

Appendix PV3

GLA Objection letter

3 September 2013

Heathrow Garden Centre, Sipson Road**in the London Borough of Hillingdon****planning application no.67666/APP/2013/1579****Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Outline application for a mixed use development comprising of residential, light industrial commercial units, retail units and community centre, together with associated private and public open space, pedestrian and vehicular access and parking, including the demolition of existing garden Centre.

The applicant

The applicant is **Lewedon Holdings**, and the architect is **Robin Partington Architects**.

Strategic issues

The key strategic concern for this application is the **principle of development**. The proposed mixed use development is an **inappropriate development** on **Green Belt**. The **very special circumstances** put forward are not accepted; as a result the scheme is unacceptable.

There are other strategic concerns in relation to level of **affordable housing, tenure split, housing quality, design** and **inclusive access, noise and air quality, sustainable development, flood risk management** and **transport**.

Recommendation

That Hillingdon Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 60 of this report. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

Context

1 On 29 July 2013 the Mayor of London received documents from Hillingdon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 9 September 2013 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008:
“Development – (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floor space of more than 1000 square metres or a material change in the use of such building .”

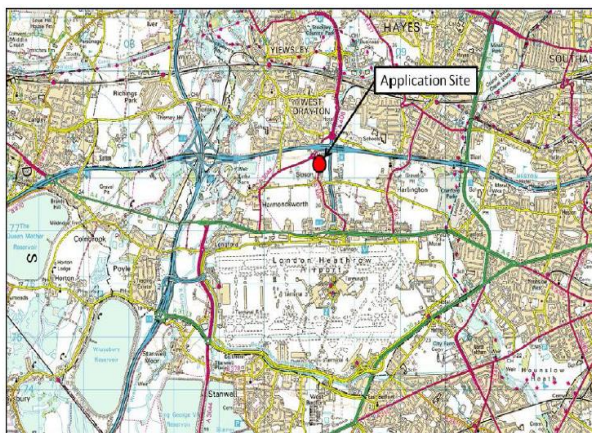
3 Once Hillingdon Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 6.7ha application site is designated Metropolitan Green Belt. It is located to the north of Sipson Village (south west of the M4 Heathrow access junction) and comprises the Sipson Village Garden Centre and an area of vegetated land to the south. The site is bounded by the London Heathrow Holiday Inn Hotel to the north which is accessed off Sipson Road (A408). To the east the site is bounded by the M4 Spur (also known as the Heathrow Tunnel Road) with residential properties served by Vineries Close to the south and more residential properties accessed via Russell Gardens off Sipson Road (A408) to the west.

6 The site is accessed from the A408 Sipson Road via an existing give-way controlled priority junction. The closest section of the Transport for London Road Network (TLRN) is the A4 (Bath Road) which lies approximately 1.5km south of the site. Bus Route 222 currently operates a good service in the local area and provides 8 buses per hour operating from Uxbridge station (served by numerous buses, the Piccadilly and Metropolitan Underground lines) to Hounslow bus station via West Drayton railway station which is served by First Great Western and connects to London Paddington with four trains per hour in each direction. It will also benefit from Crossrail services by 2019 which will provide even greater links to London. Although being the nearest station from the site, it is located approximately 1.7 miles to north and is not considered to be within walking distance. As such the site records a low public transport accessibility level (PTAL) of 1b (on a scale from 1- 6, where 1 is poor and 6 is excellent).



Site location & the application site, shown respectively: Source – applicant’s doc

7 An element of the application site is currently occupied by the buildings, structures and glasshouses associated with the former Sipson Village Garden Centre (which was closed in late 2011) and the remainder is undeveloped paddock land.

Details of the proposal

8 An outline application for a mixed use development comprising of 53 residential units (Use Class C3), 3 light industrial commercial units (maximum 450sqm total) (Use Class B1), 2 retail units (150sqm each) (Use Class A1) and multi-purpose community Centre (450sqm) (Use Class Sui Generis), together with associated private and public open space, pedestrian and vehicular access and parking, including the demolition of existing garden centre (all matters reserved apart from access).

Case history

9 There is no case history relevant to the proposed scheme.

Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

- | | |
|---------------------------|--|
| • Green Belt | <i>London Plan</i> |
| • Mix of uses | <i>London Plan</i> |
| • Retail/town centre uses | <i>London Plan</i> |
| • Employment | <i>London Plan</i> |
| • Housing | <i>London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Providing for Children and Young People's Play and Informal Recreation SPG;</i> |
| • Affordable housing | <i>London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy;</i> |
| • Density | <i>London Plan; Housing SPG</i> |
| • Urban design | <i>London Plan;</i> |
| • Access | <i>London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy</i> |
| • Ambient noise | <i>London Plan; the Mayor's Ambient Noise Strategy;</i> |
| • Air quality | <i>London Plan; the Mayor's Air Quality Strategy;</i> |
| • Flood risk | <i>London Plan</i> |
| • Transport | <i>London Plan; the Mayor's Transport Strategy;</i> |

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2012 Hillingdon Local Plan: Part 1- Strategic Policies (Core Strategy) Development Plan Document, the (2007 saved policies) Unitary Development Plan and the 2011 London Plan.

12 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- The draft Revised Early Minor Alteration to the London Plan (intend to publish version)

Principle of land use - Green Belt

13 The application site is part of a larger area identified as Green Belt. The National Planning Policy Framework (paragraph 67) and the London Plan (policy 7.16) set out that only development associated with agriculture, forestry, outdoor sport and recreation is appropriate in the Green Belt. All other forms of development are, by definition, 'inappropriate'. In order for 'inappropriate' development to be acceptable in the Green Belt, very special circumstances must apply.

14 The NPPF in Para 87 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

15 The application for a mixed use development comprising of residential, light industrial commercial units, retail units and community Centre on Green Belt is an inappropriate development. In light of paragraph 87 of the NPPF and Policy 7.16 of the London Plan, the onus is therefore placed on the applicant to demonstrate the very special circumstances under which planning permission should be granted for the development and that: *"the very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations."*

16 The applicant has put forward the following very special circumstances:

- Protection and provision of new open space and recreational space and provision of a clear break in the urban function;
- Serving the needs of Londoners and providing enhanced local access; and
- Affordable housing and other community benefits;

17 **Protection and provision of new open space and recreational space and provision of a clear break in the urban function:** The applicant has stated that, whilst the site is located in the designated Green Belt of Hillingdon, it is not designated by any statutory or non-statutory wildlife designation and is located within an urban fringe environment that is isolated from open countryside by major roads and other urban development.

18 Furthermore, the applicant's Green Belt report states that the site is isolated from the village of Sipson with very limited physical and visual connections and that it is separated from the adjacent open land designated as Green Belt by existing road networks.

19 However, it should be noted roads, railways and motorways are a common feature in London's Green Belt, and beyond, as the designation washes over these infrastructure features. It does not follow that land surrounded by such features no longer meets a Green Belt function. In addition, the Council has not identified the need for additional recreational/public open space in this area. This lack of support significantly reduces the weight that could be attached to the benefit of such provision, together with the fact that given its location very few people are expected to benefit from it.

20 Therefore, the above issue cannot be considered as a very special circumstance.

21 **Serving the needs of Londoners and providing enhanced local access:** The applicant has stated that members of the local public will also be afforded enhanced local access to the site

at all times, thereby enhancing the current situation. This involves the planting of new trees and shrubs; hard landscaping works and the introduction of some 1.39 hectares of accessible public open space that will be linked to a multi-purpose community facility.

22 However, it should be noted that providing public access to members of the local public does not outweigh the harm that may be caused to the Green Belt, particularly given there is no identified need for this provision. Therefore, the above issue cannot be considered as a very special circumstance.

23 **Affordable housing and other community benefits:** The applicant has identified the benefits of provision of 50% of affordable housing on site, new multi-purpose community facility, the three new industrial/commercial units providing valuable employment opportunities and the two small retail units as a very special circumstance.

24 However the provision of these elements as part of a mixed use proposal is only to be expected of a development of this nature and is common to many developments of this scale in London. As such it is not a very special circumstance. The provision of 50% affordable housing is more than is currently being achieved on comparably sized schemes, but this in itself cannot be accepted as a very special circumstance. To do so would result in swathes of Green Belt being developed, as the need for affordable housing is always present.

Conclusion

25 The separation of the Green Belt by road/rail networks and the presence of the Garden Centre (Glass Houses) on the site is not unexpected; whereas replacement with houses, offices and retail and internal roads would significantly harm the openness of the Green Belt, introduce an extensive range of inappropriate uses that would narrow the gap in the built form area and therefore conflict with policies of the Green Belt as set out in the London Plan and the NPPF. Therefore, the proposals are not acceptable.

Employment – retail and office use

26 Notwithstanding the in principle objection to the scheme, and noting their relatively small scale, the need for commercial and retail uses in this location is questioned. The Council may wish to consider this matter in more detail.

Housing

27 **Housing quality /space standards:** London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. The Mayor has produced a new Housing SPG, on the implementation of Policy 3.5 for all housing tenures, drawing on his London Housing Design Guide, paragraphs 3.37 –3.39 provides further guidance on indicators of quality that the SPG will cover. Although the planning statement states that the proposed residential units will all be designed to meet the minimum space standards, the areas of these units are not quantified and not shown in the applicant's submitted documents. The applicant would be required to demonstrate typical layouts to show compliance with the space standards can be met and a condition imposed to secure such compliance.

28 **Housing choice:** London Plan Policy 3.8 and the associated supplementary planning guidance promote housing choice and seek a balanced mix of unit sizes in new developments. The London Housing Strategy sets out strategic housing requirements and Policy 1.1C of the Strategy includes a target for 42% of social rented homes to have three or more bedrooms.

29 For the 53 new residential homes proposed the following unit mix is proposed:

Unit Type	Number Proposed	(%) of Unit Mix
1 bedroom	4	8
2 bedroom	10	19
3 bedroom	34	64
4 bedroom	5	9

30 Overall the provision of larger units would be supported. Although the applicant would need to demonstrate the unit size split by tenure, to ensure that the Mayor's objectives for family sized affordable units is met.

31 Children play space: Policy 3.6 of the London Plan sets out that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs."

32 As the tenure split between the market and the affordable units and within the affordable element is unknown, it is difficult to calculate how many children the proposals can accommodate. The applicant needs to work out this in accordance with the above guidance.

Density

33 It is noted that the site is not in located in a District centre and has a suburban character with a PTAL rating of 1b. The London Plan (July 2011) therefore provides for a density range between 50-75u/ha or 150-200hr/ha for sites with a PTAL 1 in a suburban location and with an indicative average unit size of 2.7hr-3.0hr/unit. The applicant needs to identify the density calculated on net residential area and confirm that the proposal meets the London Plan.

Affordable housing

34 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale. The Mayor has published an early minor alteration to the London Plan to address the introduction of affordable rent, with further guidance set out in a draft Affordable Rent SPG. With regard to tenure split the Mayor's position is that both social rent and affordable rent should be included within the 60%.

35 While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

36 Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation.

37 The application includes provision for 50% on site affordable housing of which 60% will be provided as social rented housing and 40% intermediate.

38 It should be noted that there is an objection to the principle of the proposed scheme as it is unacceptable in terms of its land use on Green Belt. However, should the scheme be approved the following issues need to be resolved:

- Whilst onsite provision of 50 % affordable housing may be acceptable, this should be verified by a viability assessment that this is the maximum amount that can be provided.
- Consideration needs to be given to the provision of affordable rent, having regard to the needs to local RSLs.

Urban design

39 The planning application is an outline application, in which all matters are reserved except access. Consequently limited information has been provided. However, given the scale of the proposal it does not raise strategic design issues.



Layout of the proposed development: Source – applicant's design and access statement

Inclusive design

40 Although the applicant stated that all residential units will be designed to meet requirements of Lifetime Home and that 10% of these will be wheelchair accessible, there are no plans and drawings demonstrating the provision of these. Therefore, the applicant is required to provide typical layouts in this regard. Furthermore, the design and access statement should demonstrate inclusive design is incorporated into all the elements of the proposal, residential, industrial and commercial units and the multi-purpose community Centre.

41 The provision of blue badge parking should be incorporated into the proposals and detailed information should be provided regarding the proposed level and location of these parking spaces. The applicant should undertake an audit of the nearest bus stops and they should be upgraded if required.

42 As a result, the proposal does not comply with inclusive design policy 7.2 of the London Plan.

Sustainable development/energy

43 A range of passive design features and demand reduction measures are proposed to reduce the CO₂ emissions of the proposed development. The development is estimated to achieve a reduction of 12.8 tonnes per annum (10.9%) in regulated CO₂ emissions compared to a 2010 Building Regulations compliant development. The proposal is not suitable for district heating or CHP and there no existing or planned networks nearby.

44 The applicant is proposing to install 38.4kWp of solar PV panels across the development. A reduction in regulated CO₂ emissions of 16.7 tonnes per annum (15.9%) will be achieved through this third element of the energy hierarchy, which is welcomed. However, a plan showing the proposed location of the PV panels and confirming the total surface area of PV panels installed should be provided.

45 Overall, a reduction of 29.5 tonnes of CO₂ per year in regulated emissions compared to a 2010 Building Regulations compliant development is expected, equivalent to an overall saving of 25%. The CO₂ savings meet the targets set within Policy 5.2 of the London Plan.

Noise and air quality

46 Noise: Given the proximity of the site to Heathrow Airport and major road networks a detailed noise report should be provided.

47 Air quality: Additional information is required in regard to the air quality assessment as the report has not included the impact of the development during construction and the impact of traffic from the proposed development is scoped out. Monitoring across the site or modelling is recommended.

Flood risk management

48 A Flood Risk Assessment shows the site as being within Flood Zone 1. As such the principle of the development is acceptable.

Surface Water Run-off:

49 The FRA states that there has been surface water flooding in nearby areas. This is backed up by surface water modelling undertaken by the EA and by the Drain London project that indicates surface water flood risk to some adjoining areas and notably to southern parts of the M4 Heathrow Spur. The FRA goes on to state that surface water will be management to greenfield run-off rates through the use of swales, water features and attenuation tanks. The detail of these is not stated but the principle is in line with the sustainable drainage hierarchy contained within London Plan policy 5.13. However, the surface water management measures should be secured via an appropriate planning condition.

Transport for London's comments

50 The proposed level of car parking for the residential units remains excessive, particularly given the Green Belt designation of the proposed site location. 106 spaces are proposed for the 53 residential units, which equates to 2 spaces per unit. Only residential properties with 4+ bedrooms should be provided with 2 car parking spaces and as only 5 of the 53 proposed dwellings will have 4 bedrooms the proposed level across the site does not comply with the London Plan. TfL would therefore require a reduction in the number of parking spaces, to a maximum of 75, in order to comply with the London Plan Policy 6.13 'Parking'. Regardless of the provision ultimately agreed, electric vehicle charging points (EVCP) should also be provided at a ratio of 1 in 5 spaces (both

active and passive) throughout the scheme. TfL notes there is no mention of car parking spaces for blue badge holders as part of the proposal and would require additional information regarding the proposed level and location of these spaces in order to comply with the London Plan Policy 6.13.

51 Considering the nature and scale of the proposals, TfL is of the opinion that the development and likely associated traffic generation will not give rise to conditions that would affect the operation of the A4 either the existing junction access. Similarly and given the characteristics of the local area TfL accepts that sufficient capacity exists on the current bus network to accommodate the likely number of additional trips generated from the proposed development would not require any increase in public transport provision. Nevertheless the applicant needs to undertake an audit of the nearest bus stops within a 400m radius of the site to ensure that they meet the TfL guidance on accessible bus stop design. If required, an appropriate contribution should be sought through a s106 agreement to upgrade the bus stops. In the absence of any audit, a contribution of up to £10k per stops should be sought. The Transport Assessment (TA) also makes reference to Hillingdon Council's aspirations to enhance the bus services to local villages so this will contribute towards it.

52 Sipson Road forms part of London Cycle Network Route 89 which provides an excellent opportunity for encouraging and promoting cycling above private car use on site. The proposed cycle parking provision for the residential units meets the minimum requirements in respect of London Plan Policy 6.9 'Cycling' and the design of the site is also conducive in encouraging cycling through the use of traffic calming measures to improve road safety. However, further details will need to be provided regarding the proposed level of cycle parking for the industrial, commercial units and the community centre before confirming compliance with the London Plan. All cycle parking provision will additionally need to be well lit and secure. TfL recognises the opportunity for residents of the scheme to safely walk or cycle to a wide range of local facilities as identified in table 3.1 of the submitted TA, this supports London Plan Policy 6.10 'Walking'.

53 The applicant should provide a travel plan for both the residential and non-residential elements of the development to encourage the use of the public transport network and promote the opportunities for cycling and walking in the local area. The submission of a travel plan should be secured via a condition and should support London Plan Policy 6.3 'Assessing effects of development on transport capacity'. The travel plan should also include details regarding the monitoring of EVCP parking spaces and provide information about when the passive spaces provided should be brought into use in the future.

54 A construction logistics plan (CLP) and delivery and servicing plan (DSP) should be submitted and approved prior to construction commencing on the site in order to comply with the London Freight Plan. TfL recommends that this should be the subject of a planning condition and should be co-ordinated alongside the travel plan as in line with London Plan Policy 6.3 'Assessing effects of development on transport capacity'.

55 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 'Funding Crossrail & Other Strategically Important Transport Infrastructure' and 8.3 'Community Infrastructure Levy'. The Mayoral CIL formally came into effect on 1st April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged the boroughs into three charging bands and the rate for Hillingdon is £35 per square metre. The required CIL should be confirmed by the applicant and Council once the components of the development or phase thereof have themselves been finalised.

56 In principle, TfL does not have any objection to the proposed development however there are a number of outstanding issues to be addressed before the application fully complies with the

transport policies of the London Plan (2011). These include; a reduction in the number of car parking spaces provided, an inclusion of EVCPs throughout the scheme and clarification regarding the number of blue badge parking spaces on site. TfL would like to see a bus stop audit and if necessary, a contribution towards upgrading the nearby stops, the preparation of Travel Plans for the residential and non-residential uses, the provision of a CLP alongside a DSP to support the London Plan and the London Freight Plan and some recognition of the Mayoral CIL.

Local planning authority's position

57 It is understood that Hillingdon Council planning officers are not in favour of the scheme.

Legal considerations

58 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

59 There are no financial considerations at this stage.

Conclusion

60 London Plan policies on Principle of land use - Green Belt, retail and office uses, housing/affordable housing, density, children play space, design, inclusive access, sustainable development/energy, noise and air quality, flood risk management and transport are relevant to this application. The proposed development does not comply with the London Plan. The reasons for this are set out below:

- **Principle of land use - Green Belt:** The proposed use on Green Belt is an inappropriate development. The very special circumstances presented do not justify the development on Green Belt.
- **Housing/affordable housing:** Additional information is required in regard to space standards, tenure split, and children play space. The provision of 50% affordable housing should be verified by viability appraisal. The proposed intermediate housing should be replaced by affordable rent.
- **Urban design:** Given the scale of the proposal it does not raise strategic design issues.
- **Density:** Additional information is required.
- **Inclusive access:** The design and access statement should demonstrate that inclusive design is incorporated in all the elements of the scheme providing scaled drawings and plans.
- **Sustainable development/energy:** The scheme complies with Policy 5.2 of the London Plan.

- **Noise and air quality:** Given the proximity of the site to Heathrow Airport and major road networks a detailed noise report should be provided. Additional information is required in regard to the air quality report.
- **Flood risk management:** The proposal is in line with the sustainable drainage hierarchy contained within London Plan policy 5.13. However, the surface water management measures should be secured.
- **Transport:** A reduction in the number of car parking spaces should be provided, an inclusion of EVCPs throughout the scheme and clarification regarding the number of blue badge parking spaces on site should be provided. A bus stop audit is required and if necessary, a contribution must be made towards upgrading the nearby stops. The preparation of Travel Plans for the residential and non-residential uses, the provision of a CLP alongside a DSP to support the London Plan and the London Freight Plan and some recognition of the Mayoral CIL must be provided.

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