

Report of the Head of Planning & Enforcement

Address LAND AT 92 - 104 HIGH STREET YIEWSLEY

Development: Application for a new planning permission to replace extant planning permission ref. 59189/APP/2005/3476 (Erection of a four storey building for a mixed use development comprising retail units (C1) at ground floor and 54 residential units on the upper floors (C3) with basement parking ,involving demolition of existing buildings)in order to extend the time limit for implementation of the planning permission for a further 3 years from the date of approval

LBH Ref Nos: 59189/APP/2010/403

Drawing Nos:

Date Plans Received: 25/02/2010

Date(s) of Amendment(s):

Date Application Valid: 25/02/2010

1. SUMMARY

Planning permission is sought to extend the time frame of a previous permission by a further three years. The application proposes full planning permission for the redevelopment of this site by the erection of a four storey building for a mixed use development comprising retail units (Class A1) at ground level and 54 residential units on the upper floors (Class C3) with basement parking.

Although the previous planning permission has now expired the application was submitted as an extension of time to the previous permission and was submitted prior to the previous permission lapsing. The previous planning permission is a substantive material consideration, particularly in light of changes to procedures introduced in October 2009 concerning applications to extend planning permissions.

The proposal would provide two modern retail units on the ground floor of the building which would strengthen the primary shopping area of Yiewsley Town Centre and also result in environmental improvements to the public domain at the front of the site. The proposal also includes affordable housing provision in accordance with adopted policy.

All details are identical to those previously approved. Changes to London Plan policy require that a 20% saving from decentralised and renewable or low-carbon sources be applied across the site. The applicant proposes that this target be met by way of improvements in the energy efficiency of the building through design and construction measures and applying low and zero carbon technology, such as the installation of Photovoltaic Panels on the roof of the units.

A section 106 agreement has already been signed to provide various planning obligations, however this existing agreement will need to be varied by way of a Deed of Variation tied to this permission to ensure that the obligations of the legal agreement are linked to this permission.

The proposal complies with current London Plan and UDP policies. Accordingly, approval is recommended.

2. **RECOMMENDATION**

2.1 That the application be determined by the Head of Planning and Enforcement under delegated powers, subject to the completion of a deed of variation to planning permission 59189/APP/2005/3476 be entered into to provide for the following obligations:

(i) The provision of affordable housing equivalent to 35% of the total number of residential units on the site of which at least 70% are to be of social rented tenure.

(ii) A contribution of £75,560 towards the provision of education facilities within the borough.

(iii) A contribution of £14,728 towards primary health care facilities within the Borough.

(iv) A contribution of £57,226 towards open space improvements at Yiewsley Recreation Ground.

(v) A contribution of £10,000 towards Town Centre enhancements.

(vi) A contribution of £2,500 for very £1m worth of construction costs towards construction training and recruitment measures.

b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Deed of Variation and any abortive work as a result of the agreement not being completed.

c) That officers be authorised to negotiate and agree the detailed terms of the proposed Deed of Variation and conditions of approval.

e) That subject to the above, the application be determined by the Head of Planning and Enforcement under delegated powers, subject to the completion of the Deed of Variation under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

f) That if the application is approved, the following conditions be attached:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 M1 Details/Samples to be Submitted

No development shall take place 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 Unitary Development Plan Saved Policies (September 2007).

3 M5 Means of Enclosure - details

Before the development is commenced, details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

REASON

To safeguard privacy to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Screening of Communal Area

Development shall not begin until details of the screening of the proposed communal amenity areas at first and fourth floor levels have been submitted to, and approved by, the Local Planning Authority and none of the residential units hereby approved shall be occupied until the approved screening has been erected and such screening shall thereafter be permanently retained.

REASON

To safeguard the privacy of the future occupiers of the proposed residential units and the occupiers of neighbouring residential properties in accordance with Policy H24 of the adopted Hillingdon Unitary Development Plan.

5 N11 Control of plant/machinery noise

No plant and/ or machinery shall be used on the premises until a scheme for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

6 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place 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),
- Retained historic landscape features and proposals for their restoration where relevant.

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 Unitary Development Plan Saved Policies (September 2007).

7 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 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 Unitary Development Plan Saved Policies (September 2007).

8 TL7 Maintenance of Landscaped Areas

No development shall take place 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.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

9 H10 Parking/Turning/Loading Arrangements - Commercial Devs.

The roads/turning/loading facilities/sight lines and parking areas (including the marking out of parking spaces) shown on the approved plans shall be constructed prior to occupation of the development, thereafter permanently retained and used for no other purpose.

REASON

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

10 NONSC Cycle Storage

No development shall commence until details of the proposed cycle storage facilities on the site have been submitted to, and approved by, the Local Planning Authority, such details to comprise a minimum of 54 spaces for the proposed residential units and 13 spaces for the proposed retail units. The approved facilities shall be provided before the development is occupied and shall thereafter be permanently retained.

REASON

To ensure that adequate cycle storage facilities are provided on site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan.

11 DIS3 Parking for Wheelchair Disabled People

The development shall not be occupied until the proposed car parking provision for wheelchair disabled people shown on drawing no. 1028 DP01 Rev A has been provided and thereafter these facilities shall be permanently retained.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy AM5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Note: wheelchair users are not the only category of people who require a 'disabled' parking space. A Blue Badge parking space can also be used by people who have a mobility impairment (full-time wheelchair users account for only a small percentage of this category) including elderly people, visually impaired people having a sighted driver, children having bulky equipment such as oxygen cylinders that have to be transported with them, etc.

12 NONSC Site survey and remediation scheme

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the buildings when the site is developed. All works which form part of this remediation scheme shall be completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for the remedial works.

REASON

To ensure that the occupants and users of the development are not subject to any risks from contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

DIS2

13 Development shall not be approved unless details for **Access to Buildings for People with Disabilities** (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. 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 Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

14 DIS4 **Signposting for People with Disabilities**

Signplates, incorporating a representation of the Universal Wheelchair Symbol, should be displayed to indicate the location of convenient facilities to meet the needs of people with disabilities. Such signplates should identify or advertise accessible entrances to buildings, reserved parking spaces, accessible lifts and lavatory accommodation, manageable routes through buildings and availability of additional services. Signs for direction and location should have large characters or numerals and clearly contrast with the background colour.

REASON

To ensure that people with disabilities are aware of the location of convenient facilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 DIS5 **Design to Lifetime Homes Standards & to Wheelchair Standards**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 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 'Hillingdon Design and Accessibility Statement: 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 (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

16 H7 **Parking Arrangements (Residential)**

Before the development commences, details shall be submitted to and approved in writing by the Local Planning Authority setting out the parking arrangements to service the development including the marking out, designation and allocation of parking spaces.

Once approved, the car parking spaces shall be permanently retained and used for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

17 H1 Traffic Arrangements - submission of details

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access 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 (where appropriate) 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 Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan . (February 2008).

18 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans 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 Unitary Development Plan Saved Policies (September 2007).

19 OM5 Provision of Bin Stores

No development shall take place until details of facilities to be provided for the screened storage of refuse 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 Unitary Development Plan Saved Policies (September 2007).

20 OM14 Secured by Design

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 shall be submitted and approved in writing by the Local Planning Authority before development commences. 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 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 the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

21 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and 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 I15 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 Unitary Development Plan (Saved Policies 2007).

22 SUS4 Code for Sustainable Homes details (only where proposed as

No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

23 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

24 SUS2 Energy Efficiency Major Applications (outline where energy s

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The energy efficiency report shall demonstrate how the Mayors Energy Hierarchy will be integrated into the development, including a full assessment of the site's energy demand and carbon dioxide emissions, measures to reduce this demand and the provision of 20% of the sites energy needs through on site renewable energy generation. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained. Should the choice of renewable energy source include biomass or biofuel technology, an air quality assessment would be required.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

25 SUS6 Green Travel Plan

Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements [insert desired for target(s)];
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with Policies 3C.1, 3C.2 and 3C.3 of the London Plan (February 2008).

26 SUS8 Electric Charging Points

Before development commences, plans and details of 2 electric vehicle charging point(s), serving the development and capable of charging multiple vehicles simultaneously, shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To encourage sustainable travel and to comply with London Plan Policy 4A.3.

27 NONSC Service Delivery

No deliveries servicing the development shall take place outside the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 hours on Saturdays. No deliveries servicing the development shall take place on Sundays, Bank Holidays or Public Holidays.

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 Unitary Development Plan Saved Policies (September 2007).

28 NONSC Access Barrier

Prior to the commencement of the development hereby approved details of means to secure the car parking area, such as a full height access gates servicing the residential development, incorporating facilities for its operation by disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the secure access arrangements shall be installed in accordance with the approved details and maintained so long as the development remains on site.

REASON

In order to ensure the development achieves an appropriate level of accessibility in accordance with Policy 3A.5 of the London Plan and HDAS: Accessible Hillingdon.

29 NONSC Grey Water Recycling

Prior to commencement of the development hereby approved details demonstrating the incorporation of either rainwater greywater recycling facilities into each of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be installed, maintained and retained for the lifetime of the building.

REASON

In order to provide a sustainable form of development and promote water conservation in compliance with Policies 4A.3 and 4A.16 of the London Plan 2008.'

30 NONSC Aerials

Unless otherwise agreed in writing by the Local Planning Authority, no antenna, masts, poles, satellite dishes or the like shall be erected atop of the building here by approved.

REASON

To ensure that the apparatus does not detract from the visual amenities of the area and is considered acceptable on a temporary basis only, in accordance with Policy BE37 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

31 NONSC Retail Restriction

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any other revoking and re-enacting of this provision with or without modifications), there shall be no additional retail floor space created including the amalgamation of the two retail units unless otherwise approved in writing by the Local Planning Authority.

REASON

To enable the Local Planning Authority to assess all implications of the development and to ensure that the development does not have a detrimental impact on the town centre, in accordance with Policy S11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

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 (February 2008) 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.
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
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE5	Siting of noise-sensitive developments
H4	Mix of housing units
S11	Service uses in Primary Shopping Areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
H8	Change of use from non-residential to residential

3 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.

4 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from

www.drc-gb.org.

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

5 13 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).

6 111 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).

7 112 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.

8 124 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

9

To promote the development of sustainable building design, you are encouraged to investigate the use of renewable energy sources which do not produce any extra carbon dioxide (CO₂) emissions, such as solar, geothermal and fuel cell systems.

10

In reaching this decision, the London Borough of Hillingdon's Central & South Planning Committee were mindful of the particular circumstances of the application, namely the impact of the development on the character, appearance and vitality of Yiewsley and West Drayton Town Centre; the quality of the environment created for future occupiers of the development; the impact on the amenities of the occupiers of neighbouring residential properties; the contribution of the proposal to the provision of affordable housing and other public benefits and the impact on local highway conditions.

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Plans relevant to this application include: Design Statement, Planning Overview Statement, Transport Assessment received 24/01/06, Baseline Noise Assessment received 01/03/06, 1028 DP00 Rev A, DP01 Rev A, DP02, DP03 Rev A, DP04 Rev A, DP05 Rev A, DP06 Rev A, DP07 Rev A, DP08 Rev A received 05/04/06.

12 15 **Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

13 125 **Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

14 123 **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.

15 19 **Community Safety - Designing Out Crime**

Before the submission of reserved matters/details required by condition [], you are advised to consult the Metropolitan Police's Crime Prevention Design Advisor, Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel. 01895 250538).

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The applicant is encouraged to discuss with Council officers in conjunction with the Metropolitan Police Crime Prevention Officer whether on site CCTV cameras can be linked to the Councils central CCTV system.

3. CONSIDERATIONS

3.1 Site and Locality

The site has an area of approximately 0.24ha and is located on the east side of Yiewsley High Street immediately to the south of its junction with Fairfield Road. The site forms part of the Primary Shopping Area of Yiewsley and West Drayton Town Centre as shown on the Hillingdon Unitary Development Plan Proposals Map.

The site comprises a terrace of two storey buildings of varying ages and designs incorporating retail units at ground floor with residential accommodation above. There is a service yard at the rear of the site with access via a service road from the High Street. On the opposite side of the High Street facing the site is St Matthew's Church.

The site has a Public Transport Accessibility Level (PTAL) of 3, within a range of 1 to 6, (6 being the most accessible).

3.2 Proposed Scheme

Full planning permission is sought for the redevelopment of the site by the erection of a four storey building for a mixed use development comprising 2 retail units on the ground floor, with floor areas of 662 and 617 sq metres respectively, and 54 residential units on the upper floors comprising 27 one bedroom and 27 two bedroom flats. Communal gardens areas are proposed at first floor level and on the roof of the proposed building. A car parking area for 64 vehicles would be provided at basement level with access via a ramp from Fairfield Road. The servicing of the retail units would take place at the rear of the building via the existing service road from the High Street.

The application seeks to extend the expiry date of planning permission ref: 59189/APP/2005/3476 for a further three years. Under the new procedures for extensions to the time limits for implementing existing planning permissions, introduced in October 2009, applicants can apply to their LPA for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

All details are identical to those previously approved. Change in London Plan policy requires a reduction in CO2 emissions of 20% from on site renewable energy generation. The applicant has submitted an Energy Statement and proposes that this target be met by way of improvements in the energy efficiency of the building through design and construction measures and applying low and zero carbon technology, such as the installation of Photovoltaic Panels on the roof of the units.

3.3 Relevant Planning History

Comment on Relevant Planning History

The most relevant previous planning application at the site can be summarised as follows:

59189/APP/2005/3476 - Erection of a four storey building for a mixed use development comprising retail units (C1) at ground floor and 54 residential units on the upper floors (C3) with basement parking - Approved 27 February 2007.

4. Planning Policies and Standards

As mentioned in 3.2 of the report, since the grant of planning permission for the mixed use development, there has been one key change in policy, namely the London Plan was considered with alterations in 2008 introducing a new Carbon Reduction target of 20% reduction in CO2 emissions (Policy 4A.3, 4A.4, 4A.6 and 4A.7). The applicant proposes that this be achieved by way of improvements in the energy efficiency of the building through design and construction measures and applying low and zero carbon technology, such as the installation of Photovoltaic Panels on the roof of the units. It should also be noted that other policy changes cover issues such as grey-water recycling and accessibility improvements (which are also part of the revised Accessible Hillingdon 2010 HDAS SPD).

Relevant Planning Policies and Standards:

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Guidance Note 3 (Housing)
Planning Policy Guidance Note 13 (Transport)
Planning Policy Guidance Note 24 (Planning and Noise)
Supplementary Planning Guidance - Residential Layouts
HDAS: Accessible Hillingdon (2010)
Council's Revised Parking Standards (December 2002)
The London Plan (Consolidated with Alterations since 2004)

UDP Designation:
Yiewsley/West Drayton Major Town Centre

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- | | |
|--------|---|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards. |
| PT1.17 | To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing. |
| PT1.18 | To maintain, enhance and promote town centres as the principle centres for shopping, employment and community and cultural activities in the Borough. |
| PT1.39 | To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed. |

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.
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
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE5	Siting of noise-sensitive developments
H4	Mix of housing units
S11	Service uses in Primary Shopping Areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
H8	Change of use from non-residential to residential

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **29th March 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

90 adjoining owner/occupiers, the Metropolitan Police and Yiewsley Resident Associations, including the Yiewsley Community Involvement Group, the Yiewsley & West Drayton Town Centre Action Group and the Yiewsley & West Drayton Community Centre, were consulted. The following comments were received:

Yiewsley & West Drayton Town Centre Action Group:

The group do not oppose the application for a time extension, however they wish the following points be considered:

'Demolition of the site took place long before the words 'credit crunch' came into the vocabulary. In consequence the prime position of the site in the High Street has had a detrimental effect both on the community and the retail sector. If it is within the remit of the Council, the consideration should be for a one-year extension only. To give the developers another 3 years would further accelerate the decline of the High Street'.

Officer Comment: The length of time for which permission may be extended is covered by the Town and Country Planning Act 1990; default periods are set out, with discretion to grant longer or

shorter permissions if this is justified on planning grounds. In order to be consistent with other decisions issued by the Council at this time, it is considered appropriate to grant planning permission for a period of three years in this instance. This is further discussed in section 7.22 of the report.

Commercial Boat Operators Association:

The Association do not oppose the application, but recommend that a significant amount of material be brought to and from the site using the canal.

Officer Comment: Policy AM18 of the UDP requires, where appropriate, in developments adjoining the Grand Union Canal to seek to secure canalside facilities for canal borne freight.

Metropolitan Police: No objection.

Other:

'Currently we have too many new/old retail units empty and it seems that every time one does open, it is a fast food or similar and this area already has too many. With reference to residential units - again far too many for the infrastructure (doctors/dentists/schools etc) to cope with. Roads in this area are already congested and there is never enough parking allocated with new build (design/accident) leaving pavements littered with cars'.

Officer Comment: The above comment relates to the following London Plan and UDP Policies: UDP H4-mix of housing units, UDP AM2 and UDP AM7-assessment of traffic generation and impact on congestion, 3A.7, 3A.4, 3A.10, 4B.5, 3D.1, 3D.2 and 3D.3. The scheme accords with the aims of these Policies.

Internal Consultees

Policy and Environmental Planning Team:

With regard to this application for an extension, Policy have no further comment to that which was made as part of the original application.

Original comments were that the principle of a mixed-use housing-led retail development on the site is acceptable. In particular, the London Plan refers to the need to maximise the intensification of mixed use site and sites in Policy 4B.3 that Boroughs should ensure that development proposals achieve the highest possible intensity of use compatible with the local context. The Plan seeks a density range on urban sites with a PTAL score of 3 of between 100-150 units per hectare (upha) or 300-400 habitable rooms per hectare (hrpa). The proposal would result in a density of 185 upha or 462 hrpa. Whilst this is marginally above the density range envisaged by the London Plan, as long as the quality of the design and layout of the scheme and its compatibility with the local context is acceptable, there is no planning policy objection to the proposal. It is considered that the proposed redevelopment of the site would provide an opportunity to enhance Yiewsley and West Drayton Town Centre and is supported in planning policy terms.

Urban Design:

With regard to this application for an extension, the Principal Urban Design officer for the Council has no objection as the scheme remains the same in principle in terms of scale, height, massing and overall design.

Conservation:

The Principal Conservation officer for the Council has no comments on the scheme, but notes that St Matthew's Church and the Council Offices, which lie to the west and north of the site are currently included within the 2010 draft Local List of Buildings of Architectural and Historic Importance.

Officer comments: The proposals are not considered to have an adverse impact on the setting of these buildings.

Waste Development:

The Council's Waste Development Manager has no objection to the application, subject to conditions OM1, OM5 and OM7.

Trees & Landscaping:

The Council's Principal Landscape Architect has no objection to the application, subject to conditions TL5, TL6 and TL7, as previously approved under the original planning permission.

Environmental Protection - Soil Contamination:

The Council's Contaminated Land officer has no objection to the application, subject to a condition relating to a Site Survey and Remediation Scheme, as previously approved under the original planning permission. The officer notes that this condition requires verification information in order to demonstrate the remedial works have been carried out.

Environmental Protection - Environmental Health:

The Council's Environmental Health Technical officer has no objection to the application, but notes that should the choice of renewable energy source include biomass/biofuel, this would require an air quality assessment to be submitted, as per condition SUS2.

Housing:

The Council's Housing Supply Team have no objection to the extension of the original planning permission.

Education:

The Council received an education contribution as part of the original application. The Education and Children's Service Team has advised that as this application is identical to the original application, no further Education comments are required.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within Yiewsley / West Drayton Major Town Centre as identified on the Proposals Map of the Unitary Development Plan. Furthermore, the site does not fall within a Conservation Area or Area of Special Local Character and the existing buildings are not of any special architectural or historic merit. As such, and in accordance with the original application, there is no objection in principle to the extension of permission for the demolition and the redevelopment of the site for retail / residential purposes at a higher density than currently existing.

London Plan Policy 3D.1 seeks to permit new retail development which is appropriate in type and scale to the function of its location within the shopping hierarchy. Whilst the proposed development would see a marginal reduction in the amount of retail floor space on the site from 1360 to 1279 sq metres in a primary shopping frontage, it is considered that the two modern purpose units proposed would both be appropriate in scale and type to their location and would enhance the quality of retail units in the Yiewsley and West Drayton Shopping Centre and would not be likely to damage the general pattern of local shops. Nonetheless, in light of changes to the retail makeup of Yiewsley town centre since the previous permission, it is now considered that a condition ensuring the two units cannot be amalgamated into a single unit is required. Subject to this condition, no objection is therefore raised to the principle of the development.

7.02 Density of the proposed development

The proposed scheme would have a density of approximately 185 units per hectare (upha) or 462 habitable rooms per hectare (hrpha). Whilst this is marginally above the density range envisaged by the London Plan for an urban site with a PTAL score of 3 (100-150 upha or 300-450 hrpha), it is considered that the scheme would be of a high standard of design and site layout which would be compatible with the local context. No objection is therefore raised to the density of development proposed.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposed building would be of a contemporary design with a four storey section fronting the High Street and 2 three storey wings to the rear fronting Fairfield Road and the service road from the High Street respectively. The building would incorporate a number of design features in order to break down its mass and scale including the provision of lightweight balconies and screens. It would be finished in a mixture of facing brickwork, rendered masonry, wall cladding, glazed curtain walling and man-made slate roof tiles. Full details of the materials to be used can be secured by condition in the event of planning permission being granted. Overall, it is considered that the bulk, scale and design of the building would be appropriate having regard to its location in the High Street and its relationship with neighbouring buildings including St. Matthew's Church facing the site.

At ground floor level the façade of the building would be set back approximately 4.5 metres further from the High Street than the present buildings on the site. This would enable tree planting and the extension of the public realm area in front of the building. It is considered that this would significantly enhance the street frontage in this part of the Town Centre.

7.08 Impact on neighbours

Adequate separation distances in excess of the guidelines in the Hillingdon Design and Accessibility Statement would be provided between habitable room windows in the proposed building and neighbouring residential properties in High Street, Fairfield Road and Albert Road. In the event of planning permission being granted, a condition is recommended requiring details of the screening of the proposed communal gardens at first floor level and on the roof of the proposed building to be agreed with the Local Planning Authority to ensure acceptable levels of privacy for the future occupiers of the development and the occupiers of the neighbouring residential properties. The proposed building would not result in any undue loss of light to, or outlook from, neighbouring properties.

7.09 Living conditions for future occupiers

The proposed residential units would have an internal living environment considered

appropriate, ranging between 44 and 64 sq metres. Whilst the smallest units would be below the guideline in the adopted Hillingdon Design and Accessibility Statement Supplementary Planning Document for a 1 bedroom flat (50 sq metres), all of the units would have a satisfactory internal layout and outlook and receive adequate levels of natural light. In relation to the provision of outdoor amenity space, two communal garden areas are proposed at first floor level and on the roof of the proposed building. It is considered that these would provide two significant areas of useable amenity space for the future occupiers. In addition private balconies are proposed for each of the flats. The overall amount of amenity space provided would be 1339 sq metres. This is in excess of the guidelines contained in the Hillingdon Design and Accessibility Statement for the number and type of units proposed (1215 sq metres). Accordingly it is considered that a satisfactory standard of residential amenity would be created for the future occupiers.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Council's Highway Engineer raises no objection to the development in terms of the traffic generated on the highway network. The on-site servicing arrangements for the proposed retail units involving the use of the existing service road from the High Street are also considered acceptable. The proposed car parking provision of 64 spaces comprising 1 space per residential unit and 10 spaces for the retail units accords with the UDP Revised Parking Standards and the more recent London Plan Standards and is considered acceptable given the site's location along a public transport corridor and within a major town centre. The provision of spaces for people with disabilities and on-site cycle parking facilities can be secured by appropriate planning conditions. Further conditions are recommended for electric charging (in light of the London Plan policy changes) and parking allocation.

7.11 Urban design, access and security

Refer to section 7.07 of the report.

7.12 Disabled access

Refer to section 7.13 of the report.

7.13 Provision of affordable & special needs housing

The application proposes a total of 19 affordable housing units within the scheme which would comprise 35% of the total number of residential units. Of these, 13 (70%) would comprise social rented units and 6 (30%) intermediate units. The level of provision therefore accords with the adopted UDP target at the time of the application of a 35% affordable housing proportion comprising 25% social rented and 10% intermediate housing (a tenure split of 70% social rented and 30% intermediate) and is considered acceptable. An s106 agreement was signed for the 2005 planning permission to this effect, dated 20 February 2007. As part of this extension application, a Financial Viability Appraisal (FVA) has been submitted and validated to demonstrate that this is the maximum amount of Affordable Housing that can be delivered by the scheme.

In accordance with Policy 3A.4 of the London Plan, 10% of the total number of units have been indicated to be designed to full (or capable of easy adaption to) wheelchair standard. This provision can be secured by way of a condition. The applicant has also indicated that the remainder of the units would be built to 'Lifetime Homes' standards.

7.14 Trees, landscaping and Ecology

The scheme provides for street tree planting along the High Street frontage with further

tree planting to the rear, off Fairfield Road. A communal garden/roof terrace is proposed at first floor level. An additional 600 sq metre roof garden/amenity area is proposed on the fourth floor. For an urban housing scheme in a High Street location, the provision of roof gardens is considered an imaginative way of enhancing the visual quality of the living environment and in accordance with UDP Policy BE38. However, the aesthetic quality and use of these spaces by the residents may pose particular technical issues and require high quality landscape design, specification, implementation and maintenance. It is considered that these issues can be addressed by way of a condition.

7.15 Sustainable waste management

Waste and recycling facilities can be secured by condition.

7.16 Renewable energy / Sustainability

In accordance with London Plan Policy 4A.3, 4A.4, 4A.6 and 4A.7, a 20% Carbon Reduction target using renewable energy from low carbon sources should to be incorporated into the scheme. Since the original application the London Plan Carbon Reduction target has changed from 10% to 20%.

As part of the extension application, the applicant has submitted an Energy Statement, outlining options as to how this 20% reduction could be met.

The Energy Statement has considered a range of options, including:

- (1) Design and construction innovations, such as natural daylight maximisation and improvements to the building air tightness
- (2) Solar water Heating
- (3) Photovoltaic Panels
- (4) Biomass Boiler
- (5) Combined Heat and Power
- (6) Heat Pumps

The applicant has indicated that a preferred scenario would be to meet this 20% reduction by way of improvements in the energy efficiency of the building through a combination of design and construction measures and applying low/zero carbon Photovoltaic Panel technology.

As this Energy Statement is only a preliminary assessment of options, further detailed assessment and chosen options would be required. If Biomass were to be considered the choice of renewable energy source, an air quality assessment would need to be submitted along side the detailed information. Provision of these details can be secured by appropriate planning conditions, in the event of planning permission being granted.

7.17 Flooding or Drainage Issues

A grey-water recycling condition is proposed in light of the latest London Plan policies.

7.18 Noise or Air Quality Issues

Noise matters can be addressed by way of a condition in the event of planning permission being granted. Conditions are also proposed controlling hours of use and delivery hours for the retail units.

7.19 Comments on Public Consultations

Refer to 6.1 of this report.

7.20 Planning obligations

The s106 agreement was completed on 20 February 2007 following the grant of the 2005 permission.

The s106 makes provision for the following:

1. 35% of the total number of units to be delivered as Affordable Housing (19 units)
2. Education contribution of £75,560
3. Health contribution of £14,728
4. Open Space contribution of £56,226
5. Town Centre contribution of £10,000
6. Construction training equal to 2,500 for every £1million build cost

For this extension application, the applicant has submitted a Financial Viability Appraisal (FVA) demonstrating that they are unable to provide for any additional planning obligations as part of this proposal.

The FVA has been validated, and therefore no further planning obligations are required as a result of this proposal.

A section 106 agreement has already been signed to provide various planning obligations, however this existing agreement will need to be varied by way of a Deed of Variation tied to this permission to ensure that the obligations of the legal agreement are linked to this permission.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Extending the life of planning permission:

As mention in 3.2 of the report, the application seeks to extend the expiry date of planning permission ref: 59189/APP/2005/3476 (approved 27 February 2007), under the new procedures for extensions to the time limits for implementing existing planning permissions, introduced in October 2009. This new procedure requires an application for an extension to be submitted, acknowledged as valid and registered with the LPA prior to the expiration date of the planning permission, under the provisions of Paragraph 11 of the new procedure:

'an LPA and the Secretary of State (in the event of an appeal) retain jurisdiction to determine an application even if the original permission has expired after the application was made but before determination'.

This application was made on the 24 February 2010, acknowledged as valid and registered as of the 25 February 2010, in advance of the expiration date, being 27 February 2010. As such, it is considered that the Council have to ability to determine this application and that the now expired original application would not compromise this position as it expired post-submission and registration.

Time limit for planning application:

The length of time for which permission may be extended is covered by the Town and Country Planning Act 1990; default periods are set out, with discretion to grant longer or

shorter permissions if this is justified on planning grounds. The applicant has requested that the Council consider granting a three year extension on the time limit. In order to be consistent with other decisions issued by the Council at this time, it is considered appropriate to grant planning permission for a period of three years in this instance.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

This application relates to the renewal of planning permission ref: 59189/APP/2005/3476 which expired on 27 February 2010. All details are identical to those previously approved. Changes to London Plan policy requires a 20% saving from decentralised and renewable or low-carbon sources be applied across the site. The applicant proposes that this target be met by way of improvements in the energy efficiency of the building through design and construction measures and applying low and zero carbon technology, such as the installation of Photovoltaic Panels on the roof of the units.

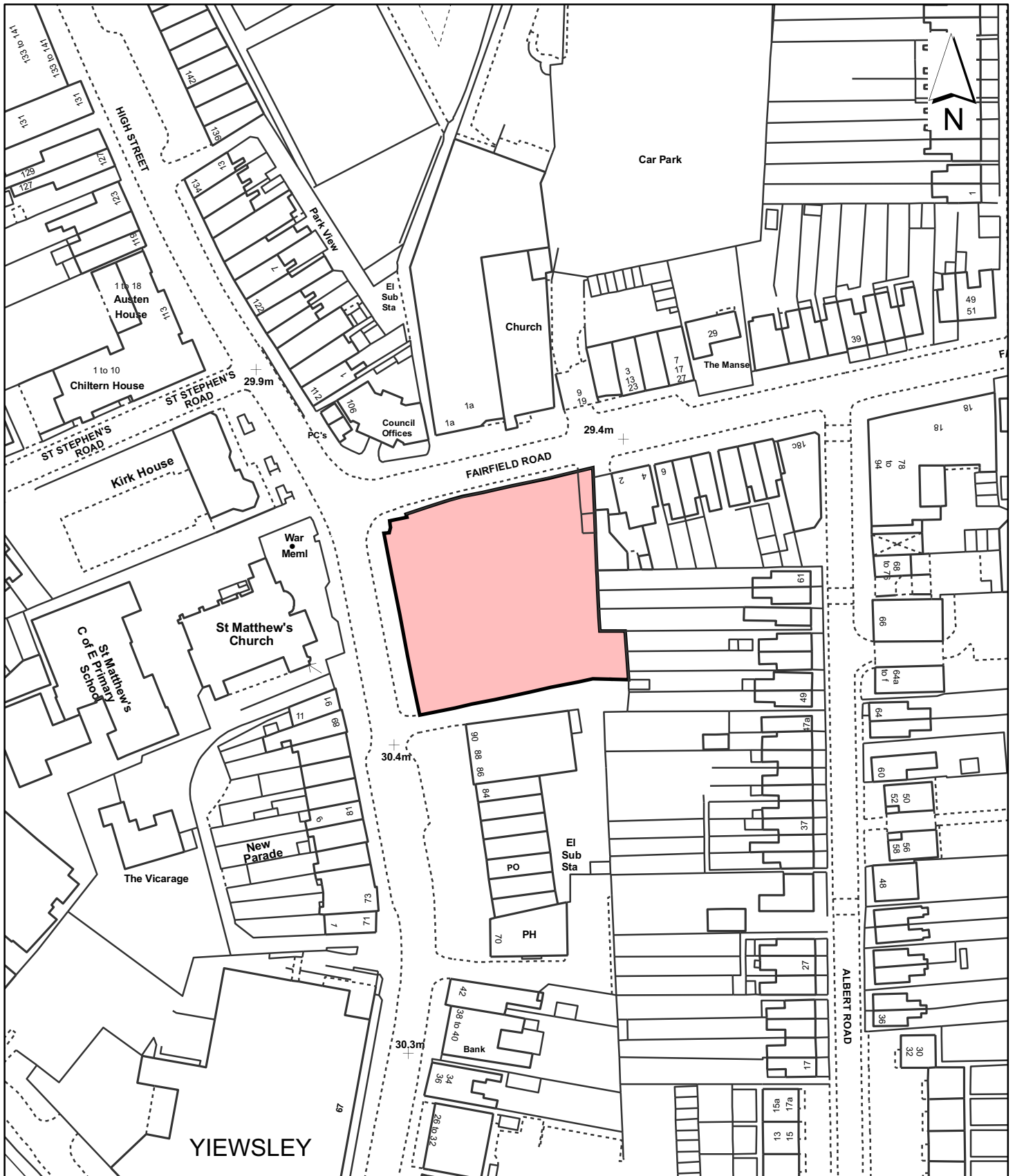
The application complies with current London Plan and UDP policies, and accordingly, approval is recommended.



11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007).
Supplementary Planning Guidance - Residential Layouts.
London Plan (Consolidated with Alterations since 2004).
Planning Policy Statement 1 (Delivering Sustainable Development).
Planning Policy Guidance Note 3 (Housing).
Planning Policy Guidance Note 13 (Transport).
Planning Policy Guidance Note 24 (Planning and Noise).
Town and Country Planning (General Development Procedure) Order (Amendment No.3, published 8 September 2009).
DCLG Guidance: Greater Flexibility for Planning Permissions, November 2009.

Contact Officer: Tabitha Knowles

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p align="center">92 - 104 High Street Yiewsley</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p align="center">Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">59189/APP/2010/403</p>	<p>Scale</p> <p align="center">1:1,250</p>	 <p align="center">HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p align="center">Central and South</p>	<p>Date</p> <p align="center">May 2010</p>	