised Design and Access Statement Rev A –dated 01 March 2013  
 Addendum to Design and Access Statement Revision A – dated 08 August 2013  
 Energy Strategy – dated 16 May 2012  
 Supplemental Energy Statement – dated 17 January 2013  
 Energy Summary – dated 12 August 2013  
 Flood Risk Assessment – dated 14 May 2012  
 Supplementary Flooding Commentary for Hillingdon Circus – dated 30 July 2013  
 Retail Impact Assessment – dated 25 May 2012  
 Retail response and 2011-2017 Convenience Modelling – dated 07 February 2013  
 Further Retail Impact Assessment Response – dated 31 July 2013  
 Sustainability Statement – dated 16 May 2012  
 Utilities Report – dated 14 May 2012  
 Daylight, Sunlight and Overshadowing report – dated April 2012  
 Drainage Statement – dated 14 May 2012  
 Supplementary Flooding Commentary for Hillingdon Circus – dated 30 July 2013  
 Environmental Statement – dated 31 May 2012  
 Environmental Statement Addendum – dated February 2013  
 Interim Environmental Report – dated August 2013  
 Environmental Statement Addendum 2 –dated August 2013  
 Planning Statement – dated 31 May 2012  
 Statement of Community Engagement – dated 22 May 2012  
 Updated Transport Assessment Report – dated August 2013  
 Technical Note v2 131015 ISSUED- Report and Appendices A to C  
 Technical Note v2 131015 ISSUED- Appendices D to F  
 110243/A/47  
 110243/A/47 Auto Track  
 110243/A/47 Design Audit

<b>Date Plans Received:</b>	31/05/2012	<b>Date(s) of Amendment(s):</b>
		26/07/2012
		16/09/2012
		03/05/2013
		30/08/2013
		04/10/2013
		07/10/2013

**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 bulk, 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 subject application over the Spenny 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 traffic impacts (including unacceptable queuing in Hercies Road) 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. Planning Obligations - Individual**

**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 Off site Highways Works, Public Transport, Travel Plans, Employment and Hospitality Training, Construction Training, Public Realm, Affordable Housing, Education, Health, Library Facilities, Community Facilities, Air Quality and Project Management and Monitoring). The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Local Plan part 2 (November 2012), and the adopted Supplementary Planning Document 'Planning Obligations and Policy 8.2 the London Plan (July 2011).**

### **3. Bulk, Scale and Appearance - Individual**

**The proposal, by virtue of its position and overall height, bulk, scale and appearance would constitute an unduly intrusive, overly dominant, visually prominent and**

incongruous form of development, which would fail to respect the established character of the North Hillingdon Local Centre or compliment the visual amenities of the street scene, and would mar the skyline, contrary to Policy BE1 of the Hillingdon Local Plan Part 1, Policies BE13, BE19, BE26, BE35, BE38 and PR23 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 7.1 and 7.6 of the London Plan (2011) and the provisions set out in the National Planning Policy Framework.

#### **4. Traffic/Highways - Cumulative**

The applicant has failed to demonstrate that in the event that the proposed development (i.e. ref 3049/APP/2012/1352) was granted planning permission alongside any of the development proposed on the site of the Former Master Brewer Hotel (i.e. refs: 4266/APP/2012/1544 and/or 4266/APP/2012/1545), that the cumulative traffic impacts of the combined developments 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. Retail - Cumulative**

The approval of the proposed development (i.e. ref 3049/APP/2012/1352) alongside the approval of the development on the site of the Former Master Brewer Hotel (i.e ref: 4266/APP/2012/1544), would, cumulatively, radically shift the role, function, scale and attraction of the North Hillingdon local centre and in turn would prejudice retail investment (and its associated benefits) in Uxbridge Metropolitan Town centre, detrimental to the vitality and viability of Uxbridge. Accordingly the application is considered to be contrary to policies E4 and E5 of the Hillingdon Local Plan Part 1, Policies 2.15, 4.7, 4.8 and 4.9 of the London Plan (July 2011) and the provisions set out in the National Planning Policy Framework.

#### **6. Air Quality - Cumulative**

The applicant has failed to demonstrate that in the event that the proposed development (i.e. ref 3049/APP/2012/1352) was granted planning permission alongside either of the developments (on the site of the Former Master Brewer Hotel) proposed by Spenhill (i.e. ref: 4266/APP/2012/1544 and/or 4266/APP/2012/1545), 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.

### **INFORMATIVES**

**1. There would be an unacceptable cumulative impact if the proposed development (i.e. ref: 3049/APP/2012/1352) was to be granted planning permission alongside either of the developments (on the site of the Former Master Brewer Hotel) proposed by Spenhill (i.e. ref: 4266/APP/2012/1544 and/or**

4266/APP/2012/1545), and if only one scheme could proceed the Council considers that comparatively the proposed development (i.e. ref: 3049/APP/2012/1352) is preferable in planning terms than the Spenhill Scheme (i.e. ref: 4266/APP/2012/1544 and/or 4266/APP/2012/1545) by virtue of the having fewer detrimental impacts to free flow of traffic, highway and pedestrian safety and because it provides job creation and adds to the vitality and viability of the local centre, therefore the proposed development (i.e. ref: 3049/APP/2012/1352) on balance is preferable in terms of meeting the objectives of the Development Plan and the NPPF.

2.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).

3. 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): -**

**(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**  
**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 officer 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**

4. 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.

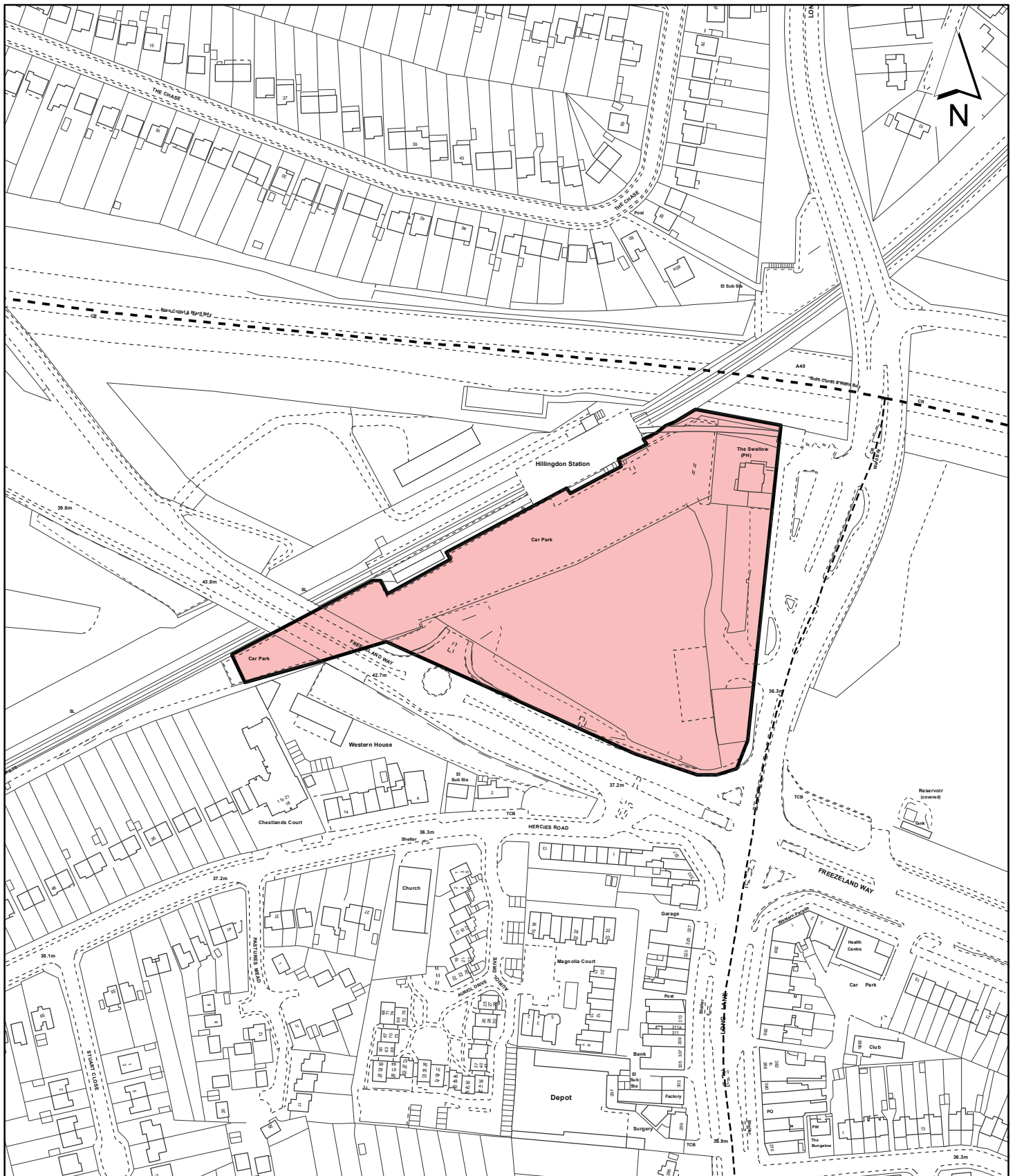
5. The applicant's own assessment of cumulative retail and traffic impacts arising from Spenhill and Bridehall Development proposals (planning application refs: 4266/APP/2012/1544, 4266/APP/2012/1545 and 3049/APP/2012/1352), notes that these would be unacceptable.

#### **4. REFERENCE DOCUMENTS:**

The Hillingdon Local Plan: Part 1- Strategic Policies (8th November 21012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
London Plan 2011  
National Planning Policy Framework (NPPF)  
The Greater London Authority Sustainable Design and Construction (2006)  
Council's Supplementary Planning Guidance - Community Safety by Design  
Council's Supplementary Planning Document - Air Quality  
Hillingdon Supplementary Planning Document: Accessible Hillingdon January 2010)

**Contact Officer:**

Matt Kolaszewski



**Notes**

 Site boundary

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Site Address

**Land adjacent to Hillingdon Station  
and Swallow Inn, Long Lane  
Hillingdon**

Planning Application Ref:

**3049/APP/2012/1352**

Planning Committee

**Major Applications**

Scale

**1:2,500**

Date

**September  
2013**

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services**

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



**HILLINGDON**  
LONDON