

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

**Address** T C M HOUSE NEWPORT ROAD HAYES

**Development:** Section 73 application to vary Condition 2 (Approved Plans) and Condition 4 (SuDS) for a Minor Material Amendment (MMA) to planning permission ref. 61202/APP/2019/3510 (Demolition of three existing buildings (Use Classes B1(a) and B1(c)) and erection of a four storey residential hostel building (Sui Generis) containing 28 units, comprising 13 x 1-bedroom, 8 x 2-bedroom and 7 x 3-bedroom dwellings with associated car parking, landscaping and children's play area).

**LBH Ref Nos:** 61202/APP/2021/847

**Drawing Nos:** Proposed Roof Plan 1309E Rev A

**Date Plans Received:** 04/03/2021

**Date(s) of Amendment(s):**

**Date Application Valid:** 05/03/2021

### 1. SUMMARY

The proposal seeks a variation to Conditions 2 (Approved Plans) and Condition 4 (SuDS) attached to planning application reference: 61202/APP/2019/3510 dated 31 March 2020, in that the detailed design of the roof would be altered. The change would be from a green roof to one which would have a series of PV panels. This change is to enable the building to meet its energy targets. The proposal is considered to constitute a minor material amendment and is considered acceptable with regard to its impact on flooding and drainage, building design and its impact on the street scene. All other matters have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

Subject to the imposition of conditions, this application is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following conditions:**

#### 1 COM3 Time Limit

The development hereby permitted shall be begun before the 30 March 2023.

#### REASON

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

#### 2 COM4 Accordance with Approved Plans

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

AAL-19-165-P02 Rev. C;

AAL-19-165-P04 Rev. C;

AAL-19-165-P05 Rev. B;

AAL-19-165-P06 Rev. B;

AAL-19-165-P07 Rev. B;

AAL-19-165-P03;

AAL-19-165-P01 Rev. C

1309E Rev A

Planning, Design and Access Statement Incorporating Sustainability & Energy Statement (October 2019)

Flood Risk Assessment & SuDs Report (Ref: C2246 R-REV-C)

London Sustainable Drainage Proforma (v2019.01)

Transport Statement (Ref: 2787- September 2019)

Phase I Geo-Environmental Risk Assessment (Ref: 19-228.01 -August 2019)

Noise Exposure Assessment (Ref: 15431-NEA-01 - 7 November 2019)

Air Quality Assessment (Ref ZAANRH\_AQA -November 2019)

Planning Statement (December 2019) and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

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

No development above ground floor level shall be carried out prior to the submission and approval in writing by the Local Planning Authority of an Energy Assessment. The assessment shall set out the annual baseline regulated energy demand (kwhr) as per 2013 Building Regulations (or subsequent amendments) and associated carbon emissions (kgCO<sub>2</sub> and tCO<sub>2</sub>). The assessment shall then set out the measures and technology required to achieve a 100% reduction (zero carbon) in the CO<sub>2</sub> associated with the baseline regulated energy demand; these measures must be sufficiently evidenced with corresponding details and specifications including the location of low and zero carbon technology (i.e. roof plans showing the inclusion of PV panels). The updated Energy Assessment must clearly set out any shortfall (tCO<sub>2</sub>) of the zero carbon standard. The development must proceed in accordance with the approved updated Energy Assessment.

#### REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with Policy SI 2 of the London Plan (2021) and policy DMEI 2 of the LPP2 (2020).

### **4 COM15 Sustainable Water Management**

The development hereby approved by this permission shall be implemented in accordance with the scheme for the provision of sustainable water management and sustainable drainage systems (SUDS) as detailed in the Flood Risk Assessment & SuDs Report (Ref: C2246 R-REV-C).

All such provisions highlighted in that Report shall remain in place for the life of the development.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) Policy SI13.

### **5 COM31 Secured by Design**

The building(s) shall achieve '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 building shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 to ensure the development provides a safe and secure environment in accordance with Hillingdon Local Plan: Part 2 Policy DMHB 15 and London Plan (2021) Policies D11 and D12.

#### **6 COM7 Materials (Submission)**

No development shall take place 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 Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **7 NONSC Non Standard Condition**

Prior to the commencement of works above ground floor level, a low emission strategy, to include measures to incentivise or promote cycling, walking and the use of low emission vehicles as well as car clubs shall be submitted to and approved in writing by the Local Planning authority. Thereafter the development shall not be carried out other than in accordance with the approved details.

Reason - To reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), Policy DME1 14 of London Borough of Hillingdon Local Plan (Part 2) 2020, London Borough of Hillingdon Air Quality Local Action Plan 2019-2024, London Plan Policy SI 1, and the National Planning Policy Framework (2019).

#### **8 COM9 Landscaping (car parking & refuse/cycle storage)**

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

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  
2. Details of Hard Landscaping
  - 2.a Refuse Storage
  - 2.b Cycle Storage
  - 2.c Means of enclosure/boundary treatments
  - 2.d Car Parking Layouts (including demonstration that 5% 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. Details of Landscape Maintenance

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

### 4. Schedule for Implementation

#### 5. Other

- 5.a Existing and proposed functional services above and below ground
- 5.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 DMHB 11, DMHB 14, DMEI 1 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies G5 (Urban Greening) and SI 8 of the London Plan (2021).

### **9 OM19 Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

#### REASON

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

### **10 NONSC Non Standard Condition**

Prior to the occupation of development details of a Delivery and Servicing Plan which

identifies efficiency and sustainability measures to be undertaken once the development is operational shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate measures to minimise vehicle deliveries/servicing during am and pm peak hours.

#### REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy DMT1 and DMT2 of the Local Plan: Part Two - Development Management Policies (2020).

#### **11 NON2 Non Standard reason for refusal**

The development hereby approved shall ensure that units one, five and six are located on the ground floor and are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

REASON: To ensure an appropriate standard of housing stock in accordance with Policy D5 of the London Plan (2021).

#### **12 NONSC Non Standard Condition**

The development hereby approved shall be used solely to provide temporary accommodation for homeless households and shall at no time provide permanent housing for any occupants. The homeless households shall be placed within the development solely by Hillingdon Council and by no other agency or organisation.

#### REASON:

To prevent the site being used for long term accommodation and to meet the aspirations of the Hillingdon Homelessness Prevention and Rough Sleeping Review and Strategy 2019.

#### **13 NONSC Non Standard Condition**

Prior to the commencement of works above ground floor level, a Fire Strategy Report shall be submitted to and approved in writing by the Local Planning authority. This Fire Strategy Report must be completed by a suitably qualified consultant. Thereafter the development shall not be carried out other than in accordance with the approved details.

#### REASON

To ensure that the development meets Fire Safety Standards in accordance with policy D12 of the London Plan (2021).

#### **14 NONSC Non Standard Condition**

1. No development shall commence until proof of the registration in GLA's database ([nrmm.london/nrmm/about/what-nrmm-register](http://nrmm.london/nrmm/about/what-nrmm-register)) and compliance with the London's Low Emission Zone for non-road mobile machinery requirements is submitted to and approved in writing by the Local Planning Authority.
2. The London's Low Emission Zone for non-road mobile machinery to comply with the standards set out at Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.
3. This will apply to both variable and constant speed engines for both NOx and PM. These standards will be based upon engine emissions standards set in EU Directive 97/68/EC and its subsequent amendments.

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements as of 1st September 2015, and London Plan Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition' (2014).

**15 NONSC Non Standard Condition**

(i) The development shall not commence until a scheme to deal with contamination has been submitted to the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination, and approved by the LPA. All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

(b) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

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

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 14.

**16 NONSC Non Standard Condition**

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management Plan shall be implemented as approved on completion of

the development 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 roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

**17 RES12 No additional windows or doors**

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

**REASON**

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

**2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon 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 (2021) and national guidance.

DMEI 12	Development of Land Affected by Contamination
DMEI 10	Water Management, Efficiency and Quality
DMHB 15	Planning for Safer Places
DMHB 11	Design of New Development
DMEI 14	Air Quality
DME 6	Accessible Hotels and Visitor Accommodation
DMAV 1	Safe Operation of Airports
DMEI 2	Reducing Carbon Emissions
EM6	(2012) Flood Risk Management
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMHB 12	Streets and Public Realm
DMT 6	Vehicle Parking
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 9	Management of Flood Risk
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety

LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
OE1	Protection of the character and amenities of surrounding properties and the local area

### 3

The MOD recognises that cranes may be used during the construction of tall buildings at this site. These may affect the performance of the radar at RAF Northolt or the safety of air traffic. If the redevelopment of this site does progress, it will be necessary for the developer to liaise with the MOD prior to the erection of cranes or temporary tall structures.

Reason: To minimise the potential effect on radar and/or air traffic safety, due to the proximity to RAF Northolt.

### 4

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>. The proposed development is located within 15 metres of our underground waste water

assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other

structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information

please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

### 5

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 Local Plan Part 1, Local Plan Part 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.

### **3. CONSIDERATIONS**

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

The application site is located in Newport Road, just off the Uxbridge Road in Hayes. The approved planning permission (31 March 2020) is currently being implemented with the building partially built in that the main structure has been completed to roof height.

The surrounding character of Newport Road is varied with a mix of uses. To the north is a two-storey storage unit. At the end of Newport Road is Grahams Plumbing Merchants which comprises a mix of office and warehouse buildings with a large off street parking area to the front. On the opposite side of Newport Road is a four-storey block of flats (Murray Grey House) which is accessed from Hayes End Road. Adjacent to this is a single storage unit and a two storey office building.

To the south of the site adjoining the site boundary is a single storey building which currently accommodates a Hubby Bubbly or Hookah establishment.

#### **3.2 Proposed Scheme**

This is a s73 application which seeks a variation to Conditions 2 (Approved Plans) and Condition 4 (SuDS) attached to planning application reference 61202/APP/2019/3510.

The relevant planning conditions state the following:

'2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents listed below:

AAL-19-165-P02 Rev. C;

AAL-19-165-P04 Rev. C;

AAL-19-165-P05 Rev. B;

AAL-19-165-P06 Rev. B;

AAL-19-165-P07 Rev. B;

AAL-19-165-P03;

AAL-19-165-P01 Rev. C

Planning, Design and Access Statement Incorporating Sustainability & Energy Statement (October 2019)

Flood Risk Assessment & SuDs Report (Ref: C2246-REV-A-R1- October 2019)

London Sustainable Drainage Proforma (v2019.01)

Transport Statement (Ref: 2787- September 2019)

Phase I Geo-Environmental Risk Assessment (Ref: 19-228.01 -August 2019)

Noise Exposure Assessment (Ref: 15431-NEA-01 - 7 November 2019)

Air Quality Assessment (Ref ZAANRH\_AQA -November 2019)

Planning Statement (December 2019)

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

'4. No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

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

Thereafter the development shall proceed in accordance with the approved scheme.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) Policy SI15.'

The proposal would amend the detailed design of the roof. The change would be from a green roof to one which would have a series of PV panels to enable the building to meet its energy targets. A plan of the roof has been submitted with the application and will be added to the list of approved drawings in Condition 2. This is considered to constitute a minor material amendment and is considered acceptable with regard to its design and impact on the street scene.

### **3.3 Relevant Planning History**

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

As highlighted above the planning permission ref: 61202/APP/2019/3510 is currently being implemented.

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

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- The West London Waste Plan (2015)
- The London Plan (2021)

#### Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

DMEI 12	Development of Land Affected by Contamination
DMEI 10	Water Management, Efficiency and Quality
DMHB 15	Planning for Safer Places
DMHB 11	Design of New Development
DMEI 14	Air Quality
DME 6	Accessible Hotels and Visitor Accommodation
DMAV 1	Safe Operation of Airports
DMEI 2	Reducing Carbon Emissions
EM6	(2012) Flood Risk Management
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMHB 12	Streets and Public Realm
DMT 6	Vehicle Parking
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 9	Management of Flood Risk
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
OE1	Protection of the character and amenities of surrounding properties and the local area

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **31st March 2021**

5.2 Site Notice Expiry Date:- **13th April 2021**

## 6. Consultations

### External Consultees

31 properties in the local area were consulted on the planning application, alongside a site notice. No representations were received.

TfL, Heathrow Safeguarding, Ministry of Defence and Thames Water offer no objections to the proposal.

### Internal Consultees

Flood and Water Management Team - No objections to the amendment to provide rain gardens rather than green roof.

Housing Services Team - This application is for a council build project and the proposed variation is

supported as the roof as detailed in the original SuDS report has become impractical due to the amount of PV panels required to satisfy 100% renewables.

Trees/Landscaping - It is unclear what precisely is proposed, how it will affect the landscape proposals or what justification there is for removing a previously approved green roof.

Officer comment: As state above the proposed green roof would be removed in its entirety and replaced with PV panels which would allow the development to meet its energy targets. Whilst the removal of the green roof is regrettable Officers consider the roof being used for PV's will allow the development to meet its energy objectives and in this instance the proposal is considered to be acceptable.

## **7. MAIN PLANNING ISSUES**

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

The principle of the development has been established by virtue of the existing planning permission ref 61202/APP/2019/3510 dated 31.03.20.

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

Not applicable to the current application.

### **7.04 Airport safeguarding**

The application site relates to land south of RAF Northolt and falls within the statutory height, birdstrike and technical safeguarding zones surrounding RAF Northolt. The site also falls within the safeguarding zones of Heathrow Airport, located to the south of the application site.

Policy DMAV 1 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seeks to support the continued safe operation of both Heathrow Airport and RAF Northolt. Statutory bodies including the Ministry of Defence, NATS and BAA have been consulted and all parties have raised no objections.

In addition the MOD has been consulted on the proposed development and raised no concerns regarding the proposed building heights for this development.

The principal concern of the MOD at the original application stage related to the roof areas and the landscape planting due to the potential to attract and support nesting hazardous birds such as gulls and other bird species. As the application proposal removes the green roof to be replaced by PV panels then Officers consider the risk is reduced due to this change.

It is important to highlight that a condition for the submission of a bird hazard management plan has been requested to prevent the breeding and nesting of gulls and other bird species.

The application proposal is considered acceptable and accords with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

### **7.06 Environmental Impact**

None applicable to this application.

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

Policy BE1 of the Hillingdon Local Plan: Part 1 (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

- A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:
- i) harmonising with the local context by taking into account the surrounding:
    - scale of development, considering the height, mass and bulk of adjacent structures;
    - building plot sizes and widths, plot coverage and established street patterns;
    - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
    - architectural composition and quality of detailing;
    - local topography, views both from and to the site; and
    - impact on neighbouring open spaces and their environment.
  - ii) ensuring the use of high quality building materials and finishes;
  - iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
  - iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
  - v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.
- B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.
- D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The above is supported by Policies D3 and D4 of the London Plan (2021).

The installation of PV panels in place of the green roof would change the appearance of the roof. This is due to the slight tilt of the PV panels. However, Officers consider that given that the PV panels are at roof level of the approved four storey building they would not be visible from the street scene nor any of the immediate neighbouring properties. For this reason the impact on the character and appearance of the building is considered to be acceptable and accords with planning policies set out above.

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

The supporting text for Policy DMHB 11 (Design of New Development) of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) states that the Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent.

Living conditions for future occupiers residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary.

The impact on the neighbouring residential properties would be negligible compared to the approved scheme as the heights of the heights of the PV panels are less than 0.5 metres in height as they are laid at a shallow angle thereby being barely visible and will not result

in any overlooking or loss of privacy.

For these reasons the application proposals are acceptable and comply with Policy DMHB 11 (Design of New Development) Policy DMHB 11: Design of New Development of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

The supporting text for Policy DMHB 11 (Design of New Development) of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) seeks to ensure future developments provide acceptable living conditions to all future residents.

The proposed changes comprise the replacement of the previously proposed green roof to a roof which would have a series of PV panels.

As the roof is inaccessible to the future occupiers of the property the proposal is unlikely to have any discernible impact on their living conditions by reason of loss of outlook, noise or general disturbance.

For these reasons the application proposal is acceptable and complies with Policy DMHB 11: Design of New Development of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

There are no changes proposed to the approved car parking layout on site.

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

As discussed in the impact on the character and appearance of the area.

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

None applicable to this particular application.

#### **7.14 Trees, Landscaping and Ecology**

Policy DMHB 14 (Trees and Landscaping) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires new development to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area which supports biodiversity. This is reiterated in Policy DMHB 11 (Design of New Development) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

Policy DMHB 12 (Streets and Public Realm) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) aims (amongst other things) to encourage appropriate landscaping that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space.

The proposed changes relate to the roof in that the previously proposed green roof would be replaced by a series of PV panels.

Whilst the removal of the green roof is regrettable Officers consider the roof being used for PV's allow the development to meet its energy objectives and in this instance the proposal is considered to be acceptable.

For the reasons outlined above the proposal is acceptable and complies with Policies DMHB 12 and 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

## **7.16 Renewable energy / Sustainability**

Policy SI 2 of the London Plan (2021) requires that development proposals make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (March 2016).

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that: A) All developments make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets; B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved; C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, if the Council is minded to approve the application despite not meeting the carbon reduction targets, then it will seek an offsite contribution to make up for the shortfall. The contribution will be sought at a flat rate at of £/tonne over the lifetime of the development, in accordance with the current 'allowable solutions cost'.

The installation of PV panels to the roof is required for the building to meet its energy requirements as imposed by condition 5 attached to the planning permission. The condition is being progressed under a separate submission, however the principle of additional PV's to the roof is considered appropriate.

## **7.17 Flooding or Drainage Issues**

Policy SI 13 (Sustainable Drainage) of the London Plan (2021); Policy EM6 (Flood Risk Management) of the Local Plan Part 1 Strategic Policies (2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated. Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding.

In order to ensure that SuDS management has been considered fully, the proposed solution involves the installation of wall mounted rain garden planters, where possible, to slow rainwater runoff from the water and provide a level of treatment. All hardstanding areas will be formed of permeable surfacing underlain by a hydrocarbon removing geotextile membrane at the car parking areas, in order to deal with as much of the surface water run off at source, with the surface water run off from the sloped area being caught by slot drains. Two wall mounted rainwater harvesting tanks will also be provided in order to recycle the rainwater.

The Flood and Drainage team offer no objections to this proposal and have confirmed that the proposal should be carried out in accordance with the submitted details. Condition 4 has been amended accordingly.

For these reasons the proposal is acceptable and is compliant with Policy SI 13 of the London Plan (2021); Policy EM6 (Flood Risk Management) of the Local Plan Part 1 Strategic Policies (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

## **7.19 Comments on Public Consultations**

None applicable to this application.

## **7.20 Planning Obligations**

Policy DMCI 7 (Planning obligations and CIL) of the Local Plan Part 2 Development Management Policies (2020) seeks contributions or planning obligations which may be required in order to mitigate the impacts of the development.

## **7.21 Expediency of enforcement action**

None applicable to this application.

## **7.22 Other Issues**

None applicable to this application.

## **8. Observations of the Borough Solicitor**

### General

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

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

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

### Planning Conditions

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

### Planning Obligations

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

### Equalities and Human Rights

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



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

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

#### **9. Observations of the Director of Finance**

Not applicable

#### **10. CONCLUSION**

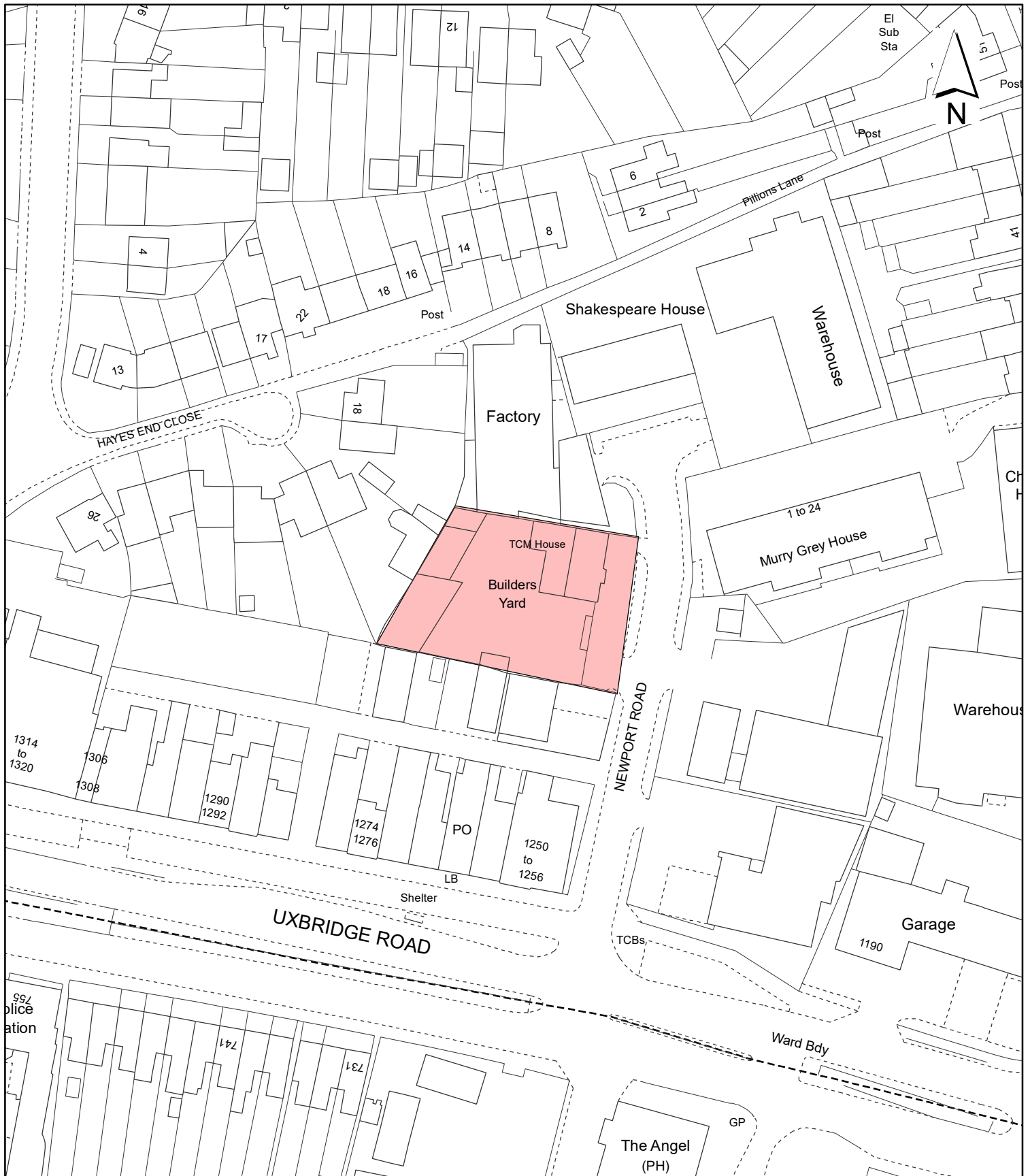
For the reasons set out above the proposed development is considered acceptable and the application is recommended for Approval.

#### **11. Reference Documents**

Hillingdon Local Plan: Part 1 Strategic Policies (2012)  
Hillingdon Local Plan: Part 2 Site Allocations and Designations (2020)  
Hillingdon Local Plan: Part 2 Development Management Policies (2020)  
London Plan (2021)  
National Planning Policy Framework (2019)

**Contact Officer:** Neil Smith

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**Notes:**

 Site boundary

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**LONDON BOROUGH  
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Planning Application Ref:  
**61202/APP/2021/847**

Scale:  
**1:1,000**

Planning Committee:  
**Major**

Date:  
**May 2021**



**HILLINGDON**  
 LONDON