

Former Master Brewer Site, Freezeland Way

in the London Borough of Hillingdon

planning application no.4266/APP/2019/3088

Strategic planning application stage II referral

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

The proposal

Construction of a residential-led, mixed use development to provide 514 homes, employment floorspace, flexible commercial floorspace, and associated car and cycle parking, highway improvements, hard and soft landscaping, plant and other associated ancillary development. The development would range between 2-11 storeys.

The applicant

The applicant is **Inland Homes** and the architect is **JTP** and **Collado Collins**.

Key dates

Pre-application meetings: 7 May 2019, 25 June 2019 and 24 July 2019

Stage 1 representations issued: 2 December 2019

Hillingdon Council committee: 19 February 2020

Strategic issues

Hillingdon Council has resolved to refuse permission for this application. The Mayor needs to consider whether he should issue a Direction pursuant to Article 7 of the Mayor of London Order 2008 ("the 2008 Order") that he should be the local planning authority for the purposes of determining the application or whether he wishes Hillingdon Council's decision to proceed unchanged.

Having regard to the details of the application and other relevant matters, it is considered that the development is of such a nature or scale that it would **have a significant impact on the implementation of the London Plan policies on housing and affordable housing**, and it is considered that there are **sound planning reasons for the Mayor to issue a direction under Article 7 of the Order 2008**.

The Council's decision

In this instance Hillingdon Council has resolved to refuse permission.

Recommendation

That a direction is made under Article 7 of the 2008 Order that Hillingdon Council be advised that the Mayor will act as the local planning authority for the purposes of determining this application.

Context

1 On 25 October 2019, the Mayor of London received documents from Hillingdon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses.

2 This was referred to the Mayor under the following Categories of the Schedule to the Order:

- 1A.1. *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- 1B.1(c) *“Development which comprises or includes the erection of a building or buildings outside Central London with a total floorspace of more than 15,000 square metres.”*
- 1C.1(c) *“Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London”*

3 On 2 December 2019, the Mayor considered planning report GLA/0995g/01, and subsequently advised Hillingdon Council that that while the application was generally acceptable in strategic planning terms the application did not comply with the London Plan, for the reasons set out in paragraph 57 of that report; but that the possible remedies set out in that same paragraph of the report could address those deficiencies.

4 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

5 On 19 February 2020, Hillingdon Council, resolved to refuse planning permission for the application in line with officer recommendation and on 3 March 2020 advised the Mayor of this decision.

6 Under the provisions of Article 7 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purposes of determining the application. A Direction may only be issued where the criteria in Article 7(1) (a) to (c) of the 2008 Order are all satisfied. In deciding whether to issue such a Direction the Mayor must take account of the extent to which Hillingdon Council is achieving, and has achieved, the applicable development plan targets for new housing, including affordable housing. The Mayor must also take into account the extent to which the Council is achieving, and has achieved, any other targets set out in the development plan which are relevant to the subject matter of the application. If the Mayor determines to issue a Direction there is a requirement that the reasons for doing so specify how these matters have affected his decision. The Mayor has until 16 March 2020 to notify the Council of his decision and to issue any direction.

7 The Council’s draft decision notice includes the following reasons for refusal:

- The development, by virtue of its overall scale, bulk of built development and associated infrastructure works, height, density, site coverage and lack of landscaping and screening, is considered to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which

would fail to respect the established character of the North Hillingdon Local Centre or compliment the visual amenities of the street scene and openness and visual amenity of the Green Belt, the wider open context and would mar the skyline, contrary to Policies BE1 and EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMHB 10, DMHB 11, DMHB 12, DMHB 14, DMHB 17, DMEI 6 of the Local Plan: Part 2 Development Management Policies (2020); Policy SA 14 (Master Brewer and Hillingdon Circus) of the Local Plan: Part Two - Site Allocations and Designations (2020), Policies 7.4, 7.6, 7.7 of the London Plan (2016), Policies D1, D3, D4, D8 and D9 of the London Plan (Intend to Publish version 2019) and the NPPF (2019).

- The proposed on site residential and commercial car parking provision is insufficient to address the demands of the proposed development and its future occupiers. Due to the sites low public transport accessibility, the proposed development would lead to future resident and visitor vehicles being displaced onto the surrounding local and strategic road network. This displacement of vehicles would lead to further congestion on the local and strategic highway network resulting in severe harm to the highway network and highway and pedestrian safety. The proposals are contrary to Policy T1 and E5 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Local Plan: Part 2 - Development Management Policies (2020); Policies 6.3, 6.11 and 6.12 of the London Plan (July 2016), Policies T4, T6 and T6.1 of the draft London Plan (Intend to publish version 2019) and the NPPF (2019).
- The application fails to demonstrate that the proposal would not result in an unacceptable rise in traffic around the application site causing severe impacts to the free flow of traffic as well as to highway and pedestrian safety. The proposals are contrary to Policy T1 and E5 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Local Plan: Part 2 - Development Management Policies (2020); Policies 6.3, 6.11 and 6.12 of the London Plan (July 2016), Policies T4, T6 and T6.1 of the draft London Plan (Intend to publish version 2019) and the NPPF (2019).
- The submitted noise report has failed to demonstrate that the proposed residential units can be sited, designed, insulated or otherwise protected from external noise sources and in particular the A40 and Long lane to appropriate national and local standards. The proposal is therefore contrary to Policy EM8 of the Hillingdon Local Plan: Part One Strategic Policies (November 2012) Chapters 12 and 15 of the NPPF (2019), Policy DMHB 11 of the Local Plan Part 2- Development Management Policies (2020), Policy 7.15 of the London Plan (2016) and Policy D14 of the London Plan (Intend to Publish version 2019).
- The submitted Air Quality Assessments have failed to provide sufficient information regarding Air Quality, moreover the information submitted is not deemed to demonstrate the proposals are air quality neutral and given that the site is within an Air Quality Focus Area, the development could add to current exceedances in this focus area. The development is contrary to Policy DMEI 14 (Air quality) of the Local Plan: Part 2 Development Management Policies (2020), Policy EM8 of the Local Plan Part 1 (2012), Policy 7.14 (Improving Air Quality) of the London Plan (2016), Policy SI 1 of the draft London Plan - Intend to Publish (December 2019) and the NPPF (February 2019).
- The submitted Sunlight and Daylight Assessment has failed to adequately assess the expected Daylight and Sunlight levels within the development in accordance with BRE

guidance. The proposed development has therefore failed to demonstrate that the proposed residential units would achieve adequate Daylight and Sunlight levels to the detriment of residential amenity of future occupiers contrary to policies DMHB 10 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy BE1 of the Local Plan Part 1 (2012), The GLA 'Housing' SPG (March 2016), Policy D6 of the London Plan (Intend to Publish version 2019) and the NPPF 2019.

- The proposed development fails to provide on site private and communal amenity of a quantity and quality commensurate to the size and layout of the proposals. The shortfalls of private amenity space are detrimental to the residential amenity of the future occupiers the proposal would provide a substandard form of accommodation for future residents contrary to Policies DMHB 11 and DMHB 18 of the Local Plan Part 2- Development Management Policies (2020), Policy BE1 of the Local Plan Part 1 (2012), Policy 7.1 of the London Plan (2016), Policies G1 and D6 of the Draft London Plan (Intend to Publish version 20129) and Para 127 of the NPPF (2019).
- The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Affordable housing, construction training, landscape and ecological announcements, carbon offset contributions, surface water drainage, parking permit exclusion, car clubs and Project Management and Monitoring). The scheme therefore conflicts with Policies Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMCI 7 of the Hillingdon Local Plan Part 2 Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy SA 14 'Master Brewer and Hillingdon Circus' of the Local Plan: Part Two Site Allocations and Designations (2020), Policy DF1 of the Draft London Plan (Intend to Publish Version 2019), Policy 8.2 of the London Plan (2016) and the NPPF 2019.

8 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

9 In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within categories 1 and 2 of the Schedule to the Order 2008), the Mayor must be satisfied that certain statutory tests set out in Article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

10 The relevant statutory tests comprise the following three parts, all of which (subject to paragraph 12 below) must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there are sound planning reasons for issuing a direction.

11 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

12 As set out above, the application is for up to 514 residential units. Article 7(4) of the 2008 Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.

13 Moreover, article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council, has achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Council has achieved any other relevant development plan targets. It is considered that there are no other relevant development plan targets in respect of this application.

14 This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

15 The proposed development would have a significant impact on the implementation of the London Plan, as set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the "spatial development strategy", namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below and the conclusion of compliance with it.

London Plan policy context – housing and affordable housing

16 London Plan Policy 3.3 (Increasing Housing Supply) recognises the pressing need for new homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.16a and 3.16b of the London Plan is met through the provision of at least an annual average of 42,000 net additional homes across London. Moreover, London Plan Policy 3.11 seeks provision of at least 17,000 net affordable homes per year in London. Local Authorities are expected to incorporate the Mayor's housing and affordable housing targets into local policy.

Recent delivery – London-wide

17 Table 1 below sets out the London-wide delivery against the current London Plan targets between 2016-2019, the most recent years for which reliable data is available.

| Total supply | FY2016-2017 | FY2017-2018 | FY2018-2019 | Total | Delivery |
|-----------------------------------|--------------------|--------------------|--------------------|----------------|----------------------|
| <i>Homes target</i> | 42,389 | 42,389 | 42,389 | 127,167 | 90% of target |
| Homes delivered | 44,846 | 31,692 | 37,991* | 114,529 | |
| <i>Affordable homes target</i> | 17,000 | 17,000 | 17,000 | 51,000 | 35% of target |
| Affordable homes delivered | 6,827 | 4,431 | 6,648 | 17,906 | |

Table 1: Delivery against pan-London housing and affordable housing targets (source: London Development Database). * long-term vacants returning to use not included in delivery % as no data exists for 2018/19.

18 Based on table 1, it is evident that the delivery of new housing in London is below the London Plan target and the delivery of new affordable housing on a London-wide basis is significantly below the London Plan target.

Recent delivery – Hillingdon Council

19 At a borough level, the London Plan sets Hillingdon a target of 5,590 homes between 2015 and 2025. To monitor delivery against these targets, Hillingdon has been assigned an annual target of a minimum of 559 net additional homes per year.

20 Hillingdon’s Local Plan at Core Strategy Policy H2 and at Development Management Policy DMH7 sets a local borough-wide target of 35% affordable housing, equating to a numerical target of 196 affordable homes per year based on the London Plan housing target and 559 new homes per year under the 2016 London Plan.

21 Table 2 below set out delivery against Hillingdon’s borough level targets during the financial years 2016-2019.

| Total supply | 2016-2017 | 2017-2018 | 2018-2019 | Total | net delivery % |
|-----------------------------------|------------------|------------------|------------------|--------------|-----------------------|
| Homes target | 559 | 559 | 559 | 1,677 | 171% of target |
| Homes delivered | 836 | 948 | 1,076* | 2,860 | |
| Affordable homes target | 196 | 196 | 196 | 588 | 34% of target |
| Affordable homes delivered | 59 | 66 | 76 | 201 | |

Table 2: LB Hillingdon’s delivery against London Plan housing target and Local Plan affordable housing target (source: London Development Database). * long-term vacants returning to use not included in delivery % as no data exists for 2018/19.

22 Hillingdon has exceeded its overall housing delivery target for the last 3 years, but is significantly below the affordable housing target over the same period. It should also be noted that all targets are expressed as minimums, with a clear expectation in the London Plan that delivery of housing should be maximised.

23 In this context, it should also be noted that the Government’s 2019 Housing Delivery Test Measurement (published on 13 February 2020) for Hillingdon is 184% and recommends no

action. The Housing Delivery Test does not include a delivery measurement for affordable housing.

Potential contribution of this scheme to London Plan objectives – housing and affordable housing

24 As presently proposed, the development would deliver 514 residential units, including 182 affordable units. This would equate to 92% of Hillingdon Council's overall annual housing target and 9.2% of the borough's 10-year London Plan target. In the context of London's overall housing need, the proposed development would significantly contribute towards the London Plan targets.

25 With regard to affordable housing, the scheme would contribute towards both the Mayor's strategic target of 17,000 affordable homes per year, as well as the Council's strategic target of 196 homes to be provided as affordable. The scheme would be equivalent to 1.1% of London's total annual affordable housing need, which, when considered in context, is significant on a singular site. At a local scale, the proposed development's affordable housing offer would equate to 93% of Hillingdon's annual affordable housing target.

26 As such, it is considered that the nature and scale of the proposal's contribution to the delivery of housing and affordable housing at a borough and London-wide level, are such that it is considered to be a development which would have an important and significant impact on the implementation of the London Plan in terms of provision of new homes and affordable homes, subject to the details of the proposal being acceptable.

Test 7(1)(a) Conclusion

27 As noted, the pan-London delivery of housing and affordable housing is below the minimum targets. Furthermore, the Council's recent delivery of affordable housing is below the minimum targets. The proposed development has the potential to make a substantial and positive contribution to the strategic housing and affordable housing targets of the London Plan through optimising the use of an underutilised site.

28 Having regard to the above, and the London-wide and borough level shortfall against the minimum strategic affordable housing targets more generally, the development proposed has the potential to make an important and significant contribution to housing and affordable housing supply. This is an underutilised, brownfield site and is therefore of strategic importance for housing delivery.

29 Accordingly, it is considered that the scale and nature of the proposed development, in terms of its potential to contribute to delivery of market and affordable housing are such that it would have an important and a significant impact on the implementation of the adopted London Plan (in line with the test set out in Article 7(1)(a) of the Order 2008). As such, it is considered that the test set out within article 7(1)(a) of the 2008 Order is met.

Statutory test 7(1)(c): Sound planning reasons for intervening

30 Paragraph (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning authority in respect of determining the application. As discussed above,

this site, and the development proposed, is considered to be of strategic as well as of borough importance in terms of housing delivery. The redevelopment proposed has the potential to make a significant contribution to strategic housing and affordable housing targets. This report concludes under Test 7(1)(a), at paragraphs 34-36, that the proposed development, through the nature and scale of housing delivery to transform this brownfield site, would have a significant impact on the implementation of the London Plan.

31 As well as new housing discussed above, the scheme would introduce community uses and re-introduce commercial uses to the site within the ground floor of the masterplan. Overall, the proposal would provide up to 1,258 sq.m. of flexible workspace, community or commercial floorspace. The additional community and commercial space is intended to cater for local demand arising from the proposals and compliment the local shopping centre. The proposed community and commercial offer would also deliver on-site employment opportunities.

32 Additionally, the layout of development would allow for increased public accessibility across the site, including large new areas of public realm and enhance access to the area of Green Belt which falls at the eastern edge of the plot. The proposals would significantly enhance east-west permeability.

Test 7(1)(c) Conclusion

33 The current and recent performance of the Council against development plan targets for the delivery of affordable housing has been considered above. This is an accessible, brownfield site that is of strategic importance for housing delivery. Given the development's contribution to London Plan housing and affordable housing targets, as well as the potential community, employment and public access / public realm improvements noted above, it is considered that there are sound planning reasons for the Mayor to intervene and decide that he becomes local planning authority in respect of the application, so as to provide the opportunity for him to give further consideration to the application and to determine it himself. Test 7(1)(c) is therefore met.

Statutory tests 7(1)(a) and (c) with regard to the emerging Intend to Publish London Plan

34 The statutory tests under the 2008 Order must be considered against the adopted London Plan. This has been carried out as such and concluded above. However, the Mayor's Intend to Publish London Plan is also a material consideration and, in respect of housing and affordable housing, GLA officers consider that this can be afforded substantial weight.

35 The Intend to Publish London Plan sets out an overall need for 66,000 new homes per year with a strategic target for 50% of these to be affordable. Table 4.1 of Intend to Publish London Plan Policy H1 sets Hillingdon an increased 10-year housing target (for the years 2019/20 to 2028/29) of 10,830. As such, further to the above conclusion under the adopted London Plan, the proposal is also considered to have a significant impact on the Intend to Publish London Plan in terms of housing and affordable housing delivery.

36 The proposal is in line with the objectives of the Intend to Publish London Plan to locate new housing on brownfield sites that are accessible (PTAL 3-6) and to intensify appropriate low-density commercial sites. The flexible commercial/community and employment space would

support the objectives of the Intend to Publish London Plan to strengthen town centres and provide employment opportunities, along with housing-led intensification. As such, further to the above conclusion under the adopted London Plan, there are also considered to be sound planning reasons for the Mayor to intervene, when considered against the Intend to Publish London Plan.

Matters the Mayor must take account of

37 In this case, the relevant development plan targets relate principally to supply of net additional homes and net additional affordable homes; the relevant targets are set out above. Whilst the information presented above sets out the position in terms of recent delivery against the Council’s development plan targets (i.e. in terms of total completions), table 3 below sets out the Council’s performance in terms of planning approvals for housing and affordable housing in the borough.

| Net approvals | FY2015-2016 | FY2016-2017 | FY2017-2018 | Total | Performance against target |
|-----------------------------------|--------------|--------------|--------------|--------------|----------------------------|
| <i>Homes target</i> | 559 | 559 | 559 | 1,677 | 410% of target |
| Homes consented | 1,331 | 2,604 | 2,943 | 6,878 | |
| <i>Affordable homes target</i> | 196 | 196 | 196 | 588 | 160% of target |
| Affordable homes consented | 78 | 134 | 729 | 941 | |

Table 3: LB Hillingdon’s performance against London Plan housing target and Local Plan affordable housing target in terms of planning approvals (source: London Development Database).

38 Table 3 demonstrates that the Council is currently performing well in terms of granting planning permission for additional housing, at more than four times the target. Furthermore, the Council is performing well in terms of planning permissions for new affordable homes, at 160% of the target. However, as noted above the pan-London need for housing and affordable housing is not being met and the Council is not delivering it’s affordable housing targets. This development has the potential to make a significant contribution to such delivery.

Issues raised at consultation stage

39 Notwithstanding the above, when considering whether to take over the application it is also relevant for the Mayor to have regard to the following planning issues which were raised at consultation stage. In this context, it should be noted that at this stage the Mayor is only considering whether to intervene by becoming the local planning authority. The Mayor is not at this stage required or being invited to reach any decision on the overall merits of the proposal and whether or not to grant planning permission. The planning issues identified at consultation stage (set out at paragraph 57 of the Stage I report) were identified as follows:

- **Principle of development:** The redevelopment of this vacant brownfield site to deliver a significant quantum of housing and affordable housing alongside commercial and community floorspace is strongly supported.
- **Housing:** The applicant is proposing 35% affordable housing (by habitable room) at a tenure split of 70/30 in favour of affordable rent comprising London Affordable Rent and Shared Ownership meets the Fast Track Route. The Council must robustly secure the offer in the S106 including an early stage review mechanism.

- **Urban design:** The design quality of the scheme is considered to be of high quality and the site appropriately optimised. The Council should secure the submission of key facing materials. The proposal would not have an adverse visual impact on the adjoining Green Belt Land or on neighbouring heritage assets.
- **Sustainable development:** Further information and justification is required in respect of energy, flood risk and drainage and urban greening.
- **Transport:** The applicant is required to address issues in respect of; site access and healthy streets. The Council must secure by condition/obligation; a car parking management plan, disabled parking provision, cycle parking, a travel plan, a construction logistics plan and delivery and servicing plans in addition to a £1.365 million contribution to increase the frequency of local bus services.

Strategic planning policy and guidance update

40 The London Plan (Intend to Publish version, December 2019) is now a material consideration, and should be taken into account on the basis explained in paragraph 48 of the NPPF. On the 13th March 2020 the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to this particular application, have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.

Principle of development

41 At consultation stage the Council was advised that the redevelopment of this vacant brownfield site to deliver a significant quantum of housing and affordable housing alongside commercial and community floorspace is strongly supported.

Affordable housing

42 The Council was advised as part of the Stage 1 consultation response that 35% affordable housing (by habitable room) at a tenure split of 70/30 in favour of affordable rent comprising London Affordable Rent and Shared Ownership meets the Fast Track Route.

Urban design

43 As set out within the Mayor's initial consultation response, the design quality of the scheme is considered to be of high quality and the site appropriately optimised. The Council was advised it should secure the submission of key facing materials. The proposal would not have an adverse visual impact on the adjoining Green Belt Land or on neighbouring heritage assets. It is noted that as part of the Council's draft decision notice it listed the development's scale, bulk, height, density, site coverage and lack of landscaping and screening as a reason for refusal concluding it would constitute an over-development of the site which would fail to respect the character of the area, the skyline and impact on the openness and visual amenity of the Green Belt.

44 The Council has included within its draft decision notice three further reasons for refusal which relate to the proposals design. The Council considers that the submitted noise report has failed to demonstrate that the proposed residential units can be sited, designed, insulated or otherwise protected from external noise sources. Further to that, the Council consider that the

submitted Sunlight and Daylight Assessment has failed to adequately assess the expected daylight and sunlight levels within the development and that the proposals fail to provide onsite private and communal amenity of a quantity and quality commensurate to the size and layout of the proposals.

45 Should the Mayor issue a Direction to act as the local planning authority, all these issues will be fully considered.

Sustainable development

46 At consultation stage the Council was advised that additional information and justification was required in respect of energy, flood risk and drainage and urban greening. Since then the applicant has engaged in collaborative discussions with GLA officers to provide the additional information and justification sought. As part of this process the applicant has submitted an urban greening information, an addendum to the originally submitted energy strategy and additional flood risk and drainage technical notes. It is noted that these matters did not feature in the Council's draft decision notice as reasons for refusal.

47 The Council's draft decision notice includes a reason for refusal relating to the failure to demonstrate an air quality neutral development. Should the Mayor issue a Direction to act as the local planning authority, this issue will be fully considered.

Transport

48 At consultation stage the Council was advised that issues in respect of site access and healthy streets needed to be addressed and that should permission be granted it would be required to secure by condition/obligation; a car parking management plan, disabled parking provision, cycle parking, a travel plan, a construction logistics plan and delivery and servicing plans in addition to a £1.365 million contribution to increase the frequency of local bus services. Since consultation stage the applicant has engaged in discussions with the GLA and TfL to resolve the extant issues through the submission of a further technical note resolving concerns regarding site access and healthy streets. It is noted that as part of the Council's draft decision notice it listed insufficient car parking provision and an unacceptable rise in traffic as individual reasons for refusal. Should the Mayor issue a Direction to act as the local planning authority, all these issues will be fully considered.

Response to consultation

Response to neighbourhood consultation

49 In addition to inviting comments from statutory consultees and publishing all the relevant documents on the Council's planning register, Hillingdon Council carried out a public consultation with local residents, businesses and institutions, including 1,943 individual letters to neighbouring properties and a press advertisement. A total of 268 written representations were received in response to the formal consultation with 2 in support and 266 objecting, two petitions objecting to the scheme were also received totalling 69 signatures, summary of grounds for objection is as follows:

- Height and scale and bulk
- Density/overdevelopment/overcrowding

- Out of keeping with surrounds
- Impact on local character and amenity
- Poor design quality
- Lack of amenity/playspace, green space and environmental quality
- Poor housing quality
- Overlooking/loss of privacy
- Inappropriate location
- Daylight/sunlight and overshadowing
- Inappropriate typologies for families
- Impact to Green Belt and conservation area, heritage assets and views
- Proximity to A40
- Pollution including air quality
- Impact to local residents' quality of life
- This development will set a precedent
- Over-provision of car parking spaces
- Cumulative impact of construction of this scheme and HS2 (including construction traffic)
- Traffic impacts for the surrounding road network
- Pedestrian safety
- Lack of vehicle parking provision on site and impact to surrounding roads
- Insufficient vehicular access
- Hillingdon station capacity constraints
- Poor pedestrian environment
- Emergency vehicle access and movement on local highway network
- Insufficient supporting and impact on existing infrastructure (including schools, GP's and utilities)
- Poor local public transport
- Impact on existing community and elderly in the community
- Construction impacts
- Noise and disturbance arising from the development and commercial uses
- Aviation disruption/increased terror risk
- Unsustainable
- Impact to local property market
- Increased flood risk to the local area
- Impact to wildlife and habitat and removal of open space and lack of tree planting
- Biodiversity and ecology and environmental impacts
- Impact to existing businesses
- Lack of community use
- Fire safety
- Social issues becoming more pronounced, anti-social behaviour and lack of space for young people lack-of security/Police
- Preferable alternative uses
- Lack of community benefit

50 The grounds for support can be summarised as follows:

- Need for redevelopment/mixed use

- Housing need (including affordable provision)

51 The following amenity groups issued responses to the consultations:

- **Residents Association and Oak Farm Residents Association:** Multiple representations were received which raised concerns in respect to; height, density, massing, impact on surrounding infrastructure, environmental impacts, scale and design, failure to comply with planning policy, traffic and highway impacts, pollution including noise, air quality, ecology and biodiversity, removal of habitat, proximity to SSSI's, birdstrike, noise, residential standards, impact to Green Belt, removal of trees (and TPO's), vehicle parking, healthy streets, impacts to heritage assets and archaeology and impact to local amenity.
- **Ickenham Residents Association:** concerns raised in respect to; density, residential standards, visual impact, impact on character and surrounds, height and massing, impact on views, impact to Green Belt, impact on heritage assets and conservation area, inappropriate response to previous reasons for refusal, lack of community facility, gating within the development, lack of publicly accessible green space/park, lack of renewable technologies, pedestrian safety, lack of recycling infrastructure, location of tall building/inappropriateness of tall building, local consultation, lack of mix of uses, over-development, highway impacts, traffic generation, trip generation, transport assessment, pollution and pressure on local facilities/infrastructure.
- **Ickenham Residents Association:** a petition of 22 signatures in objection
- **Oak Farm Residents Association:** a petition 47 signatures in objection

52 The following organisations also issued responses to the consultations:

- **Ministry of defence:** No safeguarding objections in relation to the building heights, no objections in relation to birdstrike safeguarding zone subject to a condition requiring that the development is carried out strictly in accordance with the submitted Bird Hazard Management Plan (BHMP) and that those measures set out within the BHMP are implemented in perpetuity. In respect to cranes the MOD has requested that a construction management strategy is secured by condition.
- **London Underground:** No comment
- **Transport for London TfL Engineering:** No comment
- **NATS (sageguarding):** No comment
- **Environment Agency:** No comment
- **Natural England:** No comment
- **Cadent Gas LTD:** There is apparatus identified in the vicinity of the site which may be affected.
- **MET POLICE Designing Out Crime Group (DOCG):** Request that if approved a condition is imposed requiring Secured by Design accreditation to be achieved.
- **Historic England The Greater London Archaeological Advisory Service (GLAAS):** If planning consent is granted the applicant should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public. The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. Conditions were suggested requiring a stage 1 written scheme of investigation (WSI) to be submitted to and approved by the local planning authority in writing, and thereafter implemented. If

heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing, and thereafter implemented.

Response to consultation conclusion

53 Should the Mayor take over the application for his own determination, the consultation responses, and the issues raised within them, will be fully considered as part of GLA officers' assessment of the application.

Legal considerations

54 The Mayor has the power to issue a direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In order to issue a Direction and to act as the local planning authority the Mayor must be satisfied that the criteria set out in Article 7(1) of the 2008 Order are all fulfilled. In determining whether these criteria are fulfilled the Mayor is required to have regard to the matters set out in Article 7(3). He is also required to provide reasons for his decision. Those reasons must specify how the matters set out in Article 7(3) have affected his decision. It is considered that read as whole, the report sets out how the matters in paragraph 7(3) have affected any decision to issue a direction that the Mayor is to be the local planning authority.

Financial considerations

55 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

56 Having regard to the details of the application and the development proposed, to the matters set out in Article 7(3) of the Order 2008, to the relevant planning issues, the Council's committee report and reasons for refusal, it is concluded that the nature and scale of the proposed development gives rise to a significant impact on the implementation of the London Plan with respect to housing and affordable housing supply. As set out above, there are sound planning reasons for the Mayor to intervene and issue a direction under Article 7 of the 2008 Order.

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