

Report of the Head of Development Management and Building Control

Address: LAND TO THE EAST OF LONDON SCHOOL OF THEOLOGY GREEN LANE
NORTHWOOD

Development: Erection of a residential building comprising 13 flats with associated parking, cycle storage, motorcycle parking, disabled parking and bin storage following demolition of existing residential block and pair of semi-detached houses.

LBH Ref Nos: 10112/APP/2022/1474

Drawing Nos: Energy Assessment, dated 4/10/21
FLU.249.4.06 Rev. F (Proposed Second Floor Plan)
Soft Landscape Specification, April 2022 (Ref. PR123743 Spec)
Traffic Report, Issue B, dated 19/5/17
Tree Report, dated 12/9/19
FLU.249.4.08 Rev. E (Proposed Rear and West Side Elevations)
Financial Viability Appraisal, August 2022
FLU.249.4.02 Rev. G (Proposed Site Layout Plan)
DS.01 (Pricacy Screen Detail Sheet)
Construction Logistics Plan, Rev. A, March 2022
Material Schedule
Planning Statement, May 2022
Accommodation Schedule
Daylight and Sunlight Report (Within Development) dated 3/10/22
Applicant's Response Letter dated 4/1/23 Re. Daylight and Sunlight Report Review
Low Emission Strategy, Rev. A, March 2022
Groundwater Basement Impact Assessment, dated 31/3/22, Ref. 30626R1
Air Quality Assessment, June 2017
FLU.249.4.07 Rev. F (Proposed Front and East Side Elevations)
FLU.249.4.08 Rev. F (Proposed Rear and West Side Elevations)
FLU.249.4.04 Rev. J (Proposed Ground Floor Plan)
PR123743-11C Sheet 1 (Soft and Hardscape Proposals)
PR123743-11C Sheet 2 (Soft and Hardscape Proposals)
Basement Parking Plan, Rev. A
FLU.249.4.LP.01 (Proposed Levels Plan)
FLU.249.5.01 (Step Free Access Plan -Basement)
Surface Water Drainage Strategy, May 2017
Tree Protection Plan, Rev. C
Phase I, Non-Intrusive & Phase II, Intrusive Site Investigation, June 2019Land

contamination assessment
 Parking Plan, Rev. A
 FLU.249.DT01 Rev. B (Dormer Details)
 FLU.249.4.10 (Basement Section)
 FLU.249.4.09 (BRE 25 degree test)
 FLU.249.4.01 Rev. B (Location Plan)
 Design and Access Statement
 FLU.249.4.07 Rev. E (Proposed Front and East Side Elevations)
 FLU.249.4.03 Rev. N (Proposed Basement Floor Plan)
 FLU.249.4.05 Rev. G (Proposed First Floor Plan)
 Landscape Management and Maintenance Plan, dated 7/4/22 (Ref. PR123743 Man)

Date Plans received:	06-05-2022	Date(s) of Amendments(s):	06-05-2022
			04-01-2023
Date Application valid	30-06-2022		30-06-2022

1. SUMMARY

Planning permission is sought for the erection of a residential building comprising 13 flats with associated parking, cycle storage, motorcycle parking, disabled parking and bin storage.

A number of planning permissions have already been granted for an almost identical block of flats on this site, albeit comprising differing numbers and mix of units, the last one of which was for 15 units and granted on 9/11/20 (ref. 10112/APP/2019/1244) with the only physical changes being to the internal layout and external details of the building, mainly to its fenestration. Works have commenced on site.

The proposed development has not resulted in the loss of residential accommodation on site as it has previously been established that the former existing buildings on site were used in connection with the London School of Theology and did not provide independent Class C3 residential units.

Also as previously assessed, the proposal would not cause harm to the character and appearance of the immediate street scene and surrounding area. As regards to the new internal layout and window details, the proposed units would be provided with internal floor spaces that exceed the minimum London Plan standards so that the proposed accommodation would provide an appropriate living environmental and would not have a detrimental impact on the residential amenity of surrounding neighbours. Sufficient external amenity space would also be provided.

The proposed development would be provided with acceptable levels of car and cycle parking spaces and would not result in a significant increase in traffic generation, and so would not cause harm to the local highway network.

The scheme would provide an in lieu Affordable Housing contribution and an air quality contribution, secured through a S106 Legal Agreement. The S106 Legal Agreement would also secure a carbon off-set contribution if required, to be identified by means of a detailed Energy Assessment, the

submission of which is controlled by condition.

The application is recommended for approval, subject to conditions and a S106 Agreement.

2. RECOMMENDATION

That delegated powers be given to the Director of Planning, Regeneration and Public Realm to GRANT planning permission, subject to the following:

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278, to secure the following Heads of Terms:

i) An in lieu affordable housing contribution of £320,000 to include a Late Stage Review Mechanism (GLA standard wording).

ii) Carbon off-set contribution* as required by an approved Energy Assessment to secure the necessary CO2 savings required plus a clause ensuring that the applicant undertakes monitoring and reporting of the carbon performance of the buildings in line with the London Plan 'be seen' requirements. This shall also identify triggers and measures to ensure any shortfalls in performance are understood and mitigation is identifiable and deliverable to resolve failures to meet targets. The reporting shall be undertaken annually for 5 years.

***The shortfall (where applicable) identified in the Energy Assessment required by the Energy Condition shall form an in lieu contribution to the Council's carbon offset fund at £95/tCO2 annualised over 30 years (i.e. shortfall x 30 x 95 = £contribution).**

iii) £31,669 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

iv) £32,000 public open space contribution.

v) A project management and monitoring fee of 5% of the total cash contributions for the management and monitoring of the resulting agreement (in the event that a S106 Agreement is completed).

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 / 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, public open space, carbon offsetting and air quality). 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 if the application is approved, the following conditions be imposed:

1. RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

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

2. RES4 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:-

FLU.249.4.02 Rev. G (Proposed Site Layout Plan)
FLU.249.4.03 Rev. N (Proposed Basement Floor Plan)
FLU.249.4.04 Rev. J (Proposed Ground Floor Plan)
FLU.249.4.05 Rev. G (Proposed First Floor Plan)
FLU.249.4.06 Rev. F (Proposed Second Floor Plan)
FLU.249.4.07 Rev. F (Proposed Front and East Side Elevations)
FLU.249.4.08 Rev. F (Proposed Rear and West Side Elevations)
FLU.249.4.09 (BRE 25 degree test)
FLU.249.4.10 (Basement Section)
DS.01 (Privacy Screen Detail Sheet)
PR123743-11C Sheet 1 (Soft and Hardscape Proposals)
PR123743-11C Sheet 2 (Soft and Hardscape Proposals)
FLU.249.4.LP.01 (Proposed Levels Plan)
FLU.249.5.01 (Step Free Access Plan - Basement)
FLU.249.DT01 Rev. B (Dormer Details)

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

3. RES5 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:

Energy Assessment, dated 4/10/21
Traffic Report, Issue B, dated 19/5/17

Construction Logistics Plan, Rev. A, March 2022
Material Schedule
Planning Statement, May 2022
Accommodation Schedule
Daylight and Sunlight Report (Within Development) dated 3/10/22
Applicant's Response Letter dated 4/1/23 Re. Daylight and Sunlight Report Review
Low Emission Strategy, Rev. A, March 2022
Groundwater Basement Impact Assessment, dated 31/3/22, Ref. 30626R1
Air Quality Assessment, June 2017
Surface Water Drainage Strategy, May 2017
Tree Protection Plan, Rev. C
Phase I, Non-Intrusive & Phase II, Intrusive Site Investigation, June 2019
Design and Access Statement

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 Policies D5, D7, D12, D14, H4, H6, SI 1, SI 2, SI 4, SI 7, SI 13 and T4 of the London Plan (2021) and Policies DMHB 14, DMEI 2, DMEI 7, DMEI 10, DMEI 12, DMEI 14 and DMT2 of the Hillingdon Local Plan Part 2 (2020).

4. RES8 Tree Protection

The development shall be carried out in strict accordance with the Tree Report dated 12/9/19 and the Tree Protection Plan, Rev. C.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 1.a There shall be no changes in ground levels;
- 1.b No materials or plant shall be stored;
- 1.c No buildings or temporary buildings shall be erected or stationed.
- 1.d No materials or waste shall be burnt; and
- 1.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

2. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to 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. RES9 Landscaping (car parking & refuse/cycle storage)

The development shall be carried out in strict accordance with Drw. Nos. PR123743-11C Sheet 1; PR123743-11C Sheet 2; FLU.249.LP.01 Proposed Parking Plan, Rev. A and Proposed Basement

Parking Plan, Rev. A; Landscape Management and Maintenance Plan, dated 7/4/22 (Ref. PR123743 Man) and Soft Landscape Specification, April 2022 (Ref. PR123743 Spec).

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 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

6. RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan(s) 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 (or after) 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. NONSC Basement Terrace Subdivision

The units hereby approved shall not be occupied until the subdivision of the basement terrace has been completed in accordance with Drw. No. DS.01. Thereafter the development shall be maintained in full accordance with the approved details.

REASON

To ensure acceptable levels of privacy and amenity for the occupiers of the basement flats in accordance with Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

8. RES13 Obscure Glazing

All of the rooflights and the front dormer window on the eastern elevation roofslope shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale 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 Two - Development Management Policies (January 2020).

9. RES15 Sustainable Water Management (changed from SUDS)

Unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall only be carried out in accordance with the previously approved Surface Water Drainage Strategy by Ambiental ref; SWDS 3110 dated May 2017.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy SI 13 of the London Plan (2021).

10. NONSC Noise Levels

For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0700, measured inside any room of any permitted dwelling having regard to the guidance set out in British Standard 8233: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature.

Reason

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise in accordance with Policy D14 of the London Plan and Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

11. RES18 Step Free Access

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).

12. NONSC Accessible Housing

The dwelling 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.

13. NONSC Evacuation Lift

The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include a minimum of one fire evacuation lift per core designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999. The required evacuation lift shall serve all floors and remain in place for the life of the development.

REASON

To ensure the development provides reliable, convenient and dignified means of escape for all building uses in accordance with Policies D5 and D12 of the London Plan (2021).

14. NONSC Low Emission and Exposure Reduction Strategy

No further development shall commence until a Control of Dust and Emissions from Construction and Demolition Plan has been submitted to, and approved in writing by the LPA. This must demonstrate compliance (drawn up in accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

The development shall be carried out in strict accordance with the agreed plan.

REASON:

To ensure compliance with London Plan Policy SI 1 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019).

15. NONSC Non-road Mobile Machinery

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

REASON

To ensure compliance with London Plan Policy SI 1 and the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy.

16. 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 life-time 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 (2020) and Policy T6 of the London Plan (2021).

17. NONSC Refuse Management Plan

The residential units hereby approved shall not be occupied until a refuse management plan has been submitted to, and approved in writing by, the Local Planning Authority. Waste collection distances shall not exceed 10m from the point of collection.

REASON

To ensure suitable refuse storage and collection is provided on site in accordance with Policies DMHB 11 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

18. OM19 Construction Management Plan

The development shall be constructed in accordance with the Construction Logistics Plan, March 2022 (Ref. 211447/CLP/JR/KBL/01 Rev. A) and the approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DME1 14 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

19. SUS1 Energy Efficiency Major Applications (full)

Prior to the occupation of the development, a detailed energy assessment for the 13 units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall accord with the requirements of the London Plan (Policy SI 2) and the GLA Energy Assessment Guidance (April 2020 or as amended) and demonstrate that the Energy Assessment (Bluesky Unlimited) target of 82% reduction will be achieved in the development. The assessment shall clearly identify the baseline energy demand and associated carbon emissions in accordance with the prevailing building regulation requirements. The assessment shall then clearly define (including plans and specifications) the 'be lean', 'be clean' and 'be green' measures to demonstrate that the development will meet the minimum onsite carbon savings of 82%.

The Energy Assessment shall also provide details of the 'be seen' recording and reporting measures to be agreed in writing by the Local Planning Authority. The 'be seen' measures must comply with the requirements of London Plan Policy SI 2 and demonstrate that the 'onsite saving' is being achieved in perpetuity.

The development must proceed and be operated in accordance with the approved details.

REASON

To ensure the development's regulated energy demand doesn't contribute to CO2 emissions in accordance with Policy SI 2 of the London Plan.

20. NONSC Soil Testing for Contamination

Before any part of the development is occupied, site derived soils and imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted to and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policy DMEI 12 of Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

21. NONSC Fire Strategy

Prior to the commencement of this phase of the development, a revision of the Fire Strategy Report, produced by a suitably qualified assessor, shall be submitted to and approved in writing by the Local Planning Authority. The revised statement should detail how the development proposal will function in terms of:

1. The building's construction: methods, products and materials used, including manufacturers' details;
2. The means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated evacuation strategy approach (including suitable space for fire evacuation lifts);
3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans;
4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these;
5. How provision will be made within the site to enable fire appliances to gain access to buildings; and
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The development shall be implemented in accordance with the approved Fire Statement and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the development meets Fire Safety Standards in accordance with Policy D12 of the London Plan (2021).

22. 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 London Plan (2021) D12 .

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. 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 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.

3. 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.

4. 170 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.

5. 173 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 2012. 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 planning@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

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.

6.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trading.trade_effluent@thameswater.co.uk. Application forms should be completed on line via

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7CPlanningEConsult%40Hillingdon.Gov.UK%7Ce885d99758b64065920c08da6bb32c44%7Caaacb679c38148fbb320f9d581ee948f%7C0%7C0%7C637940714530589596%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=%2FN44xW%2By24xnv7HL8wcktVJxkx2Db%2BVICJrJ7kYdkW8%3D&reserved=0>. Please refer to the Wholesale; Business customers; Groundwater discharges section.

7.

The applicant should note that the exposed rafter feet detail as per the consented development shall be implemented and not replaced with a fascia and soffit.

153 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.

DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
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
DMHB 3	Locally Listed Buildings
DMHD 3	Basement Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
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 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 DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG4	(2021) Delivering the homes Londoners needs
LPP GG6	(2021) Increasing efficiency and resilience
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP HC1	(2021) Heritage conservation and growth
LPP S4	(2021) Play and informal recreation
LPP SI1	(2021) Improving air quality
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI4	(2021) Managing heat risk
LPP SI5	(2021) Water infrastructure
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
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
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities

3. CONSIDERATIONS

3.1 Site and Locality

The site is situated within an area of land that previously formed part of the grounds of the London School of Theology on its eastern boundary and is set back from and is accessed from Green Lane via a drive. The main college buildings are located to the west of the proposed development site.

The site is currently under construction for the consented scheme(s), but previously comprised two residential buildings from the late 20th century, a two-storey residential block and a pair of semi-detached houses, surrounded by lawn. There is a change in levels across the site, with this site

occupying the higher ground to the north. Adjoining the site to the north and east are residential properties on Firs Walk, Foxdell, and Welcote Drive. Between the site and Green Lane is Aldis Hall, a locally listed building and on the opposite side of Green Lane to the south is The Glen, Northwood Conservation Area.

The application site is not located within Hillingdon's Air Quality Management Area but is located within the Northwood West Air Quality Focus Area catchment area and has a PTAL rating of 3, which is moderate.

3.2 Proposed Scheme

Planning permission is sought for the erection of a residential building comprising 13 flats with associated parking, cycle storage, motorcycle parking, disabled parking and bin storage. The 'L-shaped' building would mainly comprise a four storey block, with the accommodation on the top floor contained within the roof space and its four storeys also includes a basement / lower ground level. The block would have a crown roof with front, side and rear dormers and rooflights, together with gabled elements and a projecting front wing with a cat-slide roof with enclosed internal terraces and a cat slide roof on its eastern side elevation.

The proposal would comprise 7 x 2 bedroom and 6 x 3 bedroom units, with 3 of the units (1 x 2 bedroom and 2 x 3 bedroom units) being wheelchair accessible. Two flats would be provided on the basement / lower ground floor, four flats on each of the ground and first floors and three flats on the second floor within the roof space.

A total of 24 car parking spaces are proposed, 12 of which, together with a motorbike space and a 30 space cycle store would be provided within the front part of the basement / lower ground floor.

The main changes to the external elevations of the building from that of the 15 unit scheme are to its fenestration. In total, 9 new rooflights have been added at second and third floor levels and the spacing and size of the windows has been altered on parts of the building, with some windows omitted and others added, together with a new door (serving the terrace area to Flat 6 on the ground floor at the rear).

3.3 Relevant Planning History

Comment on Relevant Planning History

Permission was initially granted on 7/10/16 for the residential building, which would have comprised 8 x 2-bedroom units with associated parking and landscaping, following the demolition of the existing residential block and pair of semi-detached houses (10112/APP/2016/2135 refers). This was followed by the granting of permission on 31/1/17 for 9 residential flats, comprising 4 x 2 bedroom and 5 x 3 bedroom units (ref: 10112/APP/2016/3976). Subsequently, a 12 unit scheme was approved on 6/7/18 (10112/APP/2017/2077 refers), before permission for the most recent scheme for 15 flats was granted on 9/11/20 (10112/APP/2019/1244).

The approved schemes have an identical building footprint, scale, massing and design, with the only internal changes between the schemes involving their internal layout and the number and mix of units, with the main external alteration being to the block's fenestration detail. The latest approved 15 unit scheme comprised 12 two-bedroom and 3 three-bedroom units with five instead of four flats being proposed on each of the ground floor and first floors. Two of the 2 bedroom units on the first floor were also secured as discount market units whereas the current scheme proposes an in lieu affordable housing contribution.

Details in connection with the 15 unit scheme were approved on 31/3/22 (10112/APP/2021/3783 refers) for Conditions 17 (Low emission strategy) and 23 (Energy assessment) and subsequently on 22/7/22 (10112/APP/2021/3709 refers) for Conditions 3 (Levels), 4 (External materials), 5 (Tree protection), 6 (Landscape scheme), 8 (Basement terrace subdivision detail), 10 (Side Dormer detail), 12 (Basement Impact Assessment), 16 (Step free access), 18 (Reducing emissions from demolition and construction work), 20 (Parking and allocation management plan), 21 (Refuse management plan), 22 (Construction logistics plan) and 26 (Access road, parking and service area details).

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.

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

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PT1.EM6 (2012) Flood Risk Management

PT1.EM8 (2012) Land, Water, Air and Noise

PT1.HE1 (2012) Heritage

PT1.H2 (2012) Affordable Housing

Part 2 Policies:

NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

NPPF8 NPPF 2021 - Promoting healthy and safe communities

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 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 H1 (2021) Increasing housing supply

LPP H4 (2021) Delivering affordable housing

LPP H5 (2021) Threshold approach to applications

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LPP H10 (2021) Housing size mix

LPP S4 (2021) Play and informal recreation

LPP HC1 (2021) Heritage conservation and growth

LPP G1 (2021) Green infrastructure

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 SI4 (2021) Managing heat risk

LPP SI5 (2021) Water infrastructure

LPP SI13 (2021) Sustainable drainage

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 1 Heritage Assets

DMHB 3 Locally Listed Buildings

DMHB 11 Design of New Development

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 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

DMEI 14 Air Quality

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 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

DMHD 3 Basement Development

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **24th August 2022**

5.2 Site Notice Expiry Date: **24th August 2022**

6. Consultations

External Consultees

13 neighbouring properties have been consulted, together with the Northwood Residents' Association and the Dene Road Residents' Association, the application has been advertised in the local press on 3/8/22 and a site notice dated 3/8/22 has been put up adjacent to the site on Green Lane on 1/8/22. 1 objection has been received from a neighbouring property, raising the following concerns:-

(i) Building work is already ongoing on the east side of London School of Theology which is causing noise and dust and not yet sure of the implication on the environment of this work so Council need to put this application on hold and re-assess the situation when current work is completed.

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(ii) Proposal represents overdevelopment on a small plot of land which is disturbing and changing our living environment beyond recognition.

(iii) The number of cars and motorbikes driving in and out of a small road would result in dust, noise, rubbish and pollution.

Northwood Residents' Association:

All windows that overlook neighbouring properties should be obscured glazing and unopenable below 1.8m to prevent overlooking and loss of privacy.

The Traffic Report is from May 2017 for the original proposal of 12 x 2-bed flats. This application is for 13 flats, and since that Traffic Report was done, the applicants own development Aldis House has been completed with more flats with increased car usage, sharing the only narrow access road with the proposed development at the back. What used to be mostly pedestrian passage due to student housing now has to support two new developments with flats and they have not re-assessed the traffic impact.

Case Officer comment:

The comment regarding windows overlooking neighbours should be obscure glazed and non-opening is only considered to affect neighbours on the eastern side and this has been conditioned.

The existing vehicular access has already been assessed and considered suitable to serve a 15 unit scheme on this site and as part of this application, the Highway Engineer advises 'the vehicular access arrangement from Green Lane is to remain unaltered and is considered fit for purpose in terms of serving the proposal'.

Thames Water:

Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

A further 14 day neighbour re-consultation was undertaken on the revised plans submitted on 4/10/22. No

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additional neighbour responses were received.

Northwood Residents' Association:

This requests an amendment to the provision of affordable housing - the request is based upon estimates of sale prices and costs. What if this proves to be wrong and a larger profit is actually made? The assessment should be revised only when the actual sale prices and costs are known.

Case Officer comment:

A late stage review mechanism would be secured through the S106 Agreement.

Internal Consultees

Policy Officer:

The submitted AH Viability Report on this scheme needs to be reviewed.

Despite showing AH on the proposals, it appears they are arguing for 0% AH.

Case Officer Comment:

The FVA has been independently reviewed and clarification has been provided that the scheme does not propose any affordable housing.

Highway Engineer:

Site Characteristics & Background

The site is located on Green Lane (designated as 'classified' in the council's hierarchy of roads) and the proposal for 13 residential flats (6x2 & 7x3 bedrooms) is to be contained within the London School of Theology (LSD) site. The flats would replace two redundant residential dwellings.

The address exhibits a public transport accessibility level (PTAL) rating of 3 which is considered as moderate and therefore heightens dependency on the use of private motor transport.

The site benefits from a 2018 & 2020 planning permission for a comparable scheme consisting of 12/15 (14x2 & 1x1 bedroom) flats both with 24 on-plot parking spaces (10112/APP/2017/2077 & 10112/APP/2019/1244 respectively).

Parking Provision & Internal Road Layout

Hillingdon Local Plan: Part 2 Policy - DMT 6 requires that new development will only be permitted where it accords with the council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

London Plan (2021): Policy T6.1 (Residential Parking) requires that new residential development should not exceed the maximum parking standards as set out in table 10.3.

It is proposed to provide 7 three and 6 two-bedroom flats totalling 13 units. Hillingdon's standard would require up to 20 to 23 on-plot spaces whilst the regional London Plan demands in the region of up to 12 spaces.

A total of 24 spaces are proposed with 12 at ground level and 12 (inclusive of 2 disabled compliant provisions) within a basement area hence the regional standard is exceeded by some margin.

With the recent adoption of the 2021 London Plan (LP), the council's emphasis has now changed whereby

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the leaner parking requirements of the LP are now considered to be more relevant and appropriate for making determinations. This change in direction is substantively based on statistical evidence linked to LBH's track record related to planning appeals allowed on appeal. It is apparent that the Planning Inspectorate generally affords priority to the LP in lieu of LBH's Local Plan: Part 2 parking standards in circumstances where a refusal has been based on insufficient on-plot parking provision. In reality, and where appropriate, lower on-plot parking provisions as guided by the LP have now become the norm.

However, it is suggested that with this new application, an exception to the above approach should be applied given that historically, the address has been subject to two relatively comparable planning consents since 2017 which were determined on the consistent basis of a 'higher' parking quantum encouraged by Hillingdon's standards. This was the case for the most recent 2020 consent for 15 flats (10112/APP/2019/1244) where a higher level of parking was accepted with a required 22 spaces and agreed 24 space provision proposed by the applicant split equally between a surface level and basement provision. This overall parking quantum and arrangement has now been replicated for this new application albeit with a marginally reduced and altered mix of flat units.

Therefore, for consistency and in fairness to the applicant who has been encouraged to provide a higher parking content from the onset, it is considered appropriate to treat this new application as a 'one-off' exception to the rule by accepting the over-provision of 24 spaces which still broadly falls in-line with LBH's Local Plan: Part 2 standard.

The proposed internal surface level & basement parking arrangement conforms to DfT (Manual for Streets circa 2007) best practice for road and parking layouts as the layout allows for vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds and is therefore welcomed. The vehicular access arrangement from Green Lane is to remain unaltered and is considered fit for purpose in terms of serving the proposal.

Electric Vehicle Charging Points (EVCP's)

In line with the London Plan (2021), within the final parking quantum there is a requirement for a minimum of 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, 5 spaces should be designated as 'active' provisions with the remaining 19 with 'passive' status. The applicant has exceeded this minimum requirement with 8 'active' and 16 'passive' spaces which is welcomed.

Disabled Compliant Parking

In accord with the parking standard - 10% of parking spaces should be disabled compliant equating to 2 spaces. The applicant confirms that two bays are proposed within the basement parking area hence this arrangement is therefore considered acceptable.

Cycle Parking

In terms of cycle parking there should be a provision of a total of 20 secure and accessible spaces for the new residential units to conform to the adopted borough cycle parking standard. 30 spaces are shown located within a secured area within the basement which is considered acceptable in principle.

Motor-Cycle Parking

The Local Plan: Part 2 DMT 6 policy and parking standard requires new developments to provide one motorcycle/scooter parking space per 20 car parking spaces. In this case, this would equate to 1 space which is to be positioned within an acceptable location in the basement area. There are no further observations.

Vehicular Trip Generation

Local Plan: Part 2 Policies - DMT 1 and DMT 2 require the council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposal would clearly increase traffic generation from the site as compared to the existing redundant dwelling units. However peak period traffic movement into and out of the site is not expected to produce more than 3-4 additional vehicle movements during the most sensitive and therefore crucial peak morning and late afternoon/early evening hours hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse Requirements

Refuse collection would occur via Green Lane and the site access road itself from a specific bin store location as shown located within the basement area. A site management regime would ensure that waste collection distances do not exceed 10m from the point of collection in order to conform to good practice therefore a suitable on-site management planning condition should be sought. There are no further observations.

Construction Logistics Plan (CLP)

A full and detailed CLP is a requirement given the constraints and sensitivities of the local residential road network in order to avoid/minimise potential detriment to the public realm. This has been submitted and is broadly considered fit for purpose.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policy T4, T5 and T6 of the London Plan (2021).

Noise Officer:

Despite the large number of documents provided in support of the application there does not appear to be a noise assessment. However, from the location plan and D&A report this would appear to be a residential development in an established residential area set back from the local road, hence the likelihood of road traffic noise causing any significant noise effects on those living inside would appear to be low regardless of the design of the building, for example the windows. However, it is noted that the design will make use of Air Source Heat Pumps for heating and presumably cooling with units inside individual dwelling used in conjunction with a communal unit. If not properly designed or installed ASHPs can be a source of both airborne and structure borne noise which could cause complaints of nuisance. It is recommended that no objection is made on noise grounds subject to a suitable condition hence: 'For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0700, measured inside any room of any permitted dwelling having regard to the guidance set out in British Standard 8233: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature.'

Waste:

Application is sufficient for waste access and collections.

Please ensure that there are no barriers to the movement of the container to the collection vehicle i.e. dropped kerbs etc.

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Please ensure that there is sufficient space in the bin store for both refuse and recycling as well as food waste recycling which will be introduced in the near future.

Air Quality Officer:

The proposed development is located outside the LBH Air Quality Management area (AQMA), and within LBH Northwood West Focus Area (FA) catchment area, bringing additional traffic emissions which will add to current poor air quality.

As per the London Plan and LBH Local Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of air pollutant emissions in these sensitive locations. LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan (March 2021) requires development to be air quality neutral as minimum and air quality positive in certain circumstances, actively contributing to reduce pollutant emissions to the atmosphere.

The proposed development is NOT Air Quality Neutral. In addition, according to LBH Local Action Plan, proposed development within Focus Areas (or with impacts on FAs) needs to be Air Quality positive and further action is required to reduce total emissions produced by its operation.

Therefore, the total emissions associated with these activities needs to be mitigated.

Damage Cost and Mitigation Measures:

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

The mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

The level of mitigation required to the proposed development for traffic emissions is £42,225. Once all deductions were applied, the remaining value of mitigation due is £31,669. Flat rate deductions applied are as follow: Travel Plan (10%), Green Sustainable Measures (5%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (10%), totalling a reduction of £10,556.

Therefore, if no further mitigation is offered by the applicant, a section 106 agreement with the LAP of £31,669 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

In addition, Air Quality conditions are required to manage construction emissions as required by the Mayor of London. See text below.

Conditions - Reducing Emissions from Demolition and Construction

A No development shall commence until a Plan has been submitted to, and approved in writing by, the

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LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

Reason: Compliance with London Plan Policy SI 1 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019).

B All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

Context

The proposed development is within an Air Quality Management Area and will affect identified Air Quality Focus Areas. Air Quality Focus Areas are defined by the GLA as areas already suffering from poor air quality where prioritisation of improvements is required. This is supported by:

Local Plan Part 2 Policy DME1 14

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

Access Officer:

This major proposal seeks to replace two residential buildings and a pair of semi-detached houses that sit within the grounds of the London School of Theology. No accessibility concerns are raised; however, the proposed development is subject to compliance with London Plan policy D5, D7 and D12 and the following conditions should be attached to any approval:

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).

The dwelling 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.

The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include a minimum of one fire evacuation lift per core designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999. The required evacuation lift shall serve all floors and remain in place for the life of the development.

Reason

To ensure the development provides reliable, convenient and dignified means of escape for all building uses in accordance with London Plan policy D5 and D12.

Third Party Daylight/Sunlight Consultant:

Review of the Daylight and Sunlight Report, dated 3/10/22 (summary):

Whilst we are generally in agreement with the approach, scope and methodology used, there are a few key clarifications required.

Firstly, can the report authors please confirm whether the internal assessment considers the surrounding buildings in the context model as these immediately neighbouring properties may impact the proposed developments internal daylight and sunlight performance. If these neighbours have been modelled, can they please provide the sources of information for this modelling be it photogrammetry, measured survey or otherwise.

Secondly, please clarify if there is any proposed amenity space as part of the proposed development that may require an overshadowing assessment.

If the neighbouring properties are part of the context model and there is no proposed amenity space, we confirm we are satisfied that the daylight and sunlight amenity to the proposed scheme is adequate.

Lastly, can the report's authors provide clarification regarding the 25-degree test appended to the planning application. Does this relate to 6 or 7 Welcote Drive? These two properties are the primary concerns from a neighbouring daylight and sunlight impact perspective. We also recommend that the sensitive surrounding amenity spaces be included within an overshadowing assessment.

Response to Rebuttal Letter dated 4/1/23:

We are generally in agreement with the approach, scope and methodology used.

The report authors have confirmed the internal assessment considers the surrounding buildings in the context model and clarified there is a proposed amenity space to the rear of the development that is unlikely to receive good levels of light, however, other amenity spaces will be available for use.

They have also provided further reasoning as to their scoping out of the neighbouring amenity receptors.

Therefore, we are satisfied that the daylight and sunlight amenity to the proposed scheme is adequate.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of residential development on this site has already been established by the grant of previous permissions for the residential block and works have now commenced on site.

The current proposal does represent a loss of 2 residential units as compared to the last of the consented schemes on this site for 15 units.

Paragraph 124 of the NPPF (2021) advises that planning policies and decisions should support development that makes efficient use of land, taking into account amongst other factors, the identified need for different types of housing and other forms of development; local market conditions and viability and the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Policy D3 of the London Plan (2021) advises that all development must make the best use of land by following a design-led approach that optimises the capacity of sites.

Whilst policy encourages the most efficient use of land, given that permission has already been granted on this site for the same size of building which contained 8, 9 and 12 units when a similar policy emphasis to make best use of land was in place, it is considered that a reason for refusal on this ground could not be substantiated at appeal.

7.02 Density of the proposed development

This current scheme by reducing the number of units from 15 to 13 and the number of habitable rooms from 49 to 47 would reduce the proposed density of the scheme to approximately 43 units per hectare and 157 habitable rooms per hectare as compared to the 49 units per hectare and 158 habitable rooms per hectare of the last consented scheme comprising 15 units.

The officer's report to committee on this previous scheme advised:-

'The location is considered to have a suburban/urban setting being within 800m of the Northwood town centre and therefore the optimal density range should be within 150-330 habitable rooms per hectare and 50 - 110 units per hectare. The development would have a density of 158 habitable rooms per hectare and 49 units per hectare with the unit density only marginally below the guidance. However, given the spacious character of the area and site constraints, including the adjoining locally listed building, it is considered the proposal does secure the optimum potential of the site, in accordance with Policy DMHB 17 of the Hillingdon Local Plan Part 2: Development Management Policies (January 2020).'

Although the unit density has materially reduced, with the habitable room density only marginally so, it is noted that these standards are only intended as a guide. The proposed building footprint and its bulk and scale has not altered so that the proposed built form still retains the same relationship with its spacious surroundings which was previously considered to achieve the optimum potential of development for the site. Furthermore, since the last 15 unit scheme was approved on 9/11/20, density guidance has largely been superseded by the design-led approach taken by Policy D3 in the latest London Plan (March 2021). The design-led approach requires consideration of design options

to determine the most appropriate form of development that responds to a site's context and capacity for growth and existing and planned supporting infrastructure. The policy then goes on to highlight the relevant considerations which would contribute in defining an appropriate density such as site context, amenity considerations etc. It is considered that given the surrounding spacious character of the area and the constraint of the setting of the adjoining listed building and neighbouring properties, the built form does secure an appropriate amount of development on this site.

The previous section also noted that previous permissions on this site included a similar sized building providing 8, 9 and 12 units so that a reason for refusal could not now be sustained for a 13 unit scheme on grounds of not making the most efficient use of the site, even if it does represent a decrease in unit numbers from the last consented 15 unit scheme.

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

The application site is not located within an Archaeological Priority Area, nor is it located within a Conservation Area or an Area of Special Local Character. There are Listed Buildings within the local area, including the Locally Listed Aldis Hall located in front of the site. The impact of the proposed building was previously considered acceptable in relation to heritage assets on the previously consented schemes and in relation to its impact on the character and appearance of the area, which is further discussed in Section 7.07 of this report.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires that new developments achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.

Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape (including locally and statutorily Listed Buildings, Conservation Areas, Areas of Special Local Character and Archaeological Priority Zones and Areas), and encourage the reuse, modification and regeneration of historic assets.

Policy DMHB 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that the Council will expect development proposals to avoid harm to the historic environment and to prevent the loss of significance or harm to the character, appearance and setting of heritage assets.

Policy DMHB 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to protect and retain the significance, appearance, character and setting of Locally Listed Buildings.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires all development to be designed to the highest standards and incorporate principles of good design, either complementing or improving the character and appearance of the

area.

The application site is located to the rear of Aldis Hall, an attractive Locally Listed two-storey Edwardian building built in the Arts and Crafts style with accommodation in the roof space. It is characterised by red brick and hung tiles at first floor, with a tiled roof featuring bonnet tiles. The former buildings on this site comprised two 20th Century modern residential blocks of limited architectural value. The Council's Conservation Officer previously advised that there was no objection to the loss of the two buildings in order to facilitate the proposed development.

The Council's Conservation Officer assessed the previous 15 unit scheme and considered that the design of that proposed scheme was not drastically different to the previous approved scheme (ref: 10112/APP/2017/2077). The officer advised that the Arts and Crafts style of the former proposed scheme was considered to be an appropriate design approach taking into account the character of the neighbouring Locally Listed Aldis Hall and the surrounding area. In order to ensure that the proposed development reflects the character and appearance of the surrounding area, the officer advised of the need for a condition requiring traditional materials to be used in the construction of the building, including the windows and doors, be included on any consent granted. Details of the materials were submitted and approved as part of the details provided within application ref. 10112/APP/2021/3709. The same material schedule and materials have been submitted as part of this application. Similarly details of the existing and proposed levels and the dormer windows' construction and glazing of the two side facing bedroom dormers, one on each of the eastern and western external elevations of the building at first and second floor level respectively were required by condition, and again, these details were approved as part of the above details application, with the same details being submitted so that there is not now a need to condition these aspects. However, the Conservation Officer on the details application was concerned that the approved exposed rafter feet detail as per the consented development should be implemented and not replaced with a fascia and soffit and an informative to this effect was added to the details consent and has also been included within the officer's recommendation on this application.

Given that the current proposal, for thirteen residential units, has the same design, character, appearance and built form (with some additional windows and rooflights) as the previously approved eight, nine, twelve and fifteen unit schemes (refs: 10112/APP/2016/2135, 10112/APP/2016/3976, 10112/APP/2017/2077 and 10112/APP/2019/1244 refer respectively), it is considered that the proposed development would not have a detrimental impact on the character and appearance of the street scene or surrounding area.

The proposal thereby complies with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 1, DMHB 3 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that new developments do not result in loss of privacy, overlooking and loss of sunlight/daylight. A minimum of 21m separation distance between habitable room windows will be required to maintain levels of privacy and prevent the possibility of overlooking. Development proposals should not result in an increased sense of enclosure and loss of outlook for existing and future residents. Single aspect dwellings should be avoided. The design of new development should optimise the levels of sunlight/daylight.

It is noted that the proposed building is in the same location and has the same footprint, scale and

massing as the previously approved fifteen unit scheme. The decrease in the number of units has been achieved through reconfiguration of the internal layout.

As previously advised within the officer's report on the fifteen unit scheme, the nearest residential property to the development is situated to the east. Its closest ground floor level habitable room window is approximately 11.5m from the building. The Building Research Establishment's report 'Site Layout Planning for Daylight and Sunlight 2022' recommends that suitable daylight to habitable rooms is achieved where a 25 degree vertical angle taken from the centre of the habitable room window is kept unobstructed. The plans submitted demonstrate that the proposal would comply with the 25 degree vertical angle. Therefore, the proposal would not be considered to adversely impact daylight/sunlight to this neighbour's windows and this relationship has been previously agreed on the previously consented schemes (also see comments in next section re 25 degree line).

The committee report on the previously consented 15 unit scheme also advised that the proposal includes the addition of 2 dormer windows which would serve bedrooms, one on each of the eastern and western side elevations on the first and second floors respectively which are incorporated on the current scheme. The design of the dormers reflects the design and appearance of the other dormers on the building. As previously approved, the dormers would comprise of an obscure glazed window at the front and windows at the sides; due to the orientation of the building, the side windows would provide outlook without facing onto neighbouring properties whilst the obscure glazed front windows would allow for the provision of daylight to these rooms without resulting in overlooking. As previously noted within the committee report, one of the side windows of the dormer (now serving Unit 11) would face towards the roof slope of the proposed building; although the outlook from this window would be restricted, on balance it would be acceptable in this instance as there would be unrestricted outlook from the other side window (it is also noted that this dormer faces the grounds of the London School of Theology and it would not result in any additional overlooking than the other windows in this elevation which have previously been approved as part of the consented schemes).

There are other openings proposed on the eastern catslide roof slope of the building, but as these are either secondary windows or serve non-habitable rooms it is considered that they could be obscure glazed and made to be non-openable below a 1.8m height above finished floor level, so as not to have a significant adverse impact on the privacy of neighbouring properties, which would be controlled by condition. The windows on the western side elevation would face towards non-residential properties and so would not have a negative impact on those properties. The windows on the southern front elevation are either at sufficient distance (over 21m) from the rear windows of Aldis Hall or orientated away from Aldis Hall; in addition, the relationship between the proposed building and the neighbouring building is the same as that previously approved under the fifteen unit scheme. Therefore, the proposed development would not result in overlooking or loss of privacy to the occupiers of Aldis Hall.

The proposed development would not impact on the privacy of 5 Firs Walk, located at the rear of the site, as the property is over 21m from the rear of the proposed building.

Overall, it is considered that the proposed development would not result in significant harm to the residential amenity of neighbouring properties or to future occupiers and so complies with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.09 Living conditions for future occupiers

Internal Floor Space:

The application would provide 6 x two-bedroom, 4 person and 7 x three-bedroom, 6 person units.

Policy D6 of the London Plan 2021, in Table 3.1 sets out minimum internal floor space standards for residential units requiring 70sq.m for two-bedroom, four person units and 95sq.m for three-bedroom, six person units.

As with the 15 unit scheme, the proposed units easily comply with the floor space standards and it should be noted that all the units have been provided with generous and spacious internal floor space which significantly exceeds the minimum London Plan standards, with the 2 bedroom units ranging from 107sq.m to 153sq.m and the 3 bedroom units ranging from 145sq.m to 204sq.m. The proposal is therefore acceptable in regards to internal floor space, and complies with Policy D6 of the London Plan (2021).

External Amenity Space:

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires new developments to provide good quality and usable private outdoor amenity space in accordance with the Council's standards (as per Table 5.2). Two-bedroom units should be provided with a minimum of 25sq.m of external amenity space and three-bedroom units should be provided with a minimum of 30sq.m of external amenity space. Balconies should have a depth of not less than 1.5m and a width of not less than 2m and area of not less than 5sq.m.

The proposed 13 unit scheme would therefore require the provision of 360sq.m of external amenity space to satisfy minimum outdoor amenity space standards.

The development would be provided with over 360 sq.m of usable communal amenity space at the rear of the building. as regards private space, the 2 basement flats would be provided with a basement terrace, some 38sq.m for Flat 1 and 43sq.m in area for Flat 2. The basement terrace would be 3.50m below the ground level of the rear garden and separated from the communal garden by a low level landscape buffer 6.4m from the rear of the building. It is noted that the size and position of the basement terrace and the landscape buffer is the same as the previously approved twelve and fifteen unit schemes. As previously, in order to provide separate private amenity space for the two basement flats, a condition to secure subdivision of the terrace would be included on any consent granted.

The three ground floor flats located above the basement units (Units 4, 5 & 6) would each be provided with a balcony, ranging in size from 5.7sq.m to 22sq.m. Unit 6 which has the smallest balcony would also be provided with a terrace (some 15sq.m).

Units 3, 7 and 11 would be provided with an internal balcony at the front of the building, partially enclosed by the cat slide roof (with areas of 18sq.m, 5sq.m and 5sq.m respectively).

Units 8, 9, 10 and 13 would not have any private amenity space but would have Juliette balconies, leaving only Unit 12 without any private amenity space or a Juliette balcony.

Overall the development provides approximately 530sq.m of external amenity space.

Whilst not all of the units would be provided with private amenity space and the enclosed terrace to Flat at 1.05m deep, would be less than the recommended 1.5m depth, the amount and type of amenity space provision has not changed from the last approved scheme (albeit with 2 less units, there would be 2 fewer units without any private amenity space or a Juliette balcony) and in the

previous committee report on the 15 unit scheme, it was considered that given the proposed communal amenity space and the fact that all of the units have internal floor spaces which are sufficiently large enough to mitigate the lack of external private amenity space, the proposed development would be acceptable in regards to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020). This assessment remains valid with the current proposal.

Sunlight and Daylight

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that new developments optimise the levels of sunlight/daylight.

The officer's report on the previous 15 unit scheme advised:-

'The proposal seeks to provide two residential units in the basement; the proposed principle windows and doors serving habitable rooms would be on the rear elevation and face onto a basement terrace. Given the change in levels across the site, the western side of the basement would be at ground level whilst the eastern side would be set 3.50m below and 6.4m from the main ground level of the rear garden. It is considered that the proposed basement flats would be provided with adequate levels of sunlight/daylight, and it is noted that this is the same situation as per the previously approved twelve unit scheme (ref: 10112/APP/2017/2077).'

The application is supported by a Daylight and Sunlight Report (Within Development), dated 3 October 2022 which is based on the British Research Establishment's (BRE) guide 'Site layout planning for daylight and sunlight: A guide to good practice, 2022', together with drawings provided by Fluent Architectural Design Services, a topographical survey provided by Mk Surveys and a tree protection plan provided by Ghatarees.

The report concludes that the authors consider that the proposed design will provide the development's future occupiers with adequate levels of natural light.

The report has been reviewed by a Council appointed third party consultant and they initially advised that whilst the approach, scope and methodology used in the report was generally acceptable, a few points of clarification were needed, namely whether surrounding buildings had been factored into the modelling, if any proposed amenity space needed an overshadowing assessment and clarification as to which property a submitted 25 degree test had been taken from, No. 6 or 7 Welcote Drive?, with the consultant noting that these two properties were the primary concerns from a neighbouring daylight and sunlight impact perspective. They also recommended that the sensitive surrounding amenity spaces be included within an overshadowing assessment.

In response, the report authors have submitted a rebuttal letter dated 4/1/23 in which they provide an image taken from the 3D model showing the inclusion of the neighbouring properties as existing obstructions and advise that the modelling of the neighbouring properties was based on photogrammetry and reasonable assumptions as no measured survey or drawings of the neighbouring properties were available. As regards proposed amenity space, the report authors advise that private amenity areas are included at the rear, together with communal green space around the building that all residents would have access to. Given its location, the area to the rear of the site is not expected to receive ideal levels of sunlight, however, the residents will have access to the green spaces either side of the proposed development that are likely to receive morning and afternoon sunlight.

As regards the submitted 25 degree drawing, they advise that these were provided by the scheme architects and so they are unable to confirm whether the 25 degree line has been taken from No. 6 or 7 Welcote Drive, but given both properties follow the same building line and are both parallel with the proposed development, the 25 lines for both 6 and 7 Welcote Drive would be similar. The authors also note the concern raised as regards possible overshadowing of the adjoining amenity areas at 4 and 5 Firs Walk, 11 and 13 Foxdell, 7 Welcote Drive and the LST green space, but advise that considering the distance between the amenity spaces at 4 and 5 Firs Walk and the proposed development, relative to the height of the proposed rear elevation, they are of the opinion that the amenity spaces at these properties will comfortably meet the BRE recommendation of at least 50% of each amenity area receiving at least two hours of sunlight on the 21st of March. Nos. 11 and 13 Foxdell are northeast of the development and therefore, only the late afternoon/evening sunlight has the potential to be affected. Regardless, the amenity areas at these properties are considered too far away from the proposed development to suffer a noticeable increase in overshadowing. The only amenity areas identified at the Welcote Drive properties are directly to the east or are south of the development, in which case the sunlight received is unlikely to be affected by the proposed development. The main amenity space at the LFT is to the front of the building, a significant distance from the proposed development. The proposed development is therefore unlikely to have any impact on the sunlight received by this area. Given the above, they are of the opinion that the proposed development is likely to fully comply with the BRE Overshadowing to gardens and open spaces recommendations.

Importantly, the rebuttal letter notes that permission for the built form has already been secured under application 10112/APP/2019/1244, granted on the 9 November 2022 and the revised application only makes changes to the number of units within the development and therefore, many of the concerns raised within the independent review are immaterial as the built form has already been agreed.

The Council's third party consultant has reviewed the rebuttal letter and confirm that the approach, scope and methodology used in the report are acceptable, having been confirmed that surrounding buildings have been included in the context model and that although proposed amenity space to the rear of the development is unlikely to receive good levels of light, there are other areas of amenity space that will be available for use. The consultants are also satisfied with the further reasoning as regards the scoping out of the neighbouring amenity receptors and are satisfied that the daylight and sunlight amenity to the proposed scheme is adequate, including the two basement units.

The current scheme does not alter the previously approved layout and the third party consultants have confirmed that the daylight / sunlight received by the development would be satisfactory, in accordance with the latest BRE guidance. The proposed development therefore complies with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

Public Open Space

Policy G4 of the London Plan (2021) promotes the creation of new areas of publicly-accessible open space, particularly green space, ensuring that future open space needs are planned for, especially in areas with the potential for substantial change or areas of deficiency. Additionally, Policy EM4 of the Hillingdon Local Plan Part 1 and Policy DMCI 4 of the Hillingdon Local Plan Part 2 both support the provision of new open space in major developments, or improvements to existing open spaces. Proposals for major new residential development that fail to make provision for new or enhanced open space, or which would result in open space that is inappropriate in type, quality or location, will

be resisted.

The creation of new open space is to be encouraged wherever practical, although it is recognised that creation of new open spaces may be limited in densely populated areas or because of financial constraints, and in such circumstances, major residential proposals are expected to make appropriate contributions to the delivery of new opportunities, or to the improvement and enhancements of existing facilities off-site.

For the current application, comprising 7 x 2 bedroom, 4 person and 6 x 3 bedroom, 6 person units would amount to £32,000 and this would be secured as an obligation, should permission be forthcoming, recognising that due to the relatively constrained nature of the plot, on-site provision would not be feasible.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The NPPF (2021) states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. The NPPF also says that developments should be located and designed where practical to give priority to pedestrian and cycle movements; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Policy T4 of the London Plan (2021) requires where appropriate, the submission of transport assessments / statements to ensure that impacts on the capacity of the transport network are fully assessed and mitigated.

Policy T5 requires development proposals to remove barriers to cycling and create a healthy environment in which people choose to cycle and development proposals should be in accordance with cycle standards.

Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking. Car-free development with no general parking should still provide disabled persons parking in line with standards.

Policy T6.1 advises that new residential development should not exceed the maximum parking standards and residential parking spaces must make appropriate provision for electric or ultra-low emission vehicles.

Policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner and to be acceptable, schemes are required to i) be accessible by public transport, walking and cycling; ii) maximise safe, convenient and inclusive accessibility; iii) provide equal access for all people; iv) adequately address servicing requirements and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment.

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that developments provide safe and efficient vehicular access to the highway

network and do not contribute to the deterioration of local amenity or safety of all road users and residents.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that developments provide acceptable levels of car parking in line with the Council's Parking Standards (Appendix C Table 1), in order to facilitate sustainable development and address issues relating to congestion and amenity.

Previously, there were no highway objections to this scheme, the last consented scheme being for 15 units with the same level of car parking being proposed. The Council's Highway Engineer has reviewed this application and advises that Green Lane is a classified road in the Council's road network and the address exhibits a public transport accessibility level (PTAL) rating of 3 which is considered as moderate and therefore heightens dependency on the use of private motor transport.

Trip Generation:

As regards traffic generation, the Highway Engineer advises that the proposal would increase traffic from the site as compared to the former redundant units but peak period traffic movement into and out of the site is not expected to produce more than 3-4 additional vehicle movements during the most sensitive and therefore crucial peak morning and late afternoon/early evening hours hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Parking Provision & Internal Road Layout:

The Engineer advises that as regards parking provision, Hillingdon's standard would require up to 20 to 23 on-plot spaces whilst the regional London Plan requires a maximum of up to 12 spaces.

A total of 24 spaces are proposed with 12 at ground level and 12 (inclusive of 2 disabled compliant spaces) within a basement area hence the regional standard is exceeded by some margin. However, the Engineer advises that with the recent adoption of the 2021 London Plan (LP), the Council's emphasis has now changed whereby the leaner parking requirements of the LP are now considered to be more relevant and appropriate for making determinations. This change in direction is substantively based on statistical evidence linked to LBH's track record related to planning appeals. It is apparent that the Planning Inspectorate generally affords priority to the LP in lieu of LBH's Local Plan: Part 2 parking standards in circumstances where a refusal has been based on insufficient on-plot parking provision. In reality, and where appropriate, lower on-plot parking provisions as guided by the LP have now become the norm.

However, the Highway Engineer suggests that with this new application, an exception to the above approach should be applied given that historically, the address has been subject to relatively comparable planning consents since 2017 which were determined on the consistent basis of a 'higher' parking quantum encouraged by Hillingdon's standards. This was the case for the most recent 2020 consent for 15 flats (10112/APP/2019/1244) where a higher level of parking was accepted with a required 22 spaces and agreed 24 space provision proposed by the applicant split equally between a surface level and basement provision. This overall parking quantum and arrangement has now been replicated for this new application albeit with a marginally reduced and altered mix of flat units. Therefore, for consistency and in fairness to the applicant who has been encouraged to provide a higher parking content from the onset, it is considered appropriate to treat this new application as a 'one-off' exception to the rule by accepting the over-provision of 24 spaces which still broadly falls in-line with LBH's Local Plan: Part 2 standard.

The Highway Engineer also advises that the proposed internal surface level & basement parking arrangement conforms to DfT (Manual for Streets circa 2007) best practice for road and parking layouts as the layout allows for vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds and is therefore welcomed. The vehicular access arrangement from Green Lane is to remain unaltered and is considered fit for purpose in terms of serving the proposal.

Electric Vehicle Charging Points (EVCP's):

The Highway Engineer advises that to accord with the London Plan (2021), within the final parking quantum there is a requirement for a minimum of 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, 5 spaces should be designated as 'active' provisions with the remaining 19 with 'passive' status. The applicant has exceeded this minimum requirement with 8 'active' and 16 'passive' spaces which is welcomed.

Disabled Compliant Parking:

In accord with the parking standard - 10% of parking spaces should be disabled compliant equating to 2 spaces. The applicant confirms that two bays are proposed within the basement parking area hence this arrangement is therefore considered acceptable.

Cycle and Motor-Cycle Parking:

The development would be required to provide 20 secure and accessible spaces for the new residential units to conform to the adopted borough cycle parking standard. 30 cycle spaces would be provided within a self-contained cycle store within the basement and so the proposal would comply with the Council's standards. The basement would also be provided with one motorcycle parking space which complies with the requirement of one motorcycle space per 20 parking spaces. The Council's Highway Engineer raises no objections to these arrangements.

Operational Refuse Requirements:

Refuse collection would occur via Green Lane and the site access road itself from a specific bin store location as shown located within the basement area. A site management regime would ensure that waste collection distances do not exceed 10m from the point of collection in order to conform to good practice therefore a suitable on-site management planning condition should be sought.

Construction Logistics Plan (CLP):

A full and detailed CLP is a requirement given the constraints and sensitivities of the local residential road network in order to avoid/minimise potential detriment to the public realm. This has been submitted and is broadly considered fit for purpose.

Conclusion:

As with the previous applications for the residential building on this site, the application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policy T4, T5 and T6 of the London Plan (2021).

7.11 Urban design, access and security

Urban design:

See Section 7.07 of this report.

Access and Security:

The proposed development is considered to be acceptable in regards to access and security arrangements. There would be sufficient natural surveillance of the external parking area and front entrance to the building, and defensive space in front of ground floor windows would be provided through the landscaping scheme. Secure by Design accreditation would be secured by condition.

7.12 Disabled access

The Council's Access Officer has reviewed the application and advises that no accessibility concerns are raised, however, the proposed development is subject to compliance with London Plan policies D5, D7 and D12 and the following conditions should be attached to any approval:

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).

The dwelling 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.

The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include a minimum of one fire evacuation lift per core designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999. The required evacuation lift shall serve all floors and remain in place for the life of the development.

Reason

To ensure the development provides reliable, convenient and dignified means of escape for all building uses in accordance with London Plan policy D5 and D12.

The recommended conditions form part of the officer recommendation.

7.13 Provision of affordable & special needs housing

London Plan policy H4 sets a strategic target for 50% of all new homes across London to be genuinely affordable, with policy H5 requiring major development proposals which trigger affordable housing requirements to provide a minimum of 35% affordable housing. This is also required by Local Plan Policy DMH 7. Following a first review by the Council's consultants, BNP Paribas of the initial financial viability appraisal produced by DJC Housing Consultants Ltd, the applicant has provided a revised financial viability appraisal (FVA) which concludes that the scheme is in deficit in terms of profitability and cannot therefore support any affordable housing on site or as an in-lieu contribution.

The revised FVA has again been reviewed by BNP Paribas and they conclude that with various amendments made to the appraisal's calculations, the proposed development with 100% private housing could generate a surplus of £70,315 against the viability benchmark. This is insufficient to provide an on-site affordable housing unit but could be used to provide a commuted sum payment.

Given that the proposal results in the loss of 2 previously secured affordable housing units, the LPA reviewed the GLA published Viability SPG 2017 document as it contains within it a formula for calculating in-lieu contributions of affordable housing, based upon a proportion of the market sales value. Based upon this formula, the LPA calculated an in-lieu sum of £320,000 for affordable housing from the applicant team, which the applicant team agreed to provide.

Whilst the viability assessors conclusions only found a surplus of circa £70,000, the alternative approach from within the GLA SPG document has enabled the LPA to secure a much greater sum to be spent on other Council housing within the Borough. The proposals are deemed to secure the maximum reasonable level of in-lieu contribution and the development will also be subject to a late stage viability review, which may secure further affordable housing contributions.

Subject to the in-lieu contribution and a late-stage review mechanism to be secured by Section 106 Legal Agreement, the proposal would be acceptable and in accordance with relevant policies and guidance.

7.14 Trees, landscaping and Ecology

Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that all new development retains or enhances existing landscaping, trees and natural features of merit, provides soft and hard landscaping that is appropriate to the character of the area and carry out tree surveys to determine the impact of development on existing trees and appropriate protection measures.

The committee report on the previously consented scheme for 15 units advised:

'Whilst the site is covered by TPO 481, none of the trees on the site are scheduled for protection. The Council's Trees/Landscape Officer has assessed the submitted Tree Report, which is identical to the previous tree report approved as part of the previously approved 12 unit scheme; in order to fully assess the impact of the proposed development, an updated tree survey providing the current condition and value (improvement or decline) of the trees within the site and along the site boundaries would be required.

It is considered that in this instance, given the proposed building has the exact same footprint and parking layout as the previously approved scheme, the provision of an updated survey of the trees within and around the site can be secured by way of a suitable condition on any consent granted.

Therefore, subject to the submission and approval of an updated tree survey and an acceptable landscaping scheme, the proposed development would comply with Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).'

The updated tree survey and landscaping scheme were submitted as part of a discharge of condition application (10112/APP/2021/3709 refers) which was approved on 22/7/22. Works have also commenced on site. The same details have been re-submitted as part of this application and are considered acceptable.

7.15 Sustainable waste management

Major Applications Planning Committee -

PART 1 - MEMBERS, PUBLIC & PRESS

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires new developments to be provided with satisfactory arrangements for the storage and collection of waste and recycling. Refuse storage needs to be well-designed; external bins should be located and screened to avoid adverse visual impacts and nuisance to both occupiers and neighbours.

The committee report on the consented 15 unit scheme advised:-

'The proposed scheme would have a bin store located within the basement, which would be accessed externally at ground level due to the topography of the site. Refuse vehicles would be able to enter the site to collect the refuse on collection days, and refuse collectors would not have to move the bins more than 10m from the point of collection.'

The proposed waste arrangements have not altered and the proposed waste management arrangements remain acceptable, subject to a condition requiring a waste management plan to be submitted and would comply with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.16 Renewable energy / Sustainability

Policy EM1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (2021).

Policy DMEI 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy SI 2 of the London Plan (2021) require all major developments to make the fullest contribution to minimising carbon dioxide emissions by employing the hierarchy of: using less energy; supplying energy efficiently; and using renewable technologies. Proposals are required to include a detailed energy assessment showing how reductions would be achieved. Where appropriate, developments can become policy compliant by supplementing on-site reductions with off-site solutions through Section 106 funds.

This application includes the Energy Assessment submitted to discharge Condition 17 (Energy) on the 15 unit scheme (10112/APP/2021/3783 refers). A revised Energy Assessment will be required which specifically deals with this 13 unit scheme but it is considered that the 82% carbon reductions secured on the previous scheme, with the remaining 18% reduction secured through the carbon offset payment should form the minimum reduction on this scheme.

Therefore, in order to ensure compliance with regional and local planning policies, a condition requiring the submission and approval of a revised Energy Statement in relation to the current thirteen unit scheme should be added to any consent granted. In addition, as it is not currently possible to fully assess if the development is policy compliant, a contribution linked to the submission of further assessments, and using the standard formula to allow the Council to capture any shortfalls, shall be secured through a S106 Legal Agreement. If the updated Energy Assessment indicates no shortfall, then no payment is necessary.

Subject to the imposition of the above condition and S106 contribution, the development accords with Policy EM1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy DMEI 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy SI 2 of the London Plan (2021).

7.17 Flooding or Drainage Issues

Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) seeks to ensure that developments manage storm water as close to its source as possible. Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seek to ensure that developments provide appropriate flood risk measures and sustainable drainage systems (SuDS).

The committee report on the previously consented scheme for 15 units advised that:-

'The site is located in Flood Zone 1 according to the Environment Agency Flood Maps. The Council's Floodwater Management Officer has assessed the application and considers that given that there are no external changes to the proposal from the previously approved twelve unit scheme (ref: 10112/APP/2017/2077), the previously approved surface water drainage strategy (Ambiental report reference Final v1.0 dated May 2017) would be suitable to support the current application. The report has been submitted as part of this application and it is therefore considered that subject to a condition requiring the scheme to be developed in accordance with the surface water drainage strategy, the proposed scheme would comply with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

Policy DMHB 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires developments involving basements to include an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, in order to ensure that basement developments do not harm the built and natural environment or local amenity.

The impact of the scheme on drainage, flooding and groundwater conditions is considered to be acceptable; given that the location, footprint and scale of the basement, and the number of units, is the same as the basement previously approved under planning permission ref: 10112/APP/2017/2077, it is considered that further details of the basement on structural stability can be provided by way of a condition on any consent granted. On balance, the proposed fifteen unit scheme would comply with Policy DMHB 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).'

Since that committee meeting, a Groundwater Basement Impact Assessment was submitted as part of the details application (10112/APP/2021/3709 refers) which was approved on 22/7/22. The same assessment has been submitted as part of this application. Therefore, it is considered that the scheme now fully complies with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMEI 9, DMEI 10 and DMHD 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.18 Noise or Air Quality Issues

Noise:

Policy D14 of the London Plan (2021) states that development proposals should manage noise impacts through the use of sound-proofing, insulation and other acoustic design measures.

The Council's Noise Officer has reviewed the application and advises that although there is no noise assessment, from the location plan and Design & Access Statement, this would appear to be a residential development in an established residential area set back from the local road, hence the likelihood of road traffic noise causing any significant noise effects on those living inside would appear to be low regardless of the design of the building, for example the windows. However, it is

noted that the design will make use of Air Source Heat Pumps for heating and presumably cooling with units inside individual dwellings used in conjunction with a communal unit. If not properly designed or installed ASHPs can be a source of both airborne and structure borne noise which could cause complaints of nuisance. It is therefore recommended that no objection is made on noise grounds subject to a suitable condition hence: 'For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0700, measured inside any room of any permitted dwelling having regard to the guidance set out in British Standard 8233: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature.'

This condition forms part of the officer's recommendation and therefore it is considered that the proposed development of 13 residential units complies with Policy D14 of the London Plan (2021).

Air Quality:

Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) seeks to ensure that developments do not cause deterioration in the local air quality levels and to protect existing and new sensitive receptors. Policy DME1 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that developments should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants, and should include sufficient mitigation to prevent unacceptable risk from air pollution to existing and new sensitive receptors whilst actively contributing to the improvement of air quality.

The application has been reviewed by the Council's Air Quality Officer and they advise that the proposed development is not Air Quality Neutral. In addition, according to the LBH Local Action Plan, proposed development within Focus Areas (or with impacts on FAs) needs to be Air Quality positive and further action is required to reduce total emissions produced by its operation.

Total emissions associated with the development therefore needs to be mitigated and the level of mitigation required, following flat rate deductions is £31,669. Therefore, if no further mitigation is offered by the applicant, a section 106 agreement with the LAP of £31,669 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

In addition, the Air Quality Officer advises of the need for the following conditions to manage construction emissions as required by the Mayor of London.

Conditions - Reducing Emissions from Demolition and Construction

A No development shall commence until a Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

Reason: Compliance with London Plan Policy SI 1 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019).

B All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control

of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

Therefore, the air quality contribution would ensure that the proposed development does not have a detrimental impact on air quality within the surrounding area, thereby complying with Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.19 Comments on Public Consultations

Only 1 response was received from neighbouring properties to the initial public consultation. As regards point (i), the potential for construction works to generate noise and dust would be controlled by condition. As regards points (ii) and (iii), the size of the building has already been approved and this proposal represents a reduction in the number of units as compared to last consented scheme for 15 units.

7.20 Planning obligations

S106 PLANNING OBLIGATIONS:

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis: i) to secure the provision of affordable housing in relation to residential development schemes; ii) where a development has infrastructure needs that are not addressed through CIL; and iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i.necessary to make the development acceptable in planning terms
- ii.directly related to the development, and
- iii.fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is considered that the planning obligations set out in section 2 of this report can be requested.

- i) An in lieu affordable housing contribution of £320,000 to include Review Mechanism (Late Stage; GLA standard wording).
 - ii) Carbon off-set contribution* as required by an approved Energy Assessment to secure the necessary CO2 savings required plus a clause ensuring that the applicant undertakes monitoring and reporting of the carbon performance of the buildings in line with the London Plan 'be seen' requirements. This shall also identify triggers and measures to ensure any shortfalls in performance are understood and mitigation is identifiable and deliverable to resolve failures to meet targets. The reporting shall be undertaken annually for 5 years.
- *The shortfall (where applicable) identified in the Energy Assessment required by the Energy Condition shall form an in lieu contribution to the Council's carbon offset fund at £95/tCO₂ annualised over 30 years (i.e. shortfall x 30 x 95 = £contribution).
- iii) £31,669 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.
 - iv) £32,000 public open space contribution.
 - v) A project management and monitoring fee of 5% of the total cash contributions for the management and monitoring of the resulting agreement (in the event that a S106 Agreement is completed).

Community Infrastructure Levy:

The proposed development would be Mayoral CIL Liable. The London Borough of Hillingdon falls within Charging Zone 2, therefore, a flat rate fee of £60 per square metre would be required for each net additional square metre added to the site as part of the development.

The proposal would also be liable under the London Borough of Hillingdon's Community Infrastructure Levy (CIL), which was introduced in August 2014. The charging schedule requires a fee of £95 per square metre for residential developments.

7.21 Expediency of enforcement action

Not applicable to this site / application.

7.22 Other Issues

Contamination:

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

B) Conditions will be imposed where planning permission is given for development on land affected

by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The Council's Environmental Health Officer previously raised no objections to the residential development of this site, subject to a condition requiring site derived soils and imported soils to be independently tested for chemical contamination, and the results of this testing to be submitted to and approved by the LPA. Works have commenced on site and the previously recommended condition forms part of the officer recommendation.

Fire Safety

The previously consented scheme(s) has already commenced on site. The current scheme makes only relatively minor internal and external alterations to the consented building, with a reduction in the number of units from 15 to 13 as compared to the last consented scheme. A condition has been added requiring a Fire Statement to be submitted in order to comply with Policy D12 of the London Plan (2021) which advises that all major development proposals should submit a Fire Statement.

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

Planning permission is sought for the erection of a residential building comprising 13 flats with associated parking, cycle storage, motorcycle parking, disabled parking and bin storage following the demolition of an existing residential block and a pair of semi-detached houses.

Numerous planning permissions have already been granted for this residential block, with the last consented scheme being for 15 units (ref: 10112/APP/2019/1244, dated 9/11/20).

The proposed development would not result in the loss of residential accommodation. The scheme would make an in lieu affordable housing contribution and an air quality contribution, secured through a S106 Legal Agreement. The S106 Legal Agreement would also secure a carbon off-set contribution, as required by an approved Energy Assessment.

The proposal would not cause harm to the character and appearance of the immediate street scene and surrounding area and would not have a detrimental impact on the residential amenity of existing neighbours or future occupiers of the development.

The proposed units would be provided with internal floor spaces that exceed beyond the minimum London Plan standards, and sufficient external amenity space would be provided.

The proposed development would be provided with acceptable levels of car and cycle parking spaces and would not result in a significant increase in traffic generation, and so would not cause harm to the

local highway network.

The application is recommended for approval, subject to conditions and a S106 Agreement.

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)

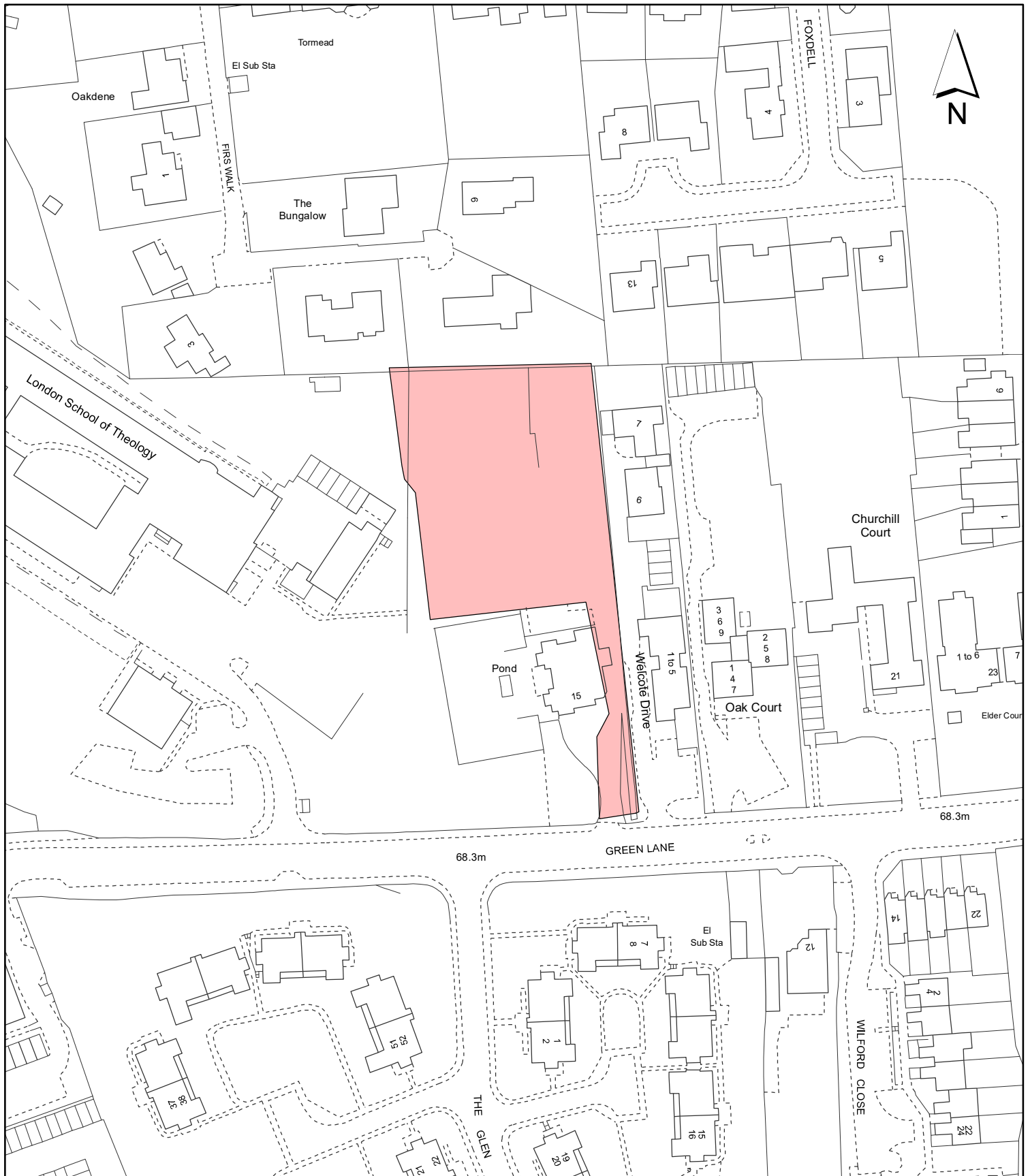
National Planning Policy Framework (2021)

Council's Supplementary Planning Document - Accessible Hillingdon

Council's Supplementary Planning Document - Planning Obligations

Contact Officer: Richard Phillips

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Notes:

 Site boundary

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Site Address: **Land to the east of the London School of Theology Green Lane**

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
10112/APP/2022/1474

Scale:
1:1,250

Planning Committee:
Major

Date:
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