

**Report of the Head of Planning, Transportation and Regeneration**

**Address:** 20-30 Blyth Road, Hayes

**Development:** Section 73 application to vary Conditions 2, 7, 32 and 33 of planning application reference 1425/APP/2011/3040 dated 08-04-13 (Comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, associated car parking and hard and soft landscaping (as amended by application reference 1425/APP/2020/166))  
The amendments to the approved plans propose: to amend Car Stacker A, remove Car Stacker B (reduction of car parking to 92 spaces) and increase the number of electrical vehicle charging points.

**LBH Ref Nos:** 1425/APP/2018/2145

**Drawing Nos:**

Waste Management - Refuse Collection Plan  
Parking Document Rev D  
0503C-A-2414-B Site Location Plan  
0503C-A-2400-C Ground Floor Plan  
0503D\_A\_2428-Rev A TrendVario 4200 Car Stacker

**Date Plans Received:** 08/06/2018

**Date Application Valid:** 27/02/2020

**1. SUMMARY**

This application was previously presented to Major Applications Planning Committee on 30th January 2019. The Committee resolved to approve the application, subject to a Deed of Variation to the original S106 Agreement.

In the period of time between the Major Applications Planning Committee determining to approve the application and the completion of the associated legal agreement there has been a Court of Appeal ruling which has a bearing on the application. The '*Finney vs Welsh Ministers*' Court of Appeal ruling determined that making a change to a description of development would be outside of the powers of Section 73 of the Town and Country Planning Act (1990), without first making the change to the description via an alternative planning application known as a s96A non-material amendment. Whilst these are procedural matters, they have resulted in the need to reassess the proposals to ensure that any decision notice issued is valid and that the Council's decision was sound.

Subsequently a Section 96A application (1425/APP/2020/166) was submitted to restructure the original consent to remove reference to the number of parking spaces from the description of development and instead control them through an amended condition wording. The Section 96A application was approved on 26 February 2020. Therefore the current

application no longer requires a change to be made to the description of development and can be determined within the powers of Section 73 of the Town and Country Planning Act (1990).

The application is in all other ways as previously proposed and resolved for approval by planning committee.

The application seeks variation to the original Condition numbers 2, 7, 32 and 33 of planning application reference 1425/APP/2011/3040, dated 08-04-13, which granted consent for 'Comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, associated car parking and hard and soft landscaping (as amended by application reference 1425/APP/2020/166).'

The purpose of the current application is to amend the previously approved Car Stacker A, to remove Car Stacker B, to increase the number of electrical vehicle charging points within the development and introduce two car club spaces. With Stacker A and B, the site has 97 car parking spaces, including 7 commercial spaces and 90 car parking spaces for residential use, which is equivalent to 0.75 spaces per residential dwelling. If planning permission were to be granted for the current application, the number of parking spaces provided off-street would fall from 97 to 92, with 3no. spaces proposed for the commercial unit and 89 car parking spaces for the residential units. This is equivalent to 0.742 spaces per dwelling.

As set out within this report the reduction in the number of car parking spaces is deemed acceptable and the application is recommended for approval.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Head of Planning, Transportation and Regeneration, to GRANT planning permission subject to:**

**A) Entering into a Deed of Variation to the original Section 106 Agreement for planning application 1425/APP/2011/3040; with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:**

- 1. Public Realm Contribution of £20,000**
- 2. Provision of 2 Car Club Spaces**
- 3. The residents of this development not to be eligible for parking permits**
- 4. Disabled Parking allocation for each disabled unit**
- 5. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.**

**B) That the applicant meets the Council's reasonable costs in preparation of the variation to the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.**

**C) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**D) If the Legal Agreements have not been finalised by 22 October 2020 (or such other timeframe as may be agreed by the Head of Planning, Transportation and**

**Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse the application for the following reason:**

**'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of public realm improvements and car parking). The proposal therefore conflicts with policies DMCI 7, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).'**

**E) That subject to the above, the application be deferred for determination by the Head of Planning, Transportation and Regeneration under delegated powers, subject to the variation to the original Section 106 Agreement 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 imposed subject to changes negotiated by the Head of Planning, Transportation and Regeneration prior to issuing the decision.**

### **1. Accordance with Approved Plans**

The application hereby approved shall be for the comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, 92 car parking spaces and hard and soft landscaping, as set out in the plans hereby approved:

0503C-A-2400 C

0503C-A-2401 A

0503C-A-2402 A

0503C-A-2403

0503C-A-2404

0503C-A-2405 A

0503C-A-2406

0503C-A-2407

0503C-A-2408

0503C-A-2409

0503C-A-2410

0503C-A-2411 C

0503C-A-2412 B

0503C-A-2413 A

0503C-A-2414 A

0503C-A-2415

0503C-A-2418

0503C-SK-LD-002 P1

0503C- A-2428 A

Waste Management - Refuse Collection Plan; and shall thereafter be retained/maintained for as long as the development remains in existence.

### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and the London Plan (2016).

## **2. Secured by Design**

The development (buildings and car park) shall be in accordance with the details approved under planning application reference 1425/APP/2020/39 in order to retain 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until the development (buildings and car park) is in accordance with the details.

### **REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2016) Policies 7.1 and 7.3.

## **3. Levels**

The existing and proposed ground levels and the proposed finished floor levels of all proposed buildings shall be in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. Thereafter the development shall not be carried out other than in accordance with the approved details.

### **REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with policies DMHB 11 and 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

## **4. Materials**

The development shall not be occupied until details of all materials and external surfaces, including details of balconies, 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 Policies DMHB 11 and 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

## **5. Landscaping (including refuse/cycle storage)**

Within three months of the date of this permission a landscape scheme shall be 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 188 Cycle Storage spaces

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts demonstrating the provision of 3 commercial car parking spaces and 89 residential car parking spaces (including demonstration of 15 disabled car parking spaces and that 25% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

3. Living Roofs

3.a Details of the inclusion of living roofs

4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

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 DMHB 11, DMHB 12, DMHB 14, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Policies 5.11 (living roofs) and 5.17 (refuse storage) of the London Plan (2016).

**6. Control of site noise rating level**

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142, 'Method for rating industrial noise affecting mixed residential and industrial areas'.

**REASON**

To safeguard the amenity of the surrounding area in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

**7. Sound insulation/mitigation**

The scheme for the control of noise transmission between the B1 office space and the adjoining dwellings shall be in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. Thereafter, the

scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

**8. Operating Hours**

The Class B1 office space hereby approved shall not be used except between:-

[0700 and 2100], Mondays - Fridays

[0800 to 2100] Saturdays

[1000 to 1800] Sundays, Public or Bank Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

**9. Loading/unloading/deliveries**

There shall be no loading or unloading of vehicles, including the collection, delivery and the loading or unloading of goods outside the hours of [0700 and 1900], Monday to Friday, and between the hours of [0800 to 1900] on Saturdays. There shall be no loading or unloading of vehicles on Sundays or Bank Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

**10. Traffic Arrangements - submission of details**

The development hereby approved shall not be occupied 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 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.

All deliveries to and servicing of the site shall occur entirely within the site boundaries, and at no time from Blyth Road.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy DMT 5 and DMT 6 of the

Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Chapter 6 of the London Plan (2016).

## **11. Bollard Details**

The development hereby approved shall not be occupied until details of a bollard to be installed to protect parked cars from damage in relation to the refuse storage arrangements have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

### **REASON**

To ensure appropriate waste and recycling facilities are provided and the protect residential amenity in compliance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Chapter 6 of the London Plan (2016).

## **12. Visibility Splays - Pedestrian**

The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

### **REASON**

In the interests of highway and pedestrian safety in accordance with policy DMT 2 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

## **13. Play Area provision of details**

Details of play areas for children shall be in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. Thereafter, the play areas shall be provided prior to the occupation of any unit within the development and maintained for this purpose.

### **REASON**

To ensure that the development makes adequate provision of children's play space in accordance with Policies DMHB 18 and DMHB 19 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and London Plan (2016) Policy 3.16.

## **14. Code for Sustainable Homes**

The dwelling(s) shall achieve Level 4 of the Code for Sustainable Homes in accordance with details approved under application reference 1425/APP/2018/3543 granted consent on 28.11.18. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request. The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

### **REASON**

To ensure that the objectives of sustainable development identified in London Plan (2016) Policies 5.1 and 5.3.

### **15. Lifetime Homes/Wheelchair Units**

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 and constructed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

#### **REASON**

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (2016) Policies 3.1, 3.8 and 7.2.

### **16. Restrictions on Changes of Uses**

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the office element of the building as shown on the approved plans, shall be used only for purposes within Use Class B1 - office and high tech only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

#### **REASON**

Given the mixed use nature of the scheme and the configuration and location of the servicing arrangements, the proposed B1 space would not be suitable for light industrial use given the likely servicing requirements arising in accordance with policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **17. Prevention of Overlooking**

Prior to first occupation of the development hereby approved all south facing windows on floor 3, Block A, to be installed with opaque glazing except for living room serving unit A0301 and, notwithstanding the approved plans, the front of all balconies shall be glazed with permanently obscured glass. Thereafter the scheme shall be retained as such for the lifetime of the development.

#### **REASON**

In order to protect the amenity of the units affected and those directly opposite in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **18. Vibration**

The development shall be protected from vibration in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

#### **REASON**

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by vibration in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

## **19. Lighting**

Details of all external lighting within the development shall be in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. No floodlighting or other external lighting should be installed without the prior written approval of the Local Planning Authority.

### **REASON**

To ensure the safety and security of occupants while safeguarding the amenity of surrounding properties in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

## **20. Drainage**

The development drainage strategy shall be in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

### **REASON**

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with Policy DMEI 9 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Policy 5.14 of the London Plan (2016).

## **21. Piling**

Piling or any other foundation designs using penetrative methods shall be in accordance with the details approved under planning application reference 1425/APP/2014/4508 granted consent on 01.09.15. The development shall be carried out in accordance with the approved details.

### **REASON**

To protect controlled waters. The previous history of use of the site is likely to have resulted in contamination. Piling or other penetrative foundation techniques could create a pathway for contamination at the surface to migrate into the underlying Principal Aquifer, in accordance with Policy DMEI 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

## **22. Noise**

The residential development shall be protected from road and rail traffic noise in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.

#### **REASON**

To safeguard the amenity of surrounding areas in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **23. Bird Hazard Management Plan**

The Bird Hazard Management Plan shall be implemented in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17 and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

#### **REASON**

It is necessary to manage the flat roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **24. Height Limitation - Shrubs and Trees**

No trees and shrubs planted on the application site as part of the approved landscaping scheme shall be permitted to grow above a height of 67.93metres AOD.

#### **REASON**

If trees or shrubs exceed this height they will penetrate the Obstacle Limitation Surface (OLS) surrounding Heathrow Airport and endanger the movements of aircraft and the safe operation of the aerodrome in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **25. Surface Water Drainage**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### **REASON**

To protect controlled waters. The previous history of use of the site is likely to have resulted in contamination. Infiltration of surface water would create a pathway for contamination at the surface to migrate into the underlying Principal Aquifer in accordance with Policies DMEI 9, DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Policy 5.14 of the London Plan (2016).

### **26. Contamination 1**

Within three months of the date of this consent details shall be submitted to the Local Planning Authority (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), that shall include the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - a) all previous uses
  - b) potential contaminants associated with those uses
  - c) a conceptual model of the site indicating sources, pathways and receptors
  - d) potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

#### REASON

To Protect controlled waters. The site lies on a Principal Aquifer and there is a shallow depth to the groundwater level. The previous history of use of the site is likely to have resulted in contamination. This reason is in accordance with policies DMEI 9, DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **27. Contamination 2**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

#### REASON

To ensure that the site no longer poses a risk to groundwater. This reason is in accordance with policies DMEI 9, DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **28. Management and Maintenance of Car Parking Stackers**

Prior to occupation of the development, details and specification for the exact make and model of car parking stackers to be used in the development, as well as a management and maintenance regime for the stackers, shall be submitted to and approved in writing by the Local Planning Authority. The details and specifications for the stackers shall ensure that these have at least the capacity and functionality provided by the 'TrendVario 4200' car stacker included in the application submission. In particular, the operation of the stacker

shall be such that each car parked on a stacker, can be independently accessed by the person to whom the stacked parking space is allocated.

The development shall thereafter accord with the approved details and prior to the occupation of the first residential unit the management and maintenance regime of the car parking stackers within the car park shall be adhered to for the life of the development.

#### REASON

To ensure that sufficient parking is maintained in perpetuity on the site in accordance with policy DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **29. Parking Allocation Scheme**

No residential unit nor any commercial space, hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Authority Planning Authority. The parking allocation scheme shall ensure not less than 89 parking spaces are allocated and dedicated to the residential elements of the scheme and at least 3 spaces for the commercial element of the scheme. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

#### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Chapter 6 of the London Plan (2016).

### **30. Child Play Space**

The proposed communal amenity spaces shall be implemented in accordance with the details approved under planning application reference 1425/APP/2019/2629 granted consent on 25.10.19 and shall remain in force for the life of the building. The proposed communal amenity space will accommodate the secure play area requirements for children of different ages and communal amenity spaces are to be managed and maintained, including security measures, and measures to prevent anti social behaviour. The works shall be carried out prior to first occupation of the dwelling in accordance with the approved plans and details and maintained and managed for the life time of the development.

#### REASON

To ensure that adequate facilities are provided to meet the play requirements for children of different ages and to ensure that public and communal spaces are adequately managed and maintained and to accord with Policies DMHB 18 and DMHB 19 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and the London Plan (2016) and the Mayors SPG on Children and Young Peoples Play and Informal Recreation.

### **31. Vibration Impacts**

Nearby occupiers shall be protected from vibration impacts associated with the construction of the development, in accordance with the details approved under planning application reference 1425/APP/2014/138 granted consent on 13.01.17. The scheme shall be carried out in accordance with the approved details.

## **REASON**

To safeguard the amenity of surrounding occupiers in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

### **32. Radio Television System**

Before the development is occupied, the scheme to mitigate any potential impacts of the development on radio and television reception of nearby property, as approved under application reference 1425/APP/2019/2683 shall be implemented. Thereafter the measures shall be implemented in accordance with the approved scheme.

## **REASON**

To ensure that the development does not result in unacceptable levels of telecommunications interference in accordance with Policy 7.7 of the London Plan (2016).

## **INFORMATIVES**

### **1. LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Parts 1 and 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **2. 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](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other

than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

### **3. Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

### **4. Street Naming and Numbering**

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

### **5. 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.

### **6. 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).

### **7. Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

### **8. Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained

further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp))

## **9. 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.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located outside of but immediately adjacent to the southern entrance of the designated Hayes Town Centre. It is bounded by Blyth Road to its north, the Paddington to Reading railway line to its south, Station Road to its east, and a redevelopment site to its west. It is within a minute walk of the Hayes and Hillingdon Train Station to which it is connected via an underpass beneath Station Road. The site is also within a 4 PTAL area indicating good levels of public transport accessibility.

The site measures some 0.46ha and formerly contained industrial uses within low rise industrial buildings. The industrial use has since ceased, the site's buildings were demolished in approximately 2007 and the currently consented scheme is well under construction.

The site's immediate context is highly varied from the small scaled two storey terraced houses to the northern side of Blyth Road, directly opposite the application site, to the 10 storey Avis Building opposite the north eastern most edge of the site, the 10 storey Highpoint Village to the east and the substantial buildings to the west.

There are no listed buildings in the vicinity of the site, the nearest being the large locally listed Wallis Gilbert & Partners industrial buildings on the Old Vinyl Factory site and the Grade II listed Enterprise House on Blyth Road to the west of the site.

The site is not located within a Conservation Area although it is in the vicinity of the Botwell Thorne EMI Conservation Area to the west.

### **3.2 Proposed Scheme**

In April 2013, planning permission was granted for the comprehensive redevelopment of the site at 20 - 30 Blyth Road, Hayes to provide 120 residential units, office floorspace, 97 car parking spaces and hard and soft landscaping. Due to limited space, the developer proposed to use car parking stackers to provide the requisite amount of parking spaces deemed appropriate at that time. Two stacker units were to be provided, stacker A providing 12 car parking spaces and stacker B, 14 car parking spaces.

The current application seeks variation to Conditions 2, 7, 32 and 33 of the above consent. The purpose being to amend the previously approved Car Stacker A, to remove Car Stacker B and increase the number of electrical vehicle charging points within the development. The

above conditions relate to the parking provision and approved plans and would thus require amending if the amendments to the stackers were approved.

Condition 2 of the original consent (as amended by the s96A application 1425/APP/2020/166 noted above), states:

The application hereby approved shall be for the comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, 97 car parking spaces and hard and soft landscaping, as set out in the plans hereby approved:

T2-SK-004 P1; T2-70P01 P1; T2-70P02 P1; T2-70P03 P1; T2-21D01 P1; T2-21D02 P1; T2-21D03 P1; T2-20E03 P2; T2-20E04 P2 ; T2-20E20 P2; T2-20P00 P2; T2-20P01 P2; T2-20P02 P2; T2-20P03 P2; T2-20P04 P2; T2-20P05 P2; T2-20P06 P2; T2-20P07 P2; T2-20P08 P2; T2-20P09 P2; T2-20P10 P2; T2-20P11 P2; T2-20P20 P1; T2-20S01 P1; T2-20S02 P2; T2-20S03 P2.

**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).

This condition would be Condition 1 of the new consent as the original Condition 1 related to timeframe before commencement. The development is almost complete and therefore this condition is no longer applicable.

The new wording for the condition would state:

The application hereby approved shall be for the comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, 92 car parking spaces and hard and soft landscaping, as set out in the plans hereby approved:

0503C-A-2400 C, 0503C-A-2401 A, 0503C-A-2402 A, 0503C-A-2403, 0503C-A-2404, 0503C-A-2405 A, 0503C-A-2406, 0503C-A-2407, 0503C-A-2408, 0503C-A-2409, 0503C-A-2410, 0503C-A-2411 C, 0503C-A-2412 B, 0503C-A-2413 A, 0503C-A-2414 A, 0503C-A-2415, 0503C-A-2418, 0503C-SK-LD-002 P1, 0503C- A-2428 A, Waste Management - Refuse Collection Plan

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and the London Plan (2016).

The original Condition 7 states:

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 Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that 20% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

2.g Other structures (such as play equipment and furniture)

3. Living Roofs

3.a Details of the inclusion of living roofs

4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of sowing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. 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, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 5.11 (living roofs) and 5.17 (refuse storage) of the London Plan.

The variation sought to proposed Condition 5 states:

Within three months of the date of this permission a landscape scheme shall be 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 188 Cycle Storage spaces  
2.c Means of enclosure/boundary treatments  
2.d Car Parking Layouts demonstrating the provision of 3 commercial car parking spaces and 89 residential car parking spaces (including demonstration of 15 disabled car parking spaces and that 25% of all parking spaces are served by electrical charging points)  
2.e Hard Surfacing Materials

3. Living Roofs  
3.a Details of the inclusion of living roofs

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

#### 5. Schedule for Implementation

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 DMHB 11, DMHB 12, DMHB 14, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Policies 5.11 (living roofs) and 5.17 (refuse storage) of the London Plan (2016).

The original Condition 32 states:

Before development commences, details and specifications for the exact make and model of car parking stackers to be used in the development, as well as a management and maintenance regime for the stackers, shall be submitted to and approved in writing by the Local Planning Authority. The details and specifications for the stackers shall ensure that these have at least the capacity and functionality provided by the '2PARK' car stacker included in the application submission. In particular, the operation of the stacker shall be such that each car parked on a stacker, can be independently accessed by the person to whom the stacked parking space is allocated to.

The development shall there after accord with the approved details and prior to the occupation of the first residential unit the management and maintenance regime of the car parking stackers within the car park shall be adhered to for the life of the development.

#### REASON

To ensure that sufficient parking is maintained in perpetuity on the site in accordance with policy AM16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

The variation sought for new Condition 28 states:

Prior to occupation of the development, details and specification for the exact make and model of car parking stackers to be used in the development, as well as a management and maintenance regime for the stackers, shall be submitted to and approved in writing by the Local Planning Authority. The details and specifications for the stackers shall ensure that these have at least the capacity and functionality provided by the 'TrendVario 4200' car stacker included in the application submission. In particular, the operation of the stacker shall be such that each car parked on a stacker, can be independently accessed by the person to whom the stacked parking space is allocated.

The development shall thereafter accord with the approved details and prior to the occupation of the first residential unit the management and maintenance regime of the car parking stackers within the car park shall be adhered to for the life of the development.

#### REASON

To ensure that sufficient parking is maintained in perpetuity on the site in accordance with policy DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020).

Condition 33 states:

No residential unit nor any commercial space, hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall ensure not less than 90 parking spaces are allocated and dedicated to the residential elements of the scheme and at least 7 spaces for the commercial element of the scheme. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

#### 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 6 of the London Plan (July 2011).

The variation sought for new Condition 29 states:

No residential unit nor any commercial space, hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Authority Planning Authority. The parking allocation scheme shall ensure not less than 89 parking spaces are allocated and dedicated to the residential elements of the scheme and at least 3 spaces for the commercial element of the scheme. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

#### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Chapter 6 of the London Plan (2016).

The application is therefore proposing:

- 1) Car parking stacker block A is changed to the TrendVario 4200 system with enclosure
- 2) Car park stacker block B is removed and replaced with regular parking spaces
- 3) An overall 92no parking spaces are provided, 89no residential and 3no commercial.
- 4) The amount of electrical charging points is increased from 20%, as previously approved, to 25%.
- 5) 2no spaces (no's 65 & 66) within the site are allocated for Car Club.
- 6) A financial contribution is offered towards enhancement of the public realm/landscaping works/community schemes within Hillingdon Borough.

### **3.3 Relevant Planning History**

1425/APP/2011/1519 'Comprehensive redevelopment of the site to provide a part 15, part 9, part 7 and part 4 storey building comprising 147 residential units, flexible business floorspace, 95 car parking spaces, hard and soft landscaping and revised access arrangements' - Decision: 03-11-11 REFUSED

1425/APP/2011/3040 'Comprehensive redevelopment of the site to provide a part 11 storey, part 9 storey, part 5 storey and part 4 storey building comprising 123 residential units, flexible business floorspace, 95 car parking spaces, hard and soft landscaping and revised access arrangements' - Decision: 08-04-13 APPROVED

1425/APP/2020/166 'Non-material Amendment to planning permission reference 1425/APP/20011/3040 (Comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, 97 car parking spaces and hard and soft landscaping) to change the description of development' - Decision: 26-02-20 APPROVED

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

This application was previously presented to Major Applications Planning Committee on 30 January 2019. The Committee resolved to approve the application, subject to a Deed of Variation to the original S106 Agreement.

In the period of time between the Major Applications Planning Committee determining to approve the application and the completion of the associated legal agreement there has been a Court of Appeal ruling which has a bearing on the application. The '*Finney vs Welsh Ministers*' Court of Appeal ruling determined that making a change to a description of development would be outside of the powers of Section 73 of the Town and Country Planning Act (1990), without first making the change to the description via an alternative planning application known as a s96A non-material amendment. Whilst these are procedural matters, they have resulted in the need to reassess the proposals to ensure that any decision notice issued is valid and that the Council's decision was sound.

Subsequently a Section 96A application (1425/APP/2020/166) was submitted to restructure the original consent to remove reference to the number of parking spaces from the description of development and instead control them through an amended condition wording. The Section 96A application was approved on 26 February 2020. Therefore the current application no longer requires a change to be made to the description of development and can be determined within the powers of Section 73 of the Town and Country Planning Act (1990).

#### **4. PLANNING POLICIES AND STANDARDS**

##### **Local Plan Designation and London Plan**

The following Policies are considered relevant to the application:-

###### Part 2 Local Plan Policies

PT1.BE1 (2012) Built Environment  
PT1.CI1 (2012) Community Infrastructure Provision  
PT1.CI2 (2012) Leisure and Recreation  
PT1.E1 (2012) Managing the Supply of Employment Land  
PT1.E6 (2012) Small and Medium-Sized Enterprises (SME)  
PT1.E7 (2012) Raising Skills  
PT1.EM1 (2012) Climate Change Adaptation and Mitigation  
PT1.EM4 (2012) Open Space and Informal Recreation  
PT1.EM5 (2012) Sport and Leisure  
PT1.EM6 (2012) Flood Risk Management  
PT1.EM7 (2012) Biodiversity and Geological Conservation  
PT1.EM8 (2012) Land, Water, Air and Noise  
PT1.H1 (2012) Housing Growth  
PT1.HE1 (2012) Heritage  
PT1.T1 (2012) Accessible Local Destinations

###### Part 2 Local Plan Policies

DMCI 7: Planning Obligations and Community Infrastructure Levy  
DMHB 11: Design of New Development  
DMT 2: Highways Impacts  
DMT 5: Pedestrians and Cyclists  
DMT 6: Vehicle Parking  
DMEI 9: Management of Flood Risk  
DMEI 11: Protection of Ground Water Resources and  
DMEI 12: Development of Land Affected by Contamination  
LPP 2.13 (2016) Opportunity Areas and Intensification Areas  
LPP 2.17 (2016) Strategic Industrial Locations  
LPP 2.6 (2016) Outer London: vision and strategy  
LPP 2.7 (2016) Outer London: Economy  
LPP 2.8 (2016) Outer London: Transport  
LPP 3.1 (2016) Ensuring equal life chances for all  
LPP 3.9 (2016) Mixed and Balanced Communities  
LPP 4.1 (2016) Developing London's economy  
LPP 4.2 (2016) Offices  
LPP 4.3 (2016) Mixed use development and offices

LPP 4.4 (2016) Managing Industrial Land and Premises  
LPP 5.1 (2016) Climate Change Mitigation  
LPP 5.10 (2016) Urban Greening  
LPP 5.11 (2016) Green roofs and development site environs  
LPP 5.12 (2016) Flood risk management  
LPP 5.13 (2016) Sustainable drainage  
LPP 5.14 (2016) Water quality and wastewater infrastructure  
LPP 5.15 (2016) Water use and supplies  
LPP 5.2 (2016) Minimising Carbon Dioxide Emissions  
LPP 5.21 (2016) Contaminated land  
LPP 5.3 (2016) Sustainable design and construction  
LPP 5.6 (2016) Decentralised Energy in Development Proposals  
LPP 5.7 (2016) Renewable energy  
LPP 5.8 (2016) Innovative energy technologies  
LPP 6.1 (2016) Strategic Approach  
LPP 6.10 (2016) Walking  
LPP 6.13 (2016) Parking  
LPP 6.3 (2016) Assessing effects of development on transport capacity  
LPP 6.5 (2016) Funding Crossrail and other strategically important transport infrastructure  
LPP 6.7 (2016) Better Streets and Surface Transport  
LPP 6.9 (2016) Cycling  
LPP 7.1 (2016) Lifetime Neighbourhoods  
LPP 7.15 (2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.  
LPP 7.2 (2016) An inclusive environment  
LPP 7.3 (2016) Designing out crime  
LPP 7.4 (2016) Local character  
LPP 7.5 (2016) Public realm  
LPP 7.6 (2016) Architecture  
LPP 7.7 (2016) Location and design of tall and large buildings  
LPP 7.8 (2016) Heritage assets and archaeology  
LPP 7.9 (2016) Heritage-led regeneration  
LPP 8.1 (2016) Implementation  
LPP 8.2 (2016) Planning obligations  
LPP 8.3 (2016) Community infrastructure levy

NPPF National Planning Policy Framework

## **5. ADVERTISEMENT AND SITE NOTICE**

Site Notice Expiry Date: 31st March 2020

## **6. CONSULTATIONS**

### **6.1 EXTERNAL CONSULTEES**

Site notices were posted and 146 local residents were consulted. The consultation period expired on the 31<sup>st</sup> March 2020. Two responses have been received which object to the reduction in parking, crime rate and construction noise.

#### **GREATER LONDON AUTHORITY (GLA)**

The GLA have confirmed that the proposals do not create any strategic issues. As such, no Stage 2 referral is required.

## CROSSRAIL

The implications of the Crossrail proposals for the application have been considered and I write to inform you that Crossrail Limited does not wish to make any comment on the application as submitted.

The following consultation responses were received during the previous consultation period:

One response was received from a Local Councillor:

As one of the three councillors for the area and as a near neighbour to the site I would like the following. The contractors to ensure that the subway that runs from Blyth Rd to the Station is cleared of all dust and debris every evening and the same for the footways in front of and on both sides of the site, also the LBH Car Park which I hear is used by some contractors to eat their snacks and throw their rubbish on the floor. Contractors need to be mindful that their developments cause all forms of disruption to people living in the area plus those who use the area for work/shopping/leisure etc. Contractors need to know that in Hillingdon we expect them to be good neighbours, which clearly is not happening in many cases. Case

Officer comment:

Whilst it is not possible to control the above behaviour as part of the current planning application the above comments have been forwarded to the applicant for action.

## HAYES CONSERVATION AREA ADVISORY PANEL

I am writing on behalf of Hayes Conservation Area Advisory Panel. We are not in favour of stackers as a means to increase the number of parking spaces as we are aware of their unreliability and the effective reduction in the number of spaces available. We believe the new developer has therefore taken the right decision in removing at least one of the stackers from the project. In order to make the reduced number of parking spaces workable, we expect a condition to be placed on the sale of a proportion of the properties, forbidding the ownership of a car so there is no additional demand for public parking spaces, which are basically not available in the locality.

Case Officer comment:

Comments in support of the removal of the stacker are noted. There is a recommended Head of Term within the proposed Deed of Variation that would prevent future occupants of the development from applying for a resident's parking permit within the locality.

## NETWORK RAIL

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application. The Local Planning Authority/applicant should ensure that Crossrail Limited are also consulted on this proposal.

## Fencing

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

#### Drainage

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

#### Safety

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk)

#### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

#### Site Layout

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

#### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### **Excavations/Earthworks**

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

### **Signalling**

The proposal must not interfere with or obscure any signals that may be in the area.

### **Noise**

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains motors running which can lead to increased levels of noise. We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

### **Landscape**

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision. Plant,

### **Scaffolding and Cranes**

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

### **Lighting**

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

### **Safety Barrier**

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs

should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

**Case Officer's comments:**

These comments have been forwarded to the applicant, albeit many of the conditions requested have already been complied with and are not therefore proposed to be added.

**METROPOLITAN POLICE**

I met with this applicant pre application on 15/5/18 and explained what was needed to achieve SBD accreditation.

I have on receiving this application to comment on emailed the applicant twice to confirm if my comments have been incorporated but have not had confirmation. I do not object but do request a condition that SBD accreditation is achieved (if not already conditioned). The applicant is aware of what this requires.

**Case Officer's comments:**

There is an existing SBD condition attached to the original planning consent, which was discharged under application reference 1425/APP/2019//39. A condition to ensure the development is in accordance with the approved details is recommended to be added to any grant of consent issued.

## **6.2 INTERNAL CONSULTEES**

### **HIGHWAYS**

In April 2013, planning permission was granted for the redevelopment of the site at 20 - 30 Blyth Road, Hayes to provide 120 residential units, office floorspace, 97 car parking spaces and hard and soft landscaping. Due to limited space, the developer proposed to use car parking stackers to provide the requisite amount of parking spaces needed. Two stacker units were to be provided, stacker A providing 12 car parking spaces and stacker B, 14 car parking spaces.

It was a condition of this planning permission that before development commences, 'details and specifications for the exact make and model of car parking stackers to be used in the development, as well as a management and maintenance regime for the stackers, shall be submitted to and approved in writing by the Local Planning Authority. The details and specifications for the stackers shall ensure that these have at least the capacity and functionality provided by the '2PARK' car stacker included in the application submission. In particular, the operation of the stacker shall be such that each car parked on a stacker, can be independently accessed by the person to whom the stacked parking space is allocated to. The development shall thereafter accord with the approved details and prior to the occupation of the first residential unit the management and maintenance regime of the car parking stackers within the car park shall be adhered to for the life of the development'. The reason for this condition was to ensure that sufficient parking is maintained in perpetuity on the site in accordance with policies DMT 2 and DMT 6 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).

A Section 73 Planning Application has now been received seeking permission to change the model of car stacker A and remove stacker B. The main reason for this being that since planning permission was granted in 2013 the type of car stacker proposed has been discontinued and the developer has been unable to find a suitable alternative.

Other reasons given include:-

- the presence of high voltage cables not considered or known of at the time of the original planning application;
- it has become evident that a retaining wall is needed which has not been provided for;
- the originally approved car parking stacker is "intended for indoor installation but can be used outdoors if located in a secluded area, not subject to strong winds"
- the approved location does not meet this criteria; and
- proximity of stackers to Network Rail's land, cables and equipment.

In residential developments, car parking stackers are considered inferior to conventional parking spaces. This is because they take extra effort for drivers access which may lead to them not being used resulting in cars being displaced on-street. Furthermore, car stackers need to be maintained and may stop working, for these reasons a reduction in the number of car stackers from 2 to 1 is supported.

With stacker A and B, the site would have had 97 car parking spaces in total of which 7 would be allocated to a commercial unit. This is equivalent to 0.75 spaces per residential dwelling. If planning permission for this application is granted, the number of parking spaces provided off-street would fall from 97 to 92. Of these, 89 would be for residential use which equates to 0.74 spaces per dwelling and 3 for a 271sqm commercial unit. On 14th November 2018 planning permission was granted for the adjoining Bellway development, the ratio of car parking spaces per dwelling for this development is 0.75. Given that the two developments adjoin one another and that the occupants would have the same travel needs, for the same reasons that a ratio of 0.75 was acceptable at the Bellway development a ratio of 0.74 car parking spaces per dwelling is acceptable at 20-30 Blyth Road. The 3 parking spaces allocated to the 271sqm commercial unit is in accordance with the Council's car parking standards.

As part of this planning application, the developer also seeks permission to increase the number of electric vehicle charging points from 20% to 25%, taking into account that the development site is situated within an Air Quality Focus Area this change is supported.

A developer's contribution of £20,000 is requested for investment in measures that help make walking and cycling to Hayes town centre a genuine alternative to using a private car. The contribution would be used to help fund the Crossrail Complementary Measures planned that link Blyth Road with Hayes and Harlington Station.

#### WASTE STRATEGY OFFICER (initial comments)

The revised plan means that the collection point on the original waste management plan is no longer practical as they have now proposed two parking bays in this location. Car parking stacker A has also made the turning zone narrower.

I would expect that the attached waste management plan is updated to show an alternative collection point within 10 metres of the nearest RCV stopping point.

The pathway from the collection point to the RCV should be a minimum of 2 metres wide, have a smooth surface and be free from steps or kerbs.

The vehicle should not reverse further than 12 metres.

As 'Car parking stacker A' has made the turning zone narrower, an updated swept path analysis should be included in the waste management plan to demonstrate that the manoeuvre is still possible.

#### WASTE STRATEGY OFFICER (revised comments)

Following submission of the Waste Management - Refuse Collection Plan my concerns about the proximity of the bins in their temporary location next to the parking bay still exist. The bins are on wheels and heavy; I believe that there is a strong possibility of them causing damage to the parked car. Installing a bollard would alleviate this concern.

#### Officer comments:

The applicants have agreed to install a bollard to alleviate the issue, details of the bollard are recommended to be secured by condition.

### 7. MAIN PLANNING ISSUES

#### 7.01 THE PRINCIPLE OF THE DEVELOPMENT

Principle of residential development has been established under the granting of planning consent reference 1425/APP/2011/3040 for 'Comprehensive redevelopment of the site to provide a part 11 storey, part 9 storey, part 5 storey and part 4 storey building comprising 123 residential units, flexible business floorspace, 97 car parking spaces, hard and soft landscaping and revised access arrangements' - Dated 08-04-13.

#### 7.02 DENSITY OF THE PROPOSED DEVELOPMENT

Not relevant to the determination of the current application.

#### 7.03 IMPACT ON ARCHAEOLOGY/CA/LISTED BUILDINGS

Not relevant to the determination of the current application.

#### 7.04 AIRPORT SAFEGUARDING

Not relevant to the determination of the current application.

#### 7.05 IMPACT ON THE GREEN BELT

Not relevant to the determination of the current application.

#### 7.06 ENVIRONMENTAL IMPACT

The proposed changes will reduce the number of parking spaces from 97 to 92 and will increase the number of electric vehicle charging points from 20% to 25%, as well as provide two car club spaces. As such the proposed amendments are considered likely to result in fewer vehicle movements and encourage electric car use. The proposed changes are therefore considered to reduce the environmental impact of the proposed development.

#### 7.07 IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The proposed changes to the car stackers are not considered to have a detrimental impact on the character and appearance of the locality.

#### 7.08 IMPACT ON NEIGHBOURS

Not relevant to the determination of the current application.

#### 7.09 LIVING CONDITIONS FOR FUTURE OCCUPIERS

Not relevant to the determination of the current application.

## **7.10 TRAFFIC IMPACT, CAR/CYCLE PARKING, PEDESTRIAN SAFETY**

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 6.3 of the London Plan requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
- ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
- iii) provide equal access for all people, including inclusive access for disabled people;
- iv) adequately address delivery, servicing and drop-off requirements; and
- v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 5 of the Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network and that cycle parking and changing facilities are provided.

Policy DMT 6 of the Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

As a result of the proposed changes the development would have a reduction of 5 parking spaces, as such the impact on the highway network from the development would be reduced.

The applicant has provided a Parking Review and Proposal Justification Document (Dec 2018 Rev D) which details the explanation for the application and a justification for the changes proposed. The document explains that since planning permission was granted in 2013 the 2PARK car stacker has been discontinued and replaced by the Evolution Parking System (EPS). The applicant states that the EPS model does not meet the same specification as the 2PARK version. In addition the EPS stacker is not EN14010 compliant - meaning it does not meet the requisite European safety standards for car stackers. As a result a second person is needed to guard the stacker when it is being used to keep people away for their own safety.

The applicant is proposing an alternative car stacker system that meets UK safety regulations, the TrendVario 4200. This differs from the 2PARK system in several key elements. The TrendVario 4200 requires full enclosure meaning its footprint is greater than the 2PARK model. Because the TrendVario 4200 has a larger footprint, it is not possible to achieve the minimum amount of manoeuvring space for vehicles in front of the stacker B. The TrendVario 4200 model also has less capacity than the 2PARK model, this is because one parking space must always be vacant to provide the parked cars with independent access. TrendVario 4200 has capacity for 11 car parking spaces compared to the originally proposed 2PARK system which could accommodate 12 vehicles. Further difficulties regarding the installation of stacker B include the unexpected presence of SSE high voltage cable, it has been found that a retaining wall will be required; Network Rail cable troughs have also been found which compromises the position of stacker B. The applicant states that the originally approved 2PARK stacker is designed for indoor use, and whilst it can be used outdoors if enclosed and situated in a location not subject to high winds, it is not possible to meet either of these criteria at the application site. For the above reasons the developer is applying for planning permission to remove stacker B and use a different model, the TrendVario model for stacker A.

The Council's Highways Engineer has reviewed the submitted details and provided comments which clarify that in residential developments, car parking stackers are considered inferior to conventional parking spaces. This is because they take extra effort for drivers to access which may lead to them not being used resulting in cars being displaced on-street. Furthermore, car stackers need to be maintained and may stop working, for these reasons the Council's Highways Engineer has confirmed that a reduction in the number of car stackers from 2 to 1 is supported.

With regards to the proposed reduction in overall parking numbers, with both stacker A and B as approved, the site would have had 97 car parking spaces in total, with 7 car parking spaces allocated to the commercial unit. This is equivalent to 0.75 spaces per residential dwelling. If planning permission for the current proposals were to be granted, the number of parking spaces provided off-street would fall from 97 to 92. Of these, 89 would be for residential use which equates to 0.74 spaces per dwelling and 3 for a 271sqm commercial unit.

On 14th November 2018 planning permission was granted for the adjoining development at 30-32 Blyth Road, the ratio of car parking spaces per dwelling for this development is also 0.75 spaces per dwelling. The Council's Highways Engineer has confirmed that given that the two developments adjoin one another and that the occupants would have the same travel needs, for the same reasons that a ratio of 0.75 was acceptable at the adjacent development a ratio of 0.74 car parking spaces per dwelling is acceptable at 20-30 Blyth Road. It should be noted that the change in ratio is minimal and not considered to result in a significant detrimental impact on on-street parking pressure such as to warrant a recommendation for refusal. The Council's Highways Engineer has also confirmed that the 3 parking spaces allocated to the 271sqm commercial unit is in accordance with the Council's car parking standards which are maximums and the reduction proposed would not result in a detrimental impact on highway safety.

The proposed changes will also increase the number of electric vehicle charging points from 20% to 25% which is supported. The Council's Highways Engineer has raised no objection to the reduction in parking provision nor the increase in electric vehicle charging points.

The application proposes the introduction of two car club bays close to the entrance to the site. The car club provision is supported by the Council's Highways Engineer and would be secured by the proposed Deed of Variation to the original s106 agreement. A developer's contribution of £20,000 is requested for investment in measures that help make walking and cycling to Hayes town centre a genuine alternative to using a private car. The contribution would be used to help fund the Crossrail Complementary Measures planned that link Blyth Road with Hayes and Harlington Station.

In order to prevent additional on-street parking stress it is recommended that future occupiers of the development are prevented from applying for resident's parking permits within the locality, this would be secured through the Deed of Variation to the Section 106 agreement.

The proposed development does not propose to amend the level of cycle parking provision and therefore the originally consented 188 cycle parking spaces would be retained.

The proposed changes to parking with the development are therefore acceptable and would comply with Policies DMT 1, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 6.3 of the London Plan (2016).

## **7.11 URBAN DESIGN, ACCESS AND SECURITY**

### **Security**

The Metropolitan Police Designing out Crime Officer has reviewed the submitted details and confirmed that they have no objection subject to the attachment of a Secure by Design condition. There is an existing SBD condition attached to the original planning consent, which was discharged under application reference 1425/APP/2019/39 dated 26.02.20. A condition to ensure the development is in accordance with the approved details is recommended to be added to any grant of consent issued.

The application is therefore deemed to be in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

## **7.12 ACCESS FOR PEOPLE WITH A DISABILITY**

The application proposes the provision of 15 disabled parking bays for the 12 wheelchair accessible units within the development. This is as previously approved and is in accordance with Council Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020). It is proposed that the Deed of Variation secures the allocation of the bays to the wheelchair accessible units.

## **7.13 PROVISION OF AFFORDABLE & SPECIAL NEEDS HOUSING**

Not relevant to the determination of the current application.

## **7.14 TREES, LANDSCAPING AND ECOLOGY**

Not relevant to the determination of the current application.

## **7.15 SUSTAINABLE WASTE MANAGEMENT**

The proposal would provide internal refuse stores for the proposed residential units and the proposed commercial unit. Refuse vehicles would enter the site in forward gear and collect from temporary collection areas in the rear parking area. Refuse vehicles would be able to

turn around and exit the site in forward gear. A bollard has been requested to be installed in order to prevent damage to parked cars from moving bins. This will be secured by way of a condition with final details requiring council approval. The Council's Waste Strategy Team considers the proposed refuse arrangements to be acceptable, subject to the condition for a bollard to be installed.

#### **7.16 RENEWABLE ENERGY/SUSTAINABILITY**

Not relevant to the determination of the current application.

#### **7.17 FLOODING ISSUES**

Not relevant to the determination of the current application.

#### **7.18 NOISE AND AIR QUALITY**

Not relevant to the determination of the current application.

#### **7.19 COMMENTS ON PUBLIC CONSULTATION**

Two objections have been received to the proposed changes sought. Concerns raised regarding the reduction in car parking are covered in Section 7.10 of this report. Concerns raised regarding safety and crime are covered in Section 7.11 of this report. Objections raised to construction noise are not relevant to the determination of the application.

#### **7.20 PLANNING OBLIGATIONS**

Policy DMCI 7 seeks to supplement the provision of recreational open space and other community, social and educational facilities through planning obligations. The applicant has agreed to a full range of planning obligations under the original consent which are still applicable and the following additional measures to offset the impact of the development.

In order to mitigate against the impact of the proposals the following planning obligations have been agreed:

1. Public Realm Contribution of £20,000
2. Provision of 2 Car Club Spaces
3. The residents of this development not to be eligible for parking permits
4. Disabled Parking allocation for each disabled unit
5. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

In addition to S106 contributions the Council has recently adopted its own Community Infrastructure Levy (CIL) with a charge of £95 per square metre of gross internal floor area for the residential elements. In addition to the London Borough of Hillingdon CIL, the Mayor of London's Community Infrastructure Levy (CIL) has introduced a charging system within Hillingdon of £60 per square metre of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail.

This application is not CIL liable however as no additional floor space is being created.

#### **7.21 EXPEDIENCY OF ENFORCEMENT ACTION**

Not applicable

#### **7.22 OTHER ISSUES**

None

## **8. OBSERVATIONS OF 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 Probit in Planning, 2009.

### **Planning Conditions**

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

### **Planning Obligations**

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

### **Equalities and Human Rights**

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

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

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

## **9. OBSERVATIONS OF THE DIRECTOR OF FINANCE**

Not applicable

## **10. CONCLUSION**

This application was previously presented to Major Applications Planning Committee on 30th January 2019. The Committee resolved to approve the application, subject to a Deed of Variation to the original S106 Agreement.

In the period of time between the Major Applications Planning Committee determining to approve the application and the completion of the associated legal agreement there has been a Court of Appeal ruling which has a bearing on the application. The '*Finney vs Welsh Ministers*' Court of Appeal ruling determined that making a change to a description of development would be outside of the powers of Section 73 of the Town and Country Planning Act (1990), without first making the change to the description via an alternative planning application known as a s96A non-material amendment. Whilst these are procedural matters, they have resulted in the need to reassess the proposals to ensure that any decision notice issued is valid and that the Council's decision was sound.

Subsequently a Section 96A application (1425/APP/2020/166) was submitted to restructure the original consent to remove reference to the number of parking spaces from the description of development and instead control them through an amended condition wording. The Section 96A application was approved on 26 February 2020. Therefore the current application no longer requires a change to be made to the description of development and can be determined within the powers of Section 73 of the Town and Country Planning Act (1990).

The application is in all other ways as previously proposed and resolved for approval by planning committee.

The application seeks variation to the original Condition numbers 2, 7, 32 and 33 of planning application reference 1425/APP/2011/3040, dated 08-04-13, which granted consent for 'Comprehensive redevelopment of the site to provide a part 11, part 9, part 5 and part 4 storey building comprising 120 residential units, office floorspace, associated car parking and hard and soft landscaping (as amended by application reference 1425/APP/2020/166).'

The purpose of the current application is to amend the previously approved Car Stacker A, to remove Car Stacker B, to increase the number of electrical vehicle charging points within the development and introduce two car club spaces. With Stacker A and B, the site has 97 car parking spaces, including 7 commercial spaces and 90 car parking spaces for residential use, which is equivalent to 0.75 spaces per residential dwelling. If planning permission were to be granted for the current application, the number of parking spaces provided off-street would fall from 97 to 92, with 3no. spaces proposed for the commercial unit and 89 car parking spaces for the residential units. This is equivalent to 0.742 spaces per dwelling.

As set out within this report the reduction in the number of car parking spaces is deemed acceptable and the application is recommended for approval.

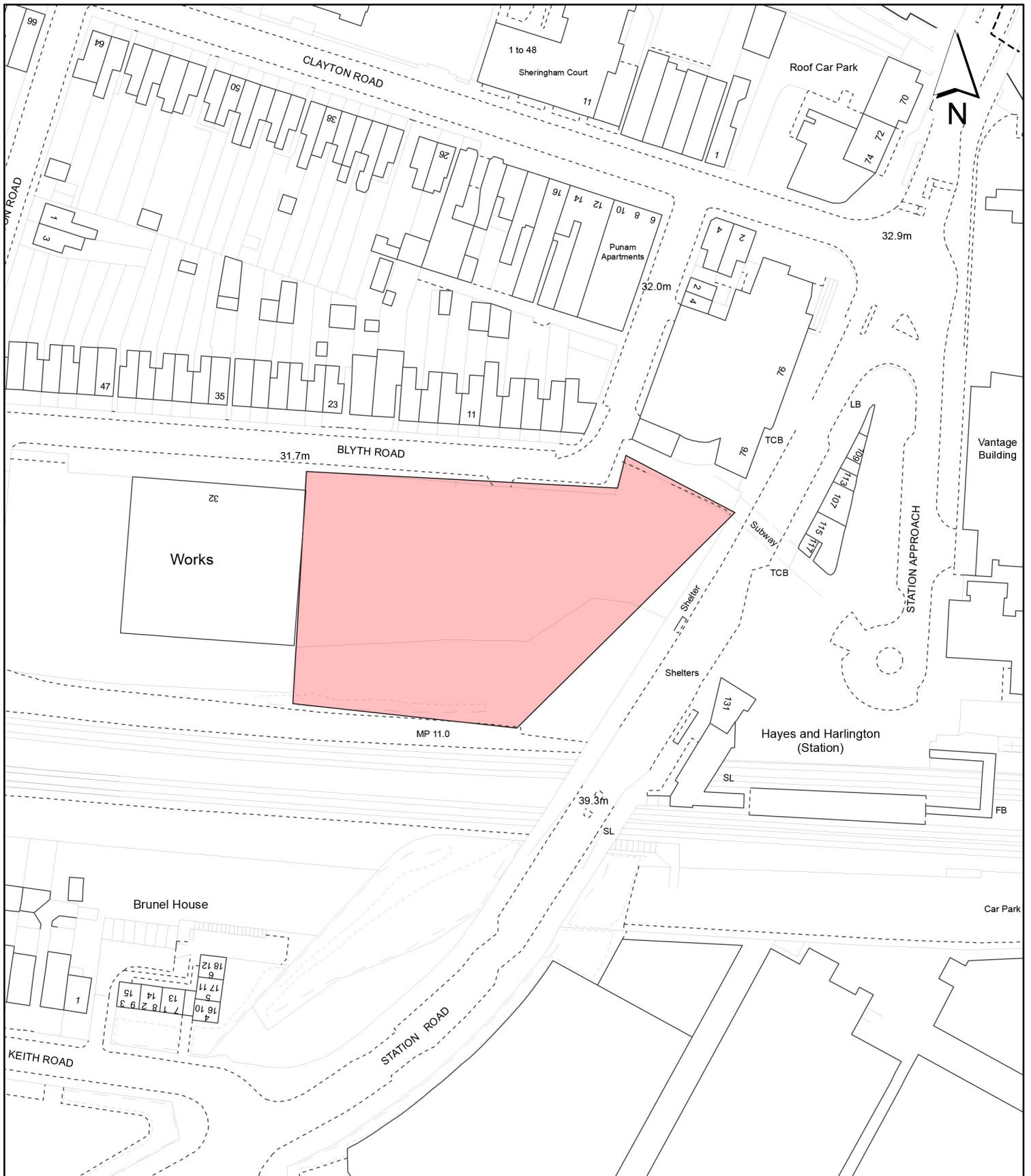
## **11. REFERENCE DOCUMENTS:**

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

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan: Part Two - Site Allocations Policies (January 2020)  
London Plan (March 2016)  
National Planning Policy Framework 2019

**Contact Officer:** Ed Laughton



**Notes:**

  Site boundary

For identification purposes only.

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**LONDON BOROUGH  
OF HILLINGDON**  
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Planning Section

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Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**1425/APP/2018/2145**

Scale:

**1:1,250**

Planning Committee:

**Major**

Date:

**May 2020**



**HILLINGDON**  
LONDON