

Report of the Head of Planning, Sport and Green Spaces

Address LAND EAST OF THE FORMER EMI SITE 120 BLYTH ROAD HAYES

Development: Variation of Conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 14, 15, 16, 17, 18, 20, 22, 24, 27, 28, 30, 31, 32, 33, 34, 36, 37, 39, 40, 42, 43, 46, 47, 48, 50, 52 and 54, plus the removal of conditions 25, 26 and 45 of planning permission ref: 51588/APP/2015/1613 (Minor amendments to design, external appearance and car parking layout through variation of condition 2 of Planning Consent reference 51588/APP/2011/2253 for the 'Demolition of warehouse extension to Apollo House and erection of a part 4, part 5, part 6 and part 7 storey building comprising 132 residential units, cafe (class A3), Community room (class D2), 5 x workshop units (class B1, B8 or A2 uses), and associated car parking and landscaping')

LBH Ref Nos: 51588/APP/2016/1423

Drawing Nos: 0147_P_0001 Site Location
PL 207 - Courtyard Elevation Block A Rev E
PL 206 - Block A - Service Courtyard Elevation Rev E
PL 202 rev D - Elevation Block C
PL 208 - Courtyard Elevation Block B Rev E
PL 209 - Courtyard Elevation Block C Rev E
PL 210 - Courtyard Elevation Block D Rev E
PL 203 rev D - Elevation Block C
PL 200 rev D - Elevation Block A
PL 100 rev F - Level C
PL 110 rev D - Level 1
PL 120 rev C - Level 2
PL 130 rev C - Level 3
PL 140 rev C - Level 4
PL 150 rev C - Level 5
PL 160 rev B - Level 6
PL 201 rev D - Elevation Block E
PL 205 rec C - Central Core Elevations
PL 204 rev C - North South Elevations

Date Plans Received: 13/04/2016

Date(s) of Amendment(s):

Date Application Valid: 15/04/2016

1. SUMMARY

The application relates to the new Gatefold Building development on Blyth Road, which is at the eastern end of the wider The Old Vinyl Factory development site.

The scheme has already been granted planning consent under application reference 51588/APP/2011/2253 (for the Demolition of warehouse extension to Apollo House and erection of a part 4, part 5, part 6 and part 7 storey building comprising 132 residential units, cafe (class A3), Community room (class D2), 5 x workshop units (class B1, B8 or A2 uses), and associated car parking and landscaping).

This consent was amended under application reference 51588/APP/2015/1613 and the

current application is to vary and remove a number of conditions attached to the amended consent.

The variation and removal of the conditions will change the trigger points for information be submitted in relation to the discharge outstanding conditions from 'prior to commencement' to 'prior to occupation'. This allows the flexibility required by the developer but maintains the Council's ability to secure the required elements covered by these conditions.

For the reasons outlined below, the proposed changes to the development are considered to comply with the policies of the adopted Hillingdon Local Plan (2012), and as such this application is recommended for approval.

2. RECOMMENDATION

Approval, subject to delegated powers being given to the Head of Planning and Enforcement to grant planning permission, subject to any relevant amendments agreed by the Head of Planning and Enforcement and the following:

a) No objection being received from the Greater London Authority.

b) That the Council enter into a deed of variation to the legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the legal obligations secured under the original consent (reference 51588/APP/2011/2253 dated 27/03/12).

c) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and 278 Agreements and any abortive work as a result of the agreement not being completed.

d) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

e) That if any of the heads of terms have not been agreed and the S106 legal agreement has not been finalised within 3 months of the date of this Committee resolution, or any other period deemed appropriate by the Head of Planning and Enforcement, then the application may be referred back to the Committee for determination.

f) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

g) That if the application is approved, the following conditions be imposed subject to any changes negotiated by the Head of Planning and Enforcement prior to issuing the decision:

1 T8 Time Limit

The development hereby permitted shall begin either before the expiration of five (5) years from the 27th of March 2012, unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990 (As Amended).

2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans:

0147_P_0001 Site Location

PL 207 - Courtyard Elevation Block A - Rev B

PL 206 - Block A - Service Courtyard Elevation - Rev B

PL 202 rev D - Elevation Block C

PL 208 - Courtyard Elevation Block B - Rev B

PL 209 - Courtyard Elevation Block C - Rev B

PL 210 - Courtyard Elevation Block D - Rev B

PL 203 rev D - Elevation Block D

PL 200 rev D - Elevation Block A

PL 100 rev f - Level 0

PL 110 rev D - Level 1

PL 120 rev C - Level 2

PL 130 rev C - Level 3

PL 140 rev C - Level 4

PL 150 rev C - Level 5

PL 160 rev B - Level 6

PL 201 rev D - Elevation Block B

PL 205 rec C - Central Core Elevations

PL 204 rev C - North South Elevations;

hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Local Plan (November 2012).

3 M1 Details/Samples to be Submitted

The development shall not be occupied until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan (November 2012).

4 NONSC Balconies/Screens

The development shall not be occupied until full details, including drawings showing the siting, design and finish heights of obscure glazed privacy screens, balustrades, and railings on all balconies and terraces and roof terraces as shown on the plans hereby approved, have been submitted to and approved in writing by the Local Planning Authority

REASON

To ensure that the development presents a satisfactory appearance and adequate privacy in accordance with Policies BE13 and BE24 of the Hillingdon Local Plan (November 2012)

5 CAC8 Record of the building prior to demolition

Demolition works may commence following the submission of a general photographic record of the site to English Heritage Level 1 standards as submitted under application reference 51588/APP/2014/954.

REASON

To safeguard the special architectural and/or historic interest of the building in accordance with Policy BE8 of the Hillingdon Local Plan (November 2012).

6 M3 Boundary treatment - details

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied, or in accordance with a timetable agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 M6 Boundary Fencing

A minimum 1.8 metre high imperforate wall shall be maintained on the boundary with Network Rail land for the full depth of the development hereby approved, and shall be permanently retained for so long as the development remains in existence.

REASON

To separate pedestrians from rail traffic and to protect future occupiers from noise and disturbance and to accord with policies OE3 and AM7 of the Hillingdon Local Plan (November 2012).

8 TL5 Landscaping Scheme

The development shall not be occupied until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures)
- Landscaped wall to screen car park (including plans, sections, elevations and

specifications).

Details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at www.caa.co.uk/srg/aerodrome). These details shall include the species, number and spacing of trees and shrubs.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Local Plan (November 2012).

9 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in 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 in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Local Plan (November 2012).

10 TL7 Maintenance of Landscaped Areas

The development shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule for so long as the development remains.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Local Plan (November 2012).

11 T19A Maintenance of Play Areas

The development shall not be occupied until details of a scheme for the provision and maintenance in perpetuity of the children's play area have been submitted to and approved in writing by the Local Planning Authority. The details should include the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved

schedule.

REASON

To ensure that a play area is satisfactorily implemented and properly maintained in accordance with Policy R1 of the Hillingdon Local Plan (November 2012).

12 NONSC Landscape Management Plan

The development shall not be occupied until details of a scheme for the provision and maintenance in perpetuity of the communal landscaped/public realm areas have been submitted to and approved in writing by the Local Planning Authority. The details should include the arrangements for its implementation, management, public access (including the opening and closing of the main entrance gate), security measures, and maintenance. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly managed in accordance with policy BE38 of the Hillingdon Local Plan (November 2012).

13 TL20 Amenity Areas

None of the dwellings hereby permitted shall be occupied, until the outdoor amenity area serving the dwellings as shown on the approved plans (including balconies where these are shown to be provided) has been made available for the use of residents of the development. Thereafter, the amenity areas shall so be retained for so long as the development remains.

REASON

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in accordance with policy BE23 of the Hillingdon Local Plan (November 2012) and London Plan (March 2015) Policy 7.1.

14 NONSC Bird Hazard Management Plan

Development shall commence in accordance with the details set out in the Bird Hazard Management Plan approved by the Local Planning Authority under reference: 51588/APP/2014/1782.

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

REASON

To comply with Policy A6 of the Hillingdon Local Plan (November 2012) and to minimise the attractiveness of the development to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

15 OM14 Secured by Design

Unless otherwise first agreed in writing by the Local Planning Authority, the development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures, including all play areas and in particular the ground level children's play area,

and controlling access around the deck level and elevated interconnecting walkways, shall be submitted and approved in writing by the Local Planning Authority before development is occupied. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the '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).

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3

16 NONSC CCTV

The development shall not be occupied until a scheme for the provision of Closed Circuit Television (CCTV) on and/or around the building, which is compatible with and can be integrated into the Council's CCTV monitoring system, has been submitted to, and approved in writing by, the local planning authority and the building shall not be occupied until the approved scheme has been implemented. Thereafter the approved scheme shall be permanently retained.

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 reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure that the development provides a safe and secure environment in accordance with policy 7.3 of the London Plan (July 2011).

17 NONSC Sustainability

The Development shall commence in accordance with the details set out in the signed Design Stage Certificate approved by the Local Planning Authority under ref: 51588/APP/2014/3922.

Prior to occupancy of the development, a signed Completion Stage Certificate by a licensed Code for Sustainable Homes assessor shall be submitted to and approved in writing by the Local Planning Authority. The Completion Stage Certificate will confirm the development has been built to Code Level 4.

If the subsequent designs cannot meet Code Level 4 then a further sustainability statement will be required to be submitted and agreed in writing with the local planning authority. This will clearly demonstrate a 25% reduction in CO2 (using a 2010 Part L building regulation baseline). This statement will also need to demonstrate how water recycling and harvesting will be incorporated into the final designs. The development must proceed in accordance with this updated sustainability statement if Code Level 4 will not be achieved.

Reason

To ensure the development is built sustainably and to meet Policies 5.1, 5.2, 5.3, 5.13, 5.14, and 5.15 of the London Plan (July 2011).

18 OM2 Levels

The development shall not be occupied until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Local Plan (November 2012).

19 NONSC Antennas

No antenna, masts, poles, satellite dishes or the like shall be erected atop any of the buildings here by approved.

REASON

To ensure that apparatus do not detract from the visual amenities of the area in accordance with Policy BE37 of the Hillingdon Local Plan (November 2012).

20 NONSC External Lighting

The development shall not be occupied until details of the position and design of external lighting are submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of underground works and measures to eliminate vertical and horizontal light spillage for the car park areas, roads, areas immediately around the buildings and courtyards.

REASON

To ensure that the development presents a satisfactory appearance, and to safeguard the amenities of nearby residential properties in accordance with Policies BE13, and OE1 of the Hillingdon Local Plan (November 2012).

21 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy AM13 of the Hillingdon Local Plan (November 2012) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2

22 DIS2 Access to Buildings for People with Disabilities

Development shall commence in accordance with the details of access to building entrances to meet the needs of people with disabilities approved by the Local Planning Authority under ref: 51588/APP/2014/3387. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policies AM13 and R16 of the Hillingdon Local Plan (November 2012) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2

23 DIS5 Design to Lifetime Homes Standards & Wheelchair Standards

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further at least 10% of the units hereby approved shall be designed to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2

24 OM5 Provision of Bin Stores

No occupation shall occur until details of covered and secure facilities to be provided for the screened storage of refuse and recycling bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Local Plan (November 2012).

25 OM19 Construction Management Plan

Demolition shall commence in accordance with the Demolition Management Plan approved by the Local Planning Authority under ref: 51588/APP/2014/1797. Prior to the completion of the development, the applicant shall submit a construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative 6 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

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 OE1 of the Hillingdon Local Plan (November 2012).

26 H1 Traffic Arrangements

Notwithstanding the plans and documents hereby approved, the development shall not be

occupied until details of all traffic arrangements (including servicing arrangements, re-directed pedestrian routes, precise details of the lay-by, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Local Plan (November 2012) and Chapter 6 of the London Plan (July 2011).

27 H11A Visibility Splays

The proposed vehicular access shall be provided with 2.4m x 2.4m pedestrian visibility splays in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with Policy AM7 of the Hillingdon Local Plan (November 2012).

28 H14 Cycle Storage

The development shall not be occupied until details of covered and secure cycle storage facilities for both the non-residential uses hereby approved and separate covered and secure cycle storage facilities for the residential component of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Local Plan (November 2012) and Chapter 6 of the London Plan (July 2011).

29 SUS8 Electric Charging Points

The development shall not be occupied until plans and details are submitted to and approved in writing by the Local Planning Authority, which confirm the following:

- i) That there will be passive provision of infrastructure for electric vehicle charging point to 20% of all car parking spaces;
- ii) That not less than 4% of all parking spaces shall be fitted with electric vehicle charging points;
- iii) The electric vehicle charging points shall be fast charging points and capable of charging multiple vehicles simultaneously.
- iv) At least 1 charging point being dedicated for use by the non-residential uses hereby approved.

Thereafter the development shall be carried out in accordance with the approved details,

and the charging points retained and maintained in good working order for the life of the development.

REASON

To encourage sustainable travel and to comply with London Plan (July 2011) Policy 5.3.

30 NONSC Car Park Allocation

Prior to occupation of the development, a Car Parking Allocation and Management Plan for the entire site shall be submitted to and approved in writing to the Local Planning Authority

The car parking allocation and management plan shall clearly identify and delineate parking spaces which are allocated and dedicated for the non-residential and residential components of the development. Each unit designed for wheelchair users shall be allocated at least 1 car parking space.

The provisions of the Car Parking Allocation and Management Plan will be carried and out for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the suitable management of parking on site and to impact on the surrounding area in accordance with policies Pt1.10, AM14, AM15, AM16 of the Hillingdon Local Plan (November 2012).

31 NONSC Construction Logistics Plan

Prior to occupation of each phase, a construction logistics plan for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The construction logistics plan shall include measures to minimise the impact of construction impact on the strategic highway network in accordance with the London Freight Plan and shall include, but not be limited to measures such as consolidated deliveries, off site prefabrication and the use of recycled materials on site and avoiding peak periods.

The provisions of the construction logistics plan shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

To minimise the impact of the construction phase on the strategic highway network in compliance with Policy AM2 of the Hillingdon Local Plan (November 2012).

32 NONSC Service/Delivery Plan

Prior to occupation of development, details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate measures to minimise vehicle deliveries during am and pm peak hours. The approved strategy shall be implemented as soon as the development is brought into use and the strategy shall remain in place thereafter. Any changes to the strategy shall be agreed in writing by the Local Planning Authority.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy AM2 of the Hillingdon Local Plan (November

2012).

33 NONSC Delivery Hours

The premises shall not be used for the delivery and loading or unloading of goods outside the hours of 0800 and 1800, Monday to Friday, and between the hours of 0800 and 1300 on Saturdays. No deliveries shall take place on Sundays, Bank Holidays or Public Holidays.

REASON

To safeguard the amenity of surrounding areas in compliance with Policy OE1 of the Hillingdon Local Plan (November 2012).

34 NONSC Drainage

The construction of the surface and foul water drainage system shall be carried out in accordance with the details that have been submitted to and agreed by the Local Planning Authority under reference: 51588/APP/2014/2962. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON

To prevent pollution of the water environment and to prevent increased risk of flooding in compliance with policy 5.12 of the London Plan (July 2011).

35 NONSC Contamination

The development shall commence in accordance with scheme to deal with contamination approved by the Local Planning Authority under application reference: 51588/APP/2014/1781. All works which form part of the approved remediation scheme shall be completed before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

Upon completion of any remedial works, this condition will not be discharged until a verification report has been submitted to and approved by the LPA. The report shall include details of the final remediation works and their verification to show that the works have been carried out in full and in accordance with the approved methodology. The report shall also include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy OE11 of the Hillingdon Local Plan (November 2012).

36 NONSC Soils

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved by the Local Planning Authority.

REASON

To ensure that the occupants of the development are not subjected to any risks from land contamination in accordance with Policy OE11 of the Hillingdon Local Plan (November 2012) and Policy 5.21 of the London Plan (July 2011).

37 NONSC Sound Insulation

The development shall commence in accordance with the scheme for protecting the proposed residential development from road and rail traffic noise approved by the Local Planning Authority under ref: 51588/APP/2014/2965. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.

REASON

To safeguard the amenity of surrounding areas in accordance with policy OE5 of the Hillingdon Local Plan (November 2012).

38 NONSC Vibration Protection

Development shall commence in accordance with the scheme for protecting the proposed development from vibration approved in writing by the Local Planning Authority under ref: 51588/APP/2014/2965. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by vibration in accordance with policy OE5 of the Hillingdon Local Plan (November 2012).

39 NONSC Building Plant

The rating level of the noise emitted from the plant and equipment hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential property during the relevant periods of operation and with all other items of machinery operating together. The measurements and assessment shall be made in accordance with British Standard 4142 -Method for rating industrial noise affecting mixed residential and industrial areas.

REASON

To protect the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan (November 2012).

40 NONSC Sound Insulation Commercial

The development shall commence in accordance with the sound insulation scheme for the control of noise transmission to the adjoining residential premises approved by the Local Planning Authority under ref: 51588/APP/2014/2965. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the future occupants of development in accordance with policy OE1 of the Hillingdon Local Plan (November 2012).

41 NONSC Polluted Air

The development shall commence in accordance with the scheme for protecting the proposed residential accommodation from external air pollution approved by the Local Planning Authority under ref: 51588/APP/2014/2968. Works which form part of the approved scheme shall be completed before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

REASON

To safeguard residential amenity in accordance with policy OE1 of the Hillingdon Local Plan (November 2012).

42 HLC1 Cafe

No persons other than staff (who may undertake preparation/cleaning work from 07.00 hours to 23.30 hours) shall be permitted to be on the premises of the Cafe between the hours of 23.00 hours and 08.00 hours.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Local Plan (November 2012).

43 N15 Hours restriction for audible amplified music/sound

No music and/or other amplified sound arising from the cafe shall be audible from the inside of surrounding or adjacent premises outside the hours of 0800 and 1800, Monday to Friday, and the hours of 0800 and 1300 on Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Local Plan (November 2012) and London Plan (July 2011) Policy 7.15

44 HLC5 Industrial and Commercial Development

The commercial premises hereby approved (excluding the cafe) shall not be used except between 08.00 hours and 20.00 hours Mondays to Fridays, between 08.00 hours and 18.00 hours on Saturdays and at no time on Sundays, Public and Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan (November 2012).

45 NONSC Commercial Units

Prior to any occupation of the residential component of the development, the commercial units (including the Cafe) shall be constructed to a minimum of shell and core level (basic watertight structure but with no internal fixtures or fittings).

REASON

To ensure the appearance of the locality is protected and enhanced in accordance with

Policies BE13, BE28 and BE38 of the Hillingdon Local Plan (November 2012).

46 NONSC Frontages

All glazing at the ground floor of the commercial units (including the Cafe) shall be transparent to enable views into the building, and shall not otherwise be obscured by any temporary or permanent hoarding or similar obstruction, and shall be maintained as such.

No roller shutters or grills shall be fitted at ground floor of the commercial units (including the Cafe) unless otherwise approved in writing by the Local Planning Authority.

REASON

To ensure an active and transparent ground floor frontage in support of the surrounding publicly accessible spaces in accordance with PPS1 and policy BE13 of the Hillingdon Local Plan (November 2012).

47 NONSC Non Standard Condition

The development shall commence in accordance with the revised drawings showing the removal of the proposed emergency access/crossover and associated road markings on Blyth Road that were approved by the Local Planning Authority under ref: 51588/APP/2014/2966. There after the development shall be carried out in accordance with the approved plans.

REASON

In the interests of highways and pedestrian safety and to comply with policy AM7 of the Hillingdon Local Plan (November 2012).

48 NONSC Non Standard Condition

The servicing of the development from Blyth Road is restricted to a temporary 5 year period (from first occupation of the development) after which a scheme must be submitted to and approved by the Local Planning Authority, which shall provide for servicing of the site from an alternative location within the wider 'Old Vinyl Factory' site identified and encompassed within the Blue Line site boundary on Plan No. 0147 P_0001 Rev 00.

REASON

In the interests of highways and pedestrian safety and to comply with policy AM7 of the Hillingdon Local Plan (November 2012).

49 NONSC Non Standard Condition

The development shall commence in accordance with the detailed water management scheme (including maintenance arrangements) approved by the Local Planning Authority under ref: 51588/APP/2014/2962. The development shall proceed in accordance with the approved scheme and be retained for the life of development.

REASON

To prevent the increased risk of flooding in accordance with PPS25 and Policies 5.13 and 5.15 of the London Plan (March 2015).

50 NONSC Non Standard Condition

Any gate installed at the vehicular access shall be designed to be operable by persons with disabilities, including in the event of power failure, and shall be positioned at least 5m within the site measured from the back of the footway.

REASON

To ensure the installation of a gate does not lead to traffic backing up onto the highways and to ensure any gate is of a design which can be used by all persons and to accord with policies AM7 and AM13 of the Hillingdon Local Plan (November 2012) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

51 NONSC Non Standard Condition

The development shall not be occupied until details of permanently obscure glazed screening/balustrading for the proposed balconies has been submitted to and approved in writing by the Local Planning Authority and until the approved screening relating to that unit has been erected.

REASON

In the interests of visual amenity in accordance with Policy BE13 of the Hillingdon Local Plan (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE36	Proposals for high buildings/structures in identified sensitive areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

H4	Mix of housing units
H5	Dwellings suitable for large families
LE2	Development in designated Industrial and Business Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
LPP 2.6	(2015) Outer London: vision and strategy
LPP 2.7	(2015) Outer London: economy
LPP 2.8	(2015) Outer London: Transport
LPP 3.1	(2015) Ensuring equal life chances for all
LPP 3.3	(2015) Increasing housing supply
LPP 3.10	(2015) Definition of affordable housing
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.6	(2015) Children and young people's play and informal recreation (strategies) facilities
LPP 3.8	(2015) Housing Choice
LPP 3.9	(2015) Mixed and Balanced Communities
LPP 3.11	(2015) Affordable housing targets
LPP 3.12	(2015) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 3.13	(2015) Affordable housing thresholds
LPP 4.1	(2015) Developing London's economy
LPP 4.4	(2015) Managing Industrial Land & Premises
LPP 5.1	(2015) Climate Change Mitigation
LPP 5.2	(2015) Minimising Carbon Dioxide Emissions
LPP 5.3	(2015) Sustainable design and construction
LPP 5.6	(2015) Decentralised Energy in Development Proposals
LPP 5.7	(2015) Renewable energy
LPP 5.10	(2015) Urban Greening
LPP 5.11	(2015) Green roofs and development site environs
LPP 5.13	(2015) Sustainable drainage
LPP 5.21	(2015) Contaminated land
LPP 6.2	(2015) Providing public transport capacity and safeguarding land for transport
LPP 6.3	(2015) Assessing effects of development on transport capacity
LPP 6.5	(2015) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2015) Cycling
LPP 6.10	(2015) Walking
LPP 6.13	(2015) Parking
LPP 7.1	(2015) Lifetime Neighbourhoods
LPP 7.2	(2015) An inclusive environment
LPP 7.3	(2015) Designing out crime
LPP 7.4	(2015) Local character
LPP 7.5	(2015) Public realm
LPP 7.6	(2015) Architecture
LPP 7.8	(2015) Heritage assets and archaeology
LPP 7.13	(2015) Safety, security and resilience to emergency
LPP 7.14	(2015) Improving air quality

- LPP 7.15 (2015) Reducing noise and and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- LPP 8.2 (2015) Planning obligations
- LPP 8.3 (2015) Community infrastructure levy

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I11 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

5 I12 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

6 I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

7 I17 **Communal Amenity Space**

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

8 I18 **Storage and Collection of Refuse**

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

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

9 I19 **Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

10 I2 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

11 I23 **Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

12 I24 **Works affecting the Public Highway - General**

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

13 I3 **Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks

before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

14 I48 **Refuse/Storage Areas**

The proposed refuse and recycling storage areas meet the requirements of the Council's amenity and accessibility standards only. The proposed storage area must also comply with Part H of the Building Regulations. Should design amendments be required to comply with Building Regulations, these should be submitted to the Local Planning Authority for approval. For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250400).

15 I60 **Cranes**

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

16

Plant, Scaffolding and Cranes:

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

17 I62 **Potential Bird Hazards from Buildings**

The applicant is advised that any flat/shallow pitched or green roof on buildings have the potential to attract gulls for nesting, roosting and loafing and loafing purposes. The owners/occupiers of the building must ensure that all flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar.

The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The contact would be Gary Hudson, The Development Assurance Deliverer for Heathrow Airport on 020 8745 6459.

The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs. For further information please see the attached Advice Note 8 - 'Potential Bird Hazards From Building Design'

18

Drainage:

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

19

Railway Safety:

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail at AssetProtectionWestern@networkrail.co.uk before works begin.

20

Ground Levels:

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

Site Layout

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

21

Landscaping:

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata Zebrina

Not Permitted:

Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

22

Boundary Treatment:

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

23

The Council expects that when the wider master-plan is developed that the servicing and refuse arrangements for the former EMI site, including the development hereby approved, are considered as a whole to ensure that the most acceptable arrangement is agreed with respect to highway and pedestrian safety.

24

The applicant is advised that where the conditions requiring the submission of details have been discharged in connection with the original permission, the Local Planning Authority will not require these details to be resubmitted as part of this new planning permission where those details would remain the same.

25

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 the 'Saved' UDP 2007, Local Plan Part 1, 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the southern side of Blyth Road, opposite the junction with Clarendon Road and the originally approved building is substantially complete. The site sits at the eastern end of the former EMI site. It is roughly rectangular in shape and lies to the south-west of Hayes Town Centre, approximately 250 metres west of Harlington Railway Station (via the subway under Station Road). The site has a PTAL Rating of 4.

The site is relatively self-contained and lies to the north of the Paddington to Reading mainline, which forms the southern boundary of the site. The site previously contained an industrial building, which was an extension to the adjacent Apollo House building. Significant building work on the approved scheme has already commenced. The site is accessed from Blyth Road.

The surrounding area contains a mix of uses including the remainder of the former EMI site to the west, which contains a mixture of industrial/office buildings, some of which are vacant and derelict. A small terrace of two-storey dwellings sits opposite the site across Blyth Road to the north, with a number of smaller commercial buildings also opposite. To the north-east lies a further large terrace of two-storey dwellings. A further industrial building lies to the east

of the site.

The site is located adjacent to the Botwell: Thorn EMI Conservation Area, and Apollo House, which is a Locally Listed Building. The site is within a developed area as designated by the policies contained within the Hillingdon local Plan (November 2012).

3.2 Proposed Scheme

The application is for the variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 14, 15, 16, 17, 18, 20, 22, 24, 27, 28, 30, 31, 32, 33, 34, 36, 37, 39, 40, 42, 43, 46, 47, 48, 50, 52 and 54, plus the removal of conditions 25, 26 and 45 of planning permission ref: 51588/APP/2015/1613 (Minor amendments to design, external appearance and car parking layout through variation of condition 2 of Planning Consent reference 51588/APP/2011/2253 for the 'Demolition of warehouse extension to Apollo House and erection of a part 4, part 5, part 6 and part 7 storey building comprising 132 residential units, cafe (class A3), Community room (class D2), 5 x workshop units (class B1, B8 or a2 uses), and associated car parking and landscaping').

The variation of condition 2 is to amend the approved plans so as to enable minor alterations to be made to the balcony details and to replace the proposed community use space with a residential unit. The section 106 legal agreement attached to the original consent reference 51588/APP/2011/2253 allowed for a financial contribution to be made in lieu of the community facility. Be:here have concluded that a dedicated unit would be underused and additional amenity related concerns are recognised due to its location between two residential units. The loss of this unit is therefore supported in terms of its potential detrimental impact on the adjacent residential properties and the principle of removing the community facility was approved under the original consent.

The variation of conditions 3, 4, 6, 8, 10, 11, 12, 15, 16, 18, 20, 28, 30, 31, 32, 33, 34, 37 and 54 are to alter the timing of the conditions from prior to commencement to prior to occupation.

The variation of conditions 5, 14, 17, 22, 24, 36, 39, 40, 42, 43, 50 and 52 are to ensure the proposals are completed in accordance with details already submitted and approved to discharge these conditions.

Conditions 25 and 26 are proposed to be removed as they relate to waste management and the details are also required to be provided under condition 24.

The variation of condition 27 removes the reference to a demolition plan as all demolition works have now been completed.

It is proposed to remove condition 45 as it relates to details pertaining to the community facility, which is no longer part of the proposals. The variation of conditions 46, 47 and 48 also remove reference to the community facility.

3.3 Relevant Planning History

Comment on Relevant Planning History

The scheme has already been granted planning consent under application reference 51588/APP/2011/2253 (for the Demolition of warehouse extension to Apollo House and erection of a part 4, part 5, part 6 and part 7 storey building comprising 132 residential units,

cafe (class A3), Community room (class D2), 5 x workshop units (class B1, B8 or A2 uses), and associated car parking and landscaping).

This consent was amended under application reference 51588/APP/2015/1613 (for Minor amendments to design, external appearance and car parking layout through variation of condition 2 of Planning Consent reference 51588/APP/2011/2253). The current application is to vary or remove a number of conditions attached to the amended consent.

In addition to the applications listed above, the following application is also relevant:

59872/APP/2007/3060 - Change of use of, and external alteration to, Apollo and Jubilee House to provide a new creative quarter comprising vinyl production, studios, visitors centre, training, office and exhibition space with associated cafe/bar, retail and leisure facilities (Use classes A1, A3, A4, A5, B1, B2, D1 & D2). Change of use and external alterations to Neptune House for mixed use (Use classes A3, A4, A5, B1, D1 & D2). New build residential development of 244 units with associated ground floor uses (Use classes A1, A3, A4, A5, B1, D1 & D2) and associated access, parking, servicing and landscaping (involving part demolition of Neptune, Apollo and Jubilee buildings). This application was approved on 09/01/2009.

It should be noted that this application established the principle of residential development on the application site.

4. Planning Policies and Standards

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)

London Plan (March 2015)

National Planning Policy Framework

Hillingdon Supplementary Planning Document - Residential Layouts

Hillingdon Supplementary Planning Document - Residential Extensions

Hillingdon Supplementary Planning Document - Accessible Hillingdon

Hillingdon Supplementary Planning Document - Noise

Hillingdon Supplementary Planning Guidance - Air Quality

Hillingdon Supplementary Planning Guidance - Community Safety by Design

Hillingdon Supplementary Planning Guidance - Land Contamination

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE36	Proposals for high buildings/structures in identified sensitive areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
LE2	Development in designated Industrial and Business Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
LPP 2.6	(2015) Outer London: vision and strategy
LPP 2.7	(2015) Outer London: economy
LPP 2.8	(2015) Outer London: Transport
LPP 3.1	(2015) Ensuring equal life chances for all
LPP 3.3	(2015) Increasing housing supply
LPP 3.10	(2015) Definition of affordable housing
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.6	(2015) Children and young people's play and informal recreation (strategies) facilities
LPP 3.8	(2015) Housing Choice
LPP 3.9	(2015) Mixed and Balanced Communities
LPP 3.11	(2015) Affordable housing targets
LPP 3.12	(2015) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 3.13	(2015) Affordable housing thresholds
LPP 4.1	(2015) Developing London's economy
LPP 4.4	(2015) Managing Industrial Land & Premises
LPP 5.1	(2015) Climate Change Mitigation
LPP 5.2	(2015) Minimising Carbon Dioxide Emissions

- LPP 5.3 (2015) Sustainable design and construction
- LPP 5.6 (2015) Decentralised Energy in Development Proposals
- LPP 5.7 (2015) Renewable energy
- LPP 5.10 (2015) Urban Greening
- LPP 5.11 (2015) Green roofs and development site environs
- LPP 5.13 (2015) Sustainable drainage
- LPP 5.21 (2015) Contaminated land
- LPP 6.2 (2015) Providing public transport capacity and safeguarding land for transport
- LPP 6.3 (2015) Assessing effects of development on transport capacity
- LPP 6.5 (2015) Funding Crossrail and other strategically important transport infrastructure
- LPP 6.9 (2015) Cycling
- LPP 6.10 (2015) Walking
- LPP 6.13 (2015) Parking
- LPP 7.1 (2015) Lifetime Neighbourhoods
- LPP 7.2 (2015) An inclusive environment
- LPP 7.3 (2015) Designing out crime
- LPP 7.4 (2015) Local character
- LPP 7.5 (2015) Public realm
- LPP 7.6 (2015) Architecture
- LPP 7.8 (2015) Heritage assets and archaeology
- LPP 7.13 (2015) Safety, security and resilience to emergency
- LPP 7.14 (2015) Improving air quality
- LPP 7.15 (2015) Reducing noise and and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- LPP 8.2 (2015) Planning obligations
- LPP 8.3 (2015) Community infrastructure levy

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **13th May 2016**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 32 local owner/occupiers, the application was advertised in the local press and site notices were posted. No comments or objections have been received.

CROSSRAIL LTD

Crossrail limited do not wish to make any comments on this application as submitted.

NATIONAL AIR TRAFFIC SERVICES (NATS)

The proposed development has been examined from a technical safeguarding aspect and does not

conflict with our safeguarding criteria. Accordingly NATS has no safeguarding objection to the proposal.

TRANSPORT FOR LONDON (TfL)

I can confirm that London Underground Infrastructure protection has no comment to make on this planning application.

THAMES WATER

No objection

MINISTRY OF DEFENCE (MOD)

I can confirm that the MOD has no safeguarding objections to this proposal.

Internal Consultees

LANDSCAPE ARCHITECT

I understand that this variation of conditions application will have no impact on the external works, for which previous conditions should still apply.

SECTION 106/CIL OFFICER

No comments as obligations are unlikely to be required to make the development acceptable in planning terms.

ACCESS OFFICER

The proposed Variation of Conditions 8, 18 and 22 raises no concerns from an accessibility perspective.

In terms of Condition 32 (car parking allocation and management plan), any amendments approved should ensure that the provision remains for one car parking space to be allocated to each wheelchair user unit.

Conclusion: acceptable, subject to 1:1 parking remaining for the wheelchair user units.

Case Officer's comments:

Condition 32 requires that each unit designated for wheelchair users shall be allocated at least 1 car parking space. It is not proposed to amend this requirement as part of the current application. Details of parking provision will be discharged under a separate application and the current proposal designates 22 disabled car parking spaces, which is more than sufficient to meet the above requirement.

ENVIRONMENTAL PROTECTION UNIT (EPU)

I am happy to accept the variation of conditions.

WASTE SERVICES

Waste storage generally satisfactory. LBH ask for: -

The gate / door of the bin stores need to be made of metal, hardwood, or metal clad softwood and ideally have fire resistance of 30 minutes when tested to BS 476-22. The door frame should be rebated into the opening. Again the doorway should allow clearance of 150 mm either side of the bin when it is being moved for collection. The door(s) should have a latch or other mechanism to hold them open when the bins are being moved in and out of the chamber. I would ask that the external doors open outwards.

Please ensure width of doorway and passageway meet this.

Case Officer comments: Condition 24 states that no occupation shall occur until details of covered and secure facilities to be provided for the screened storage of refuse and recycling bins within the site have been submitted to and approved in writing by the Local Planning Authority.

HIGHWAYS OFFICER

The proposal involves the removal of the community use and replacing it with an additional residential unit. This proposal will not have any significant transport/highways implications

The highway layout and car, cycle and motorcycle parking have not changed significantly since the previous approved scheme.

My only comment would be that electric vehicle charging does not comply with the 20% active provision but the 20% passive provision is met.

On the basis of the above comments I have no significant objection to the proposals on highway and traffic grounds.

Case Officer's comments:

The level of active electric vehicle charging points has already been approved under application reference 51588/APP/2015/1613.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the proposal, including the proposed uses and scale of development was considered and approved as part of the original consent (reference 51588/APP/2011/2253) and the use was established as part of the previous consent (reference 59872/APP/2007/3060). The current application seeks minor amendments to the approved scheme and therefore this report considers these amendments and their impact on the approved scheme and surrounding area/occupiers.

- Conditions

Granting a Section 73 application has the effect of providing the applicant with a new planning permission. The Council therefore must ensure that any controls or restrictions imposed via condition on the previous planning approval, if they remain relevant, are copied across onto any new consent granted.

Some of the conditions on the previous application have been discharged. In these scenarios the wording of the conditions transferred across have been amended to ensure compliance with the previously approved details.

For those outstanding conditions that have not been agreed, it is proposed when they are transferred across that the trigger points for information to be submitted in relation to the discharge of each condition be changed from 'prior to commencement' to 'prior to occupation'. Recognising that the development has commenced on-site, this proposed change allows the flexibility required by the developer but maintains the Council's ability to secure the required elements covered by these conditions.

- Community Use

The unit identified as being suitable for a potential community use was originally proposed within the development, however the attached Section 106 allowed for a payment in lieu to be provided to the Council should it not be delivered.

Be:here have reviewed the requirement for a dedicated unit for community use and following feedback from tenants in other developments in the locality concluded that there is sufficient space elsewhere in the development to meet expectation in this respect, particularly the opportunity to use the new podium area, roof garden and cafe unit for community based events.

Be:here have concluded therefore that a dedicated unit would be underused and additional amenity related concerns are recognised due to its location between two residential units. The loss of this unit is therefore supported in terms of it's potential detrimental impact on the adjacent residential properties.

The principle of a payment in lieu of the provision of a community facility was included in the Section 106 and this payment in lieu has been made. The principle of the development is therefore deemed acceptable and in accordance with policies BE19 and OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

The density of the proposed development was considered as part of the original application and was deemed acceptable. The proposed amendments will introduce a single additional unit, however the impact on the overall density of the development will be minimal and as such is deemed acceptable.

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

The archaeological impact of the proposed development was considered as part of the original application and was deemed acceptable. The proposed amendments will not affect the archaeological impact of the development.

7.04 Airport safeguarding

The proposed amendments to the development will not impact upon the height of the approved scheme. National Air Traffic Services have been consulted and raised no objection to the current application. Therefore, the proposed development is considered to have an acceptable impact in terms of airport safeguarding.

7.05 Impact on the green belt

The site is not located within or adjacent to the Green Belt. As such, the scheme would not impact on the Green Belt.

7.06 Environmental Impact

The environmental impact of the proposed development was considered as part of the original application and was deemed acceptable. The proposed amendments will not affect the environmental impact of the development.

7.07 Impact on the character & appearance of the area

The applicant has been involved in lengthy discussions regarding the proposed development with the Council's Design Officer. The proposed amendments to the approved scheme are minor in detail and will not have a detrimental impact on the character of the area.

It is considered that the scheme is compliant with Policies BE13, BE19 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), relevant London Plan policies and design guidance.

7.08 Impact on neighbours

The proposed amendments are minor and deal with internal layouts and elevational detailing. It is considered that the changes would have no significant impact on neighbouring occupiers above the consented scheme. As such the proposed amendments to the

approved scheme will not significantly effect the impact of the scheme on neighbouring occupiers, which has already been considered acceptable as part of the original consent.

7.09 Living conditions for future occupiers

The proposed amendments include changes to the layout of development to replace the community facility with an additional residential unit. The proposed additional unit meets the required standards and this change will not significantly impact on the living conditions for future occupiers.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The amendments proposed have been reviewed by the Council's Highways Officer who confirm they have no objections.

7.11 Urban design, access and security

Urban design and access matters are addressed in other sections of this report. The security of the development is controlled via the imposition of a condition on any grant of permission requiring the scheme comply with the requirements of Secured by Design. Such a condition is recommended (Condition 15) and the Metropolitan Police Designing out Crime Officer has raised no objections to the proposals.

7.12 Disabled access

Policies 3.1 and 7.2 of the London Plan and guidance within the HDAS - Accessible Hillingdon requires new residential developments to achieve Lifetime Homes Standards and for 10% of the units to be easily adaptable for wheelchair users.

The Council's Access Officer reviewed the details submitted as part of the existing consented scheme and considered that the proposal would represent a development which, subject to a condition requiring further details, complies with Lifetime Homes Standards and would provide a wheelchair unit with two potential access routes.

The proposed minor amendments to the consented scheme will not impact on Accessibility issues and accordingly, subject to the attachment of the recommended condition, the proposal complies with policies 3.1 and 7.2 of the London Plan and guidance within HDAS - Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

The level of affordable housing provision remains unchanged from that approved under the existing consent. The tenure split is also unchanged. This will be secured by way of the S106 Agreement and it's subsequent Deed of Variation should the current proposal be granted consent.

7.14 Trees, Landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

The proposed amendments will have no impact on the hard and soft Landscaping Strategy Plan submitted and approved under the existing consent. The Council's Landscape Architect has reviewed the amended proposals and raised no objections to the changes proposed. The relevant conditions attached to the existing consent is recommended to be attached to any approval of the current proposal.

Overall it is considered that, subject to conditions, the development would achieve a high quality landscape layout which would serve to soften the visual appearance of the areas of hard standing, protect the amenity of the wider area and enhance the amenity of future

occupiers in accordance with Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.15 Sustainable waste management

Condition 24, 25 and 26 of the existing consent relate to the provision of bin stores, refuse collection and a Waste Management Plan. The current application requests that conditions 25 and 26 be removed as the details are already required under the discharge of condition 24.

The Council's Waste Management Officer has reviewed the submitted scheme and raised no objections to the proposals.

7.16 Renewable energy / Sustainability

Policies within Chapter 5 of the London Plan require developments to provide for reductions in carbon emissions.

The consented application was supported by an assessment which indicated that the development has been designed to achieve Level 4 of the Code for Sustainable Homes, and achieve a 27.9% reduction in carbon emissions. The proposed amendments will have no impact on the sustainability of the proposals and no objections were raised to the details submitted.

The Council's Sustainability Officer states that meeting Code Level 4 will ensure that the development will meet other sustainability policies within the London Plan, i.e. energy, water efficiency and sustainable drainage. For example, to meet Code Level 4, at least 25% carbon reductions must be made on the site. Therefore, a condition requiring the scheme to meet Code Level 4 will ensure the scheme also provides a 25% carbon reduction, as well as the other requirements such as water efficiency and sustainable drainage.

7.17 Flooding or Drainage Issues

The site is located within Flood Zone 1, and is less than one hectare in area. As such, a Flood Risk Assessment (FRA) is not required. However, the Applicant submitted a FRA with the consented application, which concluded it has been demonstrated that the development would be safe, without increasing flood risk elsewhere.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit reviewed the consented scheme and raised no objections. A contribution towards air quality monitoring was secured as part of the S106 Legal Agreement to ensure the scheme does not cause unacceptable increases to pollutant levels in the surrounding Air Quality Management Area.

It is considered that the amendments to the approved scheme will have no impact on noise or air quality issues.

7.19 Comments on Public Consultations

No responses were received to the public consultations

7.20 Planning Obligations

A suite of planning obligations was secured under application reference 51588/APP/2011/2253 dated 27/03/12).

Given that this is a Section 73 application the development will be subject to a deed of variation to secure the provision of the aforementioned obligations to adequately mitigate its impact on local facilities.

7.21 Expediency of enforcement action

No enforcement action is required in this instance.

7.22 Other Issues

CONTAMINATION:

Due to the previous uses on the site, a number of reports were submitted with the existing consent regarding the potential for contamination on the site. The proposal and submitted information has been assessed by the Environment Agency and Council's Environmental Protection Unit, who recommended a condition be imposed on any permission requiring a final agreed remediation strategy and a validation report on completion be required for this site.

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

None

10. CONCLUSION

The scheme has already been granted planning consent under application reference 51588/APP/2011/2253 (for the Demolition of warehouse extension to Apollo House and erection of a part 4, part 5, part 6 and part 7 storey building comprising 132 residential units, cafe (class A3), Community room (class D2), 5 x workshop units (class B1, B8 or A2 uses), and associated car parking and landscaping).

This consent was amended under application reference 51588/APP/2015/1613 and the current application is to vary or remove a number of conditions attached to the amended consent.

The variation and removal of the conditions will change the trigger points for information be submitted in relation to the discharge outstanding conditions from 'prior to commencement' to 'prior to occupation'. This allows the flexibility required by the developer but maintains the Council's ability to secure the required elements covered by these conditions.

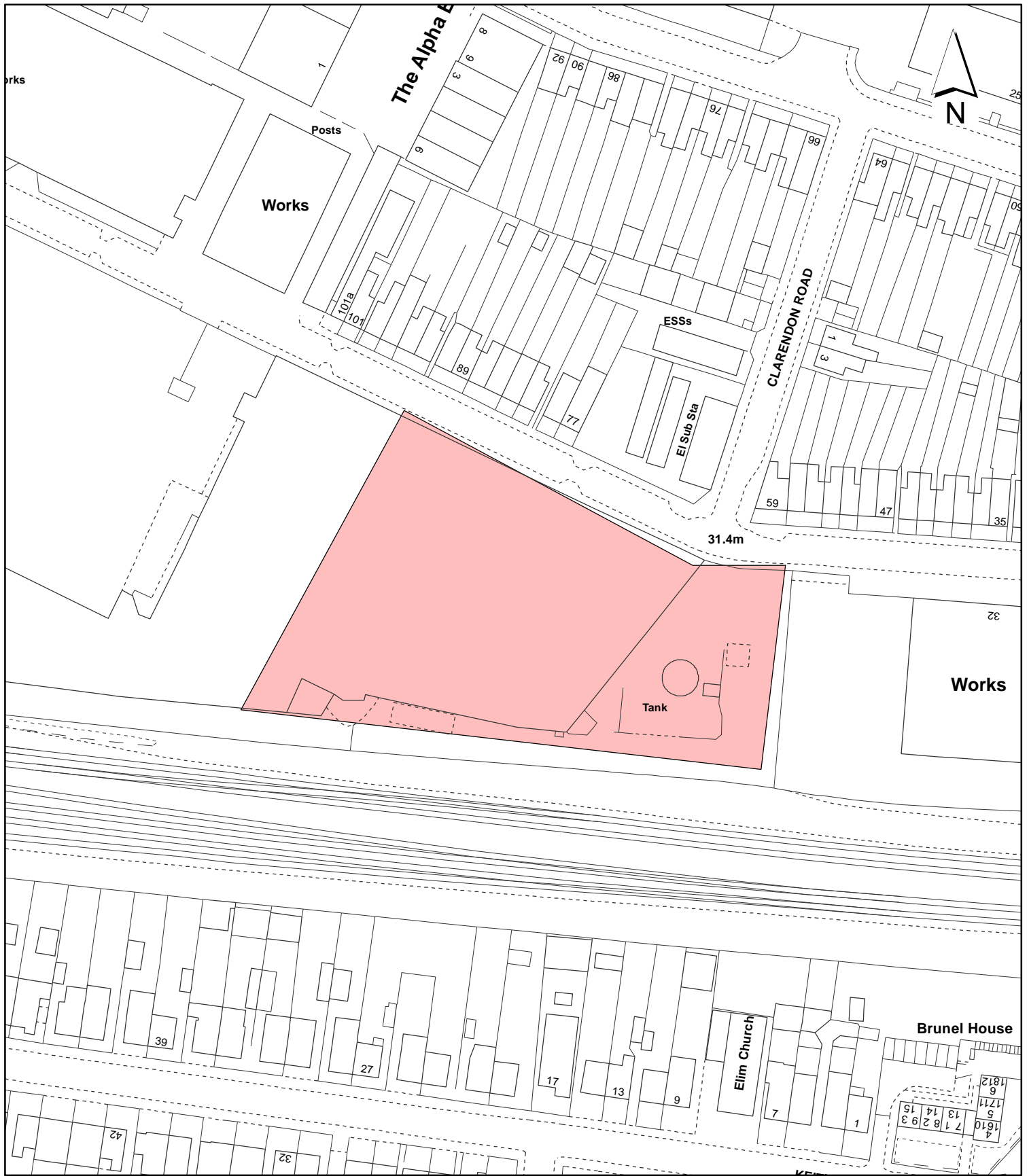
The proposed changes to the development are considered to comply with the policies of the adopted Hillingdon Local Plan (2012), and as such this application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (March 2015)
National Planning Policy Framework
Hillingdon Supplementary Planning Document - Residential Layouts
Hillingdon Supplementary Planning Document - Residential Extensions
Hillingdon Supplementary Planning Document - Accessible Hillingdon
Hillingdon Supplementary Planning Document - Noise
Hillingdon Supplementary Planning Guidance - Air Quality
Hillingdon Supplementary Planning Guidance - Community Safety by Design
Hillingdon Supplementary Planning Guidance - Land Contamination

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Notes:

 Site boundary

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Site Address: **Land East Of The Former EMI Site
 120 Blyth Road
 Hayes**

Planning Application Ref:
51588/APP/2016/1423

Planning Committee:
Major

Scale:
1:1,250

Date:
May 2016

LONDON BOROUGH OF HILLINGDON
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