

## Report of the Interim Director of Planning, Regeneration & Public Realm

**Address** MAPLE AND POPLAR DAY CENTRE MAPLE ROAD HAYES

**Development:** Minor material amendment to revise Conditions 2 (Approved Plans), 3 (Compliance with Supporting Documentation), 6 (Landscaping Scheme) and 20 (Revised balcony siting / obscure glazing) of planning permission ref. 43762/APP/2018/396, dated 12-04-2018 for 'Demolition of vacant Maple and Poplar Day Centre and construction of 34 residential units' (as amended by 43762/APP/2022/1639 dated 21st June 2022 and 43762/APP/2023/573 dated 02-03-2023) in order to allow the re-siting, internal and external changes, including a new floor to the northern block and the reconfiguration of the car parking and landscaping layout on the wider site.

**LBH Ref Nos:** 43762/APP/2022/3588

**Drawing Nos:** 02250 Rev. P02 (Site / Landscape Plan)  
Preliminary Ecological Appraisal, January 2023  
Transport Statement Addendum, January 2023  
1200/P Rev. 04 (North Block Floor Plans)  
1210/P Rev. 01 (Unit Type A and B - M4(3) Floor Plans  
1401/P Rev. 01 (North Block Elevations)  
1300/P Rev. 00 (Proposed Sections)  
1800/P Rev. 01 (Proposed Views)  
0100 Rev. P02 (Sustainable Drainage Details)  
Arboricultural Report, 11th November 2023  
Energy Statement, November 2022  
Email from Drainage Consultant, Jonathan Bowdery dated 27.11.23  
PL 11  
PL 12 Rev. A  
PL 13  
PL 14 Rev. A  
PL 17 Rev. A  
PL 18  
PL 23  
PL 24  
Longitudinal Sections of Surface Water Sewer received 6/2/23  
Email from Thames Water Developer Services Connection Team dated 7/11/22, received 6/2/23  
Thames Water Notice of Consent to Connect to a Public Sewer dated 7/11/22, received 6/2/23  
1000/P Rev. 00 (Site Location Plan)  
Design & Access Statement Addendum November 2022  
0001/P Rev. P02 (Drainage Layout)  
Flood Risk Assessment, Rev. 1.1, dated November 2022  
Below Ground Drainage Calculations, Rev. 01, December 2022

**Date Plans Received:** 21/11/2022      **Date(s) of Amendment(s):** 27/01/2023  
**Date Application Valid:** 22/11/2022      01/02/2018  
06/02/2023  
16/01/2023

19/12/2022  
11/01/2023  
29/11/2022  
25/11/2022  
06/01/2023

## 1. **SUMMARY**

Planning permission was granted on 12th October 2018 (43762/APP/2018/396 refers) on this site for the demolition of the two former single-storey day centre buildings and replacement with two 3-storey blocks of flats, accommodating a total of 34 residential units (100% affordable housing) positioned around a central car parking area, with vehicular access being provided from the existing site access from Maple Road. Works have commenced on the southern block (previously referred to as Block B), but due to the presence of a water main close to the approved siting of the northern block (previously referred to as Block A), the plans for this block are being revised in order to allow the northern block's re-siting, together with internal and external changes, including an additional floor and the reconfiguration of the car parking and landscaping layout on the wider site.

The proposal would still result in 34 affordable residential units being provided on site (17 units within each block), sited around a central car parking area, but due to the re-configured footprint of the northern block, it would now accommodate an additional floor level and the unit mix within this block has been revised, with a greater proportion of smaller units, although a larger 3 bedroom unit is also included.

It is considered that the physical changes to the north block are acceptable, as are the changes to the proposed unit mix within this block, given that the wider site would now provide a more diverse unit mix and include a family sized (3 bedroom unit) unit. No objections are raised to the re-configured parking layout which would still provide the same level of off-street parking as the approved scheme.

## 2. **RECOMMENDATION**

**1. That delegated powers be given to the Director of Planning, Regeneration and Public Realm to grant planning permission subject to:**

**A) That the Council enter into a Statement of Intent/Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) or other appropriate legislation to secure the following:**

**Non - Monetary Contributions:**

**(i) Affordable Housing:**

**100% Affordable Housing.**

**(ii) Restriction on Parking Permits for future residents**

**Monetary Contributions:**

**(i) Carbon Emission Offsetting**

**Contribution of £67,260**

**(ii) Construction Training:**

**Construction Training: Training Costs: £2500 for every £1m build cost + Coordinator Costs or an on-site programme.**

**(iii) Travel Plan:**

**To include £20,000 Bond**

**(iv) Project Management & Monitoring Fee:**

**5% of total monetary contributions**

**B) That in respect of the application for planning permission, the applicant meets the Councils reasonable costs in preparation of the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.**

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

**D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Director of Planning, Regeneration and Public Realm), delegated authority be given to the Director of Planning, Regeneration and Public Realm to refuse planning permission for the following reason:**

**'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of affordable housing, highways, travel plan, carbon emission offsetting and construction training). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2021).'**

**E) That subject to the above, the application be deferred for determination by the Director of Planning, Regeneration and Public Realm under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Director of Planning, Regeneration and Public Realm to issuing the decision:**

**1 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

02250 Rev. P02 (Site / Landscape Plan)  
1200/P Rev. 04 (North Block Floor Plans)  
1210/P Rev. 01 (Unit Type A and B - M4(3) Floor Plans)  
1401/P Rev. 01 (North Block Elevations)  
1300/P Rev. 00 (Proposed Sections)  
1800/P Rev. 01 (Proposed Views)  
0100 Rev. P02 (Sustainable Drainage Details)  
0001/P Rev. P02 (Drainage Layout)  
PL 11,  
PL 12 Rev. A,  
PL 13,  
PL 14 Rev. A,  
PL 17 Rev A,  
PL 18,  
PL 23,  
PL 24

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 Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**2 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:

Preliminary Ecological Appraisal, January 2023;  
Transport Statement;  
Transport Statement Addendum, January 2023;  
Arboricultural Report, 11th November 2022;  
Energy Statement, November 2022;  
Overheating Assessment, March 2018;  
Overheating Assessment, November 2022;  
Design & Access Statement;  
Design & Access Statement Addendum November 2022;  
Flood Risk Assessment Rev. 1.1, dated November 2022;  
Below Ground Drainage Calculations, Rev. 01, December 2022;  
Email from Neilcott Construction dated dated 27.1.23;  
Longitudinal Sections of Surface Water Sewer;  
Email from Thames Water Developer Services Connection Team dated 7/11/22;  
Thames Water Notice of Consent to Connect to a Public Sewer dated 7/11/22  
Noise Survey and Assessment Report - PC-17-0245-RP2 Rev A; and  
Air Quality Assessment.

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

#### REASON

To ensure that the development complies with the objectives of Policies D14, G6, G7, SI 1, SI 2, SI 4 and SI 13 of the London Plan (2021) and Policies DMHB 14, DMEI 2, DMEI 7, DMEI 10, DMEI 14, DMT2 of the Hillingdon Local Plan Part 2 (2020).

### **3 COM6 Levels**

The development shall be carried out in accordance with the existing and proposed level details approved under application reference 43762/APP/2022/1663, dated 9/8/22. Any changes to the approved level details would require a further consent from the Local Planning Authority.

#### REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

### **4 COM8 Tree Protection**

The development shall be carried out in accordance with the tree protection details approved under application reference 43762/APP/2018/4418, dated 12/2/19, as amended by the Arboricultural Report, 11th November 2022. Any changes to the approved protection details would require a further consent from the Local Planning Authority.

#### 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 Hillingdon Local Plan Part 2 (2020).

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

Within two months of the date of this permission, 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

#### 2. Details of Hard Landscaping

- 2.a Waste Storage
- 2.b Cycle Storage (34 spaces)
- 2.c Means of enclosure/boundary treatments, including creation of defensible space around ground floor windows;
- 2.d Car Parking Layouts (34 spaces including 4 x disabled parking bays, 2 x motorcycle parking spaces, 20% of car parking spaces served by active electrical vehicle charging points and a further 20% served by passive facilities);
- 2.e Hard Surfacing Materials
- 2.f External Lighting

#### 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 11, DMHB 14 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies G5 and SI 7 of the London Plan (2021).

#### **6 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 without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. 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 Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **7 RES7 Materials (Submission)**

The development shall be carried out in accordance with the material details approved under application reference 43762/APP/2022/2142, dated 17/8/22. Any changes to the approved materials would require a further consent from the Local Planning Authority.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **8 NONSC Noise-sensitive Buildings - use of specified measures**

Prior to occupation, a noise assessment shall be submitted to the Council for approval of

external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, and of acoustically attenuated mechanical ventilation as specified in report ref: PC-17-0245-RP2 Rev A. to achieve internal room and external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

#### REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by transport noise in accordance with Policy D14 of the London Plan (2021).

### **9 RES22 Parking Allocation**

The residential units hereby approved shall not be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall, as a minimum, include a requirement that all on-site car parking shall be allocated and dedicated for the use of each of the residential units hereby approved and shall remain allocated and dedicated in such a manner for the lifetime of the development.

#### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of the Hillingdon Local Plan Part Two 2 (2020) and Policy T6 of the London Plan (2021).

### **10 RES24 Secured by Design**

The dwelling(s) 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 dwelling 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 exercising 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 ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Local Plan Part 2 (2020) and Policy D12 of the London Plan (2021).

### **11 H8 Surfacing and marking out of access/parking/servicing areas**

The development shall not be occupied until the access roads, parking and servicing areas shown on the approved plans have been drained, surfaced and marked out in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently retained and used for no other purpose.

#### REASON

To ensure that the vehicular access, servicing and parking areas are satisfactorily laid out on site in accordance with Policies DMT 2 and DMT 6 of the of the Hillingdon Local Plan Part Two 2 (2020).

### **12 NONSC Demolition Method Statement**

The development shall be carried out in accordance with the construction management plan details approved under application reference 43762/APP/2022/1663, dated 9/8/22.

Any changes to the approved construction methodology would require a further consent from the Local Planning Authority.

**REASON**

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part Two 2 (2020).

**13 NONSC Step Free Access Details**

Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

**REASON**

To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

**14 NONSC Accessibility Standard**

The dwelling(s) hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

**REASON:**

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan (2021).

**15 NONSC Wheelchair Accessible Units**

The development hereby approved shall ensure that two, one bed ground floor units are constructed to meet the standards for a Category 3, M4(3)(2)(b) Wheelchair Accessible Standard dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

**REASON:**

To allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and ensure an appropriate standard of housing, in accordance with Policy D7 of the London Plan (2021).

**16 NONSC Sustainable Water Management**

The development shall be carried out in accordance with the sustainable water management details approved under application reference 43762/APP/2022/1663, dated 9/8/22. Any changes to the approved sustainable water management details would require a further consent from the Local Planning Authority.

**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 SI 13 Flood Risk Management of the London Plan (2021) and to be handled as close to its source as possible in compliance with Policy SI 13 Flood Risk Management of the London Plan (2021), and to conserve water supplies in accordance with Policy SI 15 Water Infrastructure of the

London Plan (2021), National Planning Policy Framework (2021).

**17 NONSC Carbon Emission Reduction Measures**

The development of the south block shall be constructed in accordance with the details of the solar panels approved under application reference 43762/APP/2022/2227, dated 4/11/22. Prior to above ground works on the north block, or if the details alter from those approved on the south block, full details showing the design, scale and specification of the roof mounted solar panels shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

All measures to reduce the energy demand and carbon dioxide emissions of the development and to provide renewable energy generation set out within the submitted Energy Statement shall be integrated into the development and thereafter permanently retained and maintained.

**REASON**

To ensure that the development incorporates appropriate energy efficiency measures in accordance with Policy SI 1 of the London Plan (2021).

**18 NONSC Protection of Residents From Poor Air Quality**

Mechanical ventilation with NOx / NO2 filters must be fitted at all units on the ground and first floors. Air inlets should be located as far from the A312 as possible to result in the greatest improvement in air quality.

The current green barrier between the A312 and the development must, as a minimum, be retained, and where possible should be enhanced in order to provide further protection for the future residents from the operation of the A312.

The residential travel plan should incorporate targets for reduced vehicle use, for the use of low/zero emission road vehicles, and for the promotion of sustainable travel modes such as walking and cycling.

**REASON**

To safeguard the amenity of future occupants and the surrounding areas in accordance with Policy EM 8 of the Hillingdon Local Plan: Part One Strategic Policies and Policy DMEI 14 of the Hillingdon Local Plan Part Two 2 (2020).

**19 NONSC Vibration Levels**

Prior to Occupation of the development, details shall be submitted to and approved in writing by the Council, of building vibration levels and, together with mitigation measures as specified in report ref: PC-17-0245-RP2 Rev A. Details shall demonstrate that vibration will meet a level that has low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

**Reason:**

To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by ground - or airborne vibration in accordance with Policy DMEI 14 of the Hillingdon Local Plan Part Two 2 (2020).

## **20 COM30 Contaminated Land**

The development shall be carried out in accordance with the contaminated land remediation works approved under application reference 43762/APP/2022/1663, dated 9/8/22. Any changes to the approved remediation would require a further consent from the Local Planning Authority.

The works, in order to address identified contaminants at the site, are to be implemented and recorded strictly in accordance with the recommendations and strategy provided within Section 8 of the approved Phase II Site Investigation Report. Copies of the records upon completion of the works should be submitted to LPA.

### **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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan Part Two 2 (2020).

## **21 NONSC Obscure Glazing**

The side kitchen / living / dining room windows on the west elevation on the first and second floors of the north block facing No. 151 Maple Road shall be glazed with permanently obscured glass and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

### **Reason**

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

## **22 NONSC Ecological Mitigation and Enhancement**

Within two months of the date of the decision details of ecological mitigation and enhancement, based on the recommendations of the Preliminary Ecological Appraisal shall be submitted to and approved by the Local Planning Authority.

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

### **Reason**

To maintain and enhance the ecological value of the site, in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part Two 2 (2020).

## **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 Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations,

including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG3	(2021) Creating a healthy city
LPP GG4	(2021) Delivering the homes Londoners needs
LPP GG6	(2021) Increasing efficiency and resilience
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H10	(2021) Housing size mix
LPP S4	(2021) Play and informal recreation
LPP E11	(2021) Skills and opportunities for all
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP SI1	(2021) Improving air quality
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP SI5	(2021) Water infrastructure
LPP SI6	(2021) Digital connectivity infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

LPP DF1	(2021) Delivery of the Plan and Planning Obligations
DMH 2	Housing Mix
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

### **3            I70                    LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **4            I73                    Community Infrastructure Levy (CIL) (Granting Consent)**

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2019. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [cil@hillingdon.gov.uk](mailto:cil@hillingdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

## 5

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Plant Protection  
Cadent  
Block 1; Floor 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)  
Telephone: +44 (0)800 688588

## 6

The footway and carriageway on The Parkway must not be blocked during the construction of the development. Temporary obstructions during the conversion must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the parkway, A312.

All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

No skips or construction materials shall be kept on the footway or carriageway on the Transport for London Road Network (TLRN) at any time.

## 7 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) 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.

**8 I17 Communal Amenity Space**

Where it is possible to convey communal areas of landscaping to individual householders, the applicant is requested to conclude a clause in the contract of the sale of the properties reminding owners of their responsibilities to maintain landscaped areas in their ownership and drawing to their attention the fact that a condition has been imposed to this effect in this planning permission.

**9 I43 Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

**10 I44A Prevention of Litter**

You should ensure that your premises do not generate litter in the streets and nearby areas. Sections 93 and 94 of the Environmental Protection Act 1990 give local authorities the power to serve 'Street Litter Control Notices' requiring businesses to clear up the litter and implement measures to prevent the land from becoming littered again. By imposing a 'Street Litter Control Notice', the local authority has the power to force businesses to clean up the area in the vicinity of their premises, provide and empty bins and do anything else which may be necessary to remove litter. Amendments made to the 1990 Act by the Clean Neighbourhoods and Environment Act 2005 have made it immediately an offence to fail to comply with the requirements of a Street Litter Control Notice, and fixed penalties may be issued as an alternative to prosecution.

Given the requirements of the Clean Neighbourhoods and Environment Act 2005, you are advised to take part in Defra's Voluntary Code of Practice for 'Reducing litter caused by Food on the Go', published in November 2004.

Should you have any queries on the above, please contact the Environmental Enforcement Team within the Environment and Consumer Protection Group on 01895 277402 at the London Borough of Hillingdon.

**11 I47 Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

### **3. CONSIDERATIONS**

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

The site is currently under construction, with the development of the southern block.

The site boundaries are marked by a green buffer of grass, medium sized trees and hedging. The buildings were most recently in use as day centres but have been vacant since the beginning of 2016. The site has its own access road, which is taken from Maple Road which is to the west.

Surrounding development is predominantly residential and extends to the east and west of the site. Buildings present nearby consist of a mix of two-storey terraced dwellings with gable roofing and three-storey blocks of flats with shallow pitched roofing. A recently completed three-storey flat roofed residential development (111 Maple Road) has introduced flat roof elements into the street scene.

Maple Road maintains a sense of verdancy due to the presence of street trees, grass verges, landscaped site frontages and pockets of green space to the rear of buildings although this has been partially eroded as a result of a number of front gardens being paved over to provide car parking.

The A312 (Parkway), which is a multiple carriageway road, flanks the site to the east, running from north to south. A dense buffer of trees and hedging is in place alongside the eastern boundary and provides a screen that prevent views of the road as well as providing some noise and air emission mitigation. The buffer widens to the north of the site.

The site backs on to an open green area to the south.

#### **3.2 Proposed Scheme**

This S73 application seeks a minor material amendment to revise Conditions 2 (Approved Plans), 3 (Compliance with Supporting Documentation), 6 (Landscaping Scheme) and 20 (Revised balcony siting / obscure glazing) of planning permission ref. 43762/APP/2018/396, dated 12-04-2018 for the 'Demolition of vacant Maple and Poplar Day Centre and construction of 34 no. 2-bed/ 4-person Flats in 2 no. 3-storey new builds' (as amended by 43762/APP/2022/1639 dated 21st June 2022) in order to allow the re-siting, internal and external changes to Block B and the reconfiguration of the car parking and landscaping layout on the wider site. The revisions are required due to the proximity of a water main which is located to the south and east of the approved siting of Block B.

As compared to its approved siting, the proposed new siting of Block B would be set further back to the north and west of the site and involve the furthest projecting part of its front elevation being sited approximately 1m further north and the building at its furthest point would project a further 4m to the rear. As regards its eastern side elevation, this would be sited a further 9.7m to the west and its western side elevation would be set back a further

0.7m from the site's western boundary.

In order to maintain the same number of residential units, a new recessed top floor level would also be added. As previously proposed, all floors would be provided with lift access and all units would provide Affordable Housing.

The approved scheme provided 17 x two bedroom, 4 person flats within each of the blocks, 2 units of which on the ground floor would be for wheelchair users. This would give a total of 68 bed spaces within each block (136 in total).

The proposal would also provide 17 units within the re-configured north block, but comprise 6 x one bedroom, two person units, eight x two bedroom, three person units, two x two bedroom, four person units and a three bedroom, five person unit, with two of the one bedroom, two person units on the ground floor being for wheelchair users. This would give a total of 49 bed spaces within Block B (117 in total).

As previously proposed, all floors would be provided with lift access.

A hard surfaced car parking area with a capacity for 34 vehicles, including 4 disabled bays, would still be provided in between the two buildings. The existing site access would be utilised with the parking area to the north of the access road, which serves properties to the west of the site, being unaffected. 34 cycle parking spaces would also be provided.

### **3.3 Relevant Planning History**

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

Planning permission for the demolition of vacant Maple and Poplar Day Centre and construction of 34 no. 2-Bed / 4-Person Flats in 2 no. 3-storey new builds (43762/APP/2018/396 refers) was granted on 12/10/2018.

Condition 5 (Site clearance) of the above permission was approved on 12/2/19 (43762/APP/2018/4418).

A non-material amendment application to alter the timescales for the submission and approval of details relating to conditions 8 (External Materials) and 16 (Renewable Energy) in connection with the original permission from 'pre-commencement of works' to 'above ground works' was approved on 21/6/22 (43762/APP/2022/1639 refers) and these conditions were subsequently approved on 17/8/22 and 4/11/22 respectively (43762/APP/2022/2142 and 2227 refer).

Conditions 4 (Existing and Proposed Levels), 6 (Landscaping), 13 (Construction Management Plan), 15 (SUDS) and 19 (Contamination) were approved on 9/8/22 (43762/APP/2022/1663 refers).

In order to allow the currently proposed revisions to be considered under a S73 application, a further non-material application to revise the description of development on the original permission by replacing 'no. 2-Bed / 4-Person Flats in 2 no. 3-storey new builds' with 'residential units' was approved on 2/3/23 (43762/APP/2022/573 refers).

### **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.H1 (2012) Housing Growth  
PT1.H2 (2012) Affordable Housing  
PT1.BE1 (2012) Built Environment  
PT1.EM1 (2012) Climate Change Adaptation and Mitigation  
PT1.EM6 (2012) Flood Risk Management  
PT1.EM8 (2012) Land, Water, Air and Noise  
PT1.T1 (2012) Accessible Local Destinations  
PT1.CI1 (2012) Community Infrastructure Provision

#### Part 2 Policies:

NPPF2 NPPF 2021 - Achieving sustainable development  
NPPF5 NPPF 2021 - Delivering a sufficient supply of homes  
NPPF8 NPPF 2021 - Promoting healthy and safe communities  
NPPF9 NPPF 2021 - Promoting sustainable transport  
NPPF11 NPPF 2021 - Making effective use of land  
NPPF12 NPPF 2021 - Achieving well-designed places  
NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding  
NPPF15 NPPF 2021 - Conserving and enhancing the natural environment  
LPP GG1 (2021) Building strong and inclusive communities  
LPP GG2 (2021) Making the best use of land  
LPP GG3 (2021) Creating a healthy city  
LPP GG4 (2021) Delivering the homes Londoners needs  
LPP GG6 (2021) Increasing efficiency and resilience

LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H10	(2021) Housing size mix
LPP S4	(2021) Play and informal recreation
LPP E11	(2021) Skills and opportunities for all
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP SI1	(2021) Improving air quality
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP SI5	(2021) Water infrastructure
LPP SI6	(2021) Digital connectivity infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
DMH 2	Housing Mix
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development

DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

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

**5.1** Advertisement Expiry Date:- **30th December 2022**

**5.2** Site Notice Expiry Date:- **30th December 2022**

## **6. Consultations**

### **External Consultees**

134 surrounding properties were consulted on this application, it was advertised in the local press on 7/12/22 and a site notice dated 7/12/22 was displayed adjacent to the site on 2/12/22, with the last closing date for representations being 30/12/22. A further 14 day consultation period was carried out on 15/2/23, with a closing date of 1/3/23. No consultation responses have been received.

Thames Water:

Having reviewed the details, we have no comments to make at this time.

Should the details of the application change, we would welcome the opportunity to be re-consulted.

National Highways:

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M4, particularly M4 J3 approximately 3 miles south of the site.

The material amendments in question are for the internal reconfiguration of the site following issues raised during detailed site construction surveys. None of the conditions seeking to be varied by the applicant are conditions that National Highways recommended for the original application. The number of flats, vehicle and cycle spaces all remain the same. Given the internal nature of the proposed changes, we are satisfied that the proposals would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

We raise no objections to Conditions 2, 3, 6 and 20 being varied as set out in the application. Please do keep us informed of any other relevant planning applications through our inbox [PlanningSE@nationalhighways.co.uk](mailto:PlanningSE@nationalhighways.co.uk).

London Fire Brigade:

The Applicant is advised to ensure the plans conform to Part B of Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.

I also enclose Guidance note 29 on Fire Brigade Access similar to that in B5 of the Building Regulations, Particular attention should be made to paragraph 16, Water Mains and Hydrants, by the applicant.

If there are any deviations from the guidance in ADB) vol 1 and 2: B5 Access and facilities for the fire service in relation to water provisions, then this information needs to be provided to the Water Office ([water@london-fire.gov.uk](mailto:water@london-fire.gov.uk)) to discuss the proposed provision.

If there are any deviations to Brigade access and facilities then this information needs to be provided to Fire Safety Regulation ([FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)) to review the proposed provision. Once we have received this information then the LFB can provide a response on the consultation and advice in regards to hydrants upon receipt of an appropriate site plan showing premises layout, access to it, and water supply infrastructure if available.

### **Internal Consultees**

POLICY OFFICER:

Principle of development

The site benefits from planning permission under application reference, 43762/APP/2018/396, and the proposed development relates to a minor material amendment (S73). Given this, it is considered that the principle in terms of residential development on the site has been established. However, the changes would not conform with the original description of the development. As previously discussed, this could be amended under other mechanisms. As such, if officers are minded to approve the application these changes should be done before issuing a decision.

Case Officer comment:

A non-material amendment application to revise the description of development to omit reference to building heights and unit mix has already been approved (43762/APP/2022/573 refers).

Housing mix

The Local Plan: Part 2, states in Policy DMH2: Housing mix that "The Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect

the Council's latest information on housing need."

Policy H10 of the London Plan sets out that Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme. The previous application referenced 43762/APP/2018/396 permitted 34 x 2-bedroom flats, where 17 of these were located within block A (the north block). The current application proposes a housing mix for block A (north block) comprising of:

- 6 x 1 bedroom flats
- 10 x 2 bedroom flats
- 1 x 3 bedroom flat

The proposal relates to a scheme of 100% affordable housing and has a low PTAL rating with the closes bus stops located on Yeading Lane approximately 0.3 miles west of the application site with bus connections to Hayes Town, Harrow and Northolt. Brookside Primary school, Belmore Primary School and Barnhill Community High School are also located less than a mile from the site. In comparison to the previous permission granted would provide one family unit on the site and would result in 6 one-bedroom units. As such, it is considered that when relating the current proposal to the previously approved housing mix it is deemed that the proposed housing mix is acceptable.

#### Affordable housing

The scheme would provide 100% affordable housing, as set out within the design and access statement of the original scheme under application reference 43762/APP/2018/369. It is the policy teams understanding that this is not changing as a result of the current proposal and as such it is considered that the principle with regard to affordable housing has been established on the site.

#### Vehicle parking

The Design and Access statement sets out that the proposal would result in 36 parking spaces in total, however when reviewing the proposed site layout, in this regard, it is clear that two of these spaces relate to motorcycle parking. Overall, the proposal of 36 vehicle parking spaces for the development as a whole (34 residential units) complies with the parking standards set out within policy T6.1 of the London Plan in terms of the number of Vehicle parking spaces provided.

#### Case Officer comment:

To clarify, the proposed site plan shows a total of 34 car parking spaces and 3 motorcycle spaces which is considered acceptable.

#### URBAN DESIGN / CONSERVATION OFFICER:

The variation of Condition 2 (Approved Plans), reduces the footprint of Block B (the northern block) and increases the height from three to four storeys with associated internal and external alterations. These changes are necessitated due to the 6m Affinity Water Main easement.

The updated layout locates Block B further back from the main Partway Dual Carriage Way, which is a positive alteration. The increased building height by one storey avoids reducing the number of units to achieve optimum density for the site. Although it is acknowledged that this delivers a four story building within the immediate context where the prevailing height is 3 storey. The pitched roofs of the adjacent three storey buildings will broadly be the same height as Block B at four storeys with the proposed flat roof.

The combination of setting the top floor back from the western elevation, adjacent to the neighbouring properties, with distances between increased improves the interface between Block B and the neighbouring properties. Accordingly, Condition 2 (Approved Plans), and Condition 20

(revised balcony siting/obscured glazing) is accepted and the Condition can be discharged.

The reconfiguration of the car parking and landscaping layout on the wider site is accepted. Therefore, Condition 6 (Landscaping Scheme) can be discharged.

#### HIGHWAY ENGINEER:

The revised drawing no 1100/P has been reviewed. As per condition 6 of the decision notice the plan must show 34 spaces for cycle storage, 34 car parking spaces including 4 x disabled parking bays, 2 x motorcycle parking spaces and 20% of car parking spaces served by active electrical vehicle charging points and a further 20% served by passive facilities. The drawing does not show the 20% active and passive electric charging vehicle points. The applicant must resubmit the drawing showing electric vehicle charging points.

#### Comments on revised plan

As requested by the Highway Authority revised plans have been submitted which show that 20% of car parking spaces would be provided with an active electric vehicle charge point with a further 20% having passive provision. There are no highway objections to this planning application

#### CONTAMINATION OFFICER:

No comments regarding land matters.

#### SUSTAINABILITY MANAGER:

I have considered the energy assessment in respect of the design of both north and south block since the energy information is presented for both.

I have no objections to the proposed development subject to formal agreement of the design, type and specification of the PV panels.

The applicant will also be required to pay £67,260 as a carbon offset for failing to achieve the onsite zero carbon requirements.

The combined shortfall is 23.6tCO<sub>2</sub>

I have no objection in relation to the ecology information.

#### DRAINAGE CONSULTANTS:

##### Review Summary

This application has changed from the previous application submitted in the following ways:

- Type of development: N/A
- Types of conveyance / attenuation features: N/A
- Runoff rate restriction (l/s): 3 l/s
- Runoff rate restriction per hectare (l/s/ha): N/A
- Runoff attenuation volume (m<sup>3</sup>): N/A
- Maintenance plan: N/A
- Any other previously identified outstanding matters: A pumped discharge to the surface water sewer at 3 l/s has been confirmed.

## Recommendation and Requests

We recommend approval for the following reasons:

- The discharge rate has been agreed at 3 l/s, which has been approved by Thames Water.
- The inclusion of a pumped discharge has been justified.
- The applicant has provided a drawing displaying the cover and invert levels, pipe sizes and gradients of the on-site drainage.

## AIR QUALITY OFFICER:

As no air quality contribution was sought on the original application and there are no changes to number of units, or aspects that would impact on traffic levels, there appear no grounds to now ask for a contribution via the S73 process.

It should be noted that conditions were sought for the protection of public exposure for new residents (use of mechanical ventilation, enhancement of green barrier to A312) plus minimising traffic associated with the development in terms of residential travel plans.

## WASTE SERVICES:

Details required on bin storage areas: - Minimum number of containers required per block = 4 x 1100 litre, with 50/50 split of recycling and waste - space should be considered for a food waste recycling unit up to 240 litres in size - Residents and staff should not have to carry waste more than 30 metres from their front door. - Waste collection crews and caretakers should not have to: carry waste sacks more than 15 metres carry bins or move wheeled bins (up to 360 litres) more than 10 metres manually navigate flights or steps or steep slopes or marked changes in level move larger wheeled bin more than 10 metres - The enclosure or chamber should be large enough to allow clearance of 150mm between each bin and the walls. - There should be space in front of the bins to allow residents to easily access the bins when depositing waste. If many multiple bins are used then there should be sufficient space to rotate the bins in between collections. - The walls should be made from an impervious, non-combustible material that ideally has a fire resistance of one hour when tested to BS 476-21. - If a gate or door is added to the enclosure or chamber it should be metal, hardwood or softwood clad with metal. Ideally it should have a fire resistance of 30 minutes when tested to BS 476-22. - The door frame should allow clearance of 150 mm either side of the bin, when it is being pulled out for collection. The door frame should be rebated into the reveals of the opening. - There should be a latch or clasp to hold the gate / door open while the collection process takes place.

## **7. MAIN PLANNING ISSUES**

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

The acceptability of the principle of the re-development of this site, including the loss of the former day centre and its residential re-use has already been established by the grant of the original permission on 12th October 2018 (43762/APP/2018/396 refers) which has been implemented.

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

The density of the previously approved scheme was considered to be acceptable. With a site area of 4,200 m<sup>2</sup> (0.42 hectares), the previous committee report advised that the density of the proposed development equates to approximately 81 dwellings per hectare, or 243 habitable rooms per hectare, which is similar to the density of surrounding residential development and that this level of density represents the top end of the density spectrum and is therefore considered to represent an optimal development of the site.

The proposed changes on this scheme would provide the same unit density, but there would be a slight reduction in the habitable room density to 231 habitable rooms per hectare. Given the small reduction and that this figure is still within the upper level of the recommended range of 150 - 250 habitable rooms per hectare, it is considered acceptable, particularly given that the change has been necessary due to the discovery of a water main, an additional constraint to development on site and that the London Plan is moving away from prescribed density standards to a more design led approach, with the proposed changes to the northern block being considered in Section 7.07 of this report.

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

The site is not located in, or within close proximity of any area or building which is the subject of designated heritage status, including an archaeological protection zone / area. As such, there are no designated heritage assets that would be affected by the proposal.

#### **7.04 Airport safeguarding**

Not applicable as the height of the revised proposed north block does not exceed the threshold for consultation with Heathrow Airport Limited or the MoD (Northolt). The proposal therefore does not raise any airport safeguarding issues.

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

The site is located within an established built-up area that is a minimum of 630 metres from the nearest green belt land, with a number of buildings and major infrastructure such as roads in the intervening area.

It is therefore considered that the proposed development would not impact upon the open character of the green belt in any way.

It is considered that adding an additional floor to the north block, given the separation distances involved, would not impact on the openness of the nearest part of the Green Belt

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

As regards the original scheme, the committee report advised that the site did benefit from mature vegetation, particularly on its boundaries which helps to screen the site and as regards to siting and the northern block:-

'The proposed buildings would be located towards the northern and southern end of the site respectively. This northern building would respond to the general building line defined by 131 - 151 Maple Road. This would result in the building appearing as a natural continuation of existing development along the street, therefore preventing it from appearing incongruous or disruptive.'.....

'The scale of the buildings are comparable with surrounding flats, many of which are three-storeys in height and slightly taller than the proposed buildings due to having pitched roofing. Dwellings are generally in the form of terraced houses, establishing a pattern of buildings with wide frontages. The buildings are of contemporary design and do not attempt to mimic the general pattern of development on the street, which consists of two and three-storey pitched roof buildings. However, it is noted that the nearby development of 111 Maple Road has introduced contemporary design of a similar scale and appearance into the street scene and, given the proposal site does not possess a direct street frontage, it is considered beneficial for it to possess its own sense of character in any case.

The development would utilise the existing site access, with no significant modifications made and, the frequency of the use of this access road as a result of the development would not increase to a degree that would lead to it being out of keeping with its surrounding by way of representing an over intensive use of the site.

A number of trees, as well as sections of hedgerow, would be removed to allow for the site to accommodate the proposed buildings. However, this loss would be mitigated by new landscaping that would be carried out as part of the proposed scheme, with the green buffers on all site boundaries being preserved. As such, the site would continue to contribute towards the semi-verdant nature of the overall street scene and surrounding area.'

The proposed northern block would still sit opposite the southern block, separated by the car parking area, but it would no longer be a mirror image of the southern block in terms of its scale and proportion.

That said, although the revised north block would be a four storey building, the new top floor is largely recessed from the building frontages so as to maintain the overall impression of a three storey block, particularly as viewed from ground level. As noted in the previous officer's report, surrounding flatted development tends to be taller than the previously proposed 3 storey flat roofed buildings due to their pitched roofs. Given the recessed nature of the fourth storey and due to this site being largely screened from Maple Road by its green boundary buffers, and as the north block would still have a complementary design with matching materials, its revised footprint and massing would still sit comfortably opposite the southern block. The Council's Design Officer also concurs with this assessment.

It is therefore considered that the proposed development would result in an acceptable visual impact and provide spatial characteristics which relate to the surrounding area and, as such, is in accordance with Policies DMHB 11 and 12 of the Hillingdon Local Plan.

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The committee report on the original scheme advised that:-

'The closest residential dwelling to the northern block is no. 151 Maple Road which is approximately 10 metres to the west of the northern building within the development. Whilst this is closer than the 15 metre separation required by the Residential Layouts SPD, this is acceptable as it involves a relationship between side elevations.

Although the northern building extends towards the rear to roughly the same extent as the rear garden of 151 Maple Road, it does not come close to breaching a 45 degree splay taken from any habitable room windows serving that dwelling, nor would it compromise outlook given the degree of separation between the proposed building and the neighbouring site and the fact that the building would not be within the field of vision when looking directly towards the far end of the rear garden.

It is therefore considered that the proposed development would not appear overbearing towards neighbouring residential properties nor would it generate undue levels of overshadowing.'

The proposed new siting of the northern block would result in its front elevation being sited slightly further forward on its plot and it would be sited some 0.5m further away from no. 151 Maple Road to the west, with the separation distance increasing from 10.0 to 10.5m. The revised footprint of the block does involve the further projection of the block to the rear,

by some 4.0m, but at this point, the block has been stepped in further from the side boundary and would be sited some 12.9m from the side boundary so that again, it would not breach a 45 degree line of sight taken from any habitable room window serving the adjoining dwelling. Furthermore, the proposed additional fourth storey has been set back by a minimum distance of some 2.75m from the side elevation of the block which increases at the rear to approximately 3.75m so as to reduce the appearance of the bulk and massing of the building as viewed from the neighbouring property. It is therefore concluded as previously on the consented siting of the block that given the degree of separation between the proposed building and the neighbouring site and the fact that the building would not be within the neighbouring property's field of vision when looking directly towards the far end of the rear garden the building would not compromise the outlook of the neighbouring property.

In addition to the previous report considering that the proposed development would not appear overbearing towards neighbouring residential properties, it also advised that it would not generate undue levels of overshadowing and given the separation distances involved, this assessment remains valid for the revised scheme.

The previous committee report went on to advise:-

'There are a number of windows serving habitable rooms, as well as balconies, at all floor levels, on the western elevation of the northern building, facing towards properties on Maple Road. Direct views from these features would largely be towards the flank elevation of 151 Maple Road, which does not contain any habitable room windows although the balcony would offer views of the rear garden. Views from the balcony towards the rear garden would be partially obstructed by site landscaping but, nevertheless, it is considered necessary to require screening to be provided to the southern edge of the balcony in order to restrict potential views.

There would be no neighbouring habitable room windows that would be within 21 metres and a 45 metre splay of any of the windows or balconies on the northern building on any of the proposed buildings and, as such, it is not considered that the buildings would offer invasive views of surrounding residential properties.'

It is noted that notwithstanding the above, a condition was attached at committee which required the balconies on the first and second floor of the northern block facing No. 151 Maple Road to be re-positioned from the west elevation to the north elevation of the kitchen/ living/ dining room and that the window openings on the west elevation to the kitchen/ living/dining be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level.

The current proposal does not involve siting any balconies on the west elevation of the northern block. The proposed block does still contain bedroom and kitchen/ living/ dining room windows in this elevation, but the potential for overlooking is no greater than the consented scheme, particularly as the additional floor and its side windows are set well back from the edge of the roof and the roof's parapet wall will screen any close views from these windows and the only amenity space on this side of the roof is sited at the front and a similar condition is also recommended requiring that the kitchen/ living/dining room windows at first and second floor levels facing No. 151 Maple Road (which are secondary windows) be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level.

The previous committee report on the original consented scheme went on to advise that:-

'The balconies and terraces serving the residential units would not be of sufficient size to allow for large congregations of people that may cause disturbance to neighbouring residents given their raised nature and proximity to neighbouring sites. The main amenity area serving the development would be the communal space at ground level which would be distributed around the site, primarily towards the eastern side, away from neighbouring residential development.

The main car park would be positioned towards the interior of the site and this siting would prevent engine noise and headlights from disrupting neighbouring residents.'

This assessment remains valid for this application.

It is therefore considered that the proposed development accords with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

#### **7.09 Living conditions for future occupiers**

##### **INTERNAL AMENITY:**

The previous committee report on the original scheme advised that:-

'The Gross Internal Area (GIA) provided within each unit is in excess of the minimum space standards set out in legislation. Each unit has an uncomplicated internal layout which would allow for effective circulation and ensure no rooms are of an awkward shape or size. The majority of habitable rooms would have more than one window, maximising natural light permeation, particularly as all windows are close to full room height.

All units would be dual aspect allowing for adequate sunlight and ventilation provision, in accordance with para. 2.3.40 of the London Plan Housing SPG (2016).

All ground floor windows would face towards defensible space in order to maintain the privacy of future occupants.'

The units within the revised northern block would also satisfy the minimum internal space standards for 1 Bed, 2 Person; 2 Bed, 3 Person; 2 Bed, 4 Person and 3 Bed, 5 Person flats of 50, 61, 70 and 86sq. m respectively. The bedrooms also satisfy the minimum areas and widths specified by Policy D6 of the London Plan (2021).

The majority of the units would also be dual aspect, with the exception of one east facing unit on each floor.

All the ground floor unit windows would also face towards defensible space, thereby maintaining the privacy of occupants.

As regards outlook, the previous committee report advised:-

'With the exception of those on the western elevation, all windows that serve habitable rooms within the development are well in excess of 15 metres from neighbouring buildings, and 21 metres from neighbouring habitable rooms, with largely unobstructed outlooks. Those on the western elevation face towards 151 Maple Drive, some 10 metres away. However, the windows face the flank elevation of the building, which is not of significant length, and it is not considered the proximity to this building would therefore obstruct natural

light provision and outlook to the extent that these windows would fail to provide a suitable living environment for future occupants.'

The current proposal increases the minimum separation distance to 10.5m and therefore given the previous assessment which remains valid, the proposed units are considered to afford an appropriate sense of outlook.

The original committee report also advised that:-

'The submitted noise survey shows that the site is subjected to significant levels of noise throughout the day and night, primarily as a result of the proximity to the A312. The noise survey demonstrates how noise within the interior of the building can be reduced through the use of appropriate sound insulation measures. Further details of appropriate mitigation measures will be secured by planning condition.'

A similar condition forms part of the officer's recommendation on this S73 application.

#### EXTERNAL AMENITY:

Policy DMHB 18 of the Local Plan, Part 2 (2020) requires all new residential development to provide good quality and useable private outdoor amenity space which should be provided in accordance with the standards set out in Table 5.3 and that balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.

Table 5.3 requires amenity space to be provided as follows:-

- 1 bed flat - 20 m<sup>2</sup> per flat
- 2 bed flat - 25 m<sup>2</sup> per flat
- 3 bed flat - 30 m<sup>2</sup> per flat

This equates to an overall requirement for the revised housing mix within the north block of 400 m<sup>2</sup> of amenity space as compared to the previous requirement of 425 m<sup>2</sup> of amenity space of for the north block (850 m<sup>2</sup> for the whole scheme).

Each unit would have access to a private terrace or balcony, which would satisfy the amenity space dimensions stipulated by the Local Plan. In total, the proposed balconies and terraces serving the units in the north block would provide a total of 142 m<sup>2</sup> of private space. As on the original consented scheme, the primary amenity space would be provided in the form of a communal landscaped area to the sides and rear of each building which previously provided a combined area of 1,250 m<sup>2</sup> which was significantly above standards. The current scheme, whilst communal amenity space is lost at the rear, is gained along the eastern side of the northern block so that the quantum of communal space is comparable to the consented scheme. As such, this S73 application similarly provides good quality and useable amenity space that greatly exceeds standards.

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

A revised Transport Statement Addendum, January 2023 has been submitted in support of this S73 application which assesses whether the proposed changes to the originally consented scheme have any implications for highway matters. It concludes that the proposed changes do not affect the 2018 approved development feasibility status, in traffic and transport terms.

The current S73 application has revised the car parking layout, with car parking still

proposed in a similar location, between the two buildings and the required number of vehicle and cycle parking spaces. The Council's Highway Engineer initially raised concern that the proposal did not make provision for electric charging points, as required by Condition 6 of the original permission. Revised plans have been submitted which show 34 parking spaces of which 4 would be accessibility spaces, with 7 active and 7 passive spaces shown and provision for 34 covered and secure cycle spaces and 3 motorcycle spaces. The Highway Engineer advises that following the receipt of the amended plan, there are no highway objections to this planning application.

It is therefore considered that the proposal would comply with Local Plan Policies DMT 5 and DMT 6 of the of the Local Plan, Part 2 (2020).

#### **7.11 Urban design, access and security**

A Secure by Design condition is recommended as per the original consent.

The proposed development would therefore be in accordance with Policy DMHB 11 of the Local Plan, Part 2 (2020) and Policy D11 of the London Plan (2021).

#### **7.12 Disabled access**

The revised layout for the north block incorporates a lift serving all floors and 2 wheelchair accessible units on the ground floor, but these would now be 1 bed units as opposed to the 2 bed units previously approved. The Council's Accessibility Officer has reviewed the application and advises that whilst one bedroom wheelchair accessible units are not a preferred option, it is not feasible to incorporate 2 x 2 bedroom wheelchair accessible units on the ground floor, without reducing the overall number of dwellings and/or foregoing the three bed family unit on the ground floor. As there are 2 x 2 bed wheelchair accessible units being provided in the south block, taking this into consideration along with other housing priorities, the provision of 2 x 1 bed units is on balance acceptable in this instance. The Accessibility Officer raises no objections to the scheme, subject to conditions requiring details of step free access and to ensure that the units satisfy appropriate accessibility standards. These form part of the officer's recommendation.

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

The development would provide 100% Affordable Housing, this provision being secured by way of a Section 106 Agreement.

This revised scheme would provide 6 x 1 bedroom; 27 x 2 bedroom and 1 x 3 bedroom affordable units. The loss of 2 bedroom affordable units is regrettable, but given that the overall number of affordable units remains the same, and a 3 bedroom affordable unit is now being provided which are required by the Borough's latest SHMA for Affordable Housing and the change to the scheme has been necessary to mitigate an unforeseen constraint on site, the change to the mix of affordable housing is considered to be acceptable.

The requirements of Local Plan (Part One) Policy H2 are still fulfilled with the delivery of in excess of 35% affordable housing.

#### **7.14 Trees, Landscaping and Ecology**

Trees and Landscaping:

This S73 application is supported by a revised Arboricultural Report, which advises that an updated survey was undertaken on 24/10/22. The report includes a tree surgery schedule and a tree protection plan that generally indicate that more trees will be retained on site, to the north east and east of the northern block, including a tree group to the east, comprising Field Maple, Hawthorne and Laurel with some further tree loss to the west of the north

block. All the trees to be removed are Category C, being of low quality that should not be a constraint on development. Given that all the trees to be removed are of low quality and there is no overall net loss of trees, the revised scheme is acceptable, in accordance with Policy DMHB 14 of the Local Plan, Part 2 (2020).

Ecology:

A preliminary Ecological Appraisal has been submitted in support of this S73 application. It advises that a previous appraisal was undertaken in connection with the original scheme in 2018, including badger monitoring and reptile surveys and that this current appraisal involved an extended Phase I Habitat Survey which was undertaken on 22/11/22. It advises that the site is currently under development and is mainly of low ecological value (bareground and buildings) and the works will be restricted to these areas with boundary habitats retained. The appraisal recommends mitigation and enhancement measures for nesting birds, bats and reptiles including precautionary working methods, retention and protection of existing habitats and new habitat creation and that in so doing, any adverse effects from the proposed development on the habitats and species on site will be fully mitigated.

The Council's Sustainability Officer has reviewed the ecology information and advises that there are no objections. A condition is recommended to ensure that a scheme for ecological mitigation and enhancement, following the recommendations of the appraisal, is submitted.

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

The revised car parking layout incorporates 2 covered and secure bin stores sited either side of the access into the site, close to the entrances to the north and south blocks.

The Highway Engineer raises no objections to this layout. Waste Services do provide generic comments on the location and specification of the bin stores, but their location and details have been previously approved under 43762/APP/2022/1663 on which Waste Services were consulted and did not raise an objection.

It is considered that this is an acceptable arrangement for domestic waste, in accordance with Policy SI 7 of the London Plan.

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

The original consented scheme proposed energy efficiency measures in the form of the use of high performance insulated building materials, low energy lighting and the use of natural ventilation. Further carbon reductions are to be achieved through the use of roof mounted solar PV panels, the details of which are to be secured by condition.

The energy saving approaches proposed achieved a carbon emission reduction of 35.5% from the baseline rate and in order to be London Plan compliant which requires zero carbon residential development, a carbon offset payment of £54,360, secured through the S106 Agreement, was to be paid.

The Council's Sustainability Manager has reviewed this S73 application and advises that the energy information is presented for both the north and south block and that there are no objections to the revised proposal, subject to formal agreement of the design, type and specification of the PV panels. This is secured by condition.

The officer also advises that based on the latest information provided within the Energy Statement, November 2022 which applies to both blocks, the new carbon offset payment

required for failing to achieve the onsite zero carbon requirements for the whole development is £67,260. This forms a Heads of Term within the recommended S106 Agreement.

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

The site is located within Flood Zone 1 and, as such, is not subject to significant risk of tidal or fluvial flooding. Part of the northern end of the site is identified as being susceptible to surface water flooding.

This S73 application is supported by a revised Flood Risk Assessment, Rev. 1.1, dated November 2022. This has been reviewed by the Council's Drainage Consultants and further to their initial objections, additional information has been submitted in the form of additional below ground drainage calculations, an email dated 27/1/23 dealing with the specific concerns / queries raised by the consultants, copies of correspondence from Thames Water, confirming connection to the public sewer is acceptable and a longitudinal section of the sewer which illustrates its need to be pumped.

The Council's Drainage Consultants have removed their objection, advising that :-

- The discharge rate has been agreed at 3 l/s, which has been approved by Thames Water
- The inclusion of a pumped discharge has been justified.
- The applicant has provided a drawing displaying the cover and invert levels, pipe sizes and gradients of the on-site drainage.

The proposed development therefore satisfies Policies SI 12 and SI 13 of the London Plan (2021) and Policy DMEI 10 of the Local Plan, Part 2 (2020).

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

Noise Issues:

The revised siting of the north block moves this block further away from the adjoining A312 (Parkway) multiple carriageway, which is a positive alteration. The Council's Noise Officer raises no objections to the S73 application.

Air Quality Issues:

The Council's Air Quality Officer advises that no air quality contribution was sought on the original application and there are no changes to number of units, or their aspects that would impact on traffic levels. As such, there are no grounds to now ask for a contribution via the S73 process. However, the officer does advise of the need to attach the conditions and secure a travel plan that previously formed part of the original consent which seek to reduce exposure of the new residents to pollution. These form part of the officer's recommendation on this S73 application.

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

No public consultation responses have been received.

#### **7.20 Planning Obligations**

The following contributions or planning obligations are required in order to mitigate the impacts of the development as required by Policy DMCI 7 (Planning obligations and CIL) of the Local Plan Part 2 Development Management Policies (2020). If the application were to be considered for approval, the following S106 Heads of Terms would be pursued by the Council at that time.

Non-Monetary Contributions:

(i) Affordable Housing:

100% Affordable Housing.

(ii) Restriction on Parking Permits for future residents.

Monetary Contributions:

(i) Carbon Emission Offsetting:

Contribution of £67,260

(ii) Construction Training:

Construction Training: Training Costs: £2500 for every £1m build cost + Coordinator Costs or an on-site programme.

(iii) Travel Plan:

To include £20,000 Bond

(iv) Project Management & Monitoring Fee:

5% of total monetary contributions

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

Not applicable.

#### **7.22 Other Issues**

##### **FIRE STRATEGY**

A Fire Statement has been submitted for the north block in compliance with Policy D12 of the London Plan (2021). This specifies the building construction and fire safety measures that will reduce the risk of fire, in accordance with relevant standards. Means of escape are identified and fire service vehicles will be able to access the main building entrance via Maple Road and a dry rising main will be provided, with the inlet point adjacent to the building entrance and an outlet located on the landing of each floor which will comfortably be within 45m of the furthest point of the furthest dwelling, in accordance with relevant Building Regulations.

The submitted Fire Strategy has broadly acknowledged and covered the relevant requirements and is therefore considered robust and fit for purpose.

The London Fire Brigade raises no objections.

##### **OVERHEATING ASSESSMENT**

This considers the revised layout and design of the north block in relation to the risk of overheating in the bedrooms and living areas. The thermal analysis undertaken demonstrates that all the rooms / areas assessed satisfy relevant standards and GLA guidance, with the exception of 1 double bedroom in the unit in the south eastern corner on the top floor. The report advises that this can be mitigated by increasing the openable window area of the room by replacing the upper pane opening type from a top hung to a

side hung window. The report concludes that once mitigation this applied, all the units have an acceptable risk of overheating, and no further requirements are needed to ensure the comfort of the unit occupiers.

The supporting document condition will ensure that the recommendations of the report are implemented.

## CIRCULAR ECONOMY STATEMENT

This has been submitted in response to Policy SI 7 of the London Plan (2021) and acknowledges that the scope of the report has been limited as works implementing the original permission, including the demolition of the existing buildings on site, have already been undertaken. The statement goes on to advise of the principles and aims of the circular economy and the key part it plays in the sustainability strategy for the scheme. It advises that circular economy targets and commitments will be developed further at the detailed design stage, but will follow:

- creating a programme and outline methods that will allow the development to meet long-term goals,
- development of a site waste/resource management plan,
- refinement of end of life building / material strategies

The statement is considered to provide a useful framework to ensure the scheme makes a full contribution to sustainability objectives.

## CONTAMINATION

The Council's Contamination Officer raises no objection to this S73 proposal.

## **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

#### **10. CONCLUSION**

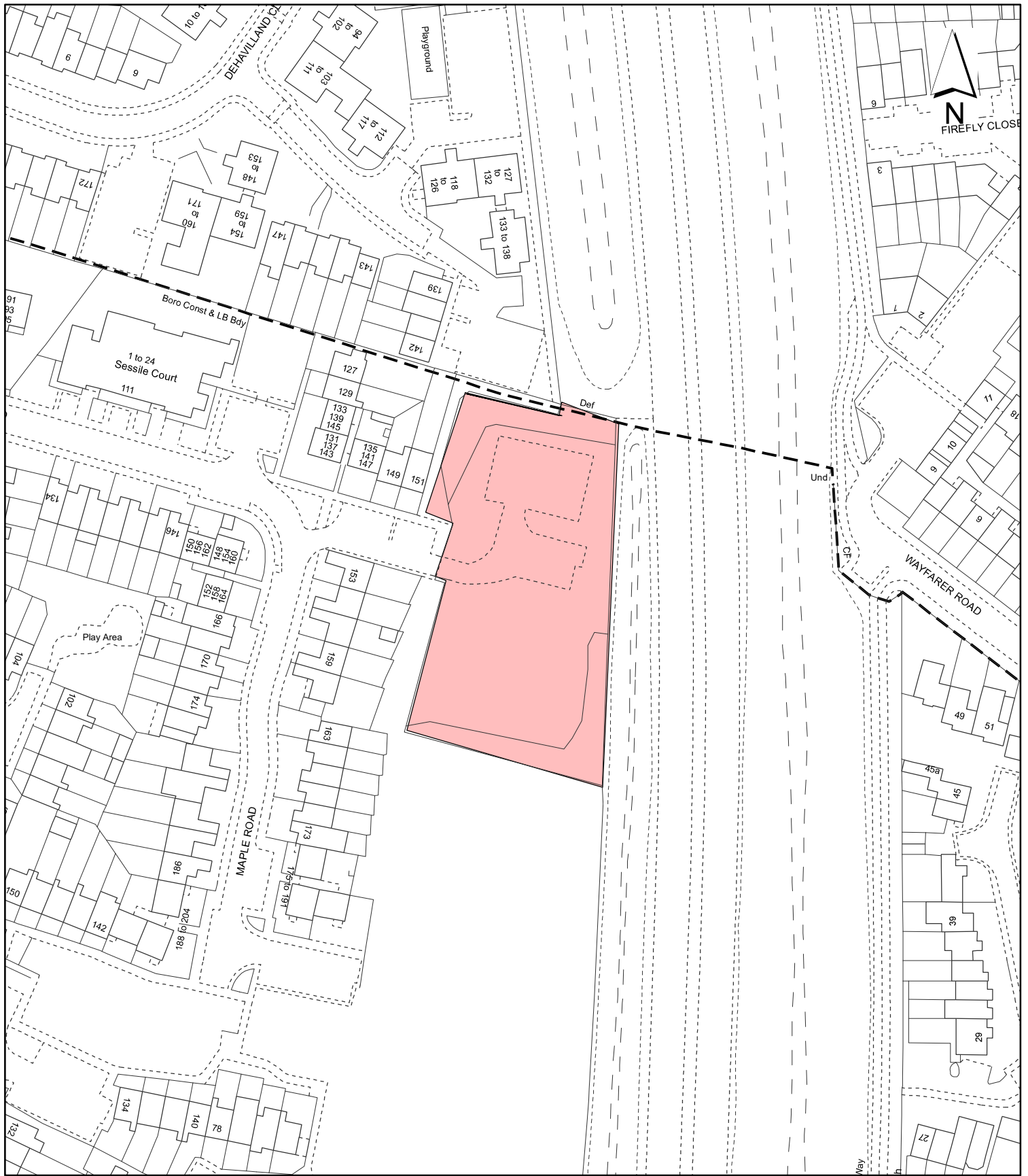
It is considered that this revised S73 proposal is acceptable for the reasons set out in this report and, as such, it is recommended that the application is approved, subject to the S106 Agreement and the attached planning conditions.

#### **11. Reference Documents**

The Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Development Management policies (January 2020)  
London Plan (March 2021)  
National Planning Policy Framework (2021)  
Council's Supplementary Planning Document - Accessible Hillingdon  
Council's Supplementary Planning Document - Planning Obligations

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**Notes:**

 Site boundary

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Site Address:

**Maple and Poplar Day Centre**

Planning Application Ref:

**43762/APP/2022/3588**

Planning Committee:

**Major**

Scale:

**1:1,250**

Date:

**March 2023**

**LONDON BOROUGH OF HILLINGDON**  
**Residents Services**  
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