

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

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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.

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. 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. 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 Sites¹⁰³ - 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 DME1 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 10m2 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 site¹³⁹

2) identify opportunities for tree planting in strategic locations.

C Development proposals should ensure that, wherever possible, existing trees of value are retained.¹⁴⁰ 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.¹⁴⁷

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)

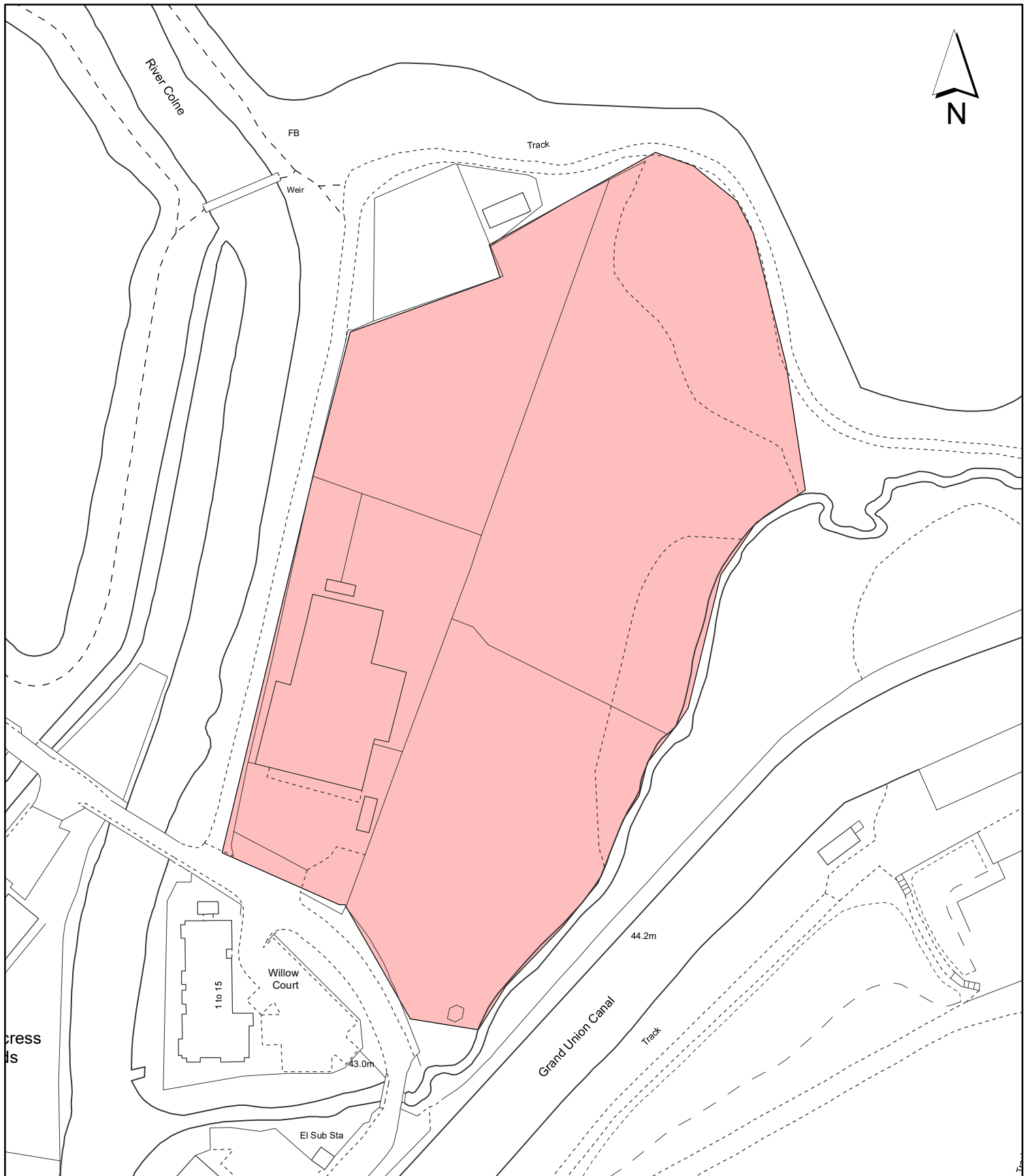
London Plan (2021)

Homes for Londoners Affordable Housing and Viability SPG (2017)

National Planning Policy Framework (2021)

Contact Officer: Ed Laughton

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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

Date:

May 2022



HILLINGDON
 LONDON