

Sipson Village Garden Centre | Sipson

Outline planning application by Lewdown Holdings Limited for:

Mixed use development comprising up to 53 residential units (Use Class C3/C2) and associated private and public open space, pedestrian and vehicular access and parking, including demolition of garden centre.

Planning Statement

Applicant's ref: 1620

June 2015

Sipson Village Garden Centre, Sipson Road, Sipson UB7 0HP
Planning 1620
Issue 01

Date: June 2015

PV Projects

Grosvenor Court
Winchester Road
Ampfield
Winchester
Hampshire
SO51 9BD

COPYRIGHT: The contents of this document must not be copied or reproduced in whole or in part without the prior written consent of PV Projects.

Contents

1.	Introduction.....	1
2.	Background and Context	3
	<i>Statement of Community Involvement</i>	<i>5</i>
3.	Application Site and Surroundings	7
4.	Proposed Development	9
	<i>Design and Access Statement.....</i>	<i>9</i>
	<i>Residential (including Affordable Housing) Statement</i>	<i>12</i>
	<i>Open Space Assessment</i>	<i>14</i>
	<i>Draft Heads of Terms</i>	<i>15</i>
5.	Development Plan	17
	<i>Hillingdon Unitary Development Plan</i>	<i>17</i>
	<i>The London Plan</i>	<i>18</i>
	<i>Hillingdon Local Plan: Part 1 Strategic Policies.....</i>	<i>19</i>
	<i>Further Alterations to the London Plan</i>	<i>19</i>
6.	Material Considerations	20
	<i>National Planning Policy Framework</i>	<i>20</i>
	<i>Hillingdon Local Plan: Part 2 Development Management Policies, Site Allocations and Designations.....</i>	<i>22</i>
	<i>Heathrow Villages Neighbourhood Plan</i>	<i>23</i>
7.	Reason for Refusal 1	24
	<i>Green Belt.....</i>	<i>24</i>
	<i>Inappropriate Development</i>	<i>24</i>
	<i>Openness.....</i>	<i>26</i>
	<i>Very Special Circumstances.....</i>	<i>30</i>
8.	Reason for Refusal 3	42
	<i>Ecology</i>	<i>42</i>

9.	Reason for Refusal 5	44
	<i>Air Quality</i>	44
10.	Reason for Refusal 6	46
	<i>Noise</i>	46
11.	Reason for Refusal 7	48
	<i>Highways</i>	48
12.	Conclusion.....	50

APPENDICES

1. Introduction

- 1.1 Pro Vision Planning and Design is instructed by the applicant, Lewdown Holdings Limited (LHL), to submit an outline planning application (the current application).
- 1.2 It is for a mixed use development comprising up to 53 residential units (Use Class C3/C2) and associated private and public open space, pedestrian and vehicular access and parking, including demolition of garden centre.
- 1.3 The application site (the site) is the Sipson Village Garden Centre, Sipson Road, Sipson, London UB7 0HP¹. LHL is the freehold owner of the site.
- 1.4 The current application is a resubmission following a previous outline planning application by LHL (the previous application). The Council refused permission on 14 October 2013². As well as 53 residential units the previous application also included 3 light industrial commercial units (maximum 450m², Use Class B1) and 2 retail units (150m² each, Use Class A1). These commercial and retail uses are excluded from the current application.
- 1.5 LHL seeks outline planning permission for the principle of the proposed development and details of means of access. Appearance, landscaping, layout and scale are matters reserved for subsequent approval.
- 1.6 The current application specifies the following³:
 - The uses proposed and distinct development zones.
 - The amount of development proposed for each use, with an indication of upper and lower parameters as appropriate.
 - Indicative illustrative layouts, including a structural landscaping framework.
 - Scale parameters with an indication of the upper and lower limits for height, width and length of buildings within the site boundary.
 - The details of access points.

¹ The site is also referred to as the 'Heathrow Garden Centre'.

² Appendix PV1 – copy of the Council's decision notice and reasons for refusal (Council's reference 67666/APP/2013/1579).

³ Unless stated, all dimensions and areas are to the nearest whole hectare/metre/square metre.

- 1.7 There are two alternative indicative site layout plans, Option A and Option B. These layouts are illustrative and not for approval now, but they are relevant to the consideration of the application as explained in this Planning Statement below.

2. Background and Context

2.1 The current application overcomes the Council's reasons for refusal in the previous application; in summary⁴:

- 1) Inappropriate development in the Green Belt and no very special circumstances.
- 2) No provision for on-site affordable housing.
- 3) Detriment to the ecological value of the area.
- 4) No provision for off-site services and facilities.
- 5) Significant impact on an Air Quality Management Area.
- 6) Unacceptable levels of noise detrimental to residential amenity.
- 7) Inappropriate levels of vehicular and pedestrian safety and unacceptable vehicle manoeuvring causing adverse impact on the operation of the highway network.

2.2 It is understood that Reasons 2 and 4 were applied by the Council only because necessary planning obligations were not entered into in time by LHL before the previous application was refused. LHL will enter into suitable and appropriate legal agreements for the current application in the normal manner. This will accord with the relevant Development Plan policies⁵ and it is expected to overcome both of these reasons for refusal. Draft Heads of Terms are suggested in this Planning Statement.

2.3 The five substantive reasons for refusal are assessed in this Planning Statement, in particular Reason 1 Green Belt, supported by separate consultant reports:

- | | | |
|------------------------|-------------------------|-------------------|
| • Reason 3 Ecology | Phase 2 Ecology Report | (Applied Ecology) |
| • Reason 5 Air Quality | Air Quality Assessment | (WSP) |
| • Reason 6 Noise | Noise Impact Assessment | (Capita) |
| • Reason 7 highways | Transport Assessment | (WSP) |

⁴ Appendix PV2 – Council's Officer delegated report. The application was also considered by the Greater London Authority (GLA) who objected - GLA letter at Appendix PV3.

⁵ i.e. for Reason 2 Unitary Development Plan policy R17 and London Plan policies 3.10-3.13; and for Reason 4 UDP policy R17.

2.4 The Council did not identify any reasons for refusal in connection with the following consultant reports:

- Flood Risk Assessment
- Heritage Statement
- Tree Survey
- Drainage Strategy
- Energy Statement

2.5 These reports relate to the same red line application site as the current application. There has been no material change to the circumstances of the site or to the general principles of the proposed development which would affect the validity of these reports in support of the current proposals; also bearing in mind the current application is for less development than before and that it is an outline application with all matters (than the principle and means of access) reserved for future consideration.

2.6 The Council's reasons for refusal, Officer delegated report and the GLA letter confirm there were no specific objections to what the Council described as the following "main planning issues":

- Impact on amenities of occupiers of existing nearby dwellings.
- Impact on the street scene.
- Car parking and layout.
- Urban design, access and security considerations.
- The proposed density and design/layout of development, including house type and sizes, living conditions for occupiers of the new dwellings.
- The provision of affordable housing.
- Landscape and visual impact.

2.7 Had the previous application not been refused Officers otherwise recommended a number of planning conditions to ensure that further details of the proposed development were submitted at reserved matters stage. These would also apply to the current application.

Statement of Community Involvement

- 2.8 Pro Vision and LHL have met with senior Council planning policy and development management Officers to discuss the site, the previous application and relevant planning issues⁶.
- 2.9 Amongst other things, Officers confirmed that the possibility of a north west runway option and expansion of Heathrow airport was not necessarily a barrier to a housing led planning application, subject to technical assessment of residential amenities of occupiers of the proposed dwellings. Nor would an application be premature before the future of Heathrow is resolved⁷.
- 2.10 Officers also indicated (without prejudice to the Council's 'in principle' Green Belt objection) that if there was to be any housing development on the site, it ought to be sited in the position of the existing garden centre.
- 2.11 LHL have met with representatives of the Harmondsworth and Sipson Residents Association (HASRA) and there has been some on-going liaison. The application reflects matters discussed with HASRA (and so far as is practicably possible), including a desire for a "mix of housing with local facilities". The proposed development would also provide a long term solution to what is understood to be an 'eye-sore' site by the removal of existing buildings and structures, hardstandings and overgrown vegetation.
- 2.12 LHL has consulted the Metropolitan Police. The Police are also keen to secure a suitable long term future for the site in the interests of 'good planning and community coherence'. LHL has had to take action at considerable cost to secure the site from antisocial behaviour including unauthorised trespass, damage to property and fly-tipping. Those costs will continue to be incurred while the current application is considered.

⁶ Matthew Duigan (Development Control Planning Services Manager), James Gleave (Principal Local Development Framework Policy Officer) and Ed Laughton (Planning Officer).

⁷ There is no indication this was a concern to the Council with the previous application or in any reason for refusal.

- 2.13 LHL has also maintained a dialogue with representatives of 'Transit Heathrow' (or 'Grow Heathrow'); a local pressure group and local community that is understood to be pioneering new sustainable systems and technologies, albeit illegally occupying part of the site and residing in temporary shelters/structures.
- 2.14 The current application is informed by a review of the public comments and consultation responses in connection with the previous application.

3. Application Site and Surroundings

- 3.1 The site is 6.7 hectares (16.5 acres) in area. It is mainly level with no appreciable cross fall in gradient.
- 3.2 It comprises land and buildings at the Sipson Village Garden Centre, including a paddock field to the south, grassland, overgrown scrub vegetation and a large area of former glasshouses. Much of the northern part of the site is covered in substantial areas of concrete hardstandings (including outdoor display and parking).
- 3.3 There is an existing vehicular and pedestrian access towards the north west corner of the site, onto the A408 Sipson Road. There is existing pedestrian access in the south east corner of the site; this exits onto an assumed private lane over which LHL has a right of way⁸. The lane provides access to the adopted public highway at Vineries Close/Sipson Lane.
- 3.4 The site is located at the north end of Sipson village and north of Heathrow airport. It is within Harmondsworth Parish. Existing housing in Sipson adjoins the west site boundary. To the immediate north is the substantial and tall Holiday Inn building with the M4 motorway and junction beyond. The east site boundary runs next to the M4 spur (Heathrow Tunnel) road. The south end of the site lies next to existing housing, a children's nursery and a site occupied by people who are understood to be members of the Transit Heathrow or Grow Heathrow pressure group.
- 3.5 To the west of Sipson is Harmondsworth village, separated by open countryside but with some large sites that appear to be in various commercial uses, including outside storage/distribution and sand and gravel extraction. North of Sipson and the M4 is the built-up area of West Drayton and Hayes. To the east of Sipson and M4 spur road is Harlington village, also separated by open countryside and which also has some large sites that appear to be in commercial use, including outside storage/distribution and sand and gravel extraction as well as land and buildings in recreation, sport and leisure use.

⁸ The right of way also exists if in fact this lane is a public highway.

- 3.6 All of this open land, including the application site, is within the Metropolitan Green Belt but Sipson village is not.

4. Proposed Development

Design and Access Statement

- 4.1 LHL propose a mixed use development comprising up to 53 residential units (Use Class C3/C2) and associated private and public open space, pedestrian and vehicular access and parking, including the demolition of the garden centre.
- 4.2 Detailed approval for only the principle of the development and means of access is sought at this outline stage.

Design

- 4.3 The submitted Option A and B site layout plans indicate an arrangement of proposed buildings and internal arrangement of roads and open spaces. These plans illustrate two possible different approaches to the layout of proposed development of the site compared to the previous application, but not the only possible layouts.
- 4.4 The Option A and B site layout plans specify the following⁹:
- The uses proposed and distinct development zones/character areas.
 - The amount of development proposed for each use, with an indication of upper and lower parameters as appropriate, including dwellings in the range 1 bedroom to 4 bedroom.
 - Public open space including a minimum of approximately 3,700 square metres of ecology biodiversity improvement area (plus approximately a 1,300 sq metre pond) 4,500 square metre village green and 20 allotment pitches (approximately 5,000 square metres).
 - An indicative layout, including an indicative structural landscaping framework.
 - Scale parameters with an indication of the upper and lower limits for height in the range up to 2 storey (eaves 5-6 metres and ridge 8-10 metres) and up to 3 storey (eaves 8-10 metres and ridge 12-15 metres), width and length of buildings (5.3-10 metres and 8-12 metres respectively) within the site boundary.
 - The details of access points.

⁹ Unless stated, all dimensions and areas are to the nearest whole hectare/metre/square metre.

- 4.5 The previous application proposed new housing arranged next to the north boundary of the site and mainly to the rear (east) of houses at 241 to 265 Sipson Road, with new commercial buildings in the south east corner of the site. The focus of retained open space was in the southwest and eastern parts of the site.
- 4.6 In the current application the detailed design and appearance of the proposed housing (including sustainability and 'green' eco credentials) will be a matter for approval at reserved matters stage if outline permission is granted.
- 4.7 LHL is committed to ensuring that the proposed development is high quality and provides a bespoke development for the site. The detailed design of dwellings will depend on their eventual precise location and orientation, including in relation to existing development; however, there is scope for variation and design which can respect the character of existing buildings and materials in Sipson.
- 4.8 The proposed dwelling sizes, scale and types are generally characteristic of existing development in Sipson. These can be positioned to maximise active frontages and public realm surveillance, including public open space and ecology enhancement area.
- 4.9 It is anticipated that the dwellings can be designed to meet appropriate energy, insulation and heat standards, including opportunities for green and/or recycled energy systems such as solar roof panels and water heaters, possible green roofs and water recovery systems.
- 4.10 In **Option A** new houses are located in the southwest corner of the site, adjacent to existing houses and other buildings that are already arranged 'in depth' in this part of Sipson village.
- 4.11 None of the new buildings breach a visual line of existing built form and curtilages established to the north by the houses at the north end of Russell Gardens and to the east by the children's nursery building 'Inglenook' next to the southern boundary of the site.

- 4.12 The overall predominantly linear arrangement of built form at Sipson village (including single plot development and pockets of 'in depth' development) is maintained. The proposed layout is characteristic of this part of Sipson village.
- 4.13 Open space is largely to the north and eastern parts of the site to maintain a substantial green buffer to existing development off-site. This keeps housing away from the M4 spur Tunnel Road and potential noise issues.
- 4.14 In **Option B** new houses are located within the building footprint and curtilage of the existing garden centre after the buildings and hardstandings are removed.
- 4.15 Some of the houses follow and continue the existing linear frontage arrangement of housing at the north end of Sipson with the rest in depth behind across the northern part of the site next to the Holiday Inn. This maintains substantial areas of open space to the eastern edge of the site and mainly to the southern part of the site.
- 4.16 A landscape framework shows the broad principles for public and private open space, ecology and bio-diversity enhancements, a landscaped acoustic bund along the east edge of the site and if necessary or required a new village green public space. All of these uses are linked by public road and/or pedestrian/cycle informal 'woodland walk' pathways. There is scope for formal play spaces/areas if these are considered necessary or appropriate. The open space areas will incorporate principles of Sustainable Urban Drainage Systems (SuDS), including permeable paving where appropriate.

Access

- 4.17 The proposed main vehicular, cycle and pedestrian access is shown in the site layout plan. It is in the same position as the previous application, sited just to the north of the existing access to the garden centre. It is the same location and details for either the Option A or B illustrative site layout plans.
- 4.18 A detailed highway design is explained in the WSP Transport Assessment, including how this accords with the Council's adopted standards for junction splays, visibility and carriageway widths.

- 4.19 There is a secondary means of pedestrian and cycle access in the south east corner of the site, also in the same location as previously proposed. It would allow emergency vehicle access, via locked bollards or similar, in the event the main site access and/or road was blocked but not general vehicular access.
- 4.20 This southern access point also allows pedestrian and cycle permeability through the whole site from north to south and links to the proposed 'woodland walk' and public open spaces. It provides an attractive and safer (from road traffic) alternative to walking the pavements along Sipson Road and Sipson Lane and connects the site to the rest of the village.
- 4.21 The layout plan also shows potential for pedestrian and cycle links from the site through existing garage courtyards and onto Sipson Road. However, these are not details for approval at this stage and are aspirational, dependant on land ownerships and the cooperation of other landowners.
- 4.22 The new houses and other uses of land are capable of being served off the proposed main access point and internal indicative 'spine' road. There is also plainly sufficient space to provide car and (secure, covered) cycle parking to meet the Council's relevant adopted standards, including curtilage parking on plot or on frontage and a proportion of unallocated on-street parking to the Council's standards. There is also space for bin storage and collection.
- 4.23 It would be possible to use changes in surface materials, colours and/or textures to emphasise different functions and uses of land or areas of the site, e.g. car parking, open space, play areas etc. These may also incorporate traffic calming and/or pedestrian/cycle priority features as appropriate.

Residential (including Affordable Housing) Statement

- 4.24 The Option A and B indicative site layout plans contain the same proposed housing development in terms of types and sizes of units as follows:
- 53 new homes, comprising:
 - 12 elderly living units (22.6% of total units)
 - 22 private open market units (41.5%)

- 19 affordable social units (35.8%)

- 4.25 The private open market units are a mix of detached, semi-detached and terraced units (up to 2 storey and up to 3 storey, and in the range 1 to 4 bedroom). These dwellings could include single story bungalows but the overall mix will be governed by the Council's adopted planning policies at approval of reserved matters stage.
- 4.26 The older persons living units are shown as a block of apartments (e.g. as might be provided by a bespoke developer of this sort of residential accommodation) and could have a 3 storey part; or these could be more conventional two storey houses designed to meet lifetime homes standards.
- 4.27 The affordable social units are a mix of terraced and semi-detached units. The tenure types will be agreed with the Council so as to be policy compliant once the Council has indicated its preferred mix (e.g. rented, part-ownership, shared equity etc.) and/or in conjunction with the Council's preferred Registered Social Landlord.
- 4.28 It is usually acknowledged that these arrangements provide sufficient safeguard from the threat of unauthorised sub-letting of affordable housing; though that is anyway primarily a matter of management and enforcement for the relevant authorities/stakeholders, not for the application or landowner/developer to resolve.
- 4.29 It is understood that HASRA is also concerned about private market housing being acquired by 'buy-to-let' landlords, including because of the proximity to Heathrow airport. We understand this has caused some local frictions in community and social integration as well as inconsiderate and inadequate parking; however these are also not matters that can be controlled or resolved by a planning application, the land owner/developer, the planning system or the Council's adopted planning policies.
- 4.30 The provision of affordable housing and homes for older persons would at least ensure that there was the opportunity for a significant proportion of the housing (well over half, nearly 60%) to be provided for those purposes and made available to meet the needs of local people, including family sized accommodation. This would include young people and/or first time buyers who may wish to enter the property market and older persons who may wish to downsize into more appropriate accommodation

(and free up family sized houses back into the local property market). It would allow people who wish to do so a chance to continue to live in the local community.

Open Space Assessment

- 4.31 In **Option A** The focus of retained open space is the entire northern half of the site, including the removal of the substantial existing garden centre buildings and the hardstandings, extending along the east boundary and wrapping round and up to Inglenook at the south end of the site.
- 4.32 The open space has a number of distinct areas and formal and informal open space functions, including:
- Formal and informal public open space.
 - Biodiversity and ecology enhancements and creation of new habitat for protected species.
 - A 'woodland walk' arranged on the inside of an acoustic, landscaped and vegetated earth bund, and
 - Provision of garden allotments.
 - Private retained open space.
- 4.33 In **Option B** the focus of retained open space is the entire southern three quarters of the site. It would have the same functions as in Option A.
- 4.34 In both options there is scope for the provision of a new more formal 'village green' area (if that is thought to be of value locally) and allotments (20 pitches) for local public use by residents in Sipson, including use and/or management (under a suitable arrangement) by Transit/Grow Heathrow.
- 4.35 LHL will make this land available for public access and use for the long term through a suitable legal agreement which could be enforced if necessary by the Council. Other land not required for the development would be retained in private ownership by LHL¹⁰.

¹⁰ There would otherwise be a surfeit of public open space well in excess of what the Council's planning policies require for the proposed development. The Council would retain full control over this land (in development terms) as planning permission would be required for any change of use or

- 4.36 Long term maintenance and management of the public open space uses (with initial developer funding), including ecology enhancements and allotments, could either be the responsibility of local organisations with an interest in such matters (e.g. Hillingdon Borough, HASRA, the Parish Council or Transit/Grow Heathrow) or it could be through a private management company set up and funded by the eventual owner and/or developer of the site. These are the normal expectations and will be clarified during the consideration of the application.

Draft Heads of Terms

- 4.37 It is anticipated that the Council may seek the same or a very similar planning obligation(s) (section 106 legal agreement) in connection with developer contributions, including off-site infrastructure, as was suggested in connection with the previous application. This will help to ensure that the provision of local facilities and services is programmed appropriately relative to the implementation and occupation of the new homes; though in the normal manner actual delivery will largely be the responsibility of the relevant public authorities or utility providers, not the applicant, land owner or developer.
- 4.38 Subject to the Council demonstrating how these contributions comply with the relevant tests of the CIL Regulation 122¹¹ (including that there is no 'doubling up' with CIL liability), the likely main areas for inclusion are:
- Highways, including off-site highway improvements.
 - Affordable housing, including 35% provision on site with tenure and mix to be agreed with the Council.
 - Education, including new school places.
 - Health, including new or improved facilities and/or resources.
 - Libraries, including new or improved facilities and/or resources.

development of the land. This would provide the "legally binding mechanism" that was a concern of HASRA.

¹¹ The Community Infrastructure Levy regulations 2010, as amended.

- Construction training, either an in-kind scheme to be delivered during the construction phase or an equivalent financial contribution.
- Recreational open space, including on-site provision of a suitable formal play and/or open space and provision of informal passive open space.
- Air Quality, including new or improved facilities and/or resources.

4.39 As a result of recent case law it is no longer reasonable for the Council to seek a 'project management and monitoring fee'¹².

4.40 The London (Mayoral) Community Infrastructure Levy (CIL) indicates a charging schedule rate in Hillingdon (Zone 2) of £35 per square metre of new development. If outline planning permission is granted then the CIL liability will be calculated at the reserved matter stage and there is no need to submit any CIL forms with the outline application.

4.41 It is expected that these arrangements would overcome the Council's previous reasons for refusal 2 and 4.

¹² *Oxfordshire County Council v Secretary of State for Communities and Local Government* [2015] EWHC 186 (Admin).

5. Development Plan

- 5.1 The Officer delegated report confirms that the Council considered the previous planning application against:

*“all relevant planning legislation, regulations, guidance, circulars and Council policies...”*¹³

- 5.2 Other than the Development Plan policies that are referred to in the substantive reasons for refusal 1, 3, 5, 6 and 7 it is reasonable to conclude therefore that the Council agreed the previous application was in accordance with the other relevant DP policies¹⁴.
- 5.3 The current application is not materially different to the general principle of the previous application and so it remains in accordance with the same relevant DP policies.
- 5.4 This Planning Statement therefore only considers in detail the DP policies that are referred to in the substantive reasons for refusal¹⁵. The Further Alterations to the London Plan (FALP) are also considered because these were subsequently adopted in March 2015 after the previous application was determined.

Hillingdon Unitary Development Plan

- 5.5 The UDP was adopted in 1998 and some relevant policies were 'saved' in 2007¹⁶.
- 5.6 Policy OL1
Green Belt – the Council will grant planning permission in the Green Belt for acceptable open land uses, including “nature conservation” and “open air recreational facilities”, and new buildings that are essential for and associated with these uses; “the number and scale of buildings permitted will be kept to a minimum in order to protect the visual amenity of the Green Belt”.

¹³ Appendix PV2 – Informative 1, page 4 and section 6, page 23.

¹⁴ Appendix PV1 – page 3 and Appendix PV2 – page 4 and 5.

¹⁵ Excluding reasons for refusal 2 and 4 which will no longer be relevant upon execution of a suitable and appropriate planning obligation.

¹⁶ Appendix PV4 – UDP relevant policy extracts.

5.7 Policy EC1

Ecology – This policy is not a saved policy (nor was it a saved policy at the date of the Council’s decision notice). It is not relevant to the current application and was replaced by Hillingdon Local Plan: Part 1 – Strategic Policy EM7 (see below).

5.8 Policy OE5

Noise – Noise sensitive developments will be permitted if the site is not, or is not expected to become, subject to “unacceptable” levels of noise or vibration. Development will need to establish that proposed buildings or uses can be sited, designed, insulated or otherwise protected from external noise or vibration sources to “appropriate” national and local standards.

5.9 Policy AM7

Traffic – The acceptability of traffic generated by new development will be judged against the capacity and functions of existing and committed principal roads. Permission will be granted for development if traffic generation does not “unacceptably” increase demand along roads or through junctions, or if it does not prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

The London Plan

5.10 The LP was adopted in 2011¹⁷.

5.11 Policy 7.14

Air Quality – Development should (B(a)) “minimise” increased exposure to existing poor air quality and “make provision” to address local problems of air quality where development is likely to be used by “large numbers” of those particularly vulnerable to poor air quality, such as children or older people; and (B(c)) be at least “air quality neutral” and not lead to further deterioration of existing poor air quality. Where (B(d)) provision needs to be made to reduce emissions from development, this is usually to be on site, unless impractical or inappropriate in which case equivalent air quality benefits will be required.

¹⁷ Appendix PV5 – LP relevant policy extracts.

5.12 Policy 7.16

Green Belt – (B) The strongest protection should be given to London’s Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of the Green Belt as set out in national guidance.

Hillingdon Local Plan: Part 1 Strategic Policies

5.13 The LPP1 was adopted in November 2012¹⁸.

5.14 As well as ‘new’ policies the LPP1 incorporates the saved UDP policies (which are referred to either as ‘Part 1’ or Part 2’ (saved UDP) policies.

5.15 Policy EM7

Biodiversity – Biodiversity will be preserved and enhanced, with particular attention given to (3) the protection and enhancement of protected species and priority species and habitats and (5) the provision of biodiversity improvements from development, where feasible. This policy replaced UDP policy EC1 which was not saved.

Further Alterations to the London Plan

5.16 The FALP were adopted in March 2015¹⁹.

5.17 Policy 3.3 and Table 3.1

Increasing housing supply – (A) the pressing need for more homes in London; (B) housing need will be met through provision of at least an annual average of 42,000 net additional homes across London; (D) Boroughs should seek to achieve and exceed the relevant minimum borough annual housing target in Table 3.1; (Da) Boroughs should augment the Table 3.1 housing targets where possible with extra housing capacity to close the gap between identified housing need and supply; (E) Boroughs should identify and seek to enable additional development capacity to be brought forward to supplement these targets and (F) Boroughs must identify new housing sites.

¹⁸ Appendix PV6 – LPP1 relevant policy extracts.

¹⁹ Appendix PV7 – FALP relevant policy extracts.

6. Material Considerations

6.1 Material considerations relevant to the Green Belt (including inappropriate development, openness, housing need and supply and harm) are explained in this Planning Statement below.

6.2 LHL's other consultants also refer to material considerations.

National Planning Policy Framework

6.3 The NPPF was published in March 2012. The main relevant policies are summarised below:

NPPF 7 The three dimensions of sustainable development.

NPPF 14 The presumption in favour of sustainable development.

NPPF 17 Core planning principles (2), (3), (7), (8), (9), (11) and (12).

NPPF 32 Sustainable transport and residual cumulative impacts.

NPPF 47 Objectively assessed housing needs, five year housing supply plus 5% buffer.

NPPF 49 Presumption favour of sustainable development and up-to-date policies.

NPPF 50 Deliver a wide choice of high quality homes.

NPPF 55 Housing should be located where it will enhance or maintain the vitality of rural communities.

NPPF 56 Good design is indivisible from good planning and making places better for people.

NPPF 58	Quality of new development.
NPPF 60	Promote or reinforce local distinctiveness.
NPPF 61	Development should address the connections between people and places.
NPPF 69	Development should promote opportunities for members of the community to come into contact with each other on pedestrian routes and in high quality public space.
NPPF 70	Development should help to deliver social, recreational and cultural community facilities and services.
NPPF 79	Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
NPPF 80	The five purposes of Green Belts.
NPPF 81	Development should enhance the beneficial use of Green Belt, including public access and use.
NPPF 87	Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
NPPF 88	Substantial weight shall be 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.
NPPF 89	New buildings are inappropriate development in a Green Belt except for outdoor sport and recreation, limited affordable housing or the

partial or complete redevelopment of previously developed sites (brownfield land).

- NPPF 109 Development should contribute to and enhance the natural and local environment, including minimising impacts on biodiversity and providing net gains in biodiversity and remediating and mitigating despoiled, degraded and derelict land, where appropriate.
- NPPF 111 Decision taking should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- NPPF 118 Development should avoid significant harm to biodiversity, including through mitigation and compensatory measures; opportunities to incorporate biodiversity in and around developments should be encouraged.
- NPPF 123 Development should avoid noise giving rise to significant adverse impacts on health and quality of life and seek to mitigate and reduce to a minimum other adverse impacts on health and quality of life.

Hillingdon Local Plan: Part 2 Development Management Policies, Site Allocations and Designations

- 6.4 The Proposed Submission version of the LPP2 has been published for comment in 2014.
- 6.5 According to the Council's website and latest Local development Framework, the Council intends to consult on proposed changes to this emerging plan "later this year". The plan has yet to be examined by a Government Inspector and there remain significant unresolved objections.
- 6.6 Little or no weight can reasonably be given to the plan at this stage.

Heathrow Villages Neighbourhood Plan

- 6.7 The Heathrow Villages Forum is co-ordinating progress towards a neighbourhood Plan for the Heathrow Villages. This would include Sipson village. The work is being undertaken under the guidance and control of the Heathrow Neighbourhood Planning Committee (HNPC).
- 6.8 A 'neighbourhood forum' meeting has taken place with a further meeting scheduled for 2 July 2015. Amongst other things it is understood that this meeting will review some background work on housing, business and heritage issues as well as a 'social survey' commissioned at the beginning of this year.
- 6.9 The full range of issues to be considered by the neighbourhood plan is understood to be housing, transport, enterprise, community spaces, green spaces, heritage and health and wellbeing.
- 6.10 HNPC has identified a plan area but this has not yet been formally adopted or endorsed by the London Borough of Hillingdon.
- 6.11 The neighbourhood plan is not sufficiently advanced at this time and accordingly no weight can reasonably be given to it at this stage.

7. Reason for Refusal 1

Green Belt

7.1 The Council refers to two issues:

- The previous application was for “inappropriate development” in the Green Belt.
- There was no single or cumulative “very special circumstances” to overcome the presumption against inappropriate development in the Green Belt.

7.2 This reason for refusal reflects the NPPF presumption that construction of new buildings is inappropriate (development) in the Green Belt (NPPF paragraph 89) and is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances (NPPF paragraph 87).

7.3 There was otherwise no reasons for refusal relating to housing development on the site or to the previously proposed scale, appearance (design), siting, design, layout and landscaping as these details were shown indicatively and for illustration only.

7.4 Essentially, the Council rejected the ‘Green Belt case’ made in support of the previous application.

Inappropriate Development

7.5 The current application illustrates two different ways in which the site could be developed.

Option A

7.6 In the Option A illustrative site plan some of the proposed housing development is on parts of the site occupied by former glasshouses. These were used in connection with the garden centre. As explained in more detail below in Option B, this part of the site with the glasshouses is therefore previously developed land; to the limited

degree that the proposed development occupies these parts of the site it is not 'inappropriate development' in the Green Belt.

- 7.7 The previous application proposed some housing on this part of the site. Other than the general Green Belt objection there was otherwise no reason for refusal or specific objection to housing in this location.
- 7.8 However, most of the proposed housing development in the Option A plan, albeit only shown for illustrative purposes, is not within the part of the site occupied by the glasshouses for reasons of site layout and design.
- 7.9 Most of the proposed development as shown in Option A is therefore 'inappropriate development' in the Green Belt. However, there are very special circumstances that justify granting planning permission (see below). On that basis the development is in accordance with NPPF paragraph 87 and (for the same reason) with LP policy 7.16.
- 7.10 The housing development is either not contrary to UDP policy OL1 (this policy is only concerned with 'open land uses' in the Green Belt) or the proposed development is only contrary to the extent that it includes development that is not an 'open' use of land; but, outweighed by the very special circumstances.
- 7.11 For the same reasons explained below for Option B, the proposed open space uses of the site do not conflict with either UDP policy OL1 or LP policy 7.16 and there is no conflict with the relevant provisions of NPPF paragraphs 79 to 92. Development on other parts of the Option A plan site layout for proposed roads, open spaces and car parking is justified for the same reasons as in Option B below.

Option B

- 7.12 In the Option B illustrative site plan the proposed new housing is sited within a redevelopment of the existing and former buildings/structures, hardstandings and curtilage of the garden centre site. This is 'brownfield' land. The garden centre is within the NPPF glossary definition of previously developed land because it is not an agricultural use, but a retail garden centre.

7.13 The redevelopment of the previously developed land in the Option B plan is therefore an 'exception' recognised in NPPF paragraph 89 (6th bullet point):

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- ...the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."*

7.14 In other words, subject to 'openness' (and it matters not whether the garden centre use is redundant, dormant or active) the proposed housing in the Option B plan is not 'inappropriate development'; it is to be considered as appropriate development in the Green Belt. There does not need to be very special circumstances before planning permission can be granted²⁰.

7.15 The previous application proposed some housing on this part of the site and other than the general Green Belt objection, there was otherwise no specific objection or reason for refusal to housing in this location.

Openness

7.16 Part of the garden centre site is developed with buildings and structures. These already erode the 'openness' of the Green Belt in this location.

7.17 It is well established that openness for Green Belt purposes is taken to mean 'land that is not built upon' (e.g. 'green' countryside). Land that is not built upon is to be distinguished from a meaning of (only) land which has buildings upon it; it means any land that is developed, e.g. with hardstandings, even though it may not have (or no longer has) buildings upon it.

²⁰ However, and without prejudice, if it is inappropriate development then there are very special circumstances why outline planning permission should be granted.

- 7.18 The parts of the site with buildings/structures and hardstandings upon it are land that is built upon and is development that already impacts on and reduces the openness of the Green Belt²¹.
- 7.19 It follows that the siting of houses on parts of the site that is already built upon, including hardstandings beyond the site of existing and former buildings (as well as on the parts of the site occupied by buildings/structures) cannot therefore cause any greater impact on the openness of the (undeveloped, green) Green Belt as this concept is intended to be applied²².
- 7.20 The NPPF glossary definition of previously developed (brownfield) land potentially extends to the whole curtilage of the developed land (the garden centre) and any associated fixed surface infrastructure.
- 7.21 The Option B site plan shows some new homes sited on parts of the 'green' curtilage of the garden centre being land that is closely associated functionally and visually with the operation of the garden centre; these are part of the material change in the use of the land from agriculture to garden centre - e.g. areas in use for outdoor displays and planting which included fixed and mobile display shelving and frames, irrigation infrastructure as well as external lighting columns etc.
- 7.22 Having regard to the five purposes of the Green Belt (NPPF paragraph 80), retaining these small curtilage areas of the garden centre site 'open' and/or undeveloped would no longer reasonably serve a useful (Green Belt) purpose:
- (i) This land would not help to check the unrestricted sprawl of a large built-up area. Sipson village is not a large built-up area nor is it reasonable or appropriate to describe the proposed development as uncontrolled 'sprawl'.
 - (ii) This land would have no function or purpose in preventing neighbouring towns merging into one another. There is no other development close to this particular part of Sipson village. Harlington village is nearly a mile away at the

²¹ It is evident that the Council's Planning Officers were mindful of this at pre-application stage in suggesting that new development should be located on this part of the site.

²² This is a separate consideration to landscape and visual impact, but it is clear that the Council previously had no specific objection or reason for refusal related to landscape and visual impact per se.

closest approach to the east (and is visually and physically detached by the M4 spur Tunnel Road, which is a natural barrier to any 'expansion' of Sipson and a defensible edge to built development with Harlington²³). Harmondsworth village is a similar distance to the west (with Sipson Road a natural barrier and edge in that case). The land is not important (or necessary) to prevent coalescence, actual or perceived.

- (iii) This land is in the countryside for planning policy purposes but it is not itself 'countryside'. The intrinsic original qualities of this land in any former agricultural use have been lost by reason of surrounding piecemeal development and uses of land including the garden centre. The land is now highly contained visually and physically by immediate surrounding development - Sipson village and Sipson road to the west, the M4 and Holiday Inn high-rise building and car parking to the north, the M4 Heathrow Airport spur road to the east and Sipson village to the south. There is also the wider context of other development already in the Green Belt including commercial open storage/distribution and sand and gravel extraction uses. There would plainly be no encroachment (actual or perceived) into 'countryside', certainly not into 'open' countryside. Even if there was, the degree of encroachment by development on these parts of the site (and relative to the more substantial impact of the already developed (built upon) parts) is very limited and inconsequential to this purpose of the Green Belt.
- (iv) This land does not preserve the setting and special character of any historic town (or anything which might be described as a non-designated heritage asset).
- (v) The Council has already adopted an urban, brownfield first previously developed land housing delivery planning strategy. It is operating at or near to maximum capacity (delivery) but there is still substantial unmet objectively assessed housing need (see below). Development on these small parts of the site would not prejudice the Council's focus on recycling of derelict and other

²³ In much the same way that the M4 has provided a similar barrier and natural edge to the southward extension of West Drayton and Hayes towards Sipson and these other 'Heathrow' villages.

urban land and as explained below it is an appropriate means to boost housing delivery.

7.23 Indeed, the Council agrees that the entire curtilage of the Garden Centre site (i.e. the full extent of the housing in the Option B illustrative layout plan) has no function in achieving or maintaining (and so does not conflict with) Green Belt purposes (iii), (iv) and (v)²⁴.

7.24 Elsewhere on the site the proposed roads, open spaces and car parking²⁵ are not 'buildings' but are primarily changes of use of land and/or associated operational development. These would not interfere with the 'openness' of the Green Belt (if it is still appropriate to retain the site in the Green Belt). The Council agrees that these are "*common features*" in London's Green Belt and that the Green Belt designation "*washes over these infrastructure features*"²⁶.

7.25 This infrastructure is anyway an 'exception' recognised in NPPF paragraph 89 (2nd bullet point):

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."*

7.26 The roads, open spaces and car parking is appropriate development in the Green Belt because these are also for or in connection with the provision of appropriate facilities for outdoor sport and/or recreation, which includes the proposed public open space, ecological enhancement area and allotments.

²⁴ Appendix PV8 - Hillingdon Green Belt Assessment Update (September 2013), Map A1.14, page 23.

²⁵ Which could be in a different arrangement if necessary.

²⁶ Appendix PV2 - Officer Report, page 30.

- 7.27 In light of the above the proposed development in the Option B plan would therefore not have “*a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”²⁷ [i.e. the garden centre site].
- 7.28 The proposed housing development in the Option B site layout plan is not inappropriate development; or to the limited extent that it may include some inappropriate development, it is nonetheless in accordance with the relevant NPPF paragraphs 79 to 92 and with LP policy 7.16 (and there are very special circumstances to permit it).
- 7.29 The housing development is not contrary to UDP policy OL1 (which is only concerned with ‘open land uses’ in the Green Belt) or is only contrary to the extent that it includes development that is not an ‘open’ use of land, but outweighed by the very special circumstances.
- 7.30 For the reasons explained above the proposed open space uses of the site do not conflict with either UDP policy OL1 or LP policy 7.16 and there is no conflict with the relevant provisions of NPPF paragraphs 79 to 92.

Very Special Circumstances

- 7.31 There are very special circumstances to justify the proposed housing development in the Green Belt (as shown illustratively in either the Option A or B site layout plans).

Context

- 7.32 To deliver the presumption in favour of sustainable development NPPF paragraph 14 requires the Council to:

- “*meet objectively assessed needs*” [including housing], and
- “*Approve proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, [including for the supply of deliverable and developable housing land] granting permission...*”

²⁷ NPPF paragraph 89, 2nd and 6th bullet points.

- *"unless... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies this Framework taken as a whole; or specific policies in this Framework indicate development should be resisted". [our inserts]*

7.33 Footnote 9 to NPPF paragraph 14 refers to policies relating to land designated as Green Belt.

7.34 To boost significantly the supply of housing, NPPF paragraph 47 requires the Council to:

- "ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing... as far as is consistent with the policies set out in this Framework...", and [our emphasis]
- "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (or 20% if there is a persistent record of under delivery).

Housing Need

7.35 Appendix PV9 to this Planning Statement contains an assessment of housing need for Hillingdon Borough.

7.36 In determining the previous application the Council agreed that the principle of a housing led development of the site could be accepted provided there is an *"overriding need for this site to be developed to meet Borough housing targets"*²⁸.

7.37 The Local Plan Part 1 (LPP1) contains a housing requirement figure for the period 2011 to 2021 of 4,250 dwellings or 425 dwellings per annum (rolled forward to 2026

²⁸ Appendix PV2 - Officer Report, page 39.

a minimum provision of 6,375 dwellings)²⁹. This figure is simply imported from the original London Plan 2011 (LP). The LPP1 states that the Council will "*as far as possible*" meet the LP housing requirement and "*address housing needs in Hillingdon*"³⁰.

7.38 However, the LP and LPP1 was against an evidence base background that did not adequately consider objectively assessed housing need in Hillingdon Borough to begin with because:

- The Greater London Strategic Housing Market Assessment 2008 did not contain any local analysis or assessment of housing need for Hillingdon Borough³¹.
- The Council's own Housing Market Assessment 2009 identified (even then) an annual need for 2,623 affordable dwellings alone; it did not consider private market housing need. It is anyway a now out-of-date PPS3 based assessment³².
- The West London Strategic Housing Market Assessment 2010 identified a need for private and affordable housing in Hillingdon over a 5 year period as 1,875 units; however, that need was simply "*to sustain the existing supply/demand imbalance*"; not to *increase* supply relative to need³³. It is also a now out-of-date PPS3 based assessment.

7.39 Furthermore, while on the face of it the LPP1 was examined (just) and adopted post NPPF, the LPP1 Examination Inspector adopted a pragmatic approach in supporting the LPP1 because of the timing of the NPPF. Had he not done so it would otherwise have inflicted serious delay with the LPP1. Nonetheless, the LPP1 (and the LP) was fundamentally prepared on the basis of previous Government policy in PPS3 that required the Council only to provide:

²⁹ Appendix PV6 - LPP1 policy H1.

³⁰ Appendix PV6 - LPP1 paragraph 6.5.

³¹ Appendix PV10 - GLSHMA paragraph 1.12.

³² Appendix PV11 - HMA paragraph 1.11.

³³ Appendix PV12 - WLSHMA page 127.

"A sufficient quantity of housing taking into account need and demand and seeking to improve choice"³⁴ [our emphasis]

- 7.40 The LPP1 housing requirement, which is not based upon full objectively assessed housing need, is out-of-date and inconsistent with the NPPF given the difference between the approaches to the formulation of housing requirements when the LPP1 (and LP) was written compared to now in the NPPF. The PPS3 discretionary 'take into account' was a significantly less exacting policy requirement than the NPPF paragraph 47 obligation to meet full objectively assessed needs for housing.
- 7.41 Following the adoption of the FALP in March 2015, the Council agrees that its revised annualised housing requirement is increased from 425 to 559 dwellings per annum³⁵ and a new minimum ten year housing delivery target between 2015 and 2025 is 5,593 dwellings³⁶ (compared to 4,250 in the LPP1); a 32% increase in these housing targets.
- 7.42 However, the FALP Examination Inspector recognised that the overall housing requirement for London in the FALP (42,000 dwellings per annum) was not going to deliver anything close to the full objectively assessed housing need (plus the backlog in previous under delivery) - which the GLA had assessed as 62,000 dwellings per annum - but it was a better prospect than the retention of existing housing targets in London (and so Hillingdon) which he found to be *"woefully short of what is needed"*³⁷.
- 7.43 The FALP housing requirement will not meet objectively assessed need³⁸ including because it is largely a brownfield urban redevelopment SHLAA site capacity driven number³⁹; nor will it deal with the historic backlog in undersupply within, as it should, 5 years⁴⁰.

³⁴ PPS3 paragraph 10, 3rd bullet point.

³⁵ Appendix PV13 - Council's "Assessment of Housing Land Supply 2014-2019", Executive Summary and paragraph 2.1.

³⁶ Appendix PV7 - FALP Table 3.1 and policy 3.3.

³⁷ Appendix PV14 - FALP Inspector's Report paragraph 58.

³⁸ Appendix PV14 - FALP Inspector's Report paragraph 31 and 56 and 57.

³⁹ Appendix PV14 - FALP Inspector's Report paragraphs 35 and 36.

⁴⁰ Appendix PV14 - FALP Inspector's Report paragraph 40 and NPPF/PPG???

- 7.44 The Council has not carried out any post NPPF up-date of its own borough wide objectively assessed housing need. As a consequence of the FALP that exercise has now been done for the Council by the GLA. The GLA work indicates an objectively assessed housing need for Hillingdon between 2015 and 2025 of 14,098 dwellings, or 1,410 per annum⁴¹. That would be a 232% increase on the out-of-date LPP1 housing requirement and a 152% increase on even the 'stop gap' FALP revised housing requirement for Hillingdon.
- 7.45 The seriousness of the housing need situation in London as a whole (and so Hillingdon Borough) was reflected in the GLA's June 2014 'Homes for London' (The London Housing Strategy) document. It found that "*not nearly enough*" homes are being delivered to meet London's housing needs⁴² and that "*the need for new homes still significantly exceeds the capacity*"⁴³ under existing LP policies and "*constraints*" to housing development (i.e. and so also under LPP1 policies in Hillingdon).
- 7.46 The FALP (as recommended by the FALP Examination Inspector) requires that London as a whole (and so for Hillingdon) should seek to exceed even the FALP policy 3.3 (and Table 3.1) minimum ten year housing supply target of 5,593 units and annual monitoring target of 559 units, including by finding "*additional sources of housing capacity*"⁴⁴.
- 7.47 In reaching that advice on additional sources of housing capacity the FALP Examination Inspector found that the existing LP 'brownfield land within existing built up areas first' strategy had "*little scope to do more*"⁴⁵ (i.e. that the SHLAA provided no more capacity), that there were "*significant concerns regarding whether higher densities can or should always be sought or achieved*"⁴⁶ and that it was "*difficult to see how cooperation between them [the London Boroughs] will increase supply*"⁴⁷ [our insert]. He concluded that:

⁴¹ FALP Examination evidence base document FA/KD/03e; data that the FALP Examination found to be reliable based on the GLA's own methodologies (Appendix PV14 - FALP Inspector's Report paragraph 25); bearing in mind that on Census household projections alone objectively assessed need was even higher.

⁴² Appendix PV15 - 'Homes for London' (The London Housing Strategy), page 24.

⁴³ Appendix PV15 - 'Homes for London' (The London Housing Strategy), page 25.

⁴⁴ Appendix PV14 - FALP paragraph 3.19i.

⁴⁵ Appendix PV14 - FALP Inspector's Report paragraphs 21.

⁴⁶ Appendix PV14 - FALP Inspector's Report paragraphs 34.

⁴⁷ Appendix PV14 - FALP Inspector's Report paragraphs 35 and 56.

"Meeting the pressing need for housing in London [and so in Hillingdon] will require new, innovative and possibly unpopular solutions but care must be taken not to damage its environment such that it becomes an unpleasant place to visit, live and work" ⁴⁸ [our insert]

- 7.48 The FALP Examination Inspector indicated this may include *"engaging local planning authorities beyond the GLA's boundaries"*⁴⁹.
- 7.49 However, the response from authorities surrounding London was unequivocal that this would not be viable or sustainable⁵⁰ and that London had to do more to meet its own housing need, including reviewing the capital's Green Belt.
- 7.50 That was consistent with the March 2014 London First 'Home Truths' report which recommended, inter alia, that the GLA needed to consider the opportunities for *"re-designating green belt land within London for residential development"*⁵¹.
- 7.51 Unsurprisingly not a policy approach adopted by the GLA and not promoted in the FALP, but it is nonetheless within a possible meaning and intention of the FALP Examination Inspector's *"new, innovative and possibly unpopular solutions"* and insofar as the Inspector's reasoning extends to decision taking on individual planning applications.
- 7.52 It is also relevant that if the Heathrow airport expansion is confirmed as the north west runway option, then the Government's Airports Commission has already established that this could require up to 70,800 homes to be delivered locally to support the additional jobs created by the development (albeit mitigated over the period to 2030 and spread over a number of local authorities but including Hillingdon). The site is within the proposed 'Heathrow Opportunity Area' which if

⁴⁸ Appendix PV14 - FALP Inspector's Report paragraphs 42.

⁴⁹ Appendix PV14 - FALP Inspector's report paragraph 57.

⁵⁰ A position backed by the Housing and Planning Minister Mr Brandon who indicated earlier this year that the previous Government (and so likely the current Government) was not prepared to back formal arrangements between the GLA and authorities around London to manage London's housing growth (by expanding beyond London) as those authorities have their own challenges in meeting their own needs.

⁵¹ Appendix PV16 - 'Home Truths' by business group London First's Housing Task Force, March 2014, Recommendation 10.

confirmed would include a primary objective to deliver circa 9,000 new dwellings (in addition to the FALP housing requirement) including within Hillingdon Borough.

- 7.53 Clearly the site is well placed to make a contribution to these issues.

Housing Supply

- 7.54 Appendix PV9 to this Planning Statement contains a review of housing land supply for Hillingdon Borough, including the Council's latest assessment.
- 7.55 The Council finds that it has a 5 year housing land supply against the FALP housing requirement. However, this is mainly predicated on the 3 largest housing sites in the Borough continuing to deliver housing as anticipated by the Council⁵². That will primarily be out of the Council's hands and largely dependent on fluctuation in housing market forces (supply and demand) relative to the wider Borough economic background and the performance of the UK (or at least South East) economy as a whole.
- 7.56 This places the Council in a fragile position. We estimate that failure in delivery rates (as currently assumed by the Council) at two of the three large sites would be sufficient to render the Council's policies for supply of housing out-of-date (on a 5% buffer) and invoke the NPPF paragraph 14 presumption in favour of granting planning permission.
- 7.57 Given the FALP Examination Inspector's conclusions regarding a backlog of housing delivery (albeit for London as a whole but therefore including Hillingdon) then it is appropriate to apply the 20% buffer which would render the Council's housing land supply position even more precarious.
- 7.58 However, to reiterate, the Council's 5 year housing land supply only seeks to deliver a FALP housing requirement; it is still significantly short of anything like what is acknowledged as required to meet (or even rectify past shortfall) in objectively assessed housing need.

⁵² Porters Way, Blyth Road and St Andrews Park.

- 7.59 In order to meet objectively assessed housing need in Hillingdon Borough including the backlog within 10 years (not even 5 years as required by Planning Practice Guidance⁵³) would require an annualised housing target of 1,410 dwellings⁵⁴. On that basis the Council would only at present be able to demonstrate a 2.9 year housing land supply (on its assumptions for delivery) or 2.7 years on our assumptions.
- 7.60 However, fundamentally the Council does not know what its up-to-date 'policy on' constrained housing requirement is. The FALP housing requirement can only be an inadequate temporary proxy, and if it is to be adjusted it can only reasonably be upwards in light of the available evidence.
- 7.61 The Council cannot therefore demonstrate that it is able to meet the appropriate housing requirement and so it must follow that the Council is unable to demonstrate a five-year supply of housing against the appropriate requirement.
- 7.62 This has implications for how development proposals and this application should be determined because paragraph 14 of the NPPF (and the presumption in favour of sustainable development) states that where relevant policies are out of date, planning permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits.

Conclusions on Housing Need and Supply

- 7.63 This application does not seek to identify what is the full objectively assessed housing need for Hillingdon Borough – that exercise has already been carried out by the GLA. Nor does it seek to establish what is the appropriate 'policy on' constrained housing requirement figure for the Borough⁵⁵ or assert that the Council should or must plan to meet the full objectively assessed housing need and/or that it is necessary for the

⁵³ PPG paragraph Reference ID: 3-035-20140306.

⁵⁴ FALP Examination evidence base document FA/KD/03e; data that the FALP Examination found to be reliable based on the GLA's own methodologies (FALP Inspector's Report paragraph 25).

⁵⁵ It is not for a development management decision taker to carry out some sort of Local Plan process so as to arrive at a constrained housing requirement figure - *City and District Council of St Albans v R (oao) Hunston Properties Ltd & SoS CLG & anor* [2013] EWCA Civ 1610

Council to conduct a Green Belt review through the plan making process in order to do so⁵⁶.

- 7.64 It is clear though that what even the FALP has set for London (and so Hillingdon) is derived from continuing to apply existing (failing) planning housing delivery strategies and policies. There has not been any up-to-date post FALP assessment by the Council of whether it remains sound to continue with these existing strategies and policies, or whether and what new policy decisions/constraints might affect how much (more) of the objectively assessed housing need the Council can plan for and still strike an appropriate sustainable development and planning balance.
- 7.65 It is therefore appropriate in the meantime for this application (and the timing of the application) to seek to provide an additional source of supply to help the Council exceed the FALP minimum housing targets (whether measured as the ten year housing supply target or the annualised target) because these are not intended to be maximum numbers.
- 7.66 It is clear that 53 dwellings (including the affordable housing) will support this development plan (and weight) FALP policy objective without any risk of causing 'over-delivery' given the substantial headroom that there is before anything like or approaching full objectively assessed need was achieved, which as established above would require a 152% increase in the FALP housing requirement. An additional 53 dwellings would be about a 1% increase on the existing FALP housing requirement⁵⁷ and clearly still some way below the objectively assessed housing need of 1,400 dwellings per annum. Nor would it matter therefore if this housing was in addition to that which the Council believes it can and will deliver whether assessed on a current five year housing land supply target or an overall plan period housing requirement target.
- 7.67 This site is consistent with the scope of the FALP Examination Inspector's advice to the GLA (and indirectly to the London Boroughs, including Hillingdon) on housing development and, as can be reasonably deduced, potential use of suitable and

⁵⁶ The application site can be redeveloped as proposed without being formally removed from the Green Belt and/or without any formal alteration to the Green Belt.

⁵⁷ i.e. 5,646 dwellings compared to 5,593.

appropriate areas of Green Belt land (as distinct from wholesale release of great swathes of Green Belt land).

- 7.68 Even taking the whole 6.7 hectare site, on a quantitative basis it would equate to an insubstantial proportion of the total Green Belt land within Hillingdon Borough (approximately 4,970 hectares), i.e. about 0.13% of Green Belt land and as assessed above on a qualitative basis the land does not reasonably fulfil in any meaningful way the purposes of the Green Belt.
- 7.69 In these terms the application is plainly without prejudice to any further assessment of the appropriate housing requirement of Green Belt review that may be contemplated by the Council – there is no need or sound justification to delay.
- 7.70 This is entirely consistent with the aim of NPPF paragraph 47 to “boost significantly” the supply of housing. Just because the Council may be able to meet its current FALP housing requirement target does not mean that more housing should necessarily be refused for reason of ‘exceeding’ that number or is more than what the Council otherwise considers is necessary to meet the existing FALP housing requirement (or prefers); the FALP requirement should clearly be taken as a ‘floor’ not a ‘ceiling’.
- 7.71 Whilst the first step assessment of objectively assessed housing need has been carried out by the GLA, the Council has not yet carried out any subsequent and distinct second step assessment as to whether (and if so, to what extent) other policies and local circumstances in Hillingdon Borough still dictate or justify constraint to arrive at an up-to-date (‘policy on’) housing requirement⁵⁸.
- 7.72 In other words, the Council has not yet determined through rigorous testing whether the FALP housing requirement would be sufficient (or appropriate) to ensure objectively assessed housing need for housing during the plan period is properly addressed (so far as consistent with the NPPF read as a whole) and NPPF robust/compliant.

⁵⁸ The Courts have described these changes as significant and radical - *Solihull Metropolitan Borough Council v (1) Gallagher Homes Ltd (2) Lioncourt Homes Ltd* [2014] EWCA Civ 1610, paragraphs 14 and 16

- 7.73 Bearing in mind NPPF paragraph 47 (which also requires the Council to use its evidence base to ensure that their Local Plan meets the full, objectively assessed needs for housing in the housing market area, as far as is consistent with the policies in the NPPF) then on literal interpretation of the provisions of the NPPF this position is itself sufficient to indicate that the Council cannot comply with NPPF paragraph 49 and its housing delivery policies must be treated as out of date.

Harm

- 7.74 The Planning Practice Guidance (PPG) indicates that in decision taking unmet housing need is only “unlikely” to (i.e. not ‘will’ always) outweigh (or ‘trump’) harm to the Green Belt and other harm, to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt⁵⁹.
- 7.75 The extent of shortfall in meeting the full objectively assessed housing need is material to the likelihood that unmet housing need *can* (and should, in the planning balance) outweigh any harm to the Green Belt.
- 7.76 In this case (and as assessed above, including by the GLA on behalf of the Council) the shortfall is not small and/or insignificant; it is large and substantial and (whether the proposed development is judged to be entirely or only in part inappropriate development in the Green Belt) sufficient to outweigh the extent of harm (limited as it is) to the Green Belt in this case.
- 7.77 In refusing the previous application and in its reasons for refusal the Council did not identify any other (NPPF paragraph 88) harm to the Green belt; the Council’s objection was to the Green Belt principle of the proposed development.
- 7.78 There is no reasonable possibility therefore that the current application and proposed development could conflict with the FALP Examination Inspector’s caveat that meeting the pressing need for new housing might “*damage its [London’s] environment such that it becomes an unpleasant place to visit, live and work*” ⁶⁰ [our insert].

⁵⁹ PPG paragraph Reference ID: 3-035-20140306.

⁶⁰ Appendix PV14 - FALP Examination Inspectors Report paragraph 42.

- 7.79 Nor would it lead to a reasonable finding that there were any NPPF paragraph 14 adverse impacts that significantly and demonstrably outweigh the benefits in this case.
- 7.80 That would be inconsistent with the position taken by the Council previously and nothing of any material significance has changed on these issues since the previous application.

8. Reason for Refusal 3

Ecology

- 8.1 The Council's objection and reason for refusal was insufficient information provided as part of the previous application - it was unable to assess potential impacts on bats and reptiles.
- 8.2 Applied Ecology Limited (AEL) has updated the previous ecology submission. AEL has conducted up-to-date bat and reptile site surveys and these are explained in detail the AEL Phase 2 Ecology Report dated June 2015. AEL also recommended precautionary site surveys for breeding birds and these have been completed.
- 8.3 AEL found no reptiles on the site. There is no need to mitigate or compensate for reptiles.
- 8.4 AEL found the site did not support roosting bats, including the buildings proposed for demolition; however, precautionary recommendations are made for the control of demolition works including a watching brief for bat presence.
- 8.5 There is habitat used by small numbers of bats for foraging and commuting. AEL recommend that natural site boundaries around the edge of the site be retained and enhanced with suitable native planting to maintain and improve habitat connectivity. That is consistent with the indicative illustrative site layout and landscape plans. Consideration can also be given to provision of bat boxes and minimal artificial lighting on the site.
- 8.6 AEL recorded 13 breeding bird species on the site. None are considered to be scarce or unexpected; these represent fairly typical and mostly common birds of gardens, woodland edge and scrub habitats. AEL conclude that the site is of no particular importance for breeding birds because there is less than 25 species (required for at least 'local importance' status).
- 8.7 Nonetheless recommendations are made to avoid construction and site preparation work during the breeding season or for the site to be inspected in advance of works by a suitable qualified professional. The proposed indicative site layout plans include

potential for areas of greenspace which will enhance the potential of the site for some breeding birds. Further enhancement would be achieved with new woodland, dense hedgerow and scrub areas composed of native species as indicated in the illustrative site layout plans.

- 8.8 The ecology mitigation and compensation works are all within the scope of further details to be provided at approval of reserved matters stage.
- 8.9 There would be no detriment to the ecological value of the site, which has now been carefully evaluated and established objectively. There will be significant ecology and bio-diversity mitigation and enhancement. The proposed development accords with LPP1 policy EM7⁶¹ and the relevant NPPF paragraphs 109 and 118.

⁶¹ The Council's reason for refusal refers to UDP policy EC1, but according to Appendix 5 of the LPP1 UDP policy EC1 was not saved but instead replaced by the LPP1 policy EM7.

9. Reason for Refusal 5

Air Quality

9.1 The Council refers to two issues:

- The development must avoid any significant (i.e. not 'no') impact on the local air quality management area (AQMA).
- A lack of information on the suitability of the site for the proposed development.

9.2 WSP has reviewed the air quality assessment prepared by Brook Cottage Consultants for the previous application. WSP has also carried out a new assessment and agreed the methodology and approach with the Council's Environmental Health Officers.

9.3 The WSP air quality assessment has established the baseline situation for the site. WSP has then considered both of the indicative Option A and Option B site layout plans (and the general suitability of the site for housing development) during both the construction and operational phases of the proposed development. WSP has taken into account traffic, residential amenity, building emission and possible residual impacts as well as potential impacts from nearby off-site activities such as sand and gravel extraction and landfill sites.

9.4 Mitigation measures are recommended during the construction phase. These are 'standard' practices, not unusual or exceptional in this case. There would be a temporary "negligible" impact on air quality.

9.5 Changes in emissions during the operation and use phase of the proposed development would be "imperceptible" and also have a "negligible" long term impact; these do not warrant additional or special mitigation. Existing ambient emissions mean that mechanical ventilation is recommended as prudent in any event. The potential impacts from dust associated with off-site sand and gravel extraction

activity to the east of the site (for Option A and B or any residential development of the site) would be mitigated by the proposed east site boundary landscaped bund.

- 9.6 WSP conclude that with recommended mitigation the proposed development would comply with national policy for air quality and accord with the Council's own local policies on air quality.
- 9.7 The WSP air quality report now provides a robust and objective assessment. There would be no significant air quality impacts, including on the existing Air Quality Management Area. Details of mechanical ventilation can be agreed at approval of reserved matters stage.
- 9.8 The proposed development is in accordance with LP policy 7.14, the Council's Air Quality supplementary planning guidance and NPPF paragraphs 109, 110, 122, 124 and 203.

10. Reason for Refusal 6

Noise

- 10.1 A detailed noise assessment report was not submitted with the previous application. The Council concluded that it was not therefore possible to determine that residential development could be permitted on the site without occupiers of dwellings experiencing potentially unacceptable levels of noise from road noise and aircraft noise detrimental to residential amenity.
- 10.2 Capita has prepared a Noise Impact Assessment for both the Option A and B illustrative site layout plans. Capita has agreed the methodology and approach with the Council's Environmental Protection Department.
- 10.3 Capita has established the existing baseline noise levels at the site from site survey. These provide the basis for predictions of noise levels affecting proposed dwellings. Capita has considered existing road and aircraft noise and has also modelled potential impacts from the possible future expansion of Heathrow airport and north west runway proposal.
- 10.4 The existing noise climate is dominated by traffic on the M4 spur road. Air traffic from Heathrow was regularly audible, but did not dominate the noise climate.
- 10.5 Internal daytime noise for occupiers of the proposed dwellings would be within noise exposure category (NEC) B which means noise should be taken into account in determining the application and steps taken to ensure an adequate level of protection against noise. Night time would be within NEC C. If the airport expansion proceeds then the internal daytime noise exposure would also rise to NEC C. If permission is granted (in the planning balance, for example relative to housing need and Green Belt considerations) then mitigation is available to ensure a commensurate level of protection against noise.

- 10.6 Capita include typical recommendations for noise mitigation, including acoustic specifications for glazing and ventilation, so that suitable internal noise levels can be achieved for the proposed residential accommodation.
- 10.7 External noise levels in gardens and in the allotments would in some areas exceed the Council's *preferred* noise level but would remain within the upper limit recommended by the World Health Organisation and in British Standard 8233.
- 10.8 External noise levels would increase if the airport expansion proceeds; however the relevant BS guidance recognises that this must then be balanced against other matters; such as the convenience of the location for those persons living in the development and making efficient use of land resources to ensure that development needs can be met. In these circumstances the BS recognises that the *preferred* standard may not be achievable and it is then acceptable to achieve the *lowest practicable levels*, in which case development "should not be prohibited".
- 10.9 The proposed development is in accordance with UDP policy OE5 and NPPF paragraph 123 (not a 'significant' impact and includes proposal for mitigation) and BS 8233.

11. Reason for Refusal 7

Highways

11.1 Details of the proposed means of access are to be considered at this outline application stage. The Council identified two main issues:

- The need for “appropriate” levels of vehicular and pedestrian safety.
- Unacceptable arrangements for vehicle manoeuvring causing adverse impacts on the operation of the highway network.

11.2 WSP has reviewed the transport assessment by Milestone Transport Planning submitted with the previous application. WSP has also conducted a new assessment. WSP has agreed the methodology and approach with the Council’s Highway Officers.

11.3 WSP has considered transportation impact (including on the local highway network), access details and sustainability.

11.4 WSP has confirmed that a suitable site access, using a ghost island priority arrangement, was previously accepted by the Council though too late to influence the reason for refusal. The current application proposes to keep the same detailed highway access arrangement.

11.5 WSP find that the local highway network is not subject to any unusual or exceptional highway safety concerns. The impact of the proposed development, in highways terms, would be “negligible”.

11.6 WSP has also provided a Framework Travel Plan (not provided in the previous application) to show how sustainable transport initiatives and schemes could be implemented in conjunction with the proposed development to reduce reliance on the car. This has included assessment of local services and facilities, including cycling, and public transport.

- 11.7 WSP conclude the proposed development will not have an “unacceptable” increase in travel demand along roads or through junctions and would not restrict free flow of traffic or cause highway or pedestrian conflict. It is therefore in accordance with UDP policy AM7 and NPPF paragraph 32 because there would be no “severe” residual cumulative impacts that could reasonably justify refusing planning permission.

12. Conclusion

Context for Decision Taking

- 12.1 This planning application will be determined in accordance with the Development Plan (DP)⁶², unless material considerations indicate otherwise⁶³.
- 12.2 The DP is the starting point for decision making. Proposed development that accords with an up-to-date local plan should be approved; or if it conflicts then it should be refused unless material considerations indicate otherwise⁶⁴.
- 12.3 The proposed development does not have to be in strict and absolute *compliance* with each and every relevant part or policy of the DP; nor need it demonstrate no conflict whatsoever. The development can remain *in accordance* with the DP and can be granted planning permission even where there may be a degree of conflict with policy and/or harm, provided such conflict and/or harm is not significant.
- 12.4 The Council should approach decision taking in a positive way to foster the delivery of sustainable development⁶⁵, especially housing development, and should seek to approve applications for sustainable development where possible⁶⁶.

Reasons for Refusal

- 12.5 In this current application LHL has produced further technical assessment and justification on ecology, air quality, noise and transport. This work supersedes that which was presented in the previous application. It demonstrates that outline planning permission can be granted for the current application without any significant adverse harm to any interests of acknowledged importance; subject to suitable and

⁶² Section 38(1) of the Planning and Compulsory Purchase Act 2004.

⁶³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, NPPF 196.

⁶⁴ NPPF 12.

⁶⁵ NPPF 186

⁶⁶ NPPF 187

appropriate conditions and approval of further details at reserved matters stage. This overcomes reasons for refusal 3, 5, 6 and 7.

- 12.6 LHL agrees to enter into suitable and appropriate legal agreements for affordable housing and developer contributions. This overcomes reasons for refusal 2 and 4.
- 12.7 LHL has also completely reviewed the Green Belt context to the proposed development of this site which was the Council's primary objection and reason for refusal of the previous similar outline planning application.
- 12.8 LHL now show how the site could be developed in one of two ways for housing (including affordable housing) and substantial public open space and uses, including ecology enhancements; but these are not the only ways.
- 12.9 There is now sufficient confidence to find that the proposed development is either not inappropriate development in the Green Belt, or if it includes any inappropriate development then it is justified by very special circumstances - in particular, housing need and housing land supply (including that the NPPF paragraph 49 presumption in favour of sustainable development is triggered in this case), the concept of 'openness' and that there is otherwise no other harm caused by development of this land in the Green Belt.
- 12.10 The proposed development accords with the DP. If it does not completely accord then on any of the relevant policies the conflict is limited and/or harm is not significant; it is not sufficient to override material considerations explained in this Planning Statement in support of the proposed development including the Green Belt context when properly applied, weighted and 'balanced'.
- 12.11 The proposed development would be consistent with the NPPF core planning principles⁶⁷ and all 3 dimensions of sustainable development⁶⁸.
- 12.12 The Council is respectfully asked to grant outline planning permission subject to necessary and suitably worded conditions and legal agreements.

⁶⁷ NPPF 17.

⁶⁸ NPPF 7.

Appendix PV1

Council's decision notice

Appendix PV2

Council's Officer delegated report

Appendix PV3

GLA Objection letter

Appendix PV4

Hillingdon Unitary Development Plan policies OL1, EC1, OE5, AM7

Appendix PV5

The London Plan policies 7.14, 7.16

Appendix PV6

Hillingdon Local Plan Part 1 policy EM7

Appendix PV7

Further Alterations to the London Plan policy 3.3
and Table 3.1, paragraphs 3.13 to 3.26

Appendix PV8

Hillingdon Green Belt Assessment Update map A1.14 page 23

Appendix PV9

Pro Vision assessment of housing need and supply

Appendix PV10

Greater London Strategic Housing Market
Assessment paragraph 1.12

Appendix PV11

Housing Market Assessment paragraph 1.11

Appendix PV13

Assessment of Housing Land Supply 2014-2019, Executive Summary
and paragraph 2.1

Appendix PV14

FALP Examination Inspector's Report paragraph 21, 25, 31, 34, 35,
36, 40, 42, 56, 57, 58

Appendix PV15

Homes for London – The London Housing Strategy page 24, 25

Appendix PV16

Home Truths report, recommendation 10.