

Report of the Head of Planning, Transportation and Regeneration

Address CHAMBERS BUSINESS PARK SIPSON ROAD WEST DRAYTON

Development: Variation of condition 13 (Maintenance and management scheme for communal amenity areas) of planning permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse) to change the condition from pre-commencement to pre-occupation

LBH Ref Nos: 70376/APP/2019/1566

Drawing Nos: Covering Letter Dated 9th May 2019
CBP/P15/01
CBP/P15/02
CBP/P15/03
CBP/P15/04
SIP/P15/05
SIP/P15/06
SIP/P15/07
SIP/P15/08
SIP/P15/09
SIP/P15/10
SIP/P15/11
SIP/P15/12
SIP/P15/14
CBP/P15/25
Planning, Design and Access Statement
Transport Statement
Revised Tree Survey and Arboricultural Impact Assessment and Method Statement
Energy Statement
Archaeological Desk Based Assessment
SIP/P15/13

Date Plans Received: 10/05/2019 **Date(s) of Amendment(s):**

Date Application Valid: 13/05/2019

1. SUMMARY

The application seeks permission for a variation of condition 13 (Maintenance and management scheme for communal amenity areas) of planning permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse) to change the condition from pre-commencement to pre-occupation.

This variation seeks to avoid providing any management and maintenance requirements and leave it to the discretion of a future management company. The Landscape Officer has noted that application reference 70376/APP/2019/1567 has been submitted for the approval of details pursuant to conditions 6 (Tree Protection) and 8 (Landscaping). The submitted details are considered acceptable and the application has been approved.

Subject to this approval, the Landscape Officer has raised no objection to the variation of this condition. The application is therefore recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 RES3 Time Limit

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

REASON

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

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SIP/P15/05, SIP/P15/06, SIP/P15/07, SIP/P15/08, SIP/P15/09, SIP/P15/10, SIP/P15/11, SIP/P15/12, SIP/P15/13 and SIP/P15/14 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

3 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 RES12 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 RES15 Sustainable Water Management (changed from SUDS)

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of

the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2015) Policy 5.12.

6 RES8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

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

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

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

7 RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

8 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

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

2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points (20% active and 20% passive)) and one disabled space
- 2.c Hard Surfacing Materials

3. Details of Landscape Maintenance

- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

6. Other

- 6.a Existing and proposed functional services above and below ground
- 6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

9 NONSC Non Standard Condition

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

REASON

To ensure that the archaeological interest will be conserved in accordance with the advice contained within the NPPF; Policy HE1 of the the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy 7.8 of the London Plan (2015).

10 NONSC Non Standard Condition

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

REASON:

To ensure an appropriate standard of housing stock in accordance with London Plan policy 3.8, is achieved and maintained.

11 RES26 Contaminated Land

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and approved, in writing, by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON:

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

12 RES22 Parking Allocation

No part of the development shall be occupied until details of the method of control for the designation and allocation of parking spaces has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be retained for the sole use of the individual flats, without any additional charges, in accordance with the approved details.

REASON

In order to ensure that sufficient parking is provided, in accordance with Policies AM14 and AM15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

Informative:

You are advised that in considering any future submission for the discharge of this condition the Local Planning Authority will be seeking to ensure that all the parking spaces are allocated to the new dwellings and the sub-letting of the parking spaces opposite the dwellings would be prohibited.

13 NONSC Non Standard Condition

No part of the development hereby approved shall be occupied until a Maintenance & Management Scheme for all of the communal amenity areas within the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the communal amenity space shall be maintained in accordance with the approved details for the lifetime of the development. Thereafter the development shall be carried out and maintained in full accordance with the approve details.

Reason

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part 2- Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8

(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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 (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 5.3	(2015) Sustainable design and construction
LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
LPP 7.16	(2011) Green Belt
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
	NPPF-11 2018 - Making effective use of land

NPPF- 11
NPPF- 12 NPPF-12 2018 - Achieving well-designed places
NPPF- 13 NPPF-13 2018 - Protecting Green Belt land

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 Damage to Verge - For Council Roads:

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

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

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

5 12 Encroachment

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

6 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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If

you require further information or advice, you should consult a solicitor.

8 115 Control of Environmental Nuisance from Construction Work

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

9

The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

10

The applicant is advised that where details pursuant to the conditions have been previously submitted to and approved by the Local Planning Authority there would be no requirement for these details to be re-submitted where the details would remain the same. The applicant should ensure that the development is carried out in compliance with the approved details.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the eastern edge of Sipson Village between the row of terrace houses at 401-425 Sipson Road and the field which separates Sipson Village from the M4 motorway to the east. The site at present is occupied by light industrial/warehouse buildings positioned against the southern and eastern boundaries, with car parking and hardstanding covering the remainder of the site.

The previous buildings on the site were approximately 6.7 metres in height and occupied a footprint of approximately 743sqm with volume of 4960m3.

The land on which the buildings are proposed is designated as Green Belt.

3.2 Proposed Scheme

The application seeks permission for a variation of condition 13 (Maintenance and management scheme for communal amenity areas) of planning permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse) to change the condition from pre-commencement to pre-occupation.

3.3 Relevant Planning History

70376/APP/2015/3764 Chambers Business Park Sipson Road West Drayton

7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse

Decision: 13-05-2016 Approved

70376/APP/2019/1567 Chambers Business Park Sipson Road West Drayton

Details pursuant to conditions 3 (Materials), 5 (SUDs), 6 (Tree Protection), 8 (Landscaping), 9 (Scheme of Investigation) and 11 parts (i) (a) (b) and (c) (Contamination) of planning permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 X two storey, 3 bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouses)

Decision: 18-07-2019 Approved

Comment on Relevant Planning History

Planning permission was granted under application reference 70376/APP/2015/3764 dated 13/05/2016 for the erection of 7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse. Condition 13 of the permission required:

No development shall take place until a Maintenance & Management Scheme for all of the communal amenity areas within the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the communal amenity space shall be maintained in accordance with the approved details for the lifetime of the development. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

The applicant has advised that Condition 13 requires a Maintenance and Management Scheme to be submitted and approved prior to the site commencement. The purpose of this condition is to ensure that the proposed development will preserve and enhance the visual amenities of the locality after occupation. This information can only be accurately supplied once a management company has been appointed and we consider that this matter does not strictly need to be dealt with prior to site commencement and could be dealt with and approved prior to occupation.

It is noted that an application under Ref: 70376/APP/2019/1567 has been submitted for the approval of details pursuant to conditions 3 (Materials), 5 (SUDs), 6 (Tree Protection), 8 (Landscaping), 9 (Scheme of Investigation) and 11 (Contamination) of planning permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 x two storey, 3 bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouses). The application has been approved.

4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

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
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- 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.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- LE4 Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL2 Green Belt -landscaping improvements
- DMEI 4 Development on the Green Belt or Metropolitan Open Land
- DMH 4 Residential Conversions and Redevelopment
- DMHB 11 Design of New Development
- DMHB 14 Trees and Landscaping
- DMHB 16 Housing Standards
- DMHB 17 Residential Density
- DMHB 18 Private Outdoor Amenity Space
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.3 (2015) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2015) Quality and design of housing developments

LPP 3.8	(2015) Housing Choice
LPP 5.3	(2015) Sustainable design and construction
LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
LPP 7.16	(2011) Green Belt
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

21 neighbouring properties were consulted by letter dated 20.5.19 and a site notice was displayed to the front of the site which expired on 15.6.19.

1 letter of comment has been received to request no windows overlooking gardens in Sipson Road.

English Heritage - No objection

Heathrow Safeguarding - No objection subject to crane informative

Internal Consultees

Landscape Officer:

This variation seeks to avoid providing any management and maintenance requirements and leave it to the discretion of a future management company. The provision of essential management and maintenance operations is a standard requirement on many schemes even when it is known that the actual operations will be managed/implemented by a third party, however, the provision of some basic parameters is not onerous. In this case the management and maintenance of the landscape on site is also covered by Condition 8, item 3 (not yet submitted for approval). So, provided that full landscape details are secured one way or another, the retention of Condition 13 may not be critical

Landscape Officer Revised Comments:

Further to you email of 2 July 2019, I note that my previous comments referred to Condition 9: Landscape scheme. This was a typo and should have referred to Condition 8. With regard to the request for a Management and Maintenance Specification, a written document by Clive Warwick Landscape Design addresses this issue.

Access Officer - No Comments

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principal of development was considered acceptable under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.02 Density of the proposed development

The density of the proposed development was considered acceptable under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

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

The application site lies within in an area of archaeological interest with moderate to high potential for prehistoric, Roman and Anglo-Saxon remains. The National Planning Policy Framework (Section 12) and the London Plan (2015) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

It is noted that the applicant has submitted details to discharge Condition 9 (Scheme of Investigation) of the original planning permission under application reference 70376/APP/2019/1567.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The impact of the proposal on the Green Belt was found to be acceptable under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.06 Environmental Impact

The environmental impact of the proposal was found to be acceptable during consideration of the parent consent and a condition was imposed to secure details of contamination/remediation. It is noted that the applicant has submitted details to discharge Condition 11 (Contamination) of the original planning permission under application reference 70376/APP/2019/1567

7.07 Impact on the character & appearance of the area

The visual impact of the proposed development for the erection of 7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse was assessed under the original submission and found

acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.08 Impact on neighbours

The impact of the proposed development for the erection of 7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse was assessed under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.09 Living conditions for future occupiers

The impact of the proposed development on living conditions for future occupiers for the erection of 7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse was assessed under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The impact of the proposed development on highways safety for the erection of 7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse was assessed under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.11 Urban design, access and security

The comments are addressed in the report above.

7.12 Disabled access

Disabled Access for the erection of 7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse was assessed under the original submission and found acceptable. The proposed variation of condition 13 (Maintenance and Management Scheme) of planning permission ref: 70376/APP/2015/3764 dated 13/05/2016 to change the condition from pre-commencement to pre-occupation would not have an impact in this regard.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. Saved policy OL1 and 2, and the National Planning Policy Framework seek to restrict inappropriate development and retain the openness, character and appearance of the Green Belt.

This variation seeks to avoid providing any management and maintenance requirements and leave it to the discretion of a future management company. The Landscape Officer has noted that application reference 70376/APP/2019/1567 has been submitted for the approval of details pursuant to discharge 6 (Tree Protection), 8 (Landscaping) of planning

permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 X two storey, 3 bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouses). The submitted details are considered acceptable and the application has been approved. The Landscape Officer has raised no objection to the variation of this condition.

7.15 Sustainable waste management

The proposed layout plan indicates the provision of a bin storage area which could be conditioned accordingly.

7.16 Renewable energy / Sustainability

No issues raised.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The issues raised are addressed above.

7.20 Planning obligations

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks permission for a variation of condition 13 (Maintenance and management scheme for communal amenity areas) of planning permission Ref: 70376/APP/2015/3764 dated 13/05/2016 (7 x two storey, 3-bed, dwellings with habitable roof space with associated parking and amenity space involving demolition of existing warehouse) to change the condition from pre-commencement to pre-occupation.

This variation seeks to avoid providing any management and maintenance requirements and leave it to the discretion of a future management company. The Landscape Officer has noted that application reference 70376/APP/2019/1567 has been submitted for the approval of details pursuant to conditions 6 (Tree Protection) and 8 (Landscaping). The submitted details are considered acceptable and the application has been approved. Subject to this approval, the Landscape Officer has raised no objection to the variation of this condition. The application is therefore recommended for approval.

11. Reference Documents

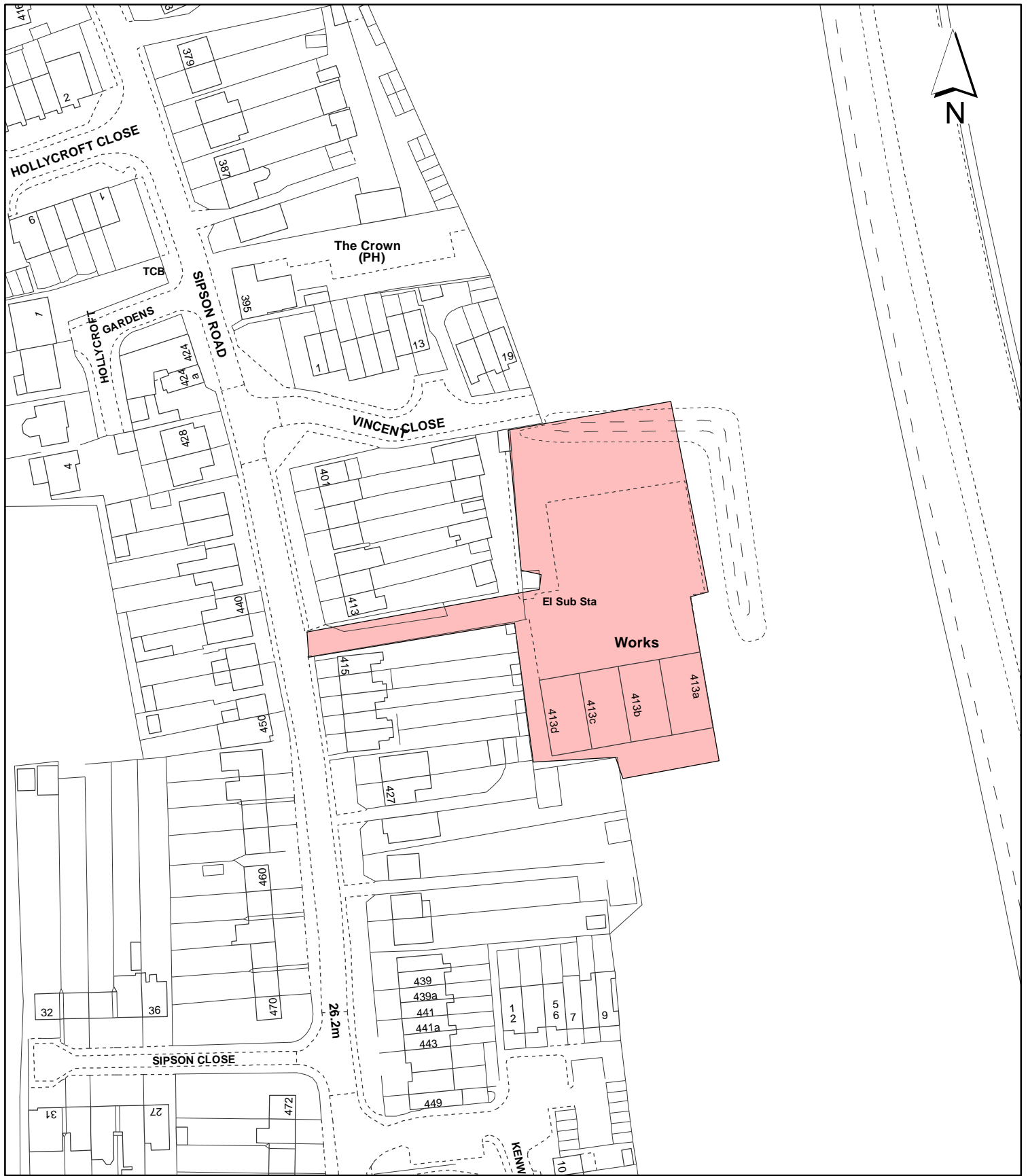
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2

Development Management Policies with Modifications (March 2019)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Chambers Business Park
 Sipson Road**

Planning Application Ref:
70376/APP/2019/1566

Planning Committee:
Central & South

Scale:
1:1,250

Date:
July 2019

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

