

## **Report of the Head of Planning, Sport and Green Spaces**

**Address** RAINBOW AND KIRBY INDUSTRIAL ESTATES TROUT ROAD YIEWSLEY

**Development:** Reserved Matters relating to Appearance and Landscaping of outline planning permission ref: 38058/APP/2013/1756 dated 23-07-2014 for Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping.

**LBH Ref Nos:** 38058/APP/2017/1340

**Drawing Nos:**

- 5420\_R6\_1203 REV B
- 5420\_R7-R8\_1203 REV B
- 5420\_M1\_1301 REV A
- 5420\_M1\_1301 REV A
- 5420\_R6\_1301 REV B
- 5420\_R7-R8\_1301 REV A
- N0419 (96)001 ILLUSTRATIVE LANDSCAPE PRINCIPLES P
- N0419 (96)002 LANDSCAPE PROPOSALS PLAN
- N0419 (96)003 LANDSCAPE PROPOSALS PLAN
- N0419 (96)004 LANDSCAPE PROPOSALS PLAN.
- N0419 (96)005 LANDSCAPE PROPOSALS PLAN.
- N0419 (96)006 LANDSCAPE PROPOSALS PLAN.
- N0419 (PP) 001-007 PLANTING
- N0419 (PP) 001-007 STREET FURNITURE AND PLAY EQUIP
- 5420\_1101\_PHASING DIAGRAM\_REV C
- 5420\_1102\_PARKING ALLOCATION\_REV C
- 5420\_1103\_REFUSE ALLOCATION\_REV C
- 5420\_1701 - ACCOMMODATION SCHEDULE\_REV E
- 5420\_1900 - FINISHES
- 5420\_2100 - VISUAL\_NORTHERN CANAL
- 5420\_2101 - VISUAL 2\_NORTHERN CANAL
- 5420\_2102 - VISUAL 3\_EXTRA CARE
- 5420\_2103 - VISUAL 4\_BUSINESS UNIT
- 5420\_2104 - VISUAL 5\_MIXED USE
- 5420\_2105 - VISUAL 6\_HIGH STREET
- 5420\_C1\_1200 - FLOOR PLANS\_REV F
- 5420\_C1\_1300 - ELEVATIONS\_REV E
- 5420\_C2\_1200 - FLOOR PLANS\_REV B
- 5420\_C2\_1300 - ELEVATIONS\_REV C
- 5420\_C3\_1200 - FLOOR PLANS\_REV D
- 5420\_C3\_1300 - ELEVATIONS\_REV C
- 5420\_E1\_1200 - FLOORPLANS\_REV C
- 5420\_E1\_1201 - FLOORPLANS
- 5420\_E1\_1202 - FLOORPLANS
- 5420\_E1\_1203 - FLOOR PLANS
- 5420\_E1\_1300 - ELEVATIONS\_REV E
- 5420\_E1\_1301 - ELEVATIONS\_REV E
- 5420\_M1\_1200 - GF LAYOUT\_REV F

5420\_M1\_1201 - UPPER FLOORS  
 5420\_M1\_1300 - ELEVATIONS\_REV E  
 5420\_R2\_1200 - GF LAYOUT\_REV C  
 5420\_R2\_1201 - UPPER FLOORS REV A  
 5420\_R2\_1300 - ELEVATIONS\_REV C  
 5420\_R3-R4\_1200 - FLOOR PLANS\_REV E  
 5420\_R3-R4\_1201 - FLOOR PLANS REV C  
 5420\_R3-R4\_1300 - ELEVATIONS\_REV D  
 5420\_R5\_1200 - FLOOR PLANS\_REV B  
 5420\_R5\_1300 - ELEVATIONS\_REV E  
 5420\_R6\_1200 - FLOOR PLANS\_REV C.  
 5420\_R6\_1201 - FLOOR PLANS REV C  
 5420\_R6\_1202 - FLOOR PLANS REV C  
 5420\_R6\_1300 - ELEVATIONS\_REV E  
 5420\_R7-R8\_1200 - FLOOR PLANS\_REV A  
 5420\_R7-R8\_1201 - FLOOR PLANS REV A  
 5420\_R7-R8\_1202 - FLOOR PLANS REV A  
 5420\_R7-R8\_1300 - ELEVATIONS\_REV A  
 5420\_SK20 - VISUAL LOCATIONS  
 5420\_1104\_PROPOSED ENERGY  
 Location Plan  
 170412 RAIN Reserved Matters Application Covering

**Date Plans Received:** 12/04/2017

**Date(s) of Amendment(s):** 12/04/2017

**Date Application Valid:** 12/04/2017

## 1. SUMMARY

This application seeks to discharge condition 2 (reserved matters landscaping) of outline planning permission ref. 38058/APP/2013/1756 - Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping (Outline Application).

The principle of the development, together with the siting, massing, and scale of the proposed building have already been approved, by virtue of the outline planning permission. Only appearance and landscaping details fall to be considered under this application.

The Council's Tree/ Landscaping Officer and Design officer's advise that no objections are raised to the proposed landscaping and design scheme.

The proposed details are considered acceptable, in compliance with relevant planning policies. Approval is therefore recommended.

## 2. RECOMMENDATION

**APPROVAL subject to the following:**

1 COM4 Accordance with Approved Plans

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

5420\_R6\_1203 REV B  
5420\_R7-R8\_1203 REV B  
5420\_M1\_1301 REV A  
5420\_M1\_1301 REV A  
5420\_R6\_1301 REV B  
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N0419 (96)001 ILLUSTRATIVE LANDSCAPE PRINCIPLES PL  
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5420\_C2\_1200 - FLOOR PLANS\_REV B  
5420\_C2\_1300 - ELEVATIONS\_REV D  
5420\_C3\_1200 - FLOOR PLANS\_REV D  
5420\_C3\_1300 - ELEVATIONS\_REV D  
5420\_E1\_1200 - FLOORPLANS\_REV C  
5420\_E1\_1201 - FLOORPLANS  
5420\_E1\_1202 - FLOORPLANS  
5420\_E1\_1203 - FLOOR PLANS  
5420\_E1\_1300 - ELEVATIONS\_REV B  
5420\_E1\_1301 - ELEVATIONS\_REV B  
5420\_M1\_1200 - GF LAYOUT\_REV A  
12/04/2017  
5420\_M1\_1201 - UPPER FLOORS  
5420\_M1\_1300 - ELEVATIONS\_REV D  
5420\_R2\_1200 - GF LAYOUT\_REV D  
5420\_R2\_1201 - UPPER FLOORS REV A  
5420\_R2\_1300 - ELEVATIONS\_REV C  
5420\_R3-R4\_1200 - FLOOR PLANS\_REV E  
5420\_R3-R4\_1201 - FLOOR PLANS REV C  
5420\_R3-R4\_1300 - ELEVATIONS\_REV D  
5420\_R5\_1200 - FLOOR PLANS\_REV B  
5420\_R5\_1300 - ELEVATIONS\_REV B  
5420\_R6\_1200 - FLOOR PLANS\_REV C.

5420\_R6\_1201 - FLOOR PLANS REV C  
5420\_R6\_1202 - FLOOR PLANS REV C  
5420\_R6\_1300 - ELEVATIONS\_REV B  
5420\_R7-R8\_1200 - FLOOR PLANS\_REV A  
5420\_R7-R8\_1201 - FLOOR PLANS REV A  
5420\_R7-R8\_1202 - FLOOR PLANS REV A  
5420\_R7-R8\_1300 - ELEVATIONS\_REV A  
5420\_SK20 - VISUAL LOCATIONS  
5420\_1104\_PROPOSED ENERGY  
Location Plan

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

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

### **2 NONSC CRT Condition**

Notwithstanding the landscaping proposals set out within the approved plans, prior to the first occupation of phases R6 or R7-R8 (whichever comes first), a revised landscaping scheme for these phases shall be submitted to and approved by the local planning authority. Development will be undertaken in accordance with this revised landscaping scheme. The revised landscaping scheme shall provide:

- A revised planting plan and schedule of native plant species.
- Sections showing the height of the landscaped between the Grand Union Canal towpath and buildings R6 and R7-8 relative to its surroundings.
- Details of root protection barriers to be installed within the canal buffer.
- A Landscape Maintenance Schedule

#### REASON

In the interests of the appearance, character, biodiversity and structural integrity of the Grand Union Canal Corridor in accordance with policy BE31 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### **3 NONSC Non Standard Condition**

Notwithstanding the plans hereby approved the following landscaping details shall be submitted to and approved in writing prior to the commencement of the development:

1. Full details of hard and soft landscape details including plans, schedules and specifications.
2. Full details of future landscape management and maintenance. This should include plans which clearly differentiate between private spaces, communal spaces (by management company?) and those areas to be adopted by the Council.
3. An arboricultural method statement and protection measures will be required to show how trees to be retained can be safeguarded during construction, in accordance with BS5837:2012. With regard to observations about the current details,
4. The landscape design concept and objectives should be clearly expressed.
5. Public realm tree planting should be more robust than the specified 14-16cm girth.
6. Where trees are planted in small soil plots or tree pits within paved areas, root cell systems should be specified and incorporated underground to ensure that the sufficient growing medium is available to support the trees - to thrive and have useful life

expectancy. (Tree pit details to be specified)

7. Right plant right place. Trees should be selected to ensure that they have space to develop to their full potential, selecting fastigate forms where overhead space is restricted and broader headed trees where space permits. Canalside vegetation should be predominantly native in character with the more the formal / ornamental planting palette restricted to the residential and urban areas.

8. Beech hedging has been specified. Beech is not the most robust hedging type for this situation and is understood to be sensitive to climate change. A suitable alternative (native species) that is known to be reliable in this area is hornbeam.

#### 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 BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (2015)

### 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) as incorporated into the Hillingdon Local Plan (2012) 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.

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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

### **3. CONSIDERATIONS**

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

The application site comprises the former Rainbow and Kirby Industrial Estates, which accommodate approximately an 2.15 hectare irregularly shaped plot, currently accessed via two access points from Trout Road, as well as the High Street and from St Stephen's Road. Parts of the site front the south east side of Trout Road, the western side of

Yiewsley High Street, and the north west side of St Stephens Road, with the entire south west boundary bordered by the Grand Union Canal.

The site largely accommodates a range of single-storey and two-storey industrial buildings, many of which were in a poor state of repair, particularly those fronting Trout Road. Many of the buildings suffered significant fire damage on 19 March 2011 and have since been demolished. The site also encompassed a three-storey vacant office building, Gemeni House fronting the High Street, which has also now been demolished.

The site is bounded to the North West by existing industrial units and by Trout Road, beyond which are four-storey residential properties (including roof accommodation) and the recently completed Tesco Supermarket and ancillary parking.

To the North East the site is largely bounded by commercial properties fronting Yiewsley High Street. These range from single-storey to four-stories in height, fronting the street and include two supermarkets (Aldi and Iceland) and ancillary parking, as well as smaller retail units with offices and/or residential accommodation above. The former church immediately opposite the site's High Street frontage, and the George and Dragon Public House to the north.

The Grand Union Canal and towpath bound the site's South West boundary, beyond which are two-storey terraced residential properties and associated gardens, located in Peplow Close, and industrial units located in Bentinck Road.

To the South East, with the exception of industrial units located towards the canal, the site is largely bounded by a mix of two-storey detached and semi-detached residential properties located in St Stephens Road.

The former office building fronting the High Street falls within the Secondary Shopping Area of Yiewsley/West Drayton Town Centre. The remainder of the site falls within the Trout Road Industrial and Business Area.

The application site has a PTAL level of 3.

### **3.2 Proposed Scheme**

The application is for Reserved Matters relating to Appearance and Landscaping of outline planning permission ref: 38058/APP/2013/1756 dated 23-07-2014 for Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping.

### **3.3 Relevant Planning History**

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

38058/APP/2013/1756 - Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping (Outline Application). Approved 23/07/2014.

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

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

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.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE32 Development proposals adjacent to or affecting the Grand Union Canal

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

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

5.1 Advertisement Expiry Date:- **9th June 2017**

5.2 Site Notice Expiry Date:- Not applicable

### **6. Consultations**

#### **External Consultees**

The application was advertised by way of site notices was posted on 1st June 2017. A total of 2 letters of comments were received raising concerns on the following grounds:

1. Hospital's in the area are already saturated.

Officer comment: This is a Reserved Matters application only assessing the appearance and landscaping.

2. Concerns regarding the safety of materials following the Grenfell Tower Fire.

Officer comment: Issues regarding safety of materials etc are a Building Control matter.

#### **HEATHROW AIRPORT LIMITED**

No objection subject to a bird hazard management plan condition and a crane & wind turbine informatives.

Officer comment: This condition and informatives form part of the original outline approval and therefore there is no need to duplicate them.

#### **CANAL & RIVER TRUST**

Should planning permission be granted we request that the following condition is applied:

Notwithstanding the landscaping proposals set out within the approved plans, prior to the first

occupation of phases R6 or R7-R8 (whichever comes first), a revised landscaping scheme for these phases shall be submitted to and approved by the local planning authority. Development will be undertaken in accordance with this revised landscaping scheme. The revised landscaping scheme shall provide:

- A revised planting plan and schedule of native plant species.
- Sections showing the height of the landscaped between the Grand Union Canal towpath and buildings R6 and R7-8 relative to its surroundings.
- Details of root protection barriers to be installed within the canal buffer.
- A Landscape Maintenance Schedule

#### Reason

In the interests of the appearance, character, biodiversity and structural integrity of the Grand Union Canal Corridor.

#### Internal Consultees

##### Trees & Landscaping

With regard to the landscape package (hard copies) submitted by Paul Jukes, of Influence, I confirm that the landscape information submitted in support of the Outline application is sufficient in this case. An illustrated landscape strategy with photographs / sketches indicating the proposed character, appearance and quality of spaces and finishes would have been helpful.

As previously noted, some of the issues which will be required can be dealt with by conditions:

1. Full details of hard and soft landscape details including plans, schedules and specifications.
2. Full details of future landscape management and maintenance. This should include plans which clearly differentiate between private spaces, communal spaces (by management company?) and those areas to be adopted by the Council.
3. An arboricultural method statement and protection measures will be required to show how trees to be retained can be safeguarded during construction, in accordance with BS5837:2012. With regard to observations about the current details,
4. The landscape design concept and objectives should be clearly expressed.
5. Public realm tree planting should be more robust than the specified 14-16cm girth.
6. Where trees are planted in small soil plots or tree pits within paved areas, root cell systems should be specified and incorporated underground to ensure that the sufficient growing medium is available to support the trees - to thrive and have useful life expectancy. (Tree pit details to be specified)
7. Right plant right place. Trees should be selected to ensure that they have space to develop to their full potential, selecting fastigate forms where overhead space is restricted and broader headed trees where space permits. Canalside vegetation should be predominantly native in character with the more the formal / ornamental planting palette restricted to the residential and urban areas.
8. Beech hedging has been specified. Beech is not the most robust hedging type for this situation and is understood to be sensitive to climate change. A suitable alternative (native species) that is known to be reliable in this area is hornbeam.

Design Officer:

The revised details are acceptable.

## **7. MAIN PLANNING ISSUES**

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

The principle of the proposal, including the proposed residential use on the site was considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The principle of the development is therefore



deemed acceptable and in accordance with the outline consent.

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

The Density of the proposal, including the proposed residential use on the site was considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The density of the development is therefore deemed acceptable and in accordance with the outline consent.

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

The site is not located in a conservation area or an archaeological priority area and does not contain any listed buildings.

#### **7.04 Airport safeguarding**

There are no airport safeguarding issues arising from this development.

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

The site does lie within or near the Green Belt.

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

Policy BE13 states that new development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

Policy BE26 states that within town centres the design, layout and landscaping of new buildings will be expected to reflect the role, overall scale and character of the town centres as a focus of shopping and employment activity.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 7, London Plan policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

The Design & Conservation Officer raised no objections to the scale, height and massing of the Outline Scheme approved in 2014. Appearance was reserved for later consideration. To this end the applicant has submitted details of the appearance of the facades of all the buildings, including the residential blocks, the commercial units and the Extra Care block. The design of the buildings of course remains as approved at the outline stage. The materials proposed for the buildings are as follows:

- Wienberger Westerton Orange Multi Brickwork
- Wienberger Con Mosso Brickwork
- Wienberger Telford Brindle Brickwork
- Vertical Russwood Scottish Larch Cladding
- Vertical Aliva Terracotta Rainscreen Cladding
- VMZ Zinc Standing Seam Pigmento Red Finish Wall \* Roof Cladding
- VMZ Zinc Standing Seam In Quartz-Zinc Finsih Wall End & Roof Cladding

These details were selected following discussions with the Council's Urban Design officer. It should be noted that the predominant material used for the facades is brick. This will give the development a softer visual appearance than render or other alternative external finish. Small sections of larch cladding are appropriate given the canal side setting.

The materials proposed result in an coherent and acceptable scheme that is in keeping with the area in accordance with policies BE13 and BE26 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

This was considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

#### **7.12 Disabled access**

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

#### **7.14 Trees, landscaping and Ecology**

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) advises that new development should retain topographical and landscape features of merit and that new planting and landscaping within development proposals should be provided wherever it is appropriate.

Whilst the broad landscaping principles, in terms of tree removal, retention and the layout of the site together with locations of landscaping were considered and approved at outline stage. The landscaping details submitted have been reviewed by the Council's Trees & Landscaping officer who considers them to acceptable.

The scheme is therefore considered to comply with Policy BE1 of the Hillingdon Local Plan: Part One: Strategic Policies (November 2012) and Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

These matters were considered and approved as part of the original outline consent

(reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

#### **7.20 Planning obligations**

These matters were considered and approved as part of the original outline consent (reference: 38058/APP/2013/1756, dated 23/07/2014). The development is therefore deemed acceptable and in accordance with the outline consent in this regard.

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

None

#### **7.22 Other Issues**

None

### **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**

#### **10. CONCLUSION**

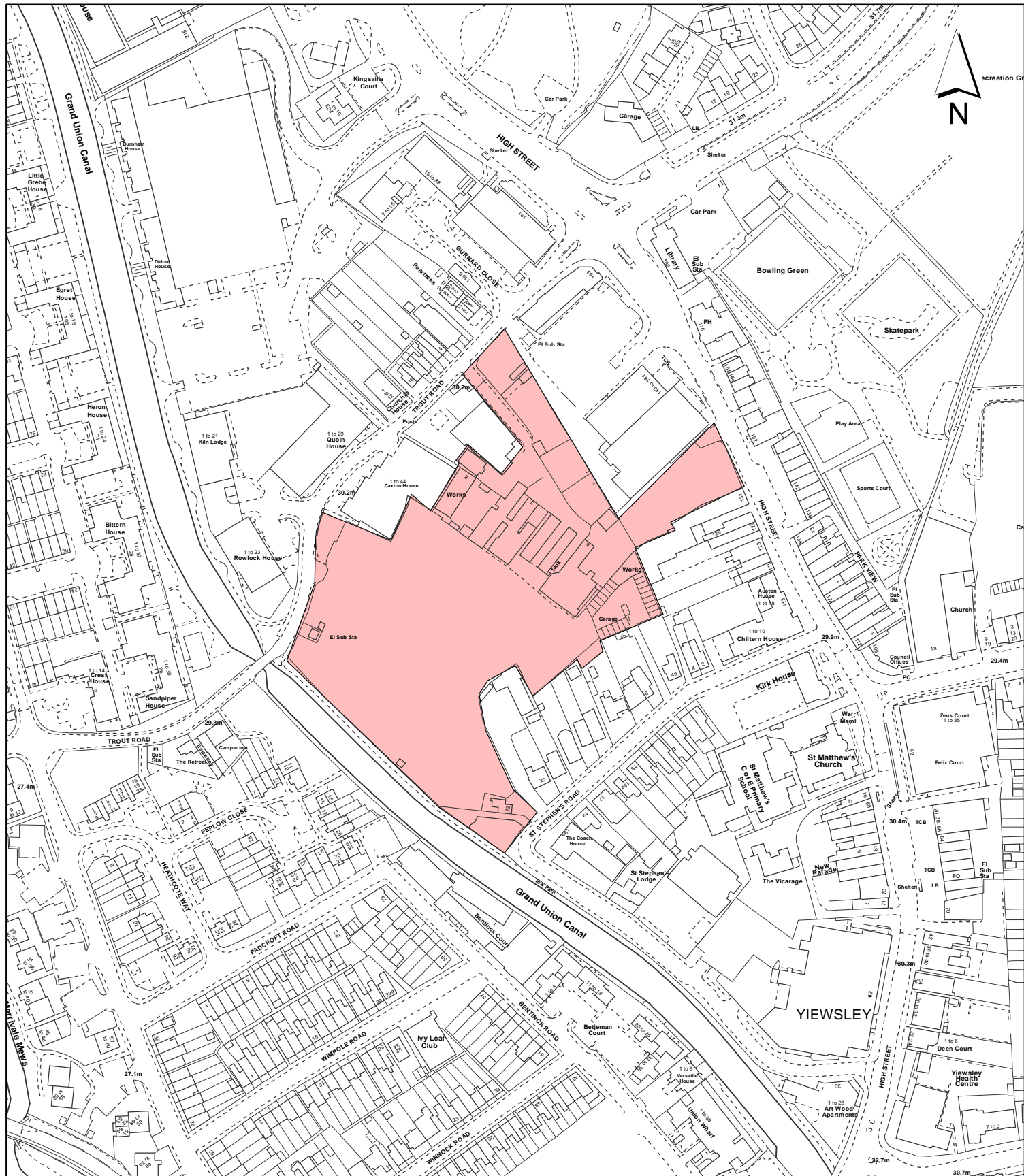
For the reasons provided throughout this report, the application for the Reserved Matters of Appearance and Landscaping is considered to be appropriate and acceptable and to comply with the relevant policies and planning guidance for the site. Therefore, the application is recommended for approval.

#### **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 2016)  
National Planning Policy Framework (March 2012)

**Contact Officer:** Matt Kolaszewski

**Telephone No:** 01895 250230



# Notes:

Site boundary

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## Rainbow & Kirby Estates

Planning Application Ref:

**28058/APP/2017/1340**

Planning Committee:

**Major**

Scale:

**1:2,500**

Date:

**April 2018**

## LONDON BOROUGH OF HILLINGDON Residents Services Planning Section

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



**HILLINGDON**  
LONDON