



**A. The Council enters into an Deed of Variation to secure all previously agreed Section 106 obligations; which included:**

- 1. To secure all necessary highway works including written agreement from the Local Planning Authority; (Section 278) including funding for controlled parking in Rowleys Place, review of options to install Santander bikes;**
- 2. The provision of a Travel Plan, including a bond of £20,000;**
- 3. Construction Training: either an in-kind scheme delivered during the construction phase of the development or a financial contribution;**
- 4. Air Quality: in line with the SPD and given the site is located in an air quality management area, a contribution in the sum of £108,582;**
- 5. A contribution of £15,000 towards the provision of a Santander Bike Hire scheme;**
- 6. A contribution to mitigate the impact of the development particularly if they may be required off site, as a result of any basement implications following a discussion with the Local Lead Flood Authority; and**
- 7. Project Management and Monitoring Fee: a financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.**

**B) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**C) If the Legal Agreements have not been finalised by 20.02.22 (or such other timeframe as may be agreed by the Interim Director of Planning, Regeneration and Public Realm), delegated authority be given to the Interim Director of Planning, Regeneration and Public Realm to refuse planning permission for the following reason:**

**'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 highways works, travel plan, construction training and air quality contrary to Policy DMT 2, DMT 6, DMCI 7, DMEI 14.'**

**D) That subject to the above, the application be deferred for determination by the Interim Director of Planning, Regeneration and Public Realm under delegated powers.**

**E) That if the application is approved, the following conditions be attached:-**

**1 T8 Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission ref:75127/APP/2019/322 dated 27th April 2020.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

APL001 Rev. B,  
APL016 Rev. D,  
APL020 Rev. A,  
APL004 Rev. G,  
APL021 Rev. C,  
APL017 Rev. B,  
APL005 Rev. F,  
APL022 Rev. A,  
APL006 Rev. B,  
APL010 Rev. B,  
APL009 Rev. D,  
APL008 Rev. D,  
APL007 Rev. D,  
APL013 Rev. C,  
APL014 Rev. B,  
APL011 Rev. C,  
APL015 Rev. C,  
APL012 Rev. C,  
APL019 Rev. C

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Development Management Policies (2020) and the London Plan (2021).

### **3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

APL005 Rev H  
LBH Population Projection dated January 2019  
Assessment of Need dated December 2019  
Applicant Consultee Response  
Fire Strategy Report Rev. 01 by Alfor  
Flood Risk Assessment and Drainage Strategy dated August 2019  
Transport Technical Note Ref: dated November 2019  
Acoustic Assessment dated December 2019  
Preliminary Ecological Appraisal dated July 2019  
Design and Access Statement dated September 2019  
Covering Letter dated September 2019  
Archaeological Assessment and Heritage Statement dated September 2019  
Acoustic Report Ref: 26535REP-D  
Air Quality Assessment Ref: AQ107192-3  
Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) dated 2nd November 2022  
Transport Statement Ref: SJ/SN/ITB14708-001C R  
Travel Plan Statement Ref: SJ/JN/RW/ITB14708-003A  
Flood Risk Assessment and Drainage Report Ref: 3478-ROWH-ICS-XX-RPC-001A  
Sustainability Statement Ref: 20204.R4 RIBA Stage 2 LC Scheme Report

Thereafter the development shall be retained/maintained in accordance with these details

for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Development Management Policies (2020) and the London Plan (2021).

**4 NONSC Non Standard Condition**

The youth zone hereby approved shall be provided in accordance with approved plan ref: APL009 Rev. C, prior to the occupation of the unit, details of access arrangements and operation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision shall remain in place for the lifetime of the development.

REASON

To ensure the proposal would not result in the loss of an existing community facility in accordance with Policy DMCI 1 of the Local Plan: Part Two Part Two - Development Management Policies (2020), Policy S1 of the London Plan (2021), policy C11 of the LPP1 (2012) and para 98 of the NPPF (2021)

**5 M1 Details/Samples to be Submitted**

The Leisure Centre Phase of the development hereby permitted shall be constructed in accordance with the details approved under application reference 75127/APP/2022/2821.

With regards to the Car Park Phase, prior to the commencement of above ground construction works, detailed plans and samples shall be submitted to and approved in writing by the local planning authority. The information should include the following:

Drawings and samples of the facing materials for the proposed Decked Car Park include manufacturers specifications;

The development shall only be carried out in accordance with the approved details.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 4, DMHB 11 and DMHB 12 of the Local Plan: Part Two - Development Management Policies (2020), Policy HE1 of the LPP1 (2012)

**6 NONSC Non Standard Condition**

The leisure centre building hereby approved shall not include any windows on the western elevation without the grant of further specific permission from the Local Planning Authority

REASON

To protect the residential amenities of neighbouring residents along West Drayton Park Avenue in accordance with Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020).

**7 COM8 Tree Protection**

The development hereby permitted shall be constructed in accordance with the details proposed within submitted Arboricultural Impact Assessment, Method Statement & Tree Protection Plan BS:5837 2012 dated Date: 2nd November 2022.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with

Policy DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020).

## **8 COM9 Landscaping (car parking & refuse/cycle storage)**

Prior to commencement of any above ground level works, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate and to include pollution absorbing planting.
  
2. Details of Hard Landscaping
  - 2.a Refuse Storage
  - 2.b Cycle Storage
  - 2.c Means of enclosure/boundary treatments including shutters to the car parking area and gates/boundary fencing across the development
  - 2.d Car Parking Layouts (including the layout of 25 car parking spaces reserved for blue badge holders, 12 spaces for brown badge holders, 8 spaces for parent and child parking and 10 motorcycle parking spaces and that 20% of all parking spaces are served by electrical charging points and 20% of spaces served by passive electric charging points)
  - 2.e Hard Surfacing Materials
  
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  
4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

### **REASON**

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 4, DMHB 11, DMHB 12, DMHB 14 and DMT 6 of the Local Plan: Part Two - Development Management Policies (2020) and and Policy G5 of the London Plan (2021).

## **9 COM10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped. New planting shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'.

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policy DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **10 NONSC External Fixtures**

No additional lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings.

#### REASON

To protect the character of the surrounding Conservation Area in accordance with Policy DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy HE1 of the LPP1 (2012).

#### **11 B37 Archaeology - Written Scheme of Investigation**

The development hereby permitted shall be implemented in accordance with the details approved under application reference 75127/APP/2022/986; Written Scheme of Investigation.

#### REASON

To protect and the archaeological interests of site in accordance with Policy DMHB 7 of the Local Plan: Part Two - Development Management Policies (2020), Policy HC1 of the London Plan (2021) and Chapter 16 of the National Planning Policy Framework (2021).

#### **12 COM26 Ecology**

For the Leisure Centre Phase, the development hereby permitted shall be constructed in accordance with the details approved under application reference 75127/APP/2022/2284

With regards to the Car Park Phase of the development, prior to above ground works, a full ecological protection and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include a clear and appropriately scaled plan showing the retention of the ecological features of interest and the specific measures to enhance opportunities for wildlife, including but not limited to; bat and bird boxes appropriately located, artificial refugia within the landscaping areas; wildlife specific planting (i.e. nectar rich planting) and a specific area within the landscaping that is developed specifically to enhance opportunities for wildlife.

The scheme shall also incorporate a report with a commentary on the proposed enhancement features, how these will benefit wildlife and how the scheme will be managed and maintained to maximise the opportunities for wildlife over the lifetime of the development. The development thereafter proceed in accordance with the approved scheme.

#### REASON

To ensure the development protects and enhances ecology in accordance with the national planning policy framework and EM7 of the Local Plan Part One (November 2012), policy DMEI 7 of the LPP2 (2020), Policy G6 of the London Plan (2021) and chapter 15 of the NPPF (2021).

#### **13 NONSC Non Standard Condition**

Prior to above ground works, a Bird Hazard Management Plan has been submitted to and

approved in writing by the Local Planning Authority in consultation with Heathrow Aerodrome Safeguarding. The submitted plan shall include details of the management of any flat/shallow pitched on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

#### REASON

It is necessary to manage the flat roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport in accordance with Policy DMAV1 of the Local Plan: Part Two - Development Management Policies (2020).

#### **14 COM30 Contaminated Land**

The development hereby permitted shall be constructed in accordance with the Land Contamination and Remediation Strategy details approved under application reference 75127/APP/2022/1091.

#### AND

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DME1 12 of the Local Plan: Part Two - Development Management Policies (2020).

#### **15 NONSC Non Standard Condition**

The development hereby approved shall not be occupied until details of the parking management and allocation arrangements have been submitted to and approved in writing by the Local Planning Authority; and the development shall not be occupied until the approved arrangements have been implemented.

#### REASON

To ensure that adequate car parking facilities are provided and to help mitigate the site's impact local congestion and highways safety in compliance with Policy DMT1 and DMT2 of the Local Plan: Part Two - Development Management Policies (2020).

#### **16 COM31 Secured by Design**

The building, car park and site shall achieve 'Secured by Design' accreditation awarded by

the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with Policy D11 of the London Plan (2021) and Policy DMHB 15 of the LPP2.

#### **17 SUS1 Carbon Reduction**

The development hereby permitted shall be constructed in accordance with the details approved under application reference 75127/APP/2022/2964 which details the photovoltaic (PV) array the specifications of the PV panels to be used and their fixing mechanism to the roof.

The development must proceed in accordance with the approved details.

#### REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with Policy SI2 of the London Plan (2021) and policy DMEI 2 of the LPP2 (2020).

#### **18 NONSC Non Standard Condition**

All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIA of EUDirective 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.

#### REASON

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Policies DMT 2, DMEI 1, and DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020.

#### **19 NONSC Green Wall/Roof**

The development hereby permitted shall be constructed in accordance with the Green Wall details approved under application reference 75127/APP/2022/2266, to provide a green wall on the northern elevation of the Leisure Centre building.

The development must proceed in accordance with the approved scheme.

#### REASON

To increase the amount vegetation for the benefit of design, wildlife and air quality improvements in accordance with EM7 and EM8 of the Local Plan: Part One (November 2012) and Policy DMEI 1 of the Local Plan: Part Two - Development Management Policies (2020).

## **20 SUS5 Sustainable Urban Drainage**

Prior to commencement, (excluding demolition and site clearance) a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it manages water and demonstrate ways of controlling the surface water on site by providing information on:

### **a) Sustainable Drainage:**

i. Surface water discharge - the submitted drainage strategy must confirm the proposed method and location of discharging collected surface water from the site in accordance with the hierarchy set out in the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided. Any proposal that includes an off-site connection through a private sewer network should provide details of the condition and ownership of the entire drainage route to a public sewer or ordinary watercourse.

ii. SuDS - the submitted drainage strategy should incorporate Sustainable Drainage System (SuDS) elements that are embedded, where practicable, within the landscaping plan for the development. Preference should be given to above-ground SuDS elements that provide wider biodiversity, water quality and amenity benefits.

iii. Infiltration drainage - where infiltration drainage is proposed, a ground investigation must be provided to establish the level of groundwater on the site; to demonstrate the suitability of infiltration techniques proposed on the site by providing the results of infiltration testing in line with BRE Digest 365; and to confirm the suitability of infiltration drainage based on any encountered ground contamination.

iv. Runoff rates - surface water discharge from the site must be no greater than greenfield runoff rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus 40% climate change. Any increases above greenfield rates must be adequately justified and may be subject to developer contributions.

v. Drainage calculations - include calculations to demonstrate the volume of storage and size of drainage features provided is adequate to control surface water for a range of storm duration and rainfall intensities for events up to and including the critical 1 in 100 plus 40% climate change rainfall event.

vi. Exceedance routes - provide a plan showing the route surface water will take through the development for rainfall events exceeding the 1 in 100 year event. Where it is intended to store water on the ground surface, the maximum extent of overland flooding should be mapped and include details on flow paths, depths and velocities. Safe access and egress for the site must be demonstrated.

### **b) Long-term management and maintenance of the drainage system.**

i. Provide a Management and Maintenance Plan for the drainage system that includes clear plans showing all of the drainage network above and below ground, and identifies the responsibility of different parties for each component of the drainage network.

ii. Include details of the necessary inspection regimes, maintenance frequencies and responsible authority (Private Management Company, homeowner, etc.).

iii. Where managed flooding of the ground surface is proposed, the plan should include the

appropriate actions for those areas and document the actions required to ensure the safety of the users of the site during a rainfall event.

c) Minimise water use.

i. incorporate water saving measures and equipment.

ii. provide details of how rain and/or grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to: Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy DMEI 10 of the Local Plan: Part 2 Development Management Policies (2020), (2020) and Policy SI 12 of the London Plan (2021), National Planning Policy Framework (2021) and the Planning Practice Guidance (for Flood Risk and Coastal Change August 2022)

#### **21 NONSC Basement Impact Assessment**

The development hereby permitted shall be constructed in accordance with the Basement Impact Assessment details approved under application reference 75127/APP/2022/1191.

The development shall only be undertaken in accordance with those approved details, and the approved scheme shall be implemented prior to the first use of the development hereby permitted and retained for the duration of the development.

#### REASON

The manage groundwater flood risk in accordance with Policy EM6 of the Local Plan: Part One (November 2012), Policy DMHD 3 of the Local Plan: Part 2 Development Management Policies (2020), Policy D10 of the London Plan (2021) Planning Practice Guidance (Flood Risk and Coastal Change August 2022).

#### **22 ST1 Opening Hours**

The leisure centre hereby approved shall only be open to the public between the hours of 06:00 and 22:00 hours and members of staff until 23:00 on any day.

#### REASON

In the interests of neighbouring amenity and to accord with Policy DMT2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy BE1 of the LPP1 (2012).

#### **23 NONSC Servicing and Delivery Hours**

Servicing and deliveries to the leisure centre hereby approved shall only take place between the hours of 07:00 and 21:00 hours on any day.

#### REASON

In the interests of neighbouring amenity and to accord with Policy DMT2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy BE1 of the LPP1 (2012).

**24**        OM19        **Construction Management Plan**

The development hereby permitted shall be constructed in accordance with the Construction Management Plan details approved under application reference 75127/APP/2022/988.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

**REASON**

To safeguard the amenity of surrounding areas and manage highways impacts in accordance with Policy DMHB 11, DMT2 and DMEI14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

**25**        NONSC        **Servicing and Delivery Plan**

Prior to the occupation of development details of a Delivery and Servicing Plan which identifies efficiency and sustainability measures to be undertaken once the development is operational shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate measures to minimise vehicle deliveries/servicing during am and pm peak hours.

**REASON**

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy DMT1 and DMT2 of the Local Plan: Part Two - Development Management Policies (2020).

**26**        OM2        **Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

**REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy DMHB 11 and DMHB 12 of the Local Plan: Part Two - Development Management Policies (2020) and Policy BE1 of the LPP1 (2012).

**27**        NONSC        **External Noise**

External noise level emitted from plant, machinery/ equipment shall be lower than the lowest existing background noise level by at least 5dBA, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. The noise levels shall be maintained for the lifetime of the development.

**REASON**

To safeguard the amenity of the surrounding area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy BE1 of the LPP1 (2012).

**28**        NONSC        **Anti-Vibration Measures**

Prior to the use of machinery, plant or equipment, the extract and ventilation system and ducting shall be mounted with proprietary anti-vibration isolators; fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

REASON

To safeguard the amenity of neighbouring properties and open spaces in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy BE1 of the LPP1 (2012).

**29 NONSC Acoustic Screen**

Prior to the commencement of development hereby approved, an acoustic screen shall be erected, along the western boundary of the site and thereafter retained and maintained in its entirety for the lifetime of the development.

REASON

To safeguard the amenity of neighbouring properties and open spaces in accordance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

**30 NONSC Low Emissions Strategy**

The development hereby permitted shall be constructed in accordance with the Low Emission Strategy details approved under application reference 75127/APP/2022/2334.

The measures in the agreed scheme shall be implemented and maintained throughout the life of the development.

REASON

To reduce the impact on air quality within an Air Quality Management Area and Focus Area in accordance with policy EM8 of the Local Plan: Part One (November 2012), policy DMEI 14 of the Local Plan: Part Two (2020), London Borough of Hillingdon Air Quality Local Action Plan 2019-2024, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

**31 NONSC Piling (Thames Water)**

The development hereby permitted shall be constructed in accordance with the Piling Method Statement details approved under application reference 75127/APP/2022/1314.

REASON

To protect ground water resources in accordance with Policy DMEI 11 of the Local Plan: Part Two - Development Management Policies (2020).

**32 M3 Boundary treatment - details**

Prior to above ground works, boundary details for the entirety of the site including the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the buildings is occupied or in accordance with a timetable agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy DMHB 4 of the Local Plan: Part Two - Development Management Policies (2020) and policy BE1 of the LPP1 (2012).

**33 OM11 Floodlighting**

For the Leisure Centre phase, the development hereby permitted shall be constructed in accordance with the Lighting details approved under application reference

75127/APP/2022/2333.

With regards to the Car Park Phase of the development prior to the above ground works isolux diagrams and illumination calculations based on the actual external lighting products to be used on the site shall be submitted to and approved, in writing, by the Local Planning Authority. Once approved the development should be completed fully in accordance with the approved details

#### REASON

To protect neighbouring amenity and the character of the surrounding Conservation Area in accordance with Policy DMHB 4 and DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) and policies HE1 and BE1 of the LPP1 (2012).

#### **34 DIS2 Access to Buildings for People with Disabilities**

The development hereby permitted shall be constructed in accordance with the details approved under application reference 75127/APP/2022/2267 detailing the dedicated dial-a-Ride or taxi/cab vehicle stop and wait facility, accessible toilet facilities and changing places facility.

The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

#### REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy DMCI 2 of the Local Plan: Part Two - Development Management Policies (2020).

#### **35 OM12 External Litter Bins**

The development hereby permitted shall be constructed in accordance with the External Litter Bin details approved under application reference 75127/APP/2022/2268.

The approved details shall be implemented in accordance with the agreed scheme and thereafter permanently maintained.

#### REASON

To protect the visual amenities of the street scene and the surrounding area and to safeguard the interests of the amenities of the occupiers and adjoining residents, in accordance with Policies DMHB 11 and DMHB 12 of the Local Plan: Part Two - Development Management Policies (2020).

#### **36 NONSC Non Standard Condition**

Definitions; All reference to:

'Leisure Centre Phase' refers to the land to the north of Rowlheys Place and west of Harmondsworth Road;

'Car Park Phase' refers to the land to the south of Rowlheys Place and west of Harmondsworth Road.

### **INFORMATIVES**

#### **1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The

Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan (2012 and 2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan 2021 and national guidance.

DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 2	New Community Infrastructure
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMCI 6	Indoor Sports and Leisure Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D10	(2021) Basement development
LPP D12	(2021) Fire safety
LPP D14	(2021) Noise
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
LPP E10	(2021) Visitor infrastructure
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP HC1	(2021) Heritage conservation and growth
LPP S1	(2021) Developing London's social infrastructure
LPP S4	(2021) Play and informal recreation
LPP S5	(2021) Sports and recreation facilities
LPP SI12	(2021) Flood risk management

LPP SI13	(2021) Sustainable drainage
LPP SI4	(2021) Managing heat risk
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking

### **3            I24                      Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

### **4            I3                              Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5            I15                              Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays or Bank Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **6 I18 Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

## **7 I19 Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

## **8 I60 Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp))

## **9**

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 7, 'Wind Turbines and Aviation' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety>.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is situated on the western side of Harmondsworth Road. The application site is bisected by Rowlheys Place which runs east-west. The site comprised a Youth Centre to the north which was made up of a part single, part 3 storey building and a family centre to the south which is occupied by a single storey building (Use Class D1). The north side contained an area of hardstanding for car parking, a tarmacked sports area, small areas of grass and several associated smaller outbuildings. The south side of the site also contains an area of hardstanding for car parking, surrounding grass and associated smaller outbuildings. The southern edge of the boundary of the site also takes in a small parcel of the West Drayton Cemetery Allotment Site. It is noted that there is approximately a 2m drop between Harmondsworth Road carriageway and the site.

Immediately to the north of the site is a community centre, beyond which is a new residential development. To the west is are residential dwellinghouses. To the south is an allotment garden and the site is bound by Harmondsworth Road to the east. To the east of Harmondsworth Road, are a parade of shops and residential dwellinghouses.

The application site is unlisted and it lies entirely within the West Drayton Green Conservation Area. The Conservation Area encompasses the historically important buildings in the old village and includes the surrounding open areas. The development site is located towards the south eastern corner of the Conservation Area to the north of the Cemetery and close to The Dell public open space to the east. The site also lies within an archaeological priority zone however there are no listed buildings within the vicinity of the application site.

Works have commenced on site to deliver the Leisure Centre building which is known as the 'Leisure Centre Phase' or first phase of this previously approved development.

Harmondsworth Road forms part of the Borough's classified road network and benefits from a 30 mph speed limit and street lighting on both sides of the carriageway. There is a grass verge on either side of the Harlington Road behind which is a shared use footway. The nearest bus stops are located on Station Road 300 metres to the north of the application site. These bus stops are served by the 222 Uxbridge - West Drayton - Hounslow services, 350 Hayes - Yiewsley - West Drayton - Heathrow Terminal 5 service and 698 West Drayton - Hayes - Ickenham school service. West Drayton station is located 1.3 kilometres north of the site. The site has a public transport accessibility level of 2.

### 3.2 Proposed Scheme

The proposal seeks a minor material amendment to vary condition 3 of planning consent reference 75127/APP/2019/3221. The amendments include the replacement of the aboricultural survey to confirm the loss of 4 additional trees on site and the planting of 4 new trees.

### 3.3 Relevant Planning History

75127/APP/2019/3221      Yiewsley & West Drayton Leisure Centre, Harmondsworth Road/ Row  
Redevelopment of the site including the demolition of the existing buildings (Use Class D1) to provide a part 2, part 3 storey building including a basement to provide a leisure centre (Use Class D2) with access, car parking (including a decked car park), landscaping and associated works.

**Decision:** 18-03-2020    Approved

75127/APP/2022/115      West Drayton Leisure Centre, Harmondsworth Road/ Rowlheys Place  
Non Material Amendment (S96a) to amend condition 2 of planning consent ref 75127/APP/2019/322 (Redevelopment of the site including the demolition of the existing building (Use Class D1) to provide a part 2, part 3 storey building including a basement to provide a leisure centre (Use Class D2) with access, car parking (including a decked car park), landscaping and associated works.

The amendments include the follow:

- Reduced basement floorspace
- Reduction in the building footprint
- Proposed retention of the brick crobel detailing on the front elevation
- Rationalisation of the elevation detailing.
- Amendments to the wording of condition 31

**Decision:** 14-04-2022    Approved

75127/APP/2022/99 West Drayton Leisure Centre, Harmondsworth Road/ Rowlheys Place

Redevelopment of the site including the demolition of the existing buildings (Use Class D1) to provide a part 2, part 3 storey building including a basement to provide a leisure centre (Use Class D2) with access, car parking (including a decked car park), landscaping and associated works.

**Decision:** 22-07-2022 NFA

### **Comment on Relevant Planning History**

75127/APP/2019/3221 - Redevelopment of the site including the demolition of the existing buildings (Use Class D1) to provide a part 2, part 3 storey building including a basement to provide a leisure centre (Use Class D2) with access, car parking (including a decked car park), landscaping and associated works. Approved dated 27-04-20

75127/APP/2021/546 - Section 96a (Non-Material Amendment) application seeking amendments to Condition 2 (Approved Plans) of planning permission ref: 75127/APP/2019/3221 (27-04-2020) for the redevelopment of the site including the demolition of the existing buildings (Use Class D1) to provide a part 2, part 3 storey building including a basement to provide a leisure centre (Use Class D2) with access, car parking (including a decked car park), landscaping and associated works; namely to insert a fixed gazing window to Function Room with louvred ventilation top panel and aluminium double doors with fixed top light at ground floor level on the western elevation. Approved 18-03-2

75127/APP/2022/115- Non Material Amendment (S96a) to amend condition 2 of planning consent ref 75127/APP/2019/322 (Redevelopment of the site including the demolition of the existing buildings (Use Class D1) to provide a part 2, part 3 storey building including a basement to provide a leisure centre (Use Class D2) with access, car parking (including a decked car park), landscaping and associated works.

The amendments include the follow:

- Reduced basement floorspace
- Reduction in the building footprint
- Proposed retention of the brick crobel detailing on the front elevation
- Rationalisation of the elevation detailing.
- Amendments to the wording of condition 31.

A number of planning conditions have also been discharged on site and the conditions contained within this report have been updated where relevant.

## **4. Planning Policies and Standards**

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

#### Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

##### Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM5	(2012) Sport and Leisure
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.HE1	(2012) Heritage

##### Part 2 Policies:

DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 2	New Community Infrastructure
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMCI 6	Indoor Sports and Leisure Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping

DMHB 15	Planning for Safer Places
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D10	(2021) Basement development
LPP D12	(2021) Fire safety
LPP D14	(2021) Noise
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
LPP E10	(2021) Visitor infrastructure
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP HC1	(2021) Heritage conservation and growth
LPP S1	(2021) Developing London's social infrastructure
LPP S4	(2021) Play and informal recreation
LPP S5	(2021) Sports and recreation facilities
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI4	(2021) Managing heat risk
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **26th October 2022**

**5.2** Site Notice Expiry Date:- **26th October 2022**

## **6. Consultations**

### **External Consultees**

The application was consulted on between 23-09-2022 and 14-10-2022 509 letters were issued alongside a press notice which expired on 26-10-2022 and a site notice was erected outside of the site.

A 14 day re-consultation was required following the submission of a revised set of documents which expired 16-12-22.

One comment was received which was from the West Drayton Conservation Advisory Panel which raised no objection to the proposal.

### **Internal Consultees**

Tree Officer comment:

No objection

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

As demonstrated in the planning history section of this report the application site benefits from planning permission which has already been established the principle of development to be acceptable.

### **7.02 Density of the proposed development**

Not applicable to this application

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The application site is entirely located within the West Drayton Green Conservation Area however the proposal does not include any changes to the built form which could give rise to additional harm to the historic fabric of the area. Whilst the trees contribute to the character and appearance of the area there would be no net tree loss and both the tree removal and replacement is supported by the Tree Officer. As such the proposal is not considered to give rise to additional impact upon the Conservation Area.

### **7.04 Airport safeguarding**

Not applicable to this application

### **7.05 Impact on the green belt**

The application site is not located within the Green Belt therefore this section is not applicable to the assessment of the application.

### **7.06 Environmental Impact**

Not applicable to this application.

### **7.07 Impact on the character & appearance of the area**

Policy DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design which includes ;

- i) harmonising with the local context by taking into account the surrounding:
- scale of development, considering the height, mass and bulk of adjacent structures;
  - building plot sizes and widths, plot coverage and established street patterns;
  - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
  - architectural composition and quality of detailing; local topography, views both from and to the site; and
  - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;

- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

Policy DMHB 4 states :

New development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.

B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.

C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

The four trees proposed to be removed are located either side of the southern elevation which is the front entrance of the proposed building. There are a number of trees clustered within these locations therefore the removal of the existing trees would not result in a significant change to any of the key views from within or outside of the site. Furthermore the proposal would replace these trees with four new trees planted in in the south-east corner of the site, and the south western corner of the site.

The proposal would not give rise to additional harm upon the character and appearance of the street scene, and would preserve the character and appearance of the Conservation Area. As such the proposal would comply with DMHB 11 and DMHB 4 of the Local Plan: Part Two - Development Management Policies (2020).

#### **7.08 Impact on neighbours**

Policy DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) sets out principles of good design which will ensure the amenities of surrounding properties are protected.

The changes propose the replacement of four existing trees T84, T72, T30 and T36. T84 is located towards the south of the building and approximately 12 metres from the boundary

fences of the properties which abut the site boundary on West Drayton Park Avenue. Whilst the removal of the tree is regrettable there would be no impact to these neighbouring properties in terms of screening given that there remains adequate tree coverage from the other trees in this location. T36 is located in the south eastern corner which is a considerable distance from any neighbouring property thus would have no impact upon the residential amenities of neighbouring properties. T72 is located along the western boundary of the site where a footpath around the outside of the new building is to be constructed and T30 is located on the edge of the car park phase of the development.

Taking the above details into consideration the development would not give rise to additional impacts upon the visual amenities of neighbouring properties. As such the proposal would accord with Policy DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020).

**7.09 Living conditions for future occupiers**

Not applicable to this application

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

Not applicable to this application

**7.11 Urban design, access and security**

The proposal relates to the removal and replacement of trees only therefore no assessment of urban design, Access or security is required.

**7.12 Disabled access**

No applicable to this application

**7.13 Provision of affordable & special needs housing**

No applicable to this application

**7.14 Trees, Landscaping and Ecology**

**TREES**

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states (amongst other things) that all developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit and that development proposals will be required to provide a landscape scheme. The policy also seeks to protect existing trees through tree root protection areas and an arboricultural method statement where appropriate. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

As stated in the above sections of this report, the principle of removing the four existing trees is considered acceptable on the basis that they are replaced with trees of a similar standard. The applicant has demonstrated the planting of four new trees for which the species and location has been deemed acceptable by the Councils Tree Officer. Two new trees will be planted towards to the south east of the building and two will be planted south west which is broadly in line with where the existing trees are to be removed from but will allow for adequate room for construction. As the proposal would not result in a net loss of trees the application would comply with DMHB 11 and DMHB 14 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020).

#### **7.15 Sustainable waste management**

No applicable to this application

#### **7.16 Renewable energy / Sustainability**

No applicable to this application

#### **7.17 Flooding or Drainage Issues**

No applicable to this application

#### **7.18 Noise or Air Quality Issues**

No applicable to this application

#### **7.19 Comments on Public Consultations**

See section 6.1

#### **7.20 Planning Obligations**

Policy DMCI 7 (Planning obligations and CIL) of the Local Plan Part 2 Development Management Policies (2020) seeks contributions or planning obligations which may be required in order to mitigate the impacts of the development. The proposed development is required to complete a deed of variation to secure this to the original legal agreement. This application does not give rise to any new planning obligations.

The original planning permission secured the following planning obligations:

1. To secure all necessary highway works including written agreement from the Local Planning Authority; (Section 278) including funding for controlled parking in Rowhleys Place, review of options to install Santander bikes;
2. The provision of a Travel Plan, including a bond of £20,000;
3. Construction Training: either an in-kind scheme delivered during the construction phase of the development or a financial contribution;
4. Air Quality: in line with the SPD and given the site is located in an air quality management area, a contribution in the sum of £108,582;
5. A contribution of £15,000 towards the provision of a Santander Bike Hire scheme;
6. A contribution to mitigate the impact of the development particularly if they may be required off site, as a result of any basement implications following a discussion with the Local Lead Flood Authority; and
7. Project Management and Monitoring Fee: a financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

A Deed of Variation to secure this planning permission to the original legal agreement: PP ref 75127/APP/2019/3221 is therefore required under this planning permission. subject to entering into this Deed of Variation, the scheme complies with Policy DMCI 7 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020)

#### **7.21 Expediency of enforcement action**

Not applicable to this application

#### **7.22 Other Issues**

Not applicable to this application.

#### **8. Observations of the Borough Solicitor**

General

Members must determine planning applications having due regard to the provisions of the

development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

### **9. Observations of the Director of Finance**

Not applicable to this application.

## **10. CONCLUSION**

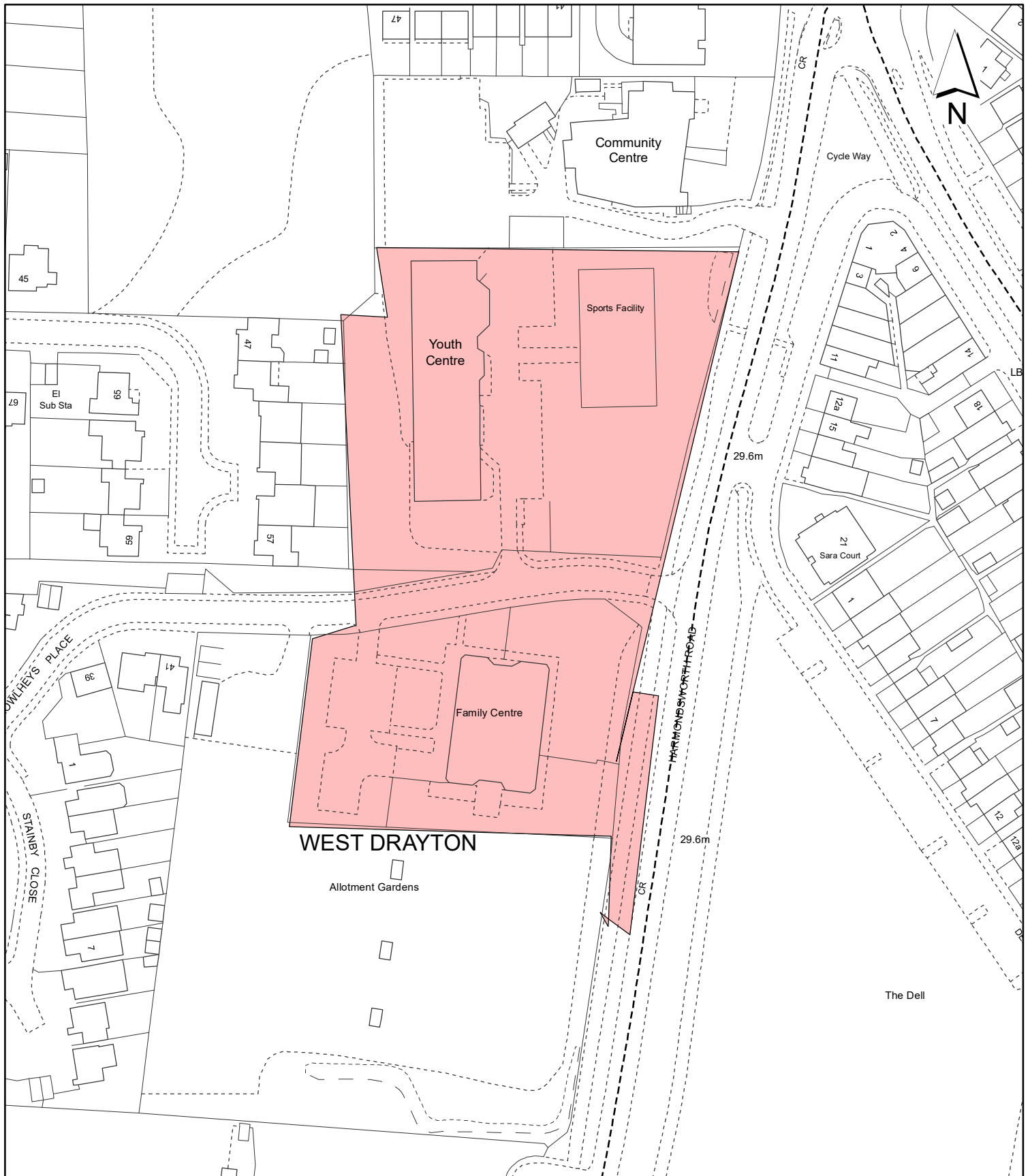
Following a further site survey by the appointed contractor and Tree Officer it is clear that 4 trees within close proximity to the boundary of the proposed building could be compromised by the construction of the development. The Tree Officer has agreed the removal of the trees is acceptable providing replacements are planted. The applicant has agreed to plant 4 new trees resulting in no net loss. This change needs to be recorded appropriately on the planning register therefore a s73 to replace the approved Arboricultural Impact Assessment has been submitted. The proposal is considered to as an acceptable minor material amendment and therefore is recommended for approval.


## **11. Reference Documents**

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)  
NPPF (2021)

**Contact Officer:** Christopher Brady

**Telephone No:** 01895 250230



**Notes:**  
 Site boundary  
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Site Address: <b>West Drayton Leisure Centre</b>	
Planning Application Ref: <b>75127/APP/2022/2395</b>	Scale: <b>1:1,250</b>
Planning Committee: <b>Major</b>	Date: <b>January 2023</b>

**LONDON BOROUGH OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111



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