



Woolf Bond Planning Chartered Town Planning Consultants

WBP Ref: TR/8306

25 November 2022

London Borough of Hillingdon
Environment and Community Services
3 North, Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Dear Sir/Madam

LAND TO THE REAR OF 12 TO 26 DELAMERE ROAD, HAYES, UB4 0NL

PLANNING APPLICATION FOR REDEVELOPMENT OF EXISTING SCRAP YARD & THE PROPOSED ERECTION OF A SINGLE BLOCK OF 8 FLATS (OVER 3 LEVELS) AND A SINGLE DWELLING HOUSE (OVER 3 LEVELS), WITH ASSOCIATED AMENITY SPACE, CYCLE / BIN STORAGE AND PARKING, INCLUDING VEHICULAR ACCESS

We write on behalf of our client enclosing a detailed planning application envisaging the proposed development described above. The application is supported by the following architectural drawings:

- Location Plan;
- Existing Site Plan;
- Proposed Site Plan;
- Proposed Floor Plans;
- Proposed Elevations; &
- Accommodation Schedule.

The application is also supported by this Planning Statement, application form and CIL form. It is anticipated that further documents relating to flood risk, ecology and highway matters will be submitted during the application process.

Site Context

The site comprises a triangular parcel of land to the rear of 12 to 26 Delamere Road, Hayes, UB4 0NL. The site has been used for as a scrap yard for the storage of various materials including metal and other waste for a very long period of time. It is enclosed by circa 2 metre high galvanised metal palisade fence visible from the street with an access road to the north (adjacent to 10 Delamere Road). This access provides access to the application site that comprises approximately 0.18 hectares.

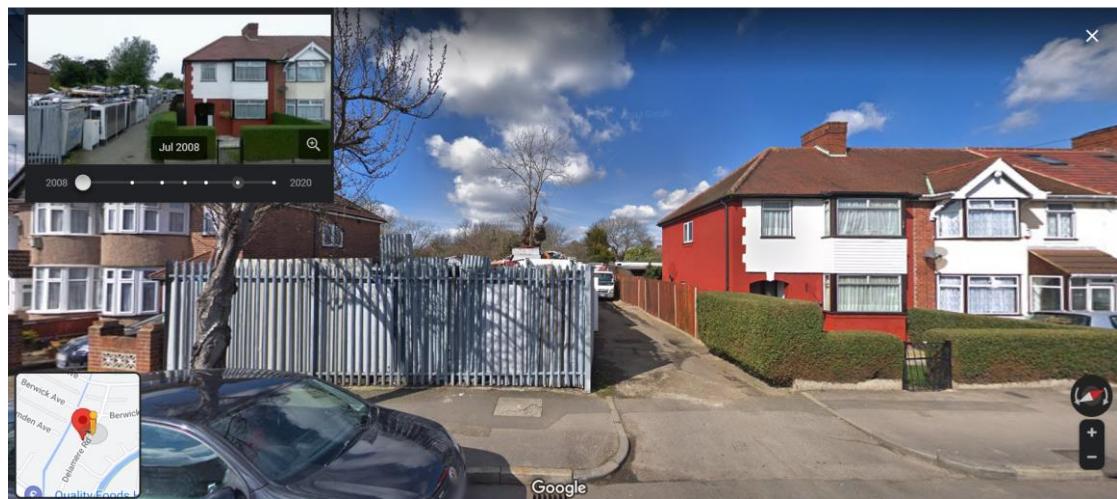
The below photograph demonstrates the built up nature of the surrounding area and the current scrap yard use on the site.



Aerial Image of site (approximate boundary outlined in red)

The existing site lies between the Yeading Brook and the rear gardens of 12 to 26 Delamere Road and an access road leading to the west serving garages and outbuildings for houses on Delamere Road and Berwick Avenue. As noted, the site currently is used as a scrap yard and is enclosed by a 2 metre high metal palisade fence. Most of the street has either low level brick walls or privet hedges to enclose their dwellings. Furthermore, many properties enjoy the ability to park vehicles on hardstanding areas to the front of the dwellings.

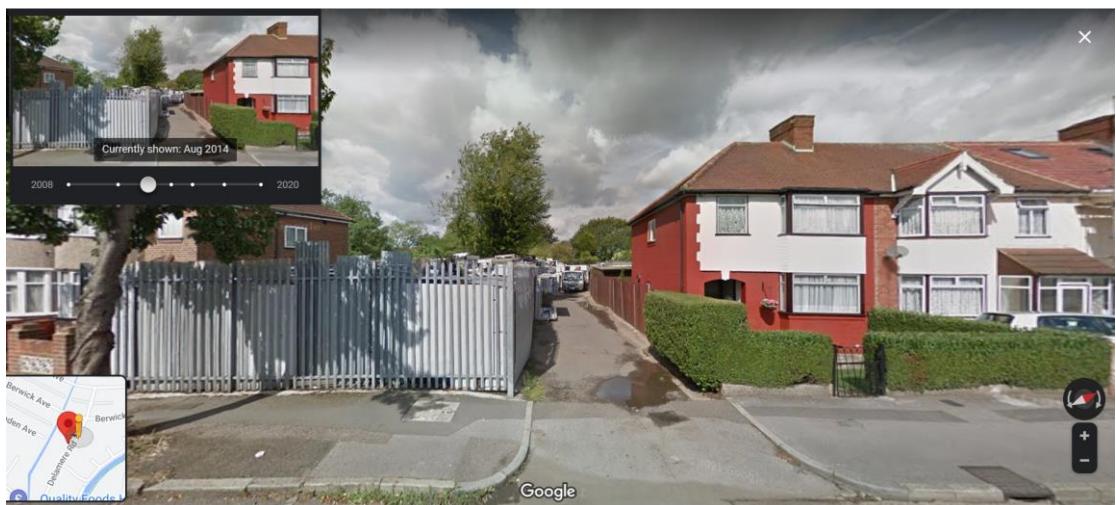
The use of the site as a scrap yard for the storage in particular of metal waste has been an ongoing activity at the site for a very long period of time. This regular and continuous use is evidenced by the timeline from the Google Street view images extracted below.



Google Street view image of application site taken in July 2008



Google Street view image of application site taken in November 2012



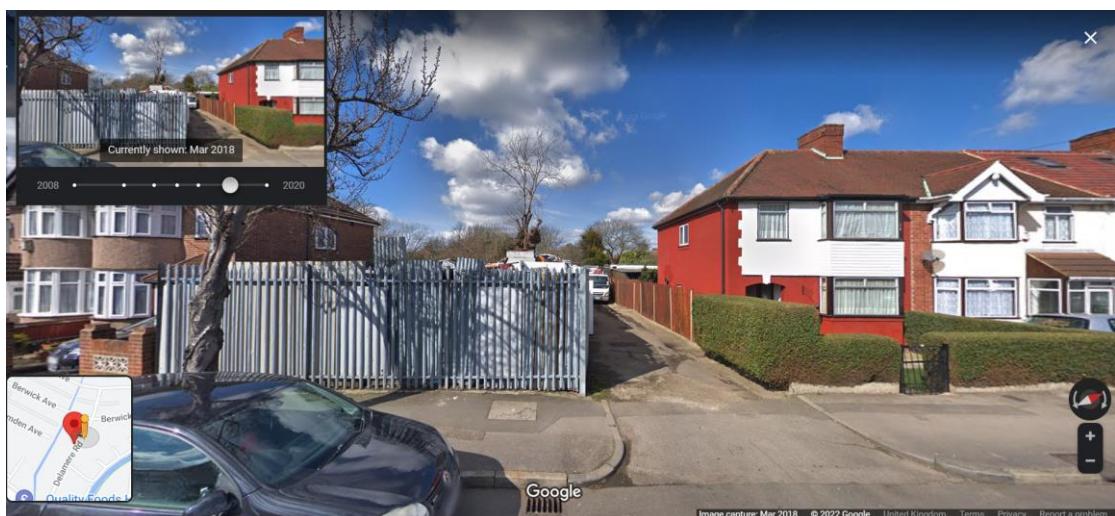
Google Street view image of application site taken in August 2014



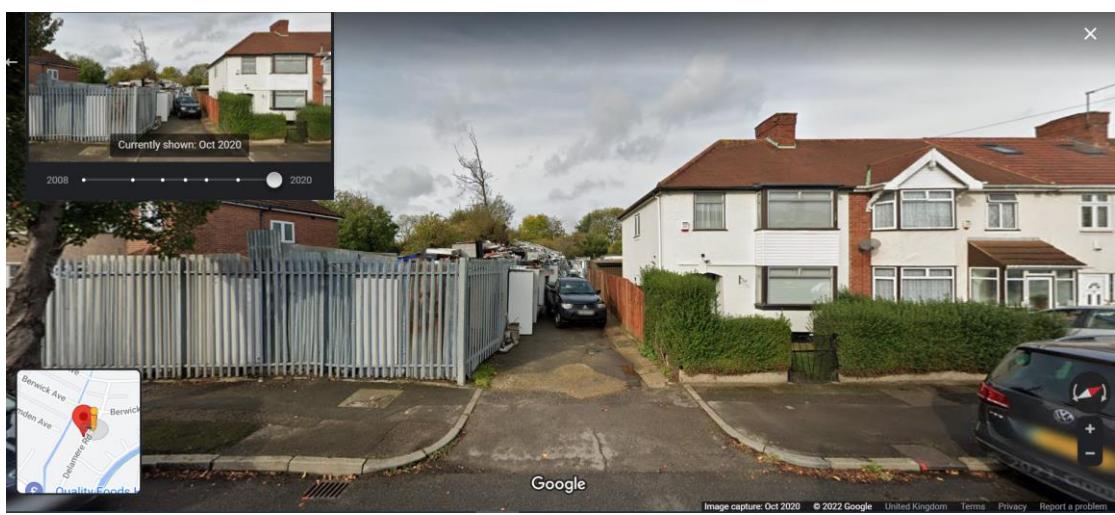
Google Street view image of application site taken in August 2015



Google Street view image of application site taken in April 2016



Google Street view image of application site taken in March 2018



Google Street view image of application site taken in October 2020

Further evidence of the site's scrap yard use is illustrated on the below Google Earth images taken of the application site over the period 1999 to 2017.



Google Earth image of application site taken in 1999



Google Earth image of application site taken in 2006



Google Earth image of application site taken in 2017

Consistent with Section 171B of the Town and Country Planning Act 1990, no enforcement action can be taken in respect of a material change of use of land where it has taken place for a period of 10 or more years. The use of the land has therefore become immune from any possible enforcement action and can lawfully be described as in a scrap yard use where waste is stored and remains in place with limited turnover. Article 3(6) of the Use Classes Order confirms that such a use comprises a 'Sui Generis' use:

"No class specified in the Schedule includes use: (g) As a scrap yard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles."

The effect of the above site context is that the site has an established planning use that forms a bad neighbour use immediately adjacent to a significant number of residential properties. It has an adverse impact upon the quality of the public realm and has potential for undue disturbance through odour and vermin issues. The site in turn forms brownfield land that benefits from a significant opportunity for substantial improvement in relation to its environmental impact and contribution in design terms toward the public realm.

As can be seen in the below images, the dwellings on Delamere Road comprise a mix of terraced, semi-detached and detached two storey houses. A variety of designs co-exist in the street with different fenestration arrangements, a mix of hipped and gable roof designs and varying sizes of gable features to the front elevations. Images are also included that illustrate three storey development which exists to the east of the site, accessed from Delamere Road to serve Tollgate Drive which has a relationship to the Grand Union Canal.



No 10



No 10
ACCESS
ROAD



VIEW OF THE OPPOSITE SIDE OF THE ROAD



No 10
ACCESS ROAD
No 2



Image of 3 storey development in Tollgate Drive off Delamere Road



Image of further 3 storey development in Tollgate Drive facing the Canal

Images of site entrance, Delamere Road and examples of three storey buildings in the area

The Proposed Scheme

The proposal would involve clean up and remediation of the existing scrap yard use and its replacement with two buildings. One building is proposed to accommodate 8 flats comprising a mix of 2 x 1 bedroom flats, 4 x 2 bedroom flats and 2 x 3 bedroom flats. This is a part two and part three storey building. Further, a separate three storey building will provide a 4 bedroom dwelling. It follows that the proposal enables a true mix of dwelling types and sizes to be accommodated on the site.

The following image illustrates the proposed elevations consisting of a contemporary design with flat roofs. This contemporary design enables a high quality design and one that reduces the bulk and scale of the proposals. Its lightweight appearance through the use of either cladding or light coloured brick work with glazing to the western elevation is proposed so to take advantage of the Yeading Brook setting and views over it.



Extract from the view towards the Yeading Brook

A contemporary design approach has been pursued to take account of the opportunities which exist. The contemporary approach also has the benefit of keeping a reduced ridge height to the proposal so to ensure the development is not out of keeping in scale or height terms.

The existing access road between the site and No. 10 will provide access to the proposed buildings. As can be seen on the proposed site layout, the apartment building will be sited parallel to the Yeading Brook and sited circa 5 metres from the top of the bank. The proposed dwelling will be juxtaposed at an angle to the brook with its internal layout oriented to take advantage of the Yeading Brook.

The apartments will be served by 13 car parking spaces and a secure cycle storage area with waste / recycling and cycle storage provided adjacent to some of the parking spaces located on the northern part of the site. The parking layout has been designed with a landscaping feature to the corner of the site so to provide a welcoming approach to the proposed development. Waste and recycling receptables will be provided to the northern side of the proposed apartment building.

The 4 bed dwelling will be served by 2 parking spaces. The rest of the apartments will be served by 11 parking spaces consistent with local standards.



Extract from the Proposed Site Plan

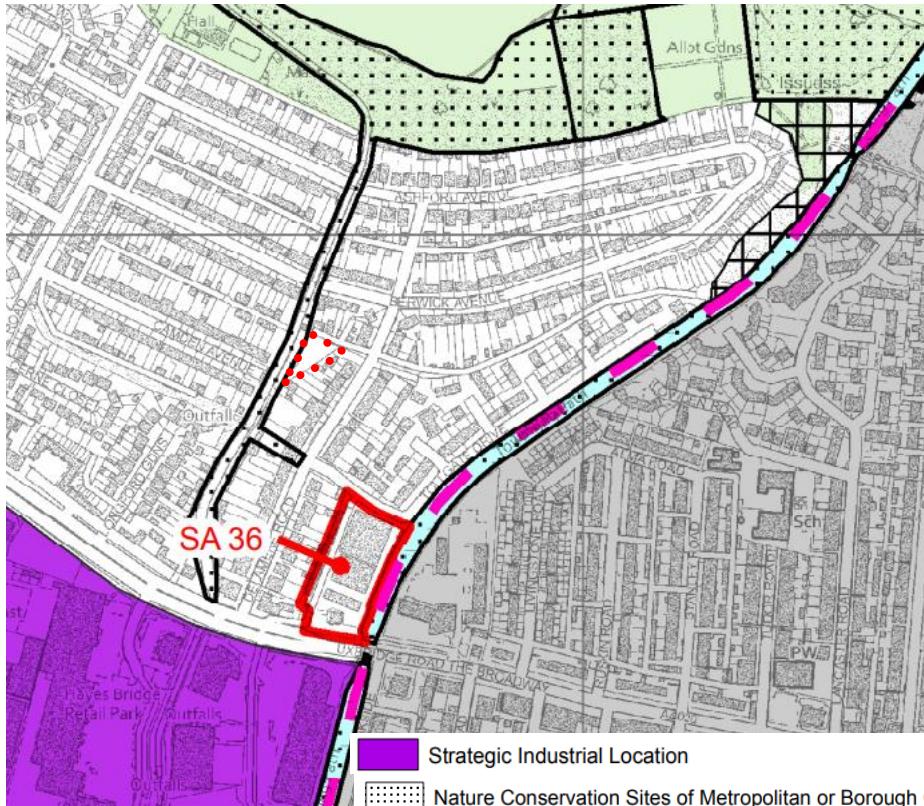
The site is separated from residential dwellings to the west by the Yeading Brook. The access and road layout to serve the proposed development creates a site with its own identity which is detached from the suburban interwar development on Delamere Road such that a contemporary approach can be accommodated on the site.

The separation distances and juxtaposition to existing residential properties in the area allow for a three storey form of development which has been carefully designed with lightweight materials and a flat roof. The fenestration has been designed in the proposed elevations to ensure no loss of privacy to existing residential amenity whilst also giving future occupiers a good degree of natural lighting serving all rooms with windows principally to the east and west elevations. The larger scale fenestration to the west elevation ensures natural light is received into the heart of the proposed apartments and dwellings. The siting of the proposed development also ensures no loss of light to existing residential dwellings.

As can be seen on the proposed floor plans, each apartment will be served by their own private terraces and all are provided with private amenity space. The 4 bed dwelling has its own south facing garden. This provision meets the requirements for private outside space set out in Policy D6 of the London Plan for Housing quality and standards. Further, all of the dwellings have been designed to ensure they meet the minimum sizes for their tenure required under Policy D6 of the London Plan. The proposed layout therefore shows that the proposed dwellings will have sufficient and usable private amenity space for the occupants to undertake typical activities including gardening and other leisure activities.

Planning Policy Context

The relevant development plan document comprises the London Borough of Hillingdon Local Plan Part 1 – Strategic Policies (November 2012) and the Local Plan Part 2 - Development (January 2020) together with the London Plan (2021).



Extract from the London Borough of Hillingdon Proposals Map (Sited location shown by red dotted edged triangle)

The site lies within the settlement and there are no significant planning policy designations applying to the site. That is with the exception of the Grade I nature conservation site that covers the site's far western boundary and the adjacent Yeading Brook. The site's location within a defined settlement and with no defined protections for existing uses means the principle of residential development can be supported.

The site lies in close proximity to a range of facilities within a short walking distance, including the strategic industrial location schools indicated to the south of the above policy map extract. Delamere Road itself directly joins the A4020 which is a frequent bus route with services every 10 minutes between Uxbridge and Southall (427), Stockley Park. In addition, the site lies 25 minute walk from Southall train station that offers 8 trains per hour to London Paddington and is also served by the Elizabeth Line services from Transport for London. The site therefore forms an accessible location for additional residential development.

Consistent with the National Planning Policy Framework ('NPPF'), the site is located in an accessible location and is therefore supported by chapter 9 of the framework that encourages development proposals in locations that promote the opportunity for non car modes of traffic. In addition, the scheme proposes the reuse of previously developed land consistent with chapter 11 of the NPPF and London Plan Policy GG2 (Making the best use of land).

The existing use on the site presently has an adverse impact upon the quality of design found within this locality and has the potential to have significant adverse impacts upon the living conditions and local amenity of the neighbouring residential properties that lie immediately adjacent to the application site. There is consequently an opportunity for development to come forward that is directly consistent with various paragraphs within the NPPF including paragraphs 130 and 185 as extracted below:

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

In summary, the site offers brownfield land in the form of an existing “bad neighbour” use and in a location that is surrounded by existing residential development. It therefore offers an opportunity for a material enhancement in its contribution towards the public realm and associated public benefits. With this context in mind, key issues relating to the application are assessed in turn below.

Assessment of Key Issues

Design Quality

Policy BE1 (Built Environment) requires new development to improve and maintain the quality of the built environment. This includes an aspiration for a high quality of design in new buildings, appropriate landscape and townscape design and a wish to improve the quality of the public realm.

The proposed development provides the benefit of removing the unsightly metal storage and ‘industrial’ palisade fencing with a well landscaped development enhancing the setting of the proposed buildings and the wider townscape. It will result in a substantial visual

improvement as well as the opportunity through the landscaped gardens and landscape buffer to enable wildlife and plants to thrive.

Delamere Road is characterised by a wide range of designs. The area has developed over the course of time and therefore there is limited consistency in terms of elevational treatment, design and materials. The NPPF requires that planning should, *inter alia*, seek to ensure high quality buildings and places with new buildings that are '**visually attractive as a result of good architecture**' (paragraph 130). The proposal would result in the creation of 9 no. dwellings of a contemporary design built to modern construction standards with energy efficiency included in the construction. This includes proposed photovoltaic panels on both buildings. The proposed buildings would have high quality external materials to deliver an exceptionally high quality visual appearance. The proposed form and appearance fit in with the mixed designs which exist in the street. It is therefore a high quality design respective of the area's mixed character.

As can be seen on the proposed elevations, the proposed development's massing and scale as result of its contemporary design that includes light coloured external materials with a flat roof as well as the site's unique shape alongside the good separation distances to existing built form enables the proposed development to be accommodated in a form that respects its existing surrounding built form and street scene.

In addition to the overall architectural quality of the proposal, good design also refers to the potential impacts on the amenity of surrounding properties. Policy DMH 6 (Garden and Backland Development) of the Part 2 Local Plan: Development Management Policies advocates separation distances to ensure schemes do not have an adverse impact on the amenity of neighbouring properties. As the scheme is located in an existing residential area, the potential impact upon neighbouring properties has been of particular importance in the design process. The juxtaposition of the proposed building to neighbouring residential properties ensures no material adverse impact on current residents. It is clear therefore that the proposed dwellings will provide future occupants with a suitable outlook without materially impacting on the amenity of existing properties.

The site's existing use currently presents a 2 metre high galvanised metal palisade fence to Delamere Road. Behind this is a scrap yard that is clearly visible from the main road and also visible from many gardens of the properties fronting onto Delamere Road and Berwick Avenue. The site is entirely covered by the existing materials associated with the scrap yard, many of which have been located on the site for a number of decades and associated hardstanding or hardcore located beneath. It presently offers no positive active frontage to the public realm and it's detrimental to the street scene. Further, it includes no green landscaping or any positive outlook towards the Yeading brook. The scheme therefore offers the opportunity to firmly comply with Policy BE1 and paragraph 130 of the NPPF that encourages development to enhance the design quality of the area and public realm. The scheme's opportunity to enhance the area's design quality represents a strong positive compliance with this part of the development plan in favour of the proposed scheme.

Need for Housing

Paragraph 125 (a) of the NPPF states:

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

Of further relevance is Policy H2 (Small sites) in the adopted London Plan (2021) that states:

A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs**
- 2) diversify the sources, locations, type and mix of housing supply**
- 3) support small and medium-sized housebuilder**
- 4) support those wishing to bring forward custom, self-build and community-led housing**
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.**

The application site is located within a built up residential area which lies in close proximity to a wide range of local services and facilities including bus stops. The scheme provides for an effective and efficient use of land without proposing a density that is out of keeping with the site's surroundings as indicated above, taking account of the need to ensure retention of privacy to both current and future neighbours. The scheme is therefore consistent with paragraph 125 (a) and London Plan Policy H2.

Paragraph 69 of the NPPF states:

Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

...

- c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;**

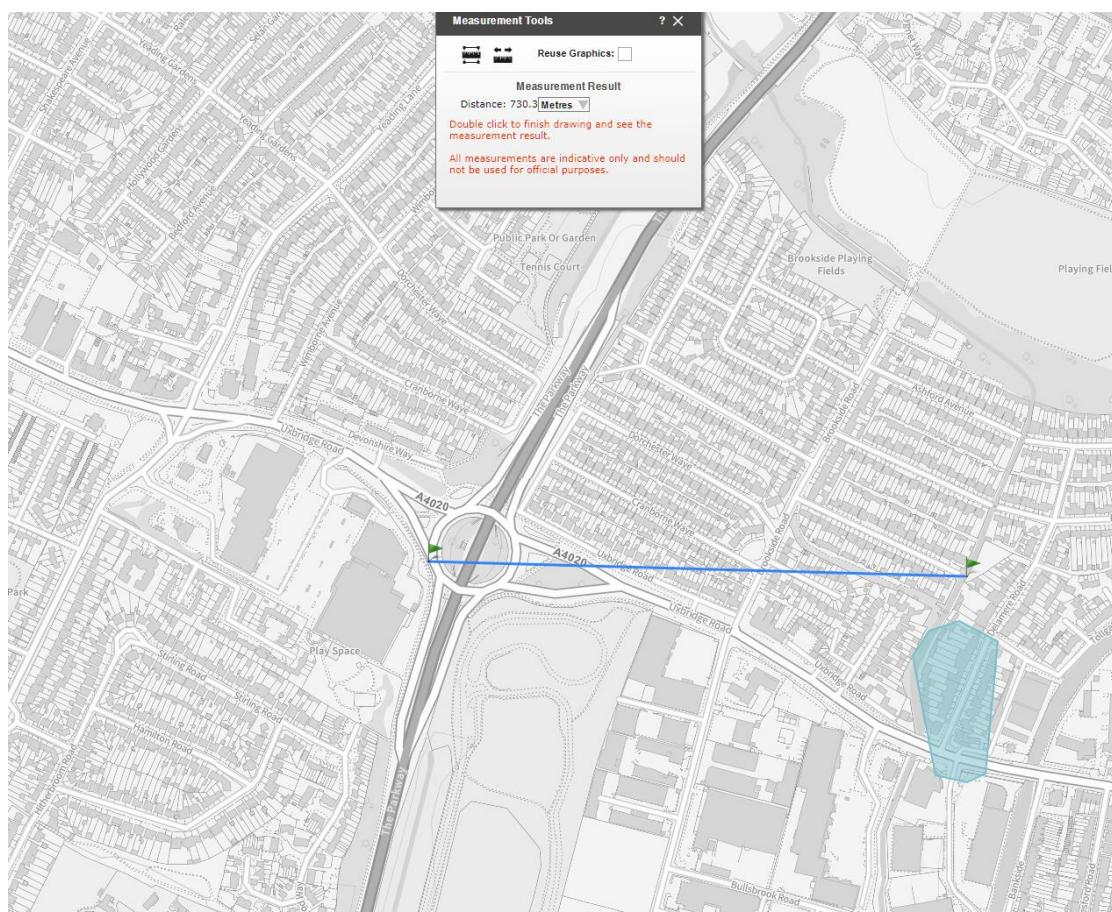
The proposed scheme accords with the above objective by forming a windfall site that is suitable for development within an existing settlement. Such development is to be supported and great weight given to the use of such sites for housing development.

The London Plan 2021 states London needs 66,000 new homes each year, for at least twenty years. To meet the growing need, London must seek to deliver new homes through a wide range of development options. Reusing brownfield sites will remain crucial. Small sites such as the application site can be developed quickly. The site's location is well connected that helps sustain the local community. Policy GG4 of the London Plan sets out that to deliver the homes Londoners need, and to create a housing market that works better for all Londoners, those involved in planning and development must ensure that more homes are delivered.

Policy H1 of the London Plan requires increasing housing supply. For Hillingdon this sets out a 10 year housing target of 10,830 completions between 2019/20 – 2028/29 of which 2,950 must be provided on small sites (below 0.25ha in size). The proposed dwellings will contribute towards this. When this is assessed against the Strategic Policies of the Hillingdon Local Plan: Part 1 the proposed development complies with the dwelling type needed in the Borough set out in paragraph 6.12 of the Local Plan. It follows that the scheme attracts positive weight in undertaking the necessary development plan balance exercise through its contribution towards defined minimum housing needs on smaller sized sites.

Density

Table 5.2 of the Local Plan refers to residential densities and suggests that a site located within 800 metres of a town centre and in PTAL zone 2 should have a density of somewhere between 50 and 330 units per hectare where a flatted scheme is proposed. The proposed density of 50 dwellings per hectare is therefore at the lower end of the suggested range and further suggests that an efficient use of land but one that remains character led is proposed. The site's location within 800 metres of a town centre is illustrated on the below extract.



Extract from MAGIC indicating site's location within 800 metres of a town centre

Land Conditions

Policy DMEI 12 (Development of Land Affected by Contamination) refers to the council supporting planning applications where it can be demonstrated that a site can be safely remediated so that the development can be made suitable for the proposed use. Further, paragraph 174 of the NPPF refers to land conditions and states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

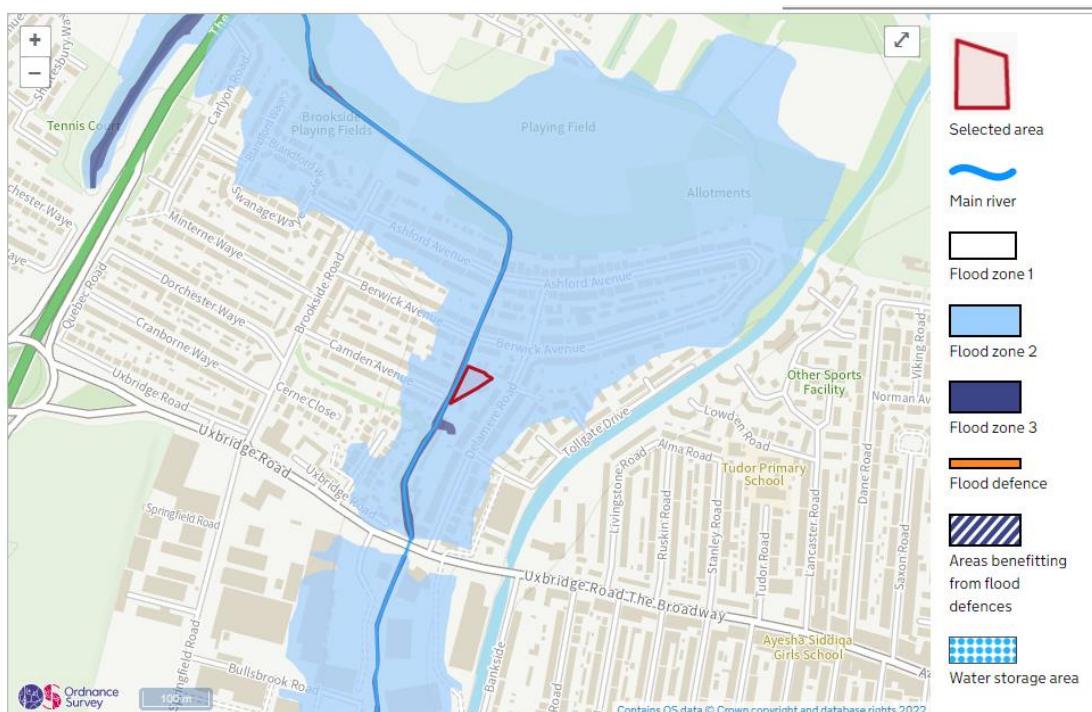
...

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The existing use of the site as a scrap yard over a number of decades means that there is potential for contamination on the site. In order to undertake an on site assessment much of the existing scrap yard material would have to be cleared in order to appropriately assess this potential and therefore it is proposed that an appropriate contamination study is secured by way of a planning condition rather than the potential health and safety risks associated with entering the site in its current state. However, the existing use has potential for a negative impact upon ground conditions in an area with a main river (the Yeading brook) located immediately adjacent to its western boundary. In addition, the existing use brings with it a significant risk of vermin issues. The site's remediation to a good neighbour use comprising a residential environment with associated amenity space and green landscaping will offer the opportunity to enhance the natural local environment through the remediation of degraded land. The scheme therefore complies with Policy DMEI 12 and NPPF paragraph 174. The potential for the site's remediation through development therefore carries significant positive weight in undertaking the development plan balance exercise.

Flood Risk & Drainage

As indicated on the below map taken from the EA website, the site lies within flood zone 2. This means that the land is considered by the Environment Agency to have between a 1 in 100 and 1 in 1,000 annual probability of river flooding. It is of note that the site is surrounded by a considerable residential area that lies within flood zone 2 as well.



Extract from the EA Flood Map

Policies EM6 (Flood Risk Management) and DMEI 9 (Management of Flood Risk) explain that the Council will encourage development to be directed away from flood zones 2 and 3 in

accordance with the NPPF. Accordingly, a review has been undertaken of alternate site opportunities for a development comprising 9 residential dwellings identified somewhere within the Council's adopted housing allocations and housing land supply assessment.

Table 3.3 of the Local Plan Part 2 (Site Allocations & Designations) document includes a series of allocations numbered 1 to 41 that are allocated within that document to contribute towards the Council's housing needs. With the exception of 3 site allocations, all of the site allocations have potential capacity of 23 units or above and are therefore clearly unavailable for a development of the scale proposed in this application (comprising 9 dwellings). The three projects that have capacity somewhere akin to the proposed project have been reviewed as detailed below:

- **Site SA 8: Olympic House, 1a Grove Lane** - This site is in an active use as a hostel and has recently been approved under a certificate of lawful development for an existing use as a hostel (LPA Ref. 18596/APP/2022/1455). It is therefore in an active and viable use with no development intention to come forward as a redevelopment residential scheme at the present time.
- **Site SA 17: 42- 46 Ducks Hill Road** – This development has been completed consistent with LPA Ref. 49987/APP/2013/1451.
- **New Site SA 34B Former British Royal Legion Building, Station Road** – This development has been completed consistent with LPA Ref. 11332/APP/2016/1595.

It is therefore evident that there are no suitable sites available for the proposed development project identified within the site allocations contained within Local Plan Part 2.

In addition, the Council's '5 YEAR SUPPLY OF DELIVERABLE HOUSING SITES 2021/2022 - 2025/2026' paper has been reviewed. Appendix 2 includes detailed planning permissions that have been started and are therefore clearly not available for the proposed project. Appendix 1 includes a list of specific strategic sites with planning permission or prior approval. Of these, only 4 sites have a comparable capacity to that proposed at the subject application site. 2 of those sites are to deliver their full capacity in the previous monitoring year of 2021-2022 and that therefore plainly unavailable for the proposed development project (these comprise Former Garage Site Rear of 6-16 Nelson Road, Hillingdon East and Woodbridge House, Uxbridge South). The two residual projects that have capacity somewhere akin to the proposed project have been reviewed as detailed below:

- **The Arena, Bennetsfield Road, Botwell** - This project is anticipated for completion by March 2023 and is therefore unavailable for the proposed project. It benefits from an established prior approval consent (LPA Ref. 37800/APP/2021/2189) and is in the control of an anticipated developer already such that it is not available for potential delivery of the proposed project.
- **37 The Drive, Ickenham** - This project benefits from an established planning permission (LPA Ref. 24043/APP/2020/879) and is in the control of an anticipated developer already such that it is not available for potential delivery of the proposed project.

Appendices 3, 4, 5 and 6 list either the same sites or sites of capacity way in excess of the proposed development scheme and are therefore inappropriate for the project. It follows that within the Council's various sources of potential housing supply there are no suitable

sites available in areas of lower flood risk. The scheme therefore can come forward in accordance with Policies EM 6 and DMEI 9.

A supporting Flood Risk Assessment is in preparation and will confirm that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Indeed, the existing site features existing substantial storage (associated with the scrap yard) and hardstanding that has an adverse impact upon potential additional flood risk to surrounding properties also located within flood zone 2. By virtue of the proposed development scheme reintroducing large areas of permeable paving and green landscaping, the site's ability to hold substantial water capacity in the event of a flooding event will be enhanced when compared to its present condition and in turn it could have wider benefits in overall reducing the actual flood risk to the surrounding area when compared to the existing situation. In addition, the scheme offers numerous wider sustainability benefits including a substantial improvement in the site's design quality, ecological condition and land condition (through removing potential contamination). Further, it brings with it the public benefit of the provision of much needed housing contributing towards the defined minimum housing needs established within the London Plan.

The Flood Risk Assessment will inform the design to ensure the proposed residential development will be safe for its lifetime. The provision of landscaping and sustainable drainage measures will ensure the proposed development will not increase the flood risk elsewhere and actually when compared to the site's current storage use considerable betterment can be achieved when compared to the site's drainage situation.

The proposed scheme will be designed to ensure that it is safe for its lifetime. The wider benefits to the community outweigh the flood risks as demonstrated in the above merits of the scheme. The proposed development provides the opportunity to remove a non-conforming use and activity and replace it with residential dwellings which improve the amenities to the neighbouring residential properties as well as providing much needed housing in a sustainable location. There are no reasonable alternatives identified within the Council's housing allocation and supply documents and as such it complies with Local Plan policies and accounts for its modest risk of flooding identified in flood zone 2 accordingly.

Transport & Parking

Vehicular access is provided from the existing access road and car parking is provided in a location similar to existing relationships in the area where garages and parking spaces serving dwellings are also accessed by the access road. There is sufficient space to provide this without harm to neighbouring properties. Car parking is provided in accordance with maximum standards.

The proposed scheme takes account of the accessibility categorization of the site as within PTAL zone 2. Consistent with the approach of the London Plan (Policies T5 and T6.1), the application includes cycle and vehicular parking reflecting those within the policies of the Plan. For cycle parking, the London Plan requires the following minimum taking account of the 9 dwellings proposed:

Size of dwelling	Number in scheme	Min cycle for each dwelling	Total min. cycle
1 bed (2 person)	2	1.5	3
2 bed	4	2	8
3 bed	3	2	6

Visitors	n/a	2	2
Total	9		19

19 cycle spaces are included in the scheme as required by the London Plan. This provision will be provided in the cycle storage indicated to the north of building 1 and within the curtilage of building 2.

In respect of car parking, the application site's location within outer London and with a PTAL rating of 2 imposes the following as maximum provision pursuant to Policy T6.1 of the London Plan.

Size of dwelling	No. in scheme	Max parking for each dwelling	Total max. car parking
1 bed	2	0.75	1.5
2 bed	4	0.75	3
3 bed	3	1	3
Total	9		7.5

The number of parking spaces proposed is shown on the site plan.

The site plan above indicates that 13 spaces are proposed, which includes visitor spaces and is above the maximum levels set out in the London Plan (Policy T6.1). However, Policy T6.1 does allow schemes to depart from its standards where these are specified in another Development Plan. Accordingly, Policy DMT6 of the Local Plan Part 2: Development Management details the following maximum standards within its Appendix C.

CAR PARKING MAX REQUIREMENT	CYCLE PARKING MAX REQUIREMENT
Dwellings with curtilage	
2 spaces per dwelling	a) 1 per 1 or 2 bed unit b) 2 per 3 or more bed unit
Flats	
3 – 4 or more bedrooms – 2 spaces per unit 1 – 2 bedrooms – 1.5-1 spaces per unit Studio – 1 space per 2 units a) Proposals must also accommodate visitor's car parking on-site additional to the above b) Car parks must be allocated to dwellings	a) 1 per studio, 1 or 2 bed unit b) 2 per 3 or more bed unit

Applying these standards to the proposed dwelling mix results in the following requirement:

Dwelling type	No. of bedrooms	No. in scheme	Max Parking standards	Max provision (no. x standards)
House	4	1	2	2
Flats	1	2	1 to 1.5	2 to 3
	2	4	1 to 1.5	4 to 6
	3	2	2	4
Total		9		12 to 15

Having regard to Hillingdon's maximum parking standards, the proposal is consistent. As noted, the London Plan permits compliance with lower maximum standards and therefore the scheme also accords with the approach of the London Plan.

Ecology

Policy DMEI 7 (Biodiversity Protection and Enhancement) requires development proposed on or near to a site considered to have features of ecological value to demonstrate that it will not have unacceptable effects and aim to provide a positive contribution to the protection and enhancement of a site or feature of ecological value. The site is located adjacent to an existing nature conservation site of Grade 1 importance, known as the Yeadng Brook and Minet Country Park. The scheme allows for significant enhancement of this designation through the restoration of a substantial area of green landscape on the site where presently none exists by virtue of the existing scrap yard use. This includes a 2 metre landscape buffer adjacent to the Yeadng Brook which provides considerable ecological enhancement when compared to the existing scrap yard that extends all the way to the existing brook's boundary. This buffer can include indigenous planting species so to enable material ecological gain. Further, consistent with Policy DMEI 8 (Waterside Development), the scheme includes potential for relevant authorities to access the Yeadng brook in a safe manner where that access is presently not available and an offset of built development from the brook of circa 5 metres. This represents a significant improvement in terms of access to the brook and set back from it when compared to the existing scrap yard that extends all the way to the brook's boundary. In addition, the existing scrap yard use has potential for contamination of the brook that can be avoided through a more conventional settlement use in this location comprising residential development and associated landscaping. The scheme therefore complies with Policy DMEI 8 and offers opportunity for substantive ecological gain when compared to the existing situation. The scheme's ecological impact therefore benefits from significant positive weight in undertaking the overall planning balance.

Dwelling Mix & Quality of Accommodation

Policy DMH 2 (Housing Mix) requires the provision of a mix of housing units of different sizes in schemes of residential development to reflect the latest information on housing need. The submitted proposal provide a mix of housing with 2 x 1 bedroom flats and 4 x 2 bedroom flats, 2 x 3 bedroom flats and a 4 bedroom dwelling. The proposal thus provides units of different sizes consistent with Policy DMH 2.

Policy DMHB 18 (Private Outdoor Amenity Space) in respect of private outdoor amenity space indicates that all properties should have good quality and useable private outdoor amenity space. The site layout shows that all properties will benefit from useable private amenity space, meeting the objectives of the policy. Furthermore, the orientation of the properties, with the amenity space to the west or south, ensures that they will have sunlight from lunchtime to late evening. This therefore further demonstrates the quality of the amenity space envisaged. Furthermore, in respect of the upper apartments, these are served by private balconies. The scheme therefore complies with Policy DMHB 18. Further, all of the dwellings have been designed to ensure they meet the minimum sizes for their tenure required under Policy D6 of the London Plan.

Impact upon Neighbouring Residential Amenities

The proposed site plan indicates that the privacy of existing homes and gardens of the existing properties along Delamere Road will be retained. The fenestration in the proposed building whilst facing towards existing residential properties is offset by the distance afforded by the siting and juxtaposition of the proposed development to ensure no loss of neighbouring residential amenity results. This includes separation distances of 30 metres (or

above) between the proposed buildings and the main elevations of neighbouring properties. The scheme therefore complies with Policies DMHB 11 and BE 1 in regard to the scheme's impact upon neighbouring residential amenities.

Policy DMH 6

The land subject of this proposal does not form part of an existing residential curtilage and therefore Policy DMH 6 (Garden and Backland Development) is not strictly relevant to the proposal in the way it would be if the proposal formed the development of garden land behind an existing frontage. However, as explained within this statement, the scheme offers the potential for enhancement in relation to biodiversity and design quality and does not impact negatively upon neighbouring residential amenities. The scheme is technically compliant in highway respects, meets the necessary parking standards and enables an improvement in the site's contribution towards green landscaping. The proposal allows for new vegetation to be provided through planting secured by an appropriate landscaping scheme. It follows that the site offers a rare opportunity where an incompatible land use exists and can be changed to compatible residential development in a sustainable location that can be developed in a policy compliant manner for additional residential development. It is of a design appropriate to the site's self-contained setting and is located a substantial distance behind the Delamere Road and Berwick Avenue properties. Whilst not technically relevant, the scheme does therefore comply with the principles detailed within Policy DMH 6.

Planning Balance Assessment

The first test, and the statutory starting point is whether the application is 'in accordance with the plan', which is a phrase that has been the subject of consideration in the High Court in the context of Section 54A of the Town and Country Planning Act 1990. In his judgment of 31 July 2000 (R v Rochdale Metropolitan Borough Council ex parte Milne), Mr Justice Sullivan concluded as follows:

...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be "in accordance with the plan"..."

'For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein.

The Rochdale judgment is applicable to the interpretation of Section 38(6) of the 2004 Act such that the decision maker must reach a decision as to whether the proposal is in accordance with the development plan when it is considered as a whole.

Section 38(6) of the Act does not prescribe that either the development plan or other material considerations be given any particular weight in the required balance. It is, in effect, an ordinary, unweighted balance between the two countervailing elements.

A further relevant judgment is dated July 2014 (Arsenal Football Club Plc v SoS for CLG and Islington London Borough Council). This refers to the need for a decision maker to determine whether a proposal is in accordance with the development plan:

It is up to the decision-maker how precisely to go about the task, but he must make the determination in accordance with the development plan unless material considerations indicate otherwise, and "he must as a general rule decide at some

stage in the exercise whether the proposed development does or does not accord with the development plan": (para 29). (Our emphasis).

The judgment then refers to the requirement for a decision maker to decide in light of a whole development plan whether the application accords with it. In a case where a development plan points in different directions it is for the decision maker to decide which policy should be given greater weight in relation to a particular decision:

The second strand of relevant legal principle was also stated by Lord Clyde in the City of Edinburgh case, that where a planning application is in accordance with some policies in the development plan, but in contravention of others, the decision-maker's task is to decide in the light of whole plan whether the application accords with it. In R (on the application of TW Logistics Ltd) v Tendring DC [2013] EWCA Civ 9; [2013] 2 P & CR 9 the local authority had adopted a Conservation Area Management Plan and the issue was whether some of the proposals contained in it were unlawful as being inconsistent with the adopted local plan. Lewison LJ (with whom Aikens and Mummery LJ agreed) said that the court must not adopt a strained interpretation of the local plan in order to produce complete harmony between its constituent parts, and it must be wary of a suggested objective interpretation of one part of the local plan as having precedence over another. In a case in which different parts of the Local Plan pointed in different directions it was for the planning authority to decide which policy should be given greater weight in relation to a particular decision: [18].' (para 30). (Our emphasis).

In enunciating this point Lewison LJ drew on the proposition of Ouseley J in R (on the application of Cummins) v Camden London Borough Council [2001] EWHC 1116 (Admin) at [164], that it may be necessary for a council in a case where policies pull in different directions to decide which is the dominant policy, whether one policy compared to another is directly as opposed to tangentially relevant, or should be seen as the one to which the greater weight is required to be given. Ouseley J derived this proposition in turn from the dictum of Sullivan J in R v Rochdale MBC ex parte Milne [2000] EWHC 650 (Admin) at [47]-[50]. (See also London Borough of Islington v Secretary of State for Communities and Local Government [2012] EWHC 1716 (Admin), at [53], per Ouseley J). Recently Lord Reed restated the point authoritatively in Tesco Stores Ltd v Dundee City Council [2012] UKSC13; [2012] PTSR 983, [19]:

"[D]evelopment plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment." (para 31).

In summary, the above case law confirms that a decision maker must determine whether a proposal is in accordance with the development plan and undertake this judgment against the development plan as a whole. In undertaking this judgment, the decision maker will have to decide which policy (or policies) should be given greater weight in relation to a particular decision. This does not mean that a proposal needs to accord with every development plan policy (or part thereof). There is a need for a balanced judgment across the development plan as a whole.

For the reasons detailed within this statement, the proposal complies with all of the relevant development plan policies and as such can be approved. However, it is noted that even if the decision maker were to conclude that there was a breach of one specific policy (for example in relation to flood risk), that breach would need to be considered in the context of a scheme that offers substantial positive performance against various other development plan policies. This includes a proposal that offers a substantive opportunity to improve the design quality, ecological conditions and land conditions on the site. Further, the scheme offers the opportunity to remove an existing bad neighbour use that has existed on the site for many decades. These represent substantial planning benefits associated with the proposals that allow the scheme to be assessed as in accordance with the development plan when considered as a whole. The scheme can therefore be approved on either basis (i.e. full consistency with all policies or when the development plan is considered as a whole).

Summary

This application proposes the erection of 9 no. residential dwellings in a contemporary design and character led manner in an accessible location. It enables the reuse of brownfield land on a site that is presently in a degraded 'bad neighbour' use and one that has adverse impact upon local residential amenities and the public realm. The scheme would bring about numerous benefits including the provision of new housing, the effective use of brownfield land, ecological and land remediation benefits and a design that would enhance the character of the area.

If we can be of any additional assistance or should you have any queries or concerns during the application process, we would ask that the planning officer contacts the planning agent (listed on the application form) in advance of making a decision.

Yours sincerely,

Woolf Bond Planning

Woolf Bond Planning LLP

Encs.