



Woolf Bond Planning

Chartered Town Planning Consultants

WBP Ref: TR/8306

31 October 2023

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 6 FLATS (OVER 2 LEVELS & ROOFSPACE), ERECTION OF A SINGLE BLOCK OF 2 FLATS (OVER 2 LEVELS) AND A SINGLE DWELLING HOUSE (OVER 2 LEVELS & ROOFSPACE), 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 Schedules; &
- Waste and Cycle Storage Plans.

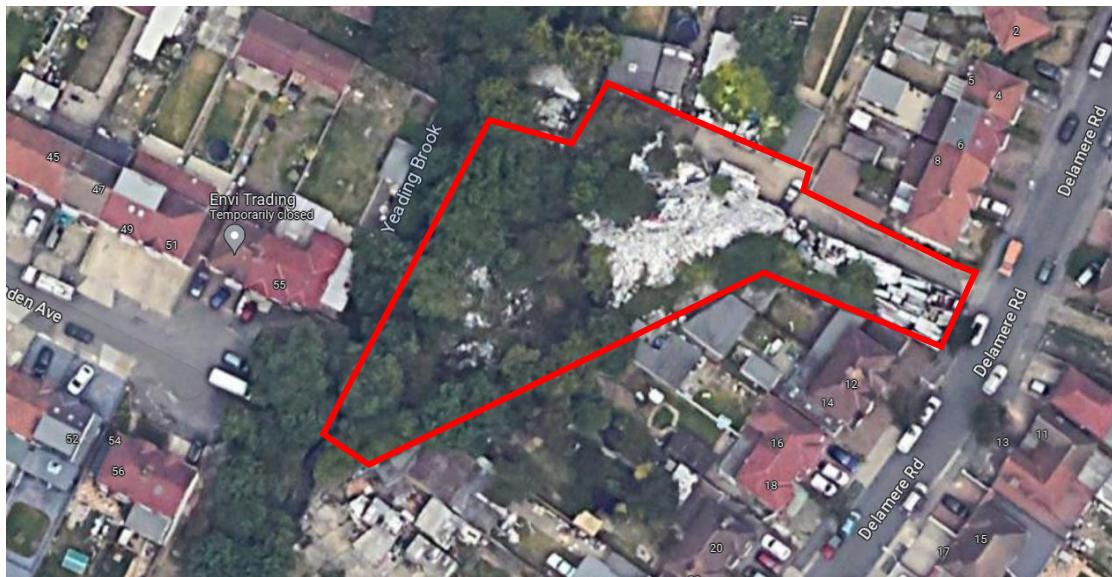
The application is also supported by this Planning Statement, application form, CIL form and technical reports relating to flood risk, highways, trees, contaminated land and ecology.

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 0.21 hectares.

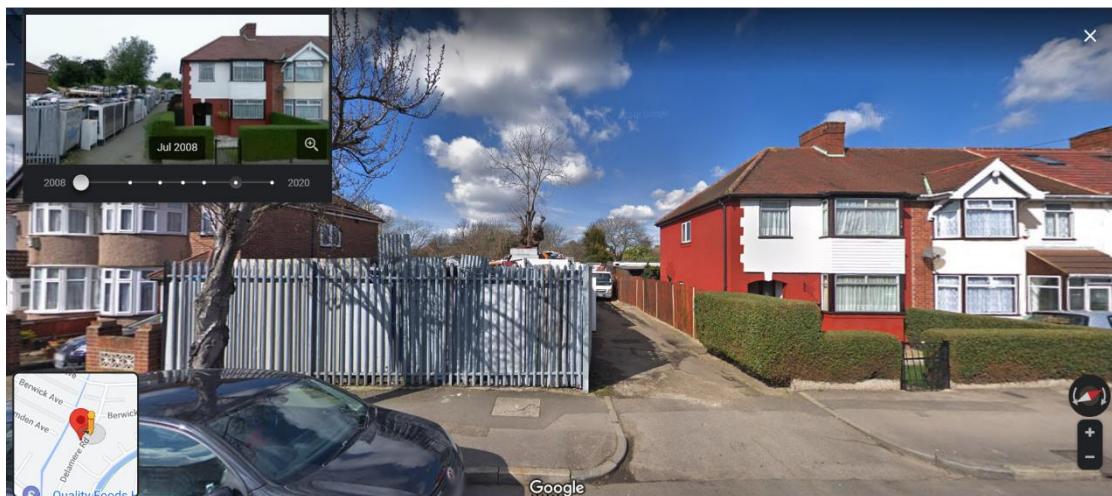
The below photograph demonstrates the built-up nature of the surrounding area and the current scrap yard use on the site.



Aerial Image of site (approximate boundary outlined in red)

The existing site lies between the Yeadings 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



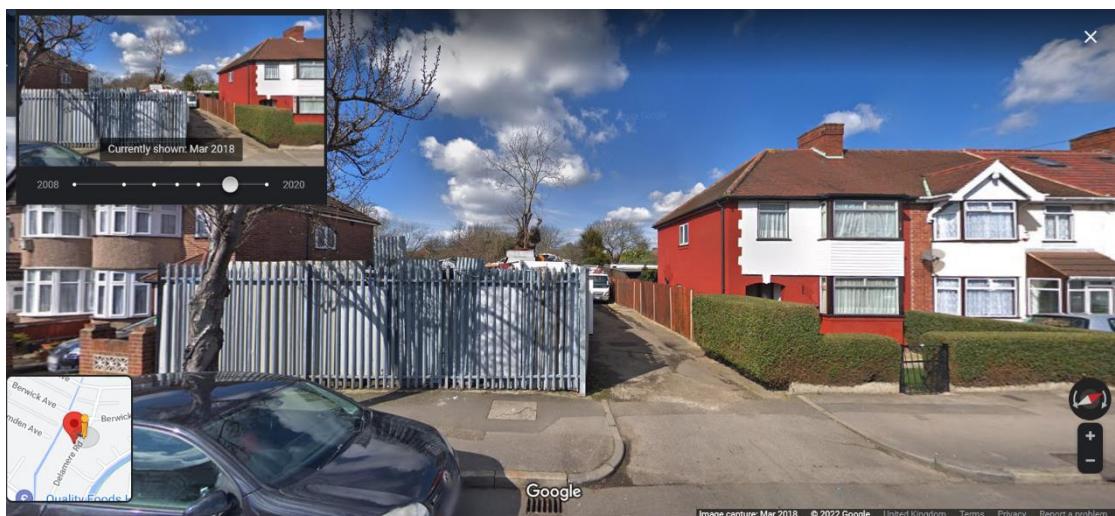
Google Street view image of application site taken in August 2014



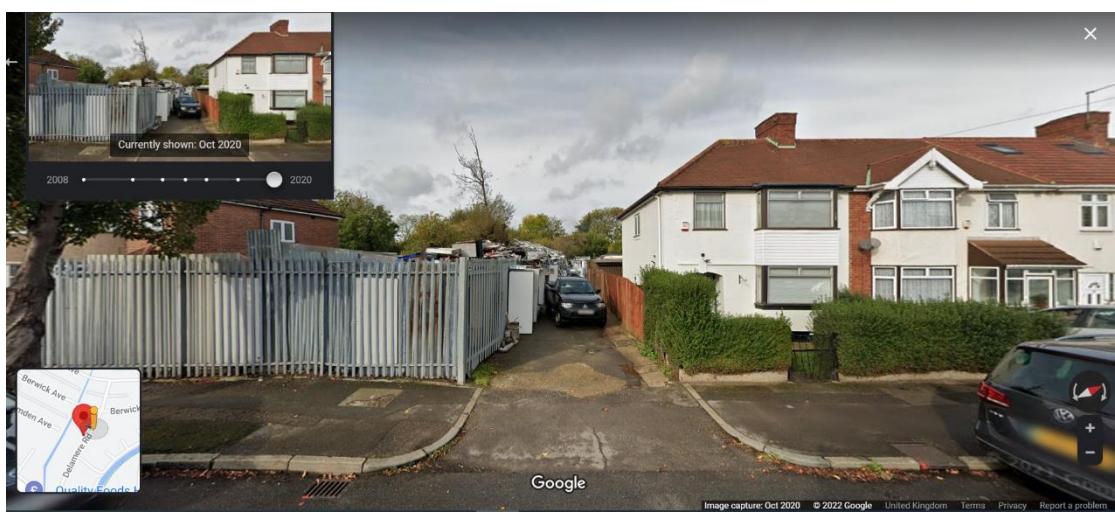
Google Street view image of application site taken in August 2015



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.

In assessing a previous application (LPA Ref. 77372/APP/2022/3627) submitted earlier this year, the "Summary" section contained within the officer's report acknowledged the above in stating:

"The site has a current unlawful scrapyard use that is immune from enforcement action.

...

The principle of residential development is broadly supported given the removal of a 'bad neighbour' use."

The site's lawful scrap yard use is therefore recognised. Further, the principle of residential redevelopment is supported by the Council for this reason. As detailed later in this statement, the revised proposal comprehensively responds to the previous refusal.

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 buildings of up to three storeys in the area

Planning History

Planning permission on the application site was recently refused for the erection of 9 no. residential dwellings with associated amenity space, cycle / bin storage and parking, including vehicular access (LPA Ref: 77372/APP/2022/3627). The application was refused for the following reasons:

1. By virtue of the excessive scale, footprint, height and density of the two buildings and the backland location on which they are located, the proposal represents over development of the site, contrary to Sections 11 and 12 of the National Planning Policy Framework 2021, Policies GC2, D2 and D3 of the London Plan 2021, Policy B1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan (Part 2) 2020.
2. By virtue of the poor siting and orientation of the two buildings and with a dominance of highway access, car parking and ramps, the proposal does not conform adequately with the rhythm and pattern of surrounding development and creates a poor public realm with inadequate provision of soft landscaping and a poor landscape character, contrary to Sections 11 and 12 of the National Planning Policy Framework 2021, Policy D8 of the London Plan 2021, Policy B1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan (Part 2) 2020.
3. The proposed buildings will result in unreasonable levels of dominance to the rear gardens of 20 and 22 Delamere Road and unacceptable overlooking to properties at 55 Camden Avenue and 14-18 Delamere Road, contrary to Policies DMHD 1 and DMHD 11 of the Hillingdon Local Plan 2020.
4. The proposal makes excess provision for car parking, resulting in a development with increased traffic generation, reduced air quality and poor sustainability credentials, contrary to Section 9 of the National Planning Policy Framework 2021, Policy T6.1 of the London Plan 2021 and Policies DMT 2, DMT 6 and DMEI 14 of the Hillingdon Local Plan 2020.
5. The proposal does not make provision for separate pedestrian access from Delamere Road, leading to unacceptable conflicts with vehicular traffic, contrary to Section 9 of the National Planning Policy Framework 2021, Policies D3 and D8 of the London Plan 2021 and Policies DMT 2, DMT 5 and DMHB 12 of the Hillingdon Local Plan 2020.
6. The proposal does not make provision for two way vehicular access from Delamere Road or adequate pedestrian visibility at the entrance, thereby posing a high likelihood of risk to vehicular conflict, pedestrian safety and impediment to traffic flows on Delamere Road, contrary to Section 9 of the National Planning Policy Framework 2021, Policy T4 of the London Plan 2021, Policies DMT 1 and DMT 2 of the Hillingdon Local Plan 2020, and Section 4.7.1 of the Hillingdon Domestic Vehicle Footway Crossover Policy.
7. The proposal makes inadequate provision for an effective ecological buffer along the boundary with Yeading Brook, resulting in inadequate environmental and biodiversity enhancement of the waterside environment and the wider site, contrary to Section 15 of the National Planning Policy Framework 2021, Policy G6 of the London Plan 2021 and Policies DMEI 5, DMEI 7 and DMEI 8 of the Hillingdon Local Plan 2020.
8. In the absence of an arboricultural impact assessment, it is not possible to conclude that the proposal would not result in adverse harm to existing trees on or adjacent to the site, thereby resulting in a net deterioration in landscape character of the site, contrary to Section 15 of the National Planning Policy Framework 2021, Policy G7 of the London Plan 2021, Policy

BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMHB 14 of the Hillingdon Local Plan (Part 2) 2020.

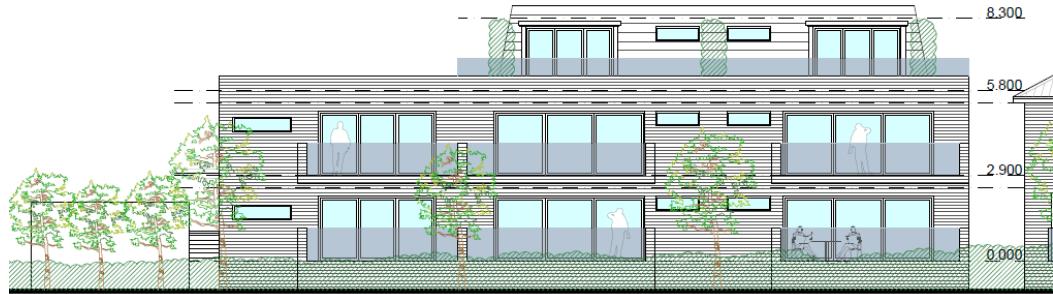
9. The proposal does not make sufficient provision for useable outdoor amenity space for future occupiers, whether private or communal, contrary to Policy DMHB 18 of the Hillingdon Local Plan 2021.
10. In the absence of detailed plans, the proportions of the proposed cycle storage are unlikely to accommodate the minimum cycle storage to serve the proposed development, contrary to Policy T5 of the London Plan 2021 and Policy DMT 6 of the Hillingdon Local Plan 2020.
11. The location of the disabled car parking space necessitates excessive and unnecessary distance between the designated parking bay and the entrance to the flat building, contrary to Paragraph 112 of the National Planning Policy Framework 2021, Policy T6.1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMT 1 and DMT 6 of the Hillingdon Local Plan (Part 2) 2020.
12. In the absence of any details relating to existing site conditions (desktop as a minimum), it is not possible to conclude that the removal of scrap materials from the land can be achieved without harm to workers involved in the implementation of the development or that the land can be satisfactorily remediated to make the land suitable for future residential occupiers, contrary to Paragraphs 174 and 183 of the National Planning Policy Framework 2021 and Policy DMEI 12 of the Hillingdon Local Plan 2020. indicates that proposals on potentially contaminated sites to be accompanied by an initial study of the likely contaminants.

This statement (alongside others) explains how these reasons for refusal have been comprehensively addressed to enable permission to be granted for this revised scheme.

The Proposed Scheme

The proposal would involve clean up and remediation of the existing scrap yard use and its replacement with three buildings. One building is proposed to accommodate 6 flats comprising a mix of 4 x 2 bedroom flats and 2 x 3 bedroom flats. This building is referred to as "B1" and forms a two storey building with limited accommodation in a mansard form at roof level. An additional two flats (2 x 2-bed) are proposed in a two storey building (referred to as "B3") again with accommodation at roof level. This building fronts onto Delamere Road. Further, a separate two storey building (referred to as "B2") will provide a 3 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 for B1 consisting of a traditional design with contemporary flourishes. This design approach enables a high-quality design and one that reduces the bulk and scale of the proposals. Its lightweight appearance includes the use of 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 Yeading Brook – Building 1 (Proposed)

Compared to the previously refused scheme, this proposal signifies a considerable reduction in the bulk of this part of the proposal. B1 has been reduced by over 2m. In addition, the third floor of building 1 has been altered to be inset compared to the previously proposed full span design. Accordingly, a far more proportionate and subservient scale and mass on B1 is achieved. This is helpfully illustrated by the previous rear elevation of B1 extracted below.



Extract from the view towards the Yeading Brook – Building 1 (Previously Proposed)

In relation to B2, this has also been reduced by over 2m and now forms a dwelling forming a conventional two storeys in scale only. It no longer includes any second floor accommodation and as a result its reduction in height would read as even greater than the 2m ridge height reduction effectively achieved by virtue of its eaves height being so much lower than previously proposed. The substantial differences between the previously proposed and now proposed elevations to this building are illustrated on the comparison images over the page.



Extract from the view towards Yeadng Brook – Building 2 (Proposed)



Extract from the view towards the Yeadng Brook – Building 2 (Previously Proposed)

The newly proposed B3 is commensurate in scale to those along Delamere Road. In addition, the inclusion of this part of the site within the application scheme enables an improvement to the Delamere Road street scene when compared to the previous application where a small area of scrap yard use could have been retained. These various design changes are made in direct response to the first and third reasons for refusal.

The existing access road between the site and No. 10 will provide access to the proposed buildings 1 and 2 whilst building 3 fronts Delamere Road. As can be seen on the proposed site layout, the larger apartment building will be sited parallel to the Yeadng Brook and sited circa 6 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 Yeadng Brook.

The development will be served by 10 car parking spaces and a secure cycle storage area with waste / recycling and cycle storage are provided adjacent to some of the parking spaces located on the northern part of the site. The parking layout has been designed with landscaping features 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 main apartment building. An extract taken from the Proposed Site Plan is provided over the page.



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 partly contemporary approach can be accommodated on the site. The revised scheme by now including the front part of the site as well, appropriately links to the more traditional style of development found on Delamere Road by proposing a conventional traditionally designed building on the site's frontage. The result is a comprehensive development that links from Delamere Road through to the Yeading Brook appropriately in design terms and provides a substantial enhancement to the public realm when compared to the existing scrap yard use.

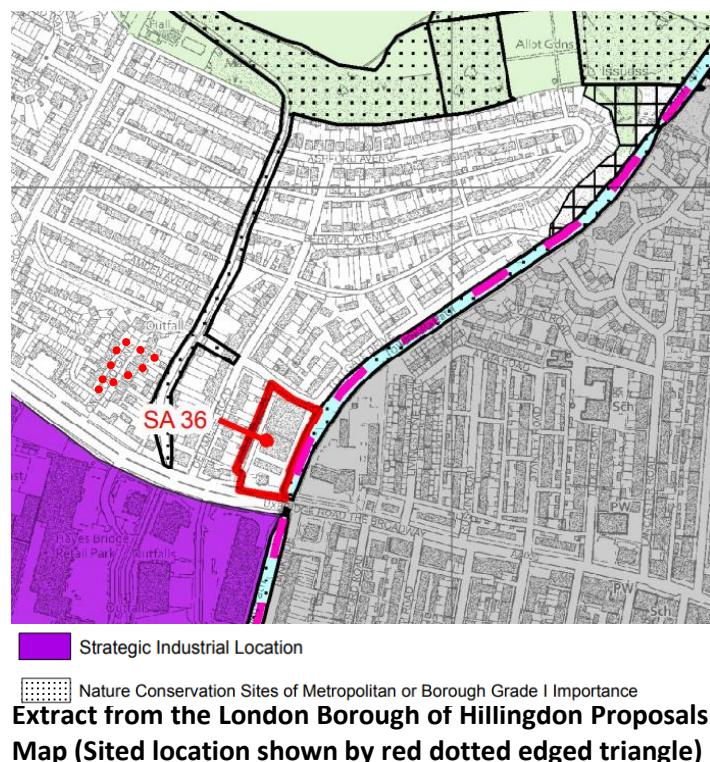
The separation distances and juxtaposition to existing residential properties in the area allow for a two storey (with some accommodation in the roofspace) form of development for the main flatted building 1 which has been carefully designed with lightweight materials and an in-set mansard roof. The 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 greater fenestration to the west elevation's roofspace 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 in building 1 will be served by their own private terraces, and all are provided with private amenity space. The 3 bed dwelling has its own south facing garden whilst each of the apartments fronting Delamere Road have their own areas of private amenity space to the rear. Further, the 2 apartments contained in building 3 benefit from private amenity areas to the immediate rear of the building. 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 private 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).



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. This was confirmed by the officer in considering the previous application who stated:

“The principle of development of the site for residential purposes is supported and is appropriate for additional housing”.

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 186 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.**

186. 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.

Response to Previous Reasons for Refusal & Assessment of Key Issues

Response to Reason for Refusal 1

The first reason for refusal of the previous scheme reads:

“By virtue of the excessive scale, footprint, height and density of the two buildings and the backland location on which they are located, the proposal represents over development of the site, contrary to Sections 11 and 12 of the National Planning Policy Framework 2021, Policies GC2, D2 and D3 of the London Plan 2021, Policy B1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan (Part 2) 2020”

It is noted that there is no Policy B1 of the Hillingdon Local Plan (Part 1) or Policy GC2 of the London Plan 2021. Reasonable interpretation of these development plan documents would indicate that reference was intended to be made to Policy BE1 of the Hillingdon Local Plan (Part 1) and Policy GG2 of the London Plan 2021. This response has been formulated on this basis.

It is noted from the officer’s report that no issue has been raised regarding Building 2 (“B2”) or Building 1’s (“B1”) impact on neighbouring amenity by way of loss of light or overbearing impact. Issue was raised over the level of overlooking that would’ve occurred from B1 of the previous scheme. Of particular note are comments made at pages 12 and 13 of the officer’s report which state:

P12 “The flat building has 16 bedroom windows facing east towards the rear gardens of Delamere Road. As the building is orientated partly away from the rear gardens, there is a variable separation distance of between 7-19m to the rear boundary of the properties in Delamere Road. In each case, there is at least 21m to the rear elevation of these dwellings. However, because of the three storey height, number of windows and prevalence of outbuildings in the rear garden, the proximity of the building poses unreasonable levels of overlooking to the rear gardens 14-18 Delamere Road.”

P13 “To the west, there are views, albeit somewhat oblique, from the balconies of Flats 4 and 5 on the first floor and Flat 7 on the second floor back towards the rear elevation of 55 Camden Avenue, all within 21m. More broadly, all of the flats on the first and second floor are likely to have good views into the garden of 55 Camden Avenue, all within 8.2m of the boundary. Again, it is accepted that there is some screening but it is not TPO protected and the extent of overlooking is unreasonable.”

In response to these comments, several design changes have been made. Buildings 1 & 2 have been redesigned and repositioned within the site to maximise separation distances

from neighbouring properties. Comfortably over 30m is retained from B1 to the rear elevations of neighbouring properties along Delamere Road and Berwick Avenue respectively. In addition, the top floor of B1 has been further set back by a minimum of 1m on all sides to reduce direct views from the property and overall height of the building has been reduced by 2m. The massing of B1 has been altered so that the three-storey element, which has been reduced to contain a bedroom only for plots 5 & 6, is now sited to the north where greater separation distances can be achieved. The proposed apartments facing Delamere Road continue the established building line and maintain the existing relationships along Delamere Road. These changes are highlighted on the comparison extracts below.



With regard to views towards the garden of 55 Camden Avenue, it is accepted that the trees are not TPO protected. However, this does not mean that they cannot be relied upon. The trees in question form part of a 'Nature Conservation Site of Metropolitan or Borough Grade I Importance'. As such, these trees are protected by Policy EM7 of the Hillingdon Local Plan (part 1) which states:

"The protection and enhancement of all Sites of Importance for Nature Conservation. Sites with Metropolitan and Borough Grade 1 importance will be protected from any adverse impacts and loss"

Whilst not a TPO, these trees do form part of a designated site that benefits from policy protection and any removal/harm to these trees cannot occur unless authorised by the LPA. In effect, the trees are protected much in the same way as a TPO without benefiting from protected status. It stands that these trees can be relied upon much in the same way as if they were protected by a TPO.

The case officer also made the following comments regarding the glazed stairwell on B1:

"Whilst it is non habitable, the expanse of glass and bay type nature of the window offers substantive opportunities for overlooking. Whilst there is a degree of tree coverage along the boundary, the trees are not protected so there is minimal argument for relying upon it for screening purposes"

To alleviate this concern, the glazed stairwell has been omitted from the proposal and B1 now features a more traditional stairwell arrangement.

Policy D2 of the London Plan 2021 relates to supporting infrastructure requirements to support a proposed development. No issue has been raised with infrastructure capacity when assessing the previous scheme. Moreover, no mention of any objections by infrastructure providers has been mentioned when assessing the previous scheme and the Site is within walking distance of public transport options and local employment opportunities. The scheme can logically be considered that this proposal is in accordance with Policy D2 of the London Plan 2021.

With regard to density, it is noted that, in the previous reason for refusal the case officer stated:

“The proposed density is about 53 units per hectare or 118 rooms per hectare, which is within the scope of Policy DMHB 17. However, it is higher than the average density of the area”

Policy DMBH17 of the Hillingdon Local Plan (Part 2) (2020) states:

“All new residential development should take account of the Residential Density Matrix contained in Table 5.3. Developments will be expected to meet habitable rooms standards.”

A key point in relation to Policy DMBH17 is that supporting table 5.3, stated in the policy, does not pertain to the Residential Density Mix matrix, and reduces the weight that can be applied to this Policy. The previous scheme would have met national space standards and an appropriate density for its location as prescribed by table 5.2 of the Hillingdon Local Plan (Part 2) (2020). This revised scheme is also fully compliant with regards to internal space standards and amenity space provision as stated in Tables 5.2 and 5.3 of the Hillingdon Local Plan (Part 2) (2020).

In response to the comments previously made, the density of the proposal has been amended to form a block of 6 flats, 2 apartments and 1 dwellinghouse compared to the 8 flats and 1 dwelling as previously proposed. Whilst the total number of dwellings has been maintained, they are reduced in mass and sited over a wider area. Further, they are sited over an enlarged application boundary. As such, the proposed density is now lower in both form and in quantitative terms. It is now 43 dwellings per hectare and 100 bedspaces per hectare. This density is therefore now at the lower end of the specified range detailed in Policy DMHB 17.

As such, the proposed density is comparable to that previously proposed which, as already discussed, was policy compliant. In addition to this, Policy D3 of the London Plan 2021 states that:

A “All development must make the best use of land by following a design-led approach that optimises the capacity of sites... Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site”

B “Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling”

C “In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way”

It is acknowledged that the proposal would result in a higher density of development compared to surrounding patterns of development, but it has already been established that this in itself is policy compliant. The proposal has utilised a design-led approach, as set out in the supporting Design & Access Statement, in order to generate the most appropriate form of development for the Site. In accordance with Policy D3, the site is well connected to wider opportunities by:

- Public transport: Numerous bus services operate along Uxbridge Road (3 min walk/ 1 min cycle)
- Jobs, services, infrastructure & amenities: all are located within a 10 minute walk from the site

Furthermore, incremental densification is encouraged by Policy D3.

Such an approach is also supported by Policy H2 of the London Plan 2021 which states that:

“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 housebuilders**
- 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.**

As outlined in table 4.2 of the London Plan, Hillingdon’s requirement is 2,950 dwellings on small sites over the period 2020-2029.

Planning Authority	Ten-year housing target
Barking & Dagenham	1,990
Barnet	4,340
Bexley	3,050
Brent	4,330
Bromley	3,790
Camden	3,280
City of London	740
Croydon	6,410
Ealing	4,240
Enfield	3,530
Greenwich	3,010
Hackney	6,580
Hammersmith & Fulham	2,590
Haringey	2,600
Harrow	3,750
Havering	3,140
Hillingdon	2,950
Hounslow	2,800
Islington	4,840
Kensington & Chelsea	1,290
Kingston	2,250
Lambeth	4,000
Lewisham	3,790
London Legacy Development Corporation	730
Merton	2,610
Newham	3,800
Old Oak Park Royal Development Corporation	60
Redbridge	3,680
Richmond	2,340
Southwark	6,010
Sutton	2,680
Tower Hamlets	5,280
Waltham Forest	3,590
Wandsworth	4,140
Westminster	5,040
Total	119,250

Extract of table 4.2 of the London Plan 2021

In addition to policy support for densification within settlement boundaries, Paragraph 120 of the NPPF provides support for development that re-uses and improves the quality of brownfield sites by stating that planning decisions should:

“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

and

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”

The proposed scheme would enable the remediation and re-use of an unsightly scrap yard to provide much needed additional housing in a sustainable location. Such an approach is the sum of the objectives listed in Policy GG2 of the London Plan 2021.

As discussed, the proposed density now falls comfortably within the range advocated by the Local Plan. In relation to built form, the overall footprint of B1 is reduced when compared to previously proposed. In relation to height, the previous height of B1 extended at a maximum to almost 11m. This has been reduced by 2m and now includes a far more subservient form of development with only windows in the roof space facing in a westward direction in a mansard form. Further, the previously proposed 3 storey B2 has now been reduced to a conventional 2 storeys in height consistent with the prevailing height found on Delamere Road. The introduction of B3 now enables an active frontage fronting towards Delamere Road consistent with good design principles. This represents a very positive change when compared to the previously proposed retention of a potential scrap yard on this part of the site. In relation to parking, the number of spaces has now been consolidated to a policy compliant total of 10. This not only addresses the highway officer comment but enables a substantive increase in green landscaped space within the development. In particular, this allows for an east facing front communal amenity space in front of B1 that will provide an attractive entrance to that building and also provide good quality available amenity space to serve the residents residing in that building. Further green landscaping is secured to the rear of B3 on a site that is presently wholly hard surfaced. Finally, it is noted that the contemporary appearance of the rear part of the development was acknowledged as acceptable by the officer when considering the previous proposal.

In conclusion, there is a demand and requirement for development on smaller sites within Hillingdon. The amendments made to the density, layout and scale of the proposal result in a form of development that alleviates the concerns raised in this first reason for refusal. Ultimately, the footprint, height, level of green landscaping and a comprehensive active frontage towards the main road result in fundamental and significant changes to the scheme since the previous refusal and enable a proposal that is character compliant.

Response to Reason for Refusal 2

The second reason for refusal reads:

“By virtue of the poor siting and orientation of the two buildings and with a dominance of highway access, car parking and ramps, the proposal does not conform adequately with the rhythm and pattern of surrounding development and creates a poor public realm with inadequate provision of soft landscaping and a poor landscape character, contrary to Sections 11 and 12 of the National Planning Policy Framework 2021, Policy D8 of the London Plan 2021, Policy B1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan (Part 2) 2020.”

Similar to the first reason for refusal, there is no Policy B1 of the Hillingdon Local Plan (part 1) so we have applied reasonable interpretation and curated our response in relation to Policy BE1 of the Hillingdon Local Plan (Part 1).

In response to the issues raised with the siting and orientation of the proposed buildings, highways access and public realm previously proposed, a number of amendments have been made to the proposed site layout. These changes have been directly informed by comments made regarding the previous scheme:

“The flat building occupies the northern end of the site and faces onto Yeading Brook which is not an unacceptable design approach. However, there is no reduction in built form as the plot narrows to the south and there is no real relationship with the existing pattern of semidetached properties

to the north and east. This is predominantly because of the flat building type of development and the sizeable footprint.”

“The dwelling to the south could theoretically work but appears as a piecemeal addition, with no real relationship (in terms of orientation) to the flat building to the north, its relationship to Yeading Brook or the existing pattern and rhythm of development to the east. Whilst this is partly because of the narrowness at the tip of the southern end of the site, it also arises because of the over development posed by the flat building. Nonetheless, there is no successful transition, and it is not supported.”

In response to these comments a number of amendments to building design and site layout have been implemented.

As outlined in the response to the first reason for refusal, the massing of the flatted B1 has been altered so that the taller part of the scheme is located at the northernmost part of the site and significantly reduced in mass. The building now steps back and narrows as it progresses into the site and lowers to a two storey design with mansard roof. This is highlighted on the comparison images extracted on page 10.

In response to the comments made regarding the relationship between the two proposed dwellings, the 2 storey dwelling has been relocated so that it shares a closer physical relationship to the flatted element of the proposal. The width and bulk of the building has also been reduced so that it is more akin to neighbouring development. The images below highlight the public vantage points from which a view of the site could conceivably be achieved.



View from Camden Avenue (Source: Google Street View)



View from Site Entrance (Source: Google Street View)



View between 16-18 Delamere Road (Source: Google Street View)

The trees lining Yeading Brook can be relied upon to provide screening of the development. Similarly, many of the views of the site along Delamere Road are oblique snapshots between dwellings. Buildings 1 and 2 would be largely screened by the residential frontage along Delamere Road and set approximately 50m behind it whilst building 3 would continue the established pattern of development along Delamere Road. Due to this screening and considerate design, the site layout would not affect the existing rhythm of surrounding streets. Moreover, the sense of space between dwellings along Delamere Road would also be retained. Ultimately, a key change to the scheme however is the reduction in height of buildings 1 and 2 such that any distant views available of them would be wholly proportionate when considered within the context of existing buildings found in the area and the site's settlement location.

A clear view of the northern end of the flatted element would be achievable from the site's access. In this location, the view of the flatted development would not appear at odds with the existing pattern of development in the area, being parallel to surrounding development, and would retain the open view across the site towards Yeading Brook. Moreover, it would create legibility for the area and provide a sense of arrival to the development.

With regard to public realm, Policy DMBH12 of the Local Plan (Part 2) (2020), among other things, requires development to:

“ensure public realm design takes account of the established townscape character and quality of the surrounding area”

The wider character of the area is defined by semi-detached two storey dwellings with hard frontages adjoining the highway. Yeading Brook provides an artery of inaccessible urban greening.

The images on pages 3, 4 and 7 highlight that the current site does not benefit from any landscaping of note due to its 'bad neighbour' use. As such, it can be reasonably argued to have a negative impact upon the wider character of the area.

As highlighted on the site plan extract on page 12, the proposal will introduce a significant amount of green space to an otherwise urbanised area. Compared to the previous scheme, the access road and parking provision have both been amended with additional green landscaping and boundary planting. The benefits of this are as follows:

- 1) Improved neighbouring amenity
- 2) Increased on-site biodiversity provision
- 3) Additional open space to be utilised by the community

4) Increased pedestrian safety

Overall, it can be deemed that the proposal would have no material impact upon the rhythm of the existing pattern of development in the area. Together with the changes enacted to the site layout, the proposal has alleviated the concerns raised in this second reason for refusal.

Response to Reason for Refusal 3

The third reason for refusal stated:

“The proposed buildings will result in unreasonable levels of dominance to the rear gardens of 20 and 22 Delamere Road and unacceptable overlooking to properties at 55 Camden Avenue and 14-18 Delamere Road, contrary to Policies DMHD 1 and DMHD 11 of the Hillingdon Local Plan 2020”

Similar to reasons for refusal 1 and 2, one of the aforementioned policies in this reason for refusal, Policy DMHD 11, appears to be a typo. Reasonable interpretation would imply that the officer intended to reference Policy DMHD 11 of the Local Plan (Part 2) (2020).

Policy DHMD1 relates to the impacts of householder extensions upon neighbouring properties. Whilst not an extension, it is appreciated why the following principles of this policy are relevant to the previous proposal:

- a satisfactory relationship with adjacent dwellings is achieved
- there is no unacceptable loss of outlook to neighbouring occupiers;
- trees, hedges and other landscaping features are retained;
- balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
- two storey side extensions should be set in a minimum of 1 metre from the side boundary

It has already been discussed in response to reason for refusal 1 how the impacts upon 55 Camden Avenue have been addressed. The important point is that building 1 is at its closest over 16 metres to the boundary with 55 Camden Avenue and almost 22 metres from the side elevation of that dwelling. Intervening landscaping exists on the western side of the brook and will be further reinforced by the ecological buffer zone on the eastern side. Importantly, the height of B1 has now been substantially reduced and the second floor accommodation contained within the mansard element is set back behind the eaves of the building therefore making the intervening distance from 55 Camden Avenue yet further at second floor level. Typically a flank to rear elevation relationship will be circa 15 metres and in this case exceeds 20 metres. The reduction in the height of building 1 and setting back of the second floor into the mansard roofscape ensures that an appropriate relationship with 55 Camden Avenue is achieved.

To mitigate the impact upon Nos. 20 & 22 Delamere Road, the scale and bulk of the dwelling (B2) has been greatly reduced with its second floor being omitted such that it now forms a conventional two storey design with pitched roof only. B2 is sited over 28m away from the rear elevations of properties along Delamere Road. At its narrowest point the dwelling would be 1.5m from the rear boundary of No 22 Delamere Road. In the context of Policy DHMD1, due to the two-storey design, the proposed dwelling could be assessed under the guise of a two-storey side extension. In this regard, Policy DMHD 1 states that:

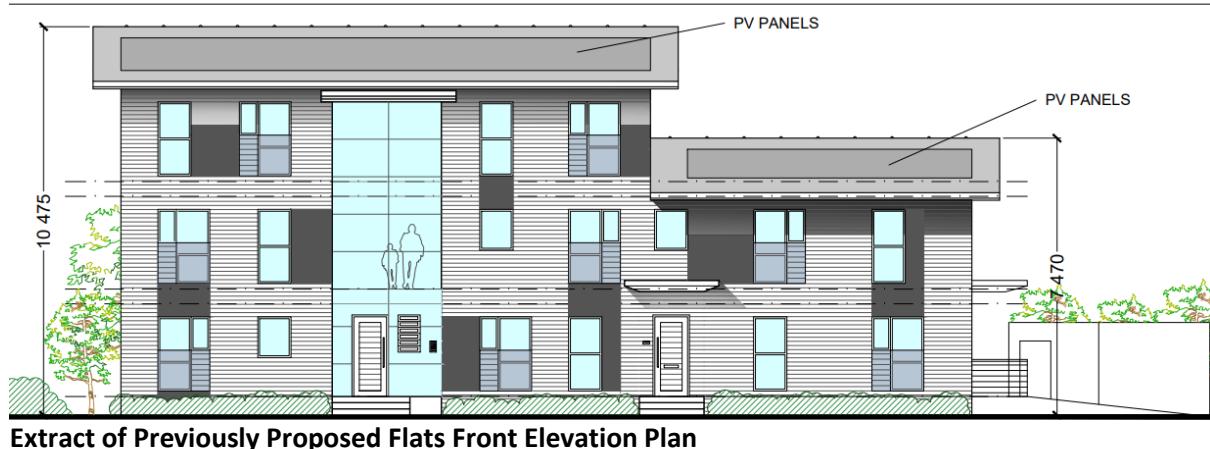
“two storey side extensions should be set in a minimum of 1 metre from the side boundary”

Consequently, the intervening substantial separation distances between the flank elevation of B2 and the rear elevations of 20 and 22 Delamere Road, alongside the reduction in its height to a conventional two storeys ensure an appropriate relationship with the properties in development management terms.

Regarding B1, the case officer made the following comments when assessing the previous scheme:

“The flat building has 16 bedroom windows facing east towards the rear gardens of Delamere Road. As the building is orientated partly away from the rear gardens, there is a variable separation distance of between 7-19m to the rear boundary of the properties in Delamere Road. In each case, there is at least 21m to the rear elevation of these dwellings. However, because of the three storey height, number of windows and prevalence of outbuildings in the rear garden, the proximity of the building poses unreasonable levels of overlooking to the rear gardens 14-18 Delamere Road. Further, the design has included full height windows to the staircase which extends out from the eastern elevation. Whilst it is non habitable, the expanse of glass and bay type nature of the window offers substantive opportunities for overlooking. Whilst there is a degree of tree coverage along the boundary, the trees are not protected so there is minimal argument for relying upon it for screening purposes.”

The design changes made regarding the glazed stairwell have been discussed in the response to reason for refusal 1. To mitigate the impacts of the 3 storey element, the massing and siting of the building has been altered so that there is an even greater separation distance between the roofscape element and neighbouring gardens. Further, the height of the building has been substantially reduced and there are no windows at second floor level facing in an eastward direction towards 14 to 18 Delamere Road. These points are helpfully illustrated on the comparison drawings extracted below.





Extract of Proposed Flats (B1) Front Elevation Plan

The reduction in height generally ensures that there is no undue overbearing impact. Further, the removal of a number of windows, fully glazed elements and windows in the roofspace facing east mean that any possible undue overlooking towards the Delamere Road properties is also addressed.

It is acknowledged that the trees along the shared boundary with properties along Delamere Road are not protected by a TPO. However, as part of this revised proposal, increased boundary planting is included. Whilst, again, not protected by a TPO, if the scheme is to be approved, a condition requiring the maintenance of any included landscaping could be included to ensure that the trees remain in-situ and offer a level of certainty to the screening they would provide.

Overall, the changes made to the scheme comprehensively address the concerns raised about the potential impacts upon neighbouring properties.

Response to Reason for Refusal 4

The fourth reason for refusal pertains to parking provision and read:

“The proposal makes excess provision for car parking, resulting in a development with increased traffic generation, reduced air quality and poor sustainability credentials, contrary to Section 9 of the National Planning Policy Framework 2021, Policy T6.1 of the London Plan 2021 and Policies DMT 2, DMT 6 and DMEI 14 of the Hillingdon Local Plan 2020”.

A direct response to this reason for refusal is detailed in the supporting Transport Statement.

Having revised the number of units proposed, the parking provision to support the development has also been reduced in response to this reason for refusal.

The previous proposal included parking provision for 13 vehicles to service 9 dwellings. For this scheme, parking provision has been reduced to 10 spaces, including 1 disabled, for 9 dwellings, set within a larger site area. Such a redesign offers increased landscaping benefits, as discussed on page 20, as well as reducing reliance upon private cars thus boosting the site's sustainability credentials, which are discussed on page 12, and improving air quality. The changes proposed are highlighted by the comparison Site Plan extracts included on page 16.

In addition to the overprovision of parking spaces stated in the reason for refusal, comments made by the officer in their assessment of the previous scheme pertain to the access road:

“The proposal utilises an existing access road that serves six other garages and so there is no in-principle objection to the use of the existing access.

“However, the access road continues along the eastern boundary of the site to the proposed dwelling to the south and there is provision for a total of 13 car spaces. This results in a poor public realm where there is an erosion of the landscape setting, which is not supported.”

As is evidenced by the extract on page 16, the access road has been significantly reduced and replaced with green landscaping to improve the public realm. This matter is covered in more detail in the response to reason for refusal 2.

As detailed above and in particular within the Transport Statement, the amended proposal has directly incorporated the comments made by officers and can now be considered to be compliant with Policy Section 9 of the NPPF 2023, Policy T6.1 of the London Plan 2021 and Policies DMT 2, DMT 6 and DMEI 14 of the Hillingdon Local Plan 2020.

Response to Reason for Refusal 5

The fifth reason for refusal stated:

“The proposal does not make provision for separate pedestrian access from Delamere Road, leading to unacceptable conflicts with vehicular traffic, contrary to Section 9 of the National Planning Policy Framework 2021, Policies D3 and D8 of the London Plan 2021 and Policies DMT 2, DMT 5 and DMHB 12 of the Hillingdon Local Plan 2020.”

The revised design approach is that the proposed access will be a shared surface. Such a design approach is championed in the Manual for Streets which, at paragraph 7.2.14 states:

“shared surface streets are likely to work well:

- **in short lengths, or where they form cul-de-sacs**
- **where the volume of motor traffic is below 100 vehicles per hour; and**
- **where parking is controlled or takes place in designated areas**

The proposed site plan shows the proposed shared surface covers only a short distance of approximately 26.8m and shows the designated area in which parking will occur. In addition, the supporting Transport Statement confirms that the volume of traffic generated by the proposal will be substantially below 100 vehicle trips per hour.

As illustrated by the proposed site plan, the access will also benefit from natural surveillance from Buildings 1 & 3 within the site whilst opposite properties along Delamere Road will provide external surveillance.

A direct response to this reason for refusal is detailed in the supporting Transport Statement. It is considered that the proposed access design is acceptable and appropriate for the nature and quantum of development proposed. Such an approach is supported by the Manual for Streets and sufficient evidence is provided to support this approach. As such, the proposal is in accordance with Section 9 of the National Planning Policy Framework 2023, Policies D3 and D8 of the London Plan 2021 and Policies DMT 2, DMT 5 and DMHB 12 of the Hillingdon Local Plan 2020.

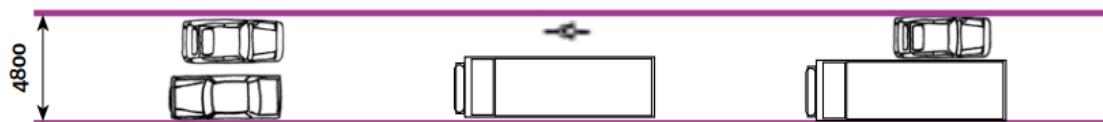
Response to Reason for Refusal 6

The sixth reason for refusal pertained to vehicular access to the site and read:

“The proposal does not make provision for two way vehicular access from Delamere Road or adequate pedestrian visibility at the entrance, thereby posing a high likelihood of risk to vehicular conflict, pedestrian safety and impedance to traffic flows on Delamere Road, contrary to Section 9 of the National Planning Policy Framework 2021, Policy T4 of the London Plan 2021, Policies DMT 1 and DMT 2 of the Hillingdon Local Plan 2020, and Section 4.7.1 of the Hillingdon Domestic Vehicle Footway Crossover Policy.

It must be noted that there is no section 4.7.1 of the Hillingdon Domestic Vehicle Footway Crossover Policy so reasonable assumption has been made that this refers to section 4.7 in the response to this reason for refusal.

By virtue of the increased site area which now incorporates additional land fronting Delamere Road, a wider access road can now be facilitated. The previous access road measured 4.2m. this has now been widened to 4.8m. In accordance with guidance published in Manual For Streets, such a carriageway width is sufficient for a car and HGV to pass. This is highlighted on the extract below.



Extract of Figure 7.1 from Manual for Streets

As confirmed in the supporting Transport Statement, Delamere Road is lightly trafficked and the proposed pedestrian visibility splays of are acceptable in this context. These can be achieved within the relevant site red line boundary.

A direct response to this reason for refusal is detailed in the supporting Transport Statement. As such, it is considered the proposed access road is in accordance with Policy T4 of the London Plan 2021, Policies DMT 1 and DMT 2 of the Hillingdon Local Plan 2020, and Section 4.7.1 of the Hillingdon Domestic Vehicle Footway Crossover Policy and Section 9 of the NPPF.

Response to Reason for Refusal 7

The seventh reason for refusal was:

“The proposal makes inadequate provision for an effective ecological buffer along the boundary with Yeading Brook, resulting in inadequate environmental and biodiversity enhancement of the waterside environment and the wider site, contrary to Section 15 of the National Planning Policy Framework 2021, Policy G6 of the London Plan 2021 and Policies DMEI 5, DMEI 7 and DMEI 8 of the Hillingdon Local Plan 2020”

It was agreed in the officer’s report relating to the previous scheme that the existing site offers little in the way of ecological value due to its scrapyard use. In the previously submitted accompanying ecological report an ecological buffer along the western edge of the Site is recommended to protect Yeading Brook.

Policy DMEI 5 of the Local Plan (part 2) (2020) states that:

"A) Development in Green Chains will only be supported if it conserves and enhances the visual amenity and nature conservation value of the landscape, having regard to:

- i) the need to maintain a visual and physical break in the built-up area;**
- ii) the potential to improve biodiversity in and around the area;**
- iii) the potential to improve public access to and through the area;**
- and iv) the provision and improvement of suitable recreational facilities."**

A 2m buffer was previously proposed. However, this was not deemed sufficient by the case officer who said that:

"The site plan shows a 2m buffer alongside the brook which is viewed as too narrow and too close to the ground floor units to serve any beneficial purpose"

Among the many changes made in response to comments made regarding the previous scheme, the ecological buffer along the western edge of the Site has been increased to 3m, further reinforcing the Green Chain along Yeading Brook. In combination with the increased greening on the rest of the site, a 3m buffer zone along the western edge of the site will result in a stronger physical break in the built-up area, enhanced biodiversity on-site and improved recreational facilities.



The implementation of these measures would, by extension, fulfil the criteria of Policies DMEI 7 & DMEI 8 of the Local Plan (part 2) (2020).

Response to Reason for Refusal 8

This reason for refusal relates to arboricultural matters and reads:

"In the absence of an arboricultural impact assessment, it is not possible to conclude that the proposal would not result in adverse harm to existing trees on or adjacent to the site, thereby resulting in a net deterioration in landscape character of the site, contrary to Section 15 of the National Planning Policy Framework 2021, Policy G7 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMHB 14 of the Hillingdon Local Plan (Part 2) 2020."

In response to this reason for refusal, an arboricultural survey has been prepared by Arbtech in support of this submission. The survey concludes that there are no arboricultural barriers that would preclude development of the site for residential purposes. In fact, the survey identifies that a number of trees on-site are of Category U quality, the lowest grading a tree can be allocated, and cannot be retained as living trees within the context of the current land

use (scrap yard) for longer than 10 years. By comparison, the scheme can offer a comprehensive landscape strategy that results in a substantial improvement to the site's landscape qualities.

As such, it is considered that this revised proposal is in accordance with Section 15 of the National Planning Policy Framework 2023, Policy G7 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMHB 14 of the Hillingdon Local Plan (Part 2) 2020.

Response to Reason for Refusal 9

This reason for refusal referred to the proposal not making sufficient provision for usable outdoor amenity space for future occupiers, whether private or communal, contrary to Policy DMHB 18 of the Hillingdon Local Plan 2021.

As with some of the other reasons for refusal listed, we are assuming a typo has occurred and the development plan referred to in this reason for refusal is the Hillingdon Local Plan (Part 2) (2020).

Policy DMHB 18 of the Hillingdon Local Plan (Part 2) (2020) requires:

- A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.**
- B) Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.**
- C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the streetscene and the character of the buildings on the site.**
- D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.**

Table 5.3 stated in part 'A' to Policy DMH 18 suggests the following amenity space standards:

Dwelling type	No of bedrooms	Minimum amenity space provision (sqm)
Houses	1 bedroom	40
	2 and 3 bedrooms	60
	4 + bedrooms	100
Flats	Studio and 1 bedroom	20
	2 bedrooms	25
	3 + bedrooms	30

Table 5.3 of the Hillingdon Local Plan (Part 2) (2020)

The proposed scheme comprises the following dwelling mix:

- 2 x 3 bed flats
- 6 x 2 bed flats
- 1 x 3 bed house.

B2 benefits from a garden area comprising 214sqm and thus substantially exceeds the Policy requirement. Further, the 2 flats contained within B3 benefit from private garden areas in excess of 30sqm and therefore exceed the policy standard. All of the dwellings contained within B1 benefit from private balcony or terrace space in a west facing orientation. Further, they also benefit from a large area of communal open space located to the east (or in front) of the building. B1 would require a total of 210sqm of amenity. Interpretation of Policy DMHB 18 criteria 'B' indicates that balconies are included in the provision of amenity space. The site layout will provide approximately 370sqm of amenity space to serve B1. The sum total of amenity space provided is in accordance with Policy DMHB 18 Hillingdon Local Plan (Part 2) (2020) and therefore overcomes this reason for refusal. The scheme therefore positively responds to the comments made at page 18 of the officer's report that refers to the ability to offset the provision of amenity space by increasing the available communal amenity space to the front of the building through the removal of car parking. A direct response to the previous comments made by the officer is therefore achieved

Response to Reason for Refusal 10

This reason for refusal cited uncertainty over the level of cycle storage provided:

"In the absence of detailed plans, the proportions of the proposed cycle storage are unlikely to accommodate the minimum cycle storage to serve the proposed development, contrary to Policy T5 of the London Plan 2021 and Policy DMT 6 of the Hillingdon Local Plan 2020."

Policy DMT 6 of the Hillingdon Local Plan (Part 2) (2020) states that:

"A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations."

An extract of Table 1 of Appendix C is included below:

12.	Bicycle parking	(a) Parking for bicycles must be located in a safe, secure and accessible location. Covered parking should be provided where possible. Cycle spaces should be located as near as possible to the building entrance(s). Large developments will be expected to include changing and other facilities for cyclists.
		(b) As a minimum, cycle parking should normally take the form of Sheffield stands or a similar stand which allows both the frame and wheels of a cycle to be secured without risk of damage. Further design guidance is available in Transport for London's London Cycling Design Standards.

Table 1, Appendix C of the Hillingdon Local Plan (Part 2) (2020)

The quantum of cycle storage provision is prescribed in Section B of Appendix C (right side column):

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	(a) 1 per studio, 1 or 2 bed unit.
1 – 2 bedrooms - 1.5 - 1 spaces per unit	(b) 2 per 3 or more bed 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.	

As detailed in the Transport Statement, the revised scheme caters for the required provision and detailed cycle storage arrangement is shown on the cycle storage drawings. Accordingly, the proposal is in accordance with Policy T5 of the London Plan 2021 and Policy DMT 6 of the Hillingdon Local Plan (Part 2) (2020).

Response to Reason for Refusal 11

This reason for refusal relates to the previously proposed disabled parking provision:

“The location of the disabled car parking space necessitates excessive and unnecessary distance between the designated parking bay and the entrance to the flat building, contrary to Paragraph 112 of the National Planning Policy Framework 2021, Policy T6.1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMT 1 and DMT 6 of the Hillingdon Local Plan (Part 2) 2020.”

In response to this reason for refusal, regard has been made to comments made in reference to the previous scheme's disabled parking provision, in particular:

“Of issue, though, the disabled parking space is the furthest most from the flat building and access is either via steps or back through the car park to a

ramp entrance from the northern end of the car park. This is viewed as inconsiderate and forms a reason for refusal."

As detailed earlier in this statement, parking provision has been amended to 10 spaces across the development, within a larger site area. The result is that disabled parking now comprises 10% of all parking provision compared the 9% of the last scheme.

The location of the disabled parking space is now sited at the northern edge of the development, in close proximity to B1 and with direct access to the footpath that will provide ramped access into the building. Due to the way level access occurs to the building, the siting of the disabled space is the most convenient place for a step free access available.

A direct response to this reason for refusal is detailed in the supporting Transport Statement. The result is safer step-free access from the disabled parking space in accordance with Policy T6.1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMT 1 and DMT 6 of the Hillingdon Local Plan (Part 2) 2020.

Response to Reason for Refusal 12

This final reason for refusal was given due to the absence of a land contamination assessment and reads:

"In the absence of any details relating to existing site conditions (desktop as a minimum), it is not possible to conclude that the removal of scrap materials from the land can be achieved without harm to workers involved in the implementation of the development or that the land can be satisfactorily remediated to make the land suitable for future residential occupiers, contrary to Paragraphs 174 and 183 of the National Planning Policy Framework 2021 and Policy DMEI 12 of the Hillingdon Local Plan 2020. indicates that proposals on potentially contaminated sites to be accompanied by an initial study of the likely contaminants."

In response to this, a Phase 1 geo-environmental study has been prepared by BRD Environmental Ltd in support of this application. This report concludes that there are no geo-environmental barriers that would preclude residential development of the site and identifies:

"it is not considered that this Phase 1 assessment has identified any significant contamination risks on the site that would preclude any redevelopment and therefore no reason why the subsequent Phase 2 contamination assessment could not be addressed through appropriately worded conditions on a future planning permission for the proposed development".

The previous reason for refusal that was predicated upon insufficient information supporting the application has therefore been overcome. Further, the scheme benefits from significant positive weight in the planning balance by allowing for the remediation of potentially spoilt land consistent with NPPF paragraph 120 (c) that requires substantial weight be given to the value of using sustainable brownfield land and supporting appropriate opportunities to remediate such land.

Other Matters

The officer's report relating to the previous application, confirmed the principle of residential development was to be supported in this location, especially given the lawful bad neighbour use, that the scheme complied with space standard requirements, offered an appropriate dwelling mix, did not need to provide affordable housing and was acceptable in relation to flooding, drainage and building sustainability. The scheme by proposing a reduced level of built development and an increased level of green landscaping enables the same positive conclusion in these respects, consistent with the need for consistency and decision making required by case law.

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]:

“Development 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, 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 area's design quality and contribution to the Delamere Road street scene, enhance ecological and landscape 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 and deliver needed housing in an appropriate mix. Cumulatively, 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.

Subsequent to the refusal of the previous application, the applicant has engaged with the planning officer regarding a number of different development options for the site. The result is a scheme that is substantively reduced in both built form and height and provides a balanced approach by taking in a wider site area that in turn enables a positive and active frontage addressing Delamere Road. Further, a considerable increase in the amount of green landscaping proposed is included and improvements have been made in relation to the scheme’s ecological and highway response. Finally, the requested tree and land contamination reports are provided. The result is a scheme that can be supported as consistent with the development plan when considered as a whole.

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.