

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	<input type="checkbox"/>
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	<input type="checkbox"/>
3.	There is no Committee resolution for the enforcement action	<input type="checkbox"/>
4.	There is no effect on listed buildings or their settings	<input type="checkbox"/>
5.	The site is not in the Green Belt (but see 11 below)	<input type="checkbox"/>

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	<input type="checkbox"/>
7.	No petition of 20 or more signatures has been received	<input type="checkbox"/>
8.	Application has not been supported independently by a person/s	<input type="checkbox"/>
9.	The site is not in Green Belt (but see 11 below)	<input type="checkbox"/>

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	<input type="checkbox"/>
11.	Householder application in the Green Belt	<input type="checkbox"/>

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	<input type="checkbox"/>
13.	Refusal of change of use from retail class A1 to any other use	<input type="checkbox"/>
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	<input type="checkbox"/>
16.	Certificate of Lawfulness (for existing use or Development)	<input type="checkbox"/>
17.	Certificate of Appropriate Alternative Development	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

18.	ADVERTISEMENT CONSENT (excluding Hoardings)	<input type="checkbox"/>
19.	PRIOR APPROVAL APPLICATION	<input type="checkbox"/>
20.	OUT-OF-BOROUGH OBSERVATIONS	<input type="checkbox"/>
21.	CIRCULAR 18/84 APPLICATION	<input type="checkbox"/>
22.	CORPSEWOOD COVENANT APPLICATION	<input type="checkbox"/>
23.	APPROVAL OF DETAILS	<input type="checkbox"/>
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	<input type="checkbox"/>
25.	WORKS TO TREES	<input type="checkbox"/>
26.	OTHER (please specify)	<input type="checkbox"/>

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No.	Report of the Head of Development Management and Building Control
Address:	TAVISTOCK WORKS TAVISTOCK ROAD YIEWSLEY
Development:	<p>Variation of Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) (Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space) in order to:</p> <ul style="list-style-type: none"> - Replace winter gardens with balconies; - Reduce car parking to provide 1no. blue badge car parking space; - Provide an additional stair core - Reconfigure ground floor service layout; and - Provide an additional 6no. units (to total 38 units).
LBH Ref Nos:	35810/APP/2024/1651
Drawing Nos:	<p>539-CDA-ZZ-01-DR-A-01-0101 539-CDA-ZZ-XX-DR-A-20-0203 539-CDA-ZZ-XX-DR-A-20-0200 539-CDA-ZZ-XX-DR-A-20-0201 539-CDA-ZZ-XX-DR-A-20-0202 539-CDA-ZZ-00-DR-A-01-0100 Flood Risk Assessment and Surface Water Management Report dated February 2021 Geoenvironmental Site Investigation Report: Phase I Preliminary Risk Assessment dated March 2021 Landscape Strategy (Dated May 2024) OF-001442-FSS-01-C Gateway One Fire Statement (Dated 7th June 2024) OF-001442-LPS-01-C Fire Statement (Dated 7th June 2024) OF-001442-OFS-01-B RIBA Stage 2 Fire Strategy (Dated 7th June 2024) PR582_V03 Energy Statement (Dated June 2024) PR582_V3 Overheating Assessment (Dated June 2024) Flood Risk Assessment Rev. K (Dated June 2024) NM/JN/ITL16533-010a R Transport Statement (Dated 3rd June 2024) ITL16533-011a TPS Travel Plan Statement (Dated 3rd June 2024) Daylight and Sunlight Assessment Review (Dated 19th June 2024) 0010-ADE-XX-00-DR-A-0100 Rev. 02 0010-ADE-XX-01-DR-A-0101 Rev. 02 0010-ADE-XX-02-DR-A-0102 Rev. 02</p>

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1. SUMMARY

This application seeks permission under a Section 73 application to vary Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234). The application proposes to:

- Replace winter gardens with balconies;
- Reduce car parking to provide 1no. blue badge car parking space;
- Provide an additional stair core
- Reconfigure ground floor service layout; and
- Provide an additional 6no. units (to total 38 units).

The proposed amendments would deliver additional residential units for which there is a strategic need generally. This point is diminished somewhat by the proposal for a total of 6 no. residential units, comprising 2 no. 1 bedroom 1 person units, 2 no. 1 bedroom 2 person units and 2 no. 2 bedroom 3 person units for which there is less need for than family units within Hillingdon Borough. Accordingly, the amended development does not take the opportunity to increase the number of family units and does not weigh in favour of the scheme in the planning balance.

The scheme has been subject to viability testing by the Council's third party consultants. Following such assessment, it has been concluded that the scheme generates a deficit but is within the range of deliverability when accounting for growth within the market. Despite this, the developer made an affordable housing offer of one studio unit in the shared ownership tenure. Due to concerns over the deliverability of the shared ownership unit and uptake by a Registered Provider, Officers consider there to be exceptional circumstances for an upfront affordable housing payment in lieu equal to £94,417. It is concluded that this offer would represent the maximum viable affordable housing contribution offer which is deliverable. This is an uplift relative to the contribution secured on previous schemes and would weigh significantly in favour of the scheme in the planning balance.

The proposed amendments will increase the number of units, increase the bulk and mass of the development and reduces the architectural variation in heights previously delivered under the schemes previously granted consent on this site. It is acknowledged that the harm of such amendments would be limited in local, intermediate and long range views. Nonetheless, the reduction in design quality would weight against the scheme in the planning balance.

The proposed extensions at sixth and seventh floor levels also would increase the level of impact to outlook as perceived from neighbour residential neighbours at the Padcroft Works development. The technical documents confirm that the level of impact to daylight and sunlight is insignificant, and it is concluded that the impact neither weighs in favour of or against the scheme in the planning balance.

It is also acknowledged that the proposed development would increase the amenity space provision delivered by the development from 294m² to 668m². Whilst the amenity space requirement increases due to the increased number of residential units, proportionally, the proposal delivers an uplift of amenity space per unit from circa 9.2m² per unit to 17.6m² per unit. It is noted that the development would still deliver a shortfall of amenity space but such a shortfall would be reduced and has already been established as acceptable under the allowed appeal (under application ref. 35810/APP/2021/1234). The shortfall weighs against the scheme in the planning balance but less so than previously consented schemes.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined above and within the main body of the report, this application is considered to be acceptable in planning balance, subject to securing the necessary planning conditions and a Section 106 legal agreement.

2. RECOMMENDATION

1. RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from 21st September 2022.

REASON

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

2. RES4 Accordance with Approved Plans

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

Site Location Plan:

0010-AD-XX-00-DR-A-0001 Rev 03;

Proposed Floor Plans:

0010-ADE-XX-00-DR-A-0100 Rev. 02;

0010-ADE-XX-01-DR-A-0101 Rev. 02;

0010-ADE-XX-02-DR-A-0102 Rev. 02;

0010-ADE-XX-03-DR-A-0103 Rev. 02;

0010-ADE-XX-04-DR-A-0104 Rev. 02;

0010-ADE-XX-05-DR-A-0105 Rev. 02;

0010-ADE-XX-06-DR-A-0106 Rev. 03;

0010-ADE-XX-07-DR-A-0107 Rev. 03;

0010-ADE-XX-08-DR-A-0108 Rev. 02;

Proposed Section

0010-ADE-XX-ZZ-DR-A-0225 Rev. 02;

Proposed Elevations:

0010-ADE-XX-ZZ-DR-A-0275 Rev. 02;

0010-ADE-XX-ZZ-DR-A-0276 Rev. 02;

0010-ADE-XX-ZZ-DR-A-0277 Rev. 02; and

0010-ADE-XX-ZZ-DR-A-0278 Rev. 02.

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

3. RES5 General compliance with supporting documentation

The development hereby permitted shall not be carried out except in complete accordance with the specified supporting plans and/or documents: Flood Risk Assessment Rev. K (Dated June 2024), Transport Statement (Dated 3rd June 2024) and Travel Plan Statement (Dated 3rd June 2024).

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

4. NONSC Materials

No development, save for demolition and site clearance, 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. These shall include information relating to make, product/type, colour and photographs/images. Thereafter, the development shall be constructed in accordance with the approved details and be retained as such.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

5. NONSC Landscape Scheme

No development, save for demolition and site clearance, shall take place until a landscape scheme (in general conformity with the Landscape Strategy 21075-GUA-DOC-L-001), has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details of Hard and Soft Landscaping, a Car Parking Layout that includes one disabled bay with active electric vehicle charging provision, cycle stands for 67 bicycles (including adequate access), boundary treatments, details of landscape maintenance and a schedule for implementation of all works, an ecological enhancement plan and full specification and design of the Green Roof.

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 2, DMT 6 and DMEI 1 of the Hillingdon Local Plan: Part 2 (2020) and Policies G1, G5, T6, T6.2 and T7 of the London Plan (2021).

6. NONSC Dust Management Plan

No development shall commence until a Dust Management Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance with the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document). The development shall be carried out in strict accordance with the approved plan.

REASON

To ensure compliance with Policy SI 1 of the London Plan (2021).

7. NONSC Low Emission Strategy

No development, save for demolition and site clearance, shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) secure compliance with the current London Plan (March 2021), and the London Sustainable Design and construction Supplementary Planning Guidance requirements
- 2) a clear and effective strategy to encourage users to
 - a) use public transport;
 - b) cycle/ walk to work where practicable;
 - c) enter car share schemes;
 - d) purchase and drive to work zero emission vehicles.

The measures in the agreed scheme shall be maintained throughout the life of the development.

REASON

As the application site is within an Air Quality Management Area, and to reduce the impact on air quality in accordance with Policy EM8 of the Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies SI 1 and T4 of the London Plan (2021) and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2023).

8. NONSC Contamination

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

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

together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement. If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

9. NONSC Noise Survey

No development, save for demolition and site clearance, shall take place until a revised noise survey is submitted which includes details relating to mechanical ventilation impact and appropriate sound insulation details. Thereafter the development shall be carried out in strict accordance with the approved details.

REASON

To safeguard the amenity of the occupants of the surrounding properties in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

10. NONSC Fire Statement

No development shall proceed beyond the steel/timber/concrete superstructure (including roof structure) of the building until the principles of a Fire Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with Building Control, the Health and Safety Executive and London Fire Brigade). The statement should detail how the development proposal will function in terms of:

- i) the building's construction: methods, products and materials used, including manufacturers' details
- ii) the means of escape for all users: suitably designed stair cores, escape for users who are disabled or require level access, and associated evacuation strategy approach
- iii) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- iv) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- v) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building

vi) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

Prior to occupation of the development, the final comprehensive Fire Statement shall be submitted to and approved in writing by the Local Planning Authority and should be accompanied by the Building Control Decision Notice or equivalent.

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

REASON

To ensure the safety of all building users in accordance with Policy D12 of the London Plan (2021).

11. NONSC Overheating Strategy

Prior to commencement of superstructure works, the final Overheating Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submission shall demonstrate how the development will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:

- 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;
- 2) minimise internal heat generation through energy efficient design;
- 3) manage the heat within the building through exposed internal thermal mass and high ceilings;
- 4) provide passive ventilation;
- 5) provide mechanical ventilation; and
- 6) provide active cooling systems.

The approved details shall thereafter be implemented and retained in perpetuity.

REASON

To demonstrate that the final strategy will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy and Policy SI 4 of the London Plan (2021).

12. NONSC Construction Management and Logistics Plan

Prior to the commencement of works on site, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail:

- (i) The phasing of the works;
- (ii) The hours of work;
- (iii) On-site plant and equipment;
- (iv) Measures to mitigate noise and vibration;
- (v) Measures to mitigate impact on air quality;
- (vi) Waste management;
- (vii) Site transportation and traffic management, including:
 - Routing;
 - Signage;
 - Vehicle types and sizes;
 - Hours of arrivals and departures of staff and deliveries (avoiding peak times of day);
 - Frequency of visits;

- Parking of site operative vehicles;
 - On-site loading/unloading arrangements; and
 - Use of an onsite banksman (if applicable);
- (viii) The arrangement for monitoring and responding to complaints relating to demolition and construction.

This plan should accord with Transport for London's Construction Logistic Planning Guidance and the GLA's 'The Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (July 2014) (or any successor document). The construction works shall be carried out in strict accordance with the approved plan.

REASON

To safeguard the amenity of surrounding areas and to ensure that the construction works include appropriate efficiency and sustainability measures so as not to compromise the safe and efficient operation of the local highway network and local air quality, in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021).

13. NONSC Energy

Prior to above ground works, save for demolition and site clearance, full details of the low and zero carbon technology shall be submitted to and approved in writing by the Local Planning Authority. The details shall identify the specific "be clean and be green" (as set out in the London Plan energy assessment guidance) technology, where it is located in the development, its efficacy (i.e. the reduction in CO₂), maintenance details, and plans and specifications (including elevations and roof plans where appropriate). The details shall be accompanied by a reporting mechanism (Be Seen) to demonstrate that the development will continue to comply with the energy reduction targets set out in the document reference 'PR582_V03 Energy Statement (Dated June 2024)'. The development must proceed in accordance with the approved details.

REASON

To ensure the development's onsite carbon savings from regulated energy demand is achieved in perpetuity (i.e. annually over 30years) in accordance with the Policy SI2 of the London Plan (2021).

14. NONSC Secured by Design

The dwellings 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 dwelling 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 Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) and Policy D11 of the London Plan (2021).

15. NONSC Accessible Units

The development hereby approved shall ensure that 10% (4 units) of the residential units are constructed to meet the standards for M4(3)(2)(a) Wheelchair Adaptable Standard dwelling with a floor plan at no less than 1: 100 submitted for each of the different M4(3) units and agreed in

writing by the Local Planning Authority. All details, to include transfer zones, wheelchair storage area, and other spatial requirements within bedrooms, bathrooms, living and dining areas, should be shown on a separate plan for every different unit type. 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 that sufficient housing stock is provided, in accordance with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) and Policies D5 and D7 of the London Plan (2021).

16. NONSC Obscure Glazing

All windows indicated on the approved plans as being obscure glazed shall be obscure with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence. Notwithstanding the approved drawings and prior to commencement of development above ground level (excluding demolition, site clearance and initial ground investigation works), details of privacy measures to windows serving living rooms and facing Yardley Court shall be submitted to and approved in writing by the LPA. The measures shall be implemented in accordance with the agreed details prior to the occupation of the respective units and thereafter shall be permanently retained/maintained.

REASON

To prevent overlooking and safeguard the privacy of future occupiers, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

17. NONSC Parking Allocation Scheme and Maintenance Plan

The residential units hereby approved shall not be occupied until a parking allocation scheme for the 1 no. disabled car parking space has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall, as a minimum, include a requirement that the disabled car parking space shall be allocated and dedicated for the use of the residential development hereby approved and shall remain allocated and dedicated in such a manner for the life-time of the development.

REASON

To safeguard the safety of highway users, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policies T4 and T6 of the London Plan (2021).

18. NONSC Levels

No development, save for demolition and site clearance, shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. 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 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. I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

3. I72 Section 106 Agreement

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

4. I73 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement

Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillington.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

5. I99 Plans Informative

The following plans are SUPERSEDED by this planning permission:

Proposed Floor Plans:

0010-ADE-XX-00-DR-A-01232 Rev 01;
0010-ADE-XX-01-DR-A-01231 Rev 05;
0010-ADE-XX-02-DR-A-01230 Rev 05;
0010-ADE-XX-03-DR-A-01229 Rev 05;
0010-ADE-XX-04-DR-A-01228 Rev 05;
0010-ADE-XX-05-DR-A-01227 Rev 05;
0010-ADE-XX-06-DR-A-01226 Rev 05;
0010-ADE-XX-07-DR-A-01225 Rev 04;
0010-AD-XX-08-DR-A-0108 Rev 03;

Proposed Section

0010-ADE-XX-ZZ-DR-A-02225 Rev 01;

Proposed Elevations:

0010-ADE-XX-ZZ-DR-A-02275 Rev 03;
0010-ADE-XX-ZZ-DR-A-02276 Rev 03;
0010-AD-XX-ZZ-DR-A-0277 Rev 04; and
0010-AD-XX-ZZ-DR-A-0278 Rev 03.

The following plans are APPROVED by this planning permission:

Proposed Floor Plans:

0010-ADE-XX-00-DR-A-0100 Rev. 02;
0010-ADE-XX-01-DR-A-0101 Rev. 02;
0010-ADE-XX-02-DR-A-0102 Rev. 02;
0010-ADE-XX-03-DR-A-0103 Rev. 02;
0010-ADE-XX-04-DR-A-0104 Rev. 02;
0010-ADE-XX-05-DR-A-0105 Rev. 02;
0010-ADE-XX-06-DR-A-0106 Rev. 03;
0010-ADE-XX-07-DR-A-0107 Rev. 03;
0010-ADE-XX-08-DR-A-0108 Rev. 02;

Proposed Section

0010-ADE-XX-ZZ-DR-A-0225 Rev. 02;

Proposed Elevations:

0010-ADE-XX-ZZ-DR-A-0275 Rev. 02;

0010-ADE-XX-ZZ-DR-A-0276 Rev. 02;

0010-ADE-XX-ZZ-DR-A-0277 Rev. 02; and

0010-ADE-XX-ZZ-DR-A-0278 Rev. 02.

6. I99 Health and Safety Executive Informative

Consultation

1.8 Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

2. Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

Fire service access and facilities

2.1 The ground floor plan drawing shows the location of a plant room within the firefighting shaft. Fire safety standards state that: "Only services associated with the fire-fighting shaft should pass through or be contained within the fire-fighting shaft. A fire-fighting shaft should not contain any cupboards or provide access to service shafts serving the remainder of the building".

2.2 Design changes to remove and relocate the plant room may not affect land use planning considerations in this instance, where this can be achieved by way of internal alterations. It will be for the applicant to demonstrate compliance at later regulatory stages.

Private amenity space - inner rooms

2.3 Section 8 of the fire statement states: "One apartment at Ground Level contains private terrace areas which are accessed from the bedrooms. These areas would have to evacuate via the bedroom and then the living area to exit the apartment. The kitchen is to be enclosed in this apartment. A linked alarm and detection system should extend to cover this area to provide any occupants with early warning to evacuate from the private terrace area".

2.4 This is noted. However, the ground floor plan drawing shows that the means of escape route from the private amenity spaces of apartment '2B4P M4-3' is via the bedroom, the living area and the 'enclosed kitchen'. This would appear to create an inner, inner, inner room which is not acceptable. Considering this apartment appears to be an 'accessible' apartment, it is likely that internal reconfiguration of this apartment will be necessary to ensure suitable means of escape is provided, such as the installation of a protected hallway leading directly to open air.

2.5 Fire safety standards state: "Enclosed private balconies serving a single dwelling should be treated as inner rooms;" and, "The escape route from the balcony should not pass through more than one access room."

2.6 In this instance, design changes necessary to improve the means of escape from the two private terraces may not affect land use planning considerations where it can be resolved by way of internal alterations. It will be for the applicant to demonstrate compliance at later regulatory stages.

Open plan apartment design

2.7 Section 8 of the fire statement identifies that the design includes residential apartments that incorporate an open plan arrangement greater than 8m x 4m with unenclosed kitchens, stating: "Proximity of the escape routes to cooking facility locations will be assessed in a fully developed fire strategy."

2.8 Fire safety standards state that: "the kitchen should be enclosed in open-plan flats having an area exceeding 8m - 4m. Cooking appliances in open-plan flats having an area smaller than 8m - 4m should not be adjacent to the entrance of the flat." Cooking facilities should be located at the most remote part of the flat to protect the means of escape.

2.9 Design analysis evidence may be required in support of the applicant's demonstration that the means of escape is capable of being safely and effectively used at all material times, at later regulatory stages. Any design changes to the internal layout of the apartments are unlikely to affect land use planning in this instance.

Design Analysis

2.10 Sections 8 and 10 of the fire statement identify the proposal for corridor/lobby smoke ventilation systems, as well as smoke ventilation to the single car parking space, and that this "is to be determined as the fire strategy develops".

2.11 Where active performance-based solutions are proposed, guidance requires a 'what if' study to assess the consequence of issues, such as system failures.

2.12 This is usually shown by computational fluid dynamics (CFD) analysis. It is unclear that suitable design analysis has been conducted so as to support the design presented to the LPA. Where CFD is completed, the applicant is advised that should the CFD modelling demonstrate that the design is not acceptable, consequential design changes are likely to affect land use planning considerations and may require further HSE consultation.

2.13 It will be for the applicant to demonstrate that the means of escape is capable of being safely and effectively used at all material times, including during firefighting operations, and that the proposed performance-based solutions provide an equivalent level of fire safety to that of code compliance.

Hydrant provision

2.14 Section 13 of the fire statement identifies that the functional status of the existing hydrant facilities is unknown. Without confirmation that there is a suitable water supply and that the existing hydrants are useable, the development might be relying on a disused water main or faulty hydrant. It will be for the applicant to demonstrate compliance at later regulatory stages. Resolving this issue may affect land use planning considerations such as the landscaping around the development, should additional hydrant installations be required.

Green roofs and terraces

2.15 The floor plan drawings show the installation of a green roof/ terrace at 1st floor and roof levels (8th floor).

2.16 A green roof, wall or external planting may constitute a fire hazard as it requires a regular management and maintenance regime. The external envelope of a building should not provide a medium for undue fire spread.

2.17 Where green roofs/walls or external planting are proposed, sufficient fire resistance to prevent fire spread to any adjoining wall(s) will be required.

2.18 HSE advises that guidance for green roofs can be found in Fire Performance of Green Roofs and Walls (publishing.service.gov.uk), published by the Department for Communities and Local Government. Where regulation 7(2) applies, that regulation prevails over all the provisions in this paragraph.

2.19 It will be for the applicant to demonstrate compliance and that the proposed green roofs are viable in relation to fire safety at later regulatory stages. It should be considered that design changes, should the green roofs not be viable, may affect land use planning considerations relating to the appearance of the building.

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.

DMCI 3	Public Open Space Provision
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 9	Management of Flood Risk

DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 10	High Buildings and Structures
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMAV 1	Safe Operation of Airports
SA 38	Padcroft Works, Tavistock Road
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 D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm

LPP D9	(2021) Tall buildings
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E9	(2021) Retail, markets and hot food takeaways
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG6	(2021) Increasing efficiency and resilience
LPP H10	(2021) Housing size mix
LPP H13	(2021) Specialist older persons housing
LPP S1	(2021) Developing London's social infrastructure
LPP S3	(2021) Education and childcare facilities
LPP SD6	(2021) Town centres and high streets
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP SI5	(2021) Water infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP SI8	(2021) Waste capacity and net waste self-sufficiency
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking

LPP T6.1	(2021) Residential parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
LPP T9	(2021) Funding transport infrastructure through planning
NPPF11 -23	NPPF11 23 - Making effective use of land
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF14 -23	NPPF14 23 - Meeting the challenge of climate change, flooding and coastal change
NPPF15 -23	NPPF15 23 - Conserving and enhancing the natural environment
NPPF2 -23	NPPF2 2023 - Achieving sustainable development
NPPF4 -23	NPPF4 23 - Decision making
NPPF5 -23	NPPF5 23 - Delivering a sufficient supply of homes
NPPF7 -23	NPPF7 23 - Ensuring the vitality of town centres
NPPF8 -23	NPPF8 23 - Promoting healthy and safe communities
NPPF9 -23	NPPF9 23 - Promoting sustainable transport

3. CONSIDERATIONS

3.1 Site and Locality

The site lies approximately 150m west of West Drayton Railway Station on the northern side of Tavistock Road and immediately to the rear of the properties fronting Yiewsley High Street. The site has an area of 670 sqm and comprises a part one, part two-storey office building which is currently occupied as an office.

The site is bound by the Padcroft works development comprising 315 residential units to the north and east. To the west is an industrial site, referred to as COMAG, which has received consent for 104 residential units and ground level community space. The site is allocated as Site C in Policy SA38 within the Site Allocations and Designations (2020). It is designated as a site within Yiewsley/West Drayton Town Centre and has a Public Transport Accessibility Level (PTAL) rating of 3. The site is not located within a Conservation Area. The nearest Area of Special Local Character is situated approximately 180m to the south of the site.

3.2 Proposed Scheme

This application seeks permission under a Section 73 application to vary Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234). The application proposes to:

- Replace winter gardens with balconies;
- Reduce car parking to provide 1no. blue badge car parking space;

- Provide an additional stair core
- Reconfigure ground floor service layout; and
- Provide an additional 6no. units (to total 38 units).

3.3 Relevant Planning History

35810/APP/2024/243 TAVISTOCK WORKS TAVISTOCK ROAD YIEWSLEY

Variation of Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 17 (Parking Allocation Scheme) of planning permission ref. 35810/APP/2023/2106 dated 25-01-2024 (Minor material amendment (s73) to vary Conditions 2 (Approved Plans) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) for the Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space) to amend the approved plans to introduce a second stair core and reconfigure the ground floor car parking and servicing arrangement.

Decision: 07-05-2024 Approval

35810/APP/2023/2106 TAVISTOCK WORKS TAVISTOCK ROAD YIEWSLEY

Minor material amendment (s73) to vary Conditions 2 (Approved Plans) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) for the Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space.

The proposed amendments include the replacement of the winter gardens with balconies and the replacement of the reference to the energy statement within Condition 13 to reflect an updated energy statement.

Decision: 24-01-2024 Approval

35810/APP/2023/444 TAVISTOCK WORKS TAVISTOCK ROAD YIEWSLEY

Non-Material Amendment Application submitted under Section 96A of the Town and Country Planning Act 1990 (as amended), to amend planning inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) so that the description of development changes from "Demolition of existing building and replacement with an up to 8-storey building comprising residential units and associated car parking, landscaping and amenity space" to "Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space".

Decision: 14-03-2023 Approval

35810/APP/2023/219 TAVISTOCK WORKS TAVISTOCK ROAD YIEWSLEY

Minor material amendment (s73) to Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) for the Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space.

The application seeks to amend conditions 2, 3, 5 and 17 as a result of proposing to replace

approved parking spaces with two additional residential units.

Decision: 21-06-2023

Refusal

Appeal: 28-03-24 Dismissed

35810/APP/2021/1234

TAVISTOCK WORKS TAVISTOCK ROAD YIEWSLEY

Demolition of existing building and replacement with an upto 8-storey building comprising residential units and associated car parking, landscaping and amenity space.

Decision: 24-06-2021

Refusal

Appeal: 21-09-22 Allowed

Comment on Planning History

Planning application reference 35810/APP/2021/1234 sought permission on the Tavistock Works site for the demolition of the existing building and development of an 8-storey building comprising residential units and associated car parking, landscaping and amenity space. The application was refused on 25th June 2021 for the following reasons:

"1) The proposed development, by reason of its overall height, scale and siting in close proximity to Fitzroy Court would result in a cramped and overbearing visual relationship between the proposed development and the existing Fitzroy Court development resulting in harm to the setting of Fitzroy Court, in particular the appreciation of the architectural composition of the south eastern facade. Due to its layout and design, particularly the design of the refuse store, the development would fail to provide convenient and easily accessible refuse and recycling storage . Due to the poor quality street frontage along Tavistock Road, the proposal would be detrimental to the visual amenities of the street scene and the character and appearance of the wider area, contrary to Policy BE1 of the Local Plan: Part One (November 2012), Policies DMHB 10, DMHB 11 and DMHB 12 of the Local Plan: Part Two Development Management Polices (2020), Policies D1-D3, D6, D8, D9 of the London Plan (2021) and Paragraphs 127 and 130, 131 of the NPPF (2019) and NPPF Draft text for consultation (2020).

2) The proposed development, due to its siting, layout, height and massing cumulatively would have an unacceptably harmful impact on the residential amenities of the neighbouring properties at Fitzroy Court resulting in unacceptable loss of outlook, creation of undue sense of enclosure, loss of light to neighbouring habitable rooms and result in an overbearing impact. The proposal is therefore considered contrary to Policy BE1 of the Local Plan: Part One (2012) and Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021), Paragraph 127 of the National Planning Policy Framework (2019) and The Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991).

3) The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policy DMHB 18 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies (2020).

4) The proposed development, in the absence of a Section 106 legal agreement, fails to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of air quality contributions, affordable housing, construction training, highways works, carbon offset, employment and training, permit free parking, car club space delivery and project management and monitoring). The scheme therefore conflicts

with Policy DMCI 7 of the Hillingdon Local Plan: Part Two Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy DF1 of the London Plan (2021) and paras 54-57 of the NPPF 2019."

The decision to refuse the application was appealed in December 2021 under planning appeal reference APP/R5510/W/21/3288333 and was allowed on the 21st September 2022. The Planning Inspector concluded by stating:

"67. The proposal would underprovide on-site external space and result in a reduction in daylight to neighbouring flats, resulting in a material deterioration in their living conditions using BRE Guidelines and the VSC measure. However, the consideration of the mirror image effect as an alternative measure, has shown that an alternative scheme, mirroring Fitzroy Court, would result in a substantially greater reduction in daylight levels to the affected bedroom windows.

68. In contrast, the proposal would accord with allocation policy SA38 and would deliver a scheme that is well designed and responds positively to the site and its surroundings. The scheme would complement Padcroft Works and would align with the scale of both this and the expired consent of Comag. Therefore, the proposal would accord with the allocation's inherent expectation for development on site to complement adjacent plots and the site's urban context. Furthermore, the proposal would deliver housing on previously developed land in a location with good accessibility and make a small contribution towards affordable housing.

69. The proposal would extend and continue the existing grain of development and contribute to the comprehensive redevelopment of this allocated site. On this basis, the proposed development would have an acceptable impact on neighbouring living conditions and its benefits would outweigh the under provision of external amenity space.

70. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given, the appeal should be allowed, and the scheme approved subject to the attached conditions and s106 Legal Agreement."

Following the allowed appeal, application reference 35810/APP/2023/2106 permitted the following:

- Minor material amendment (s73) to vary Conditions 2 (Approved Plans) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) for the Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space.

The proposed amendments included the replacement of the winter gardens with balconies and the replacement of the reference to the energy statement within Condition 13 to reflect an updated energy statement. Subject to securing the necessary conditions and a Deed of Variation to the original Unilateral Undertaking, including a reduction to the carbon offsetting financial contribution (from £44,622 to £31,000), the application was approved.

Following the above grant of permission, application reference 35810/APP/2024/243 also permitted the following:

- Variation of Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 17 (Parking Allocation Scheme) of planning permission ref. 35810/APP/2023/2106 dated 25-01-2024 (Minor material amendment (s73) to vary Conditions 2 (Approved Plans) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference

APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) for the Demolition of existing building and replacement with an up to 8-storey building comprising residential units, landscaping and amenity space)

The proposed amendments included the introduction of a second stair core and reconfiguration of the ground floor car parking and servicing arrangement, including the addition of a 1 bedroom 2 person unit. Subject to securing the necessary conditions and a Deed of Variation to the original Unilateral Undertaking, including a reduction to the carbon offsetting financial contribution (from £44,622 to £31,000) and increase in the public open space contribution (from £42,500 to £44,000) the application was recommended for approval.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: **8th August 2024**

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consultation

A total of 13 comments in objection to the scheme have been submitted. These are summarised as follows:

- The development is too high.
- There is no infrastructure to support the extra people. An infrastructure assessment is required.
- There is inadequate off-street parking proposed which will cause more on-street car parking.
- The Tavistock Road junction is inadequate and already experiences traffic.
- The amendments will impact the daylight and sunlight available to residents of Fitzroy Court.
- The Applicant has not engaged with local residents regarding the proposed changes.
- The proposed design amendments will create an overbearing presence in the local area.
- The development disregards council guidelines.
- The development reduces the quality of life of existing residents.
- The proposed small separation distances is a fire risk.
- The persistent submission of applications which make the development worse is negatively affecting the local community.
- The development will cause noise disruption.
- The replacement of winter gardens with balconies will compromise the amenity of neighbouring residents.

PLANNING OFFICER COMMENT:

The comments submitted by the residents are acknowledged and considered as part of the planning application process. All material planning considerations are addressed within the main body of the report.

More specifically, it is noted in respect of infrastructure that provisions for infrastructure improvements are made through the Community Infrastructure Levy Regulations 2010 and Section 106 of the Town and Country Planning Act 1990.

EXTERNAL CONSULTATION

HSE FIRE SAFETY:

The building proposes 38 residential units located on every floor level with associated residential ancillary accommodation at ground floor level; including plant rooms, cycle and refuse stores and a covered (blue badge) car parking space.

The building is proposed to be served by two staircases; one of which is a firefighting stair forming part of a firefighting shaft (including a firefighting lift and dry riser main). The other is a means of escape staircase.

Section 6 of the fire statement confirms that the residential accommodation and associated ancillary accommodation has been designed using British Standard 9991 ('BS9991'). HSE has assessed the application accordingly.

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

LONDON FIRE BRIGADE (Summary):

The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have no observations to make.

INTERNAL CONSULTATION

URBAN DESIGN OFFICER:

1. Infill to increase the height of the corner building element on the 6th and 7th Floor

The proposals include 5 additional residential units on the 6th and 7th Floor on the corner of Tavistock Road and Garnet Place. The increase of bulk, scale and massing on the corner units runs contrary to the design intent set out in the Design and Access Statement for application 35810/APP/2021/1234. This was to create a lower building element to link with the Padcroft works to the north and east.

The original proposals for a shorter corner element broke up the massing along the Tavistock Road street elevation. It is considered that the infill of the corner element delivers a uniform wall of development that lacks a transition to the existing buildings. Further, the proposed infill on the 6th and 7th Floor potentially impacts the microclimate of the balconies of the tower to the north and increases overshadowing of the amenity space at 1st Floor. For the reasons set out above, from an urban design perspective the 6th and 7th floor infills should be removed.

If the case officer is minded to grant the additional upper floors, this should be accompanied by an improved architectural corner articulation. This could be achieved by wrapping the balconies around the corner or creating a stronger corner structural pillar.

2. Additional unit at ground floor

The additional unit on the ground floor is accepted.

3. Materials

The replacement of white render by white bricks is accepted and welcomed

4.Landscape Strategy

4.1 Ground floor

The 1.1m planter at ground floor along the frontage should be replaced with hedges planted into the ground. More detail is required regarding the 2.5m green wall and planting species of the hedge.

4.2Roof terrace landscape scheme

Planning application 35810/APP/2021/1234 proposed the roof terrace as green roofs to ensure the development provides the target of 0.4 Urban Greening Factor. The roof terrace revised proposal delivers an amenity space for residents replacing the green roof. Confirmation is required that the Urban Greening Factor target will still be achieved.

The structure of the roof terrace needs to be constructed to allow some planting depth within its construction. This approach would allow the planters to be reduce in height with better integrated seating/planters. It is considered that the proposed 1.1m high planters sterilise part of the amenity space.

4.2 Play area

Confirmation is required regarding the height of the planter around the play area. The play area should also introduce more varied play equipment to include equipment that promotes activity. This can be resolved via Condition.

More information needs to be provided on the green surfaces shown on the drawing.

PLANNING OFFICER COMMENT:

The design of the proposed development is covered in detail within the main body of the report. The points below are also noted:

- The proposed landscape strategy is consistent with the plan previously approved under the extant permission. Further landscaping details will be provided under Condition 5 (Landscape Scheme).
- The Garda Landscape's Landscape Strategy demonstrates that the proposed development achieves a UGF score of 0.42 and therefore complies with London Plan Policy G5.
- The roof terrace scheme is reflective of that approved whereby planters are a feature of the landscape strategy. The amenity space is large in area, presenting a net gain on the approved scheme. Additional space is therefore not required for amenity space.

HIGHWAYS AUTHORITY:

The Highway Authority has no objection to the principle of increasing the number of units by 6no. without increasing the number of car parking spaces, car parking provision would remain as just 1no. disabled persons parking space. The number of cycle parking spaces would increase by 4no. giving a total of 67no. This is compliant with the London Plan 2021 Policy T5 which would require 66no.

The Highway Authority is however concerned that access to the cycle parking would be restricted by narrow doorways. Access to the Cycle Store would be from the Lobby. According to drawing number 0010-ADE-XX-00-DR-A 0100 rev02 the doorways from the parking space into the Lobby and Refuse Store into the Lobby are both just 0.9m wide, this does not concur with the London Cycle Design Standards 8.5.3 Residential Cycle Parking which requires cycle parking spaces to be well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners. The Highway Authority require a Planning Condition obliging the applicant to submit drawings for approval that show all doorways along the access between the street and the cycle parking are not less than 1.2 metres wide.

The London Plan Policy T6.1 Residential Parking requires that all "residential parking must provide infrastructure for electric or Ultra-Low Emission vehicles". It appears from drawing number 0010-ADE-XX-00-DR-A 0100 rev02 that the single disabled persons parking space would not be provided with an active electric vehicle charge point, the Highway Authority require a Planning Condition obliging the applicant to submit drawings for approval showing that this space would have a charge point.

The Highway Authority require a planning condition that, except for disabled persons, prohibits residents of the proposal from applying to join any parking management scheme in operation within the vicinity of the site.

There are no highway objections subject to planning conditions.

ACCESS OFFICER:

This section 73 application seeks to vary the previously consented scheme for 32 residential units with 9 car parking spaces. This latest variation proposes an infill to provide six new dwellings, open balconies, an additional new Blue Badge parking space, an additional stair core, and a rooftop communal amenity space for residents. The presence of a firefighting and evacuation lift is noted on plan which is also served by the new flats. No concerns are raised; however, the new units must comply with the requirements of London Plan D7, which requires all new housing to be accessible and adaptable as per the requirements of Building Requirements M4(2). The following condition should therefore be attached to any approval:

The additional 6 dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON: To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan.

6. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM4	(2012) Open Space and Informal Recreation
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 Policies:

DMCI 3	Public Open Space Provision
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 9	Management of Flood Risk
DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 10	High Buildings and Structures
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space

DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMAV 1	Safe Operation of Airports
SA 38	Padcroft Works, Tavistock Road
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 D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
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LPP D5	(2021) Inclusive design
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LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP D9	(2021) Tall buildings
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LPP E9	(2021) Retail, markets and hot food takeaways
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG6	(2021) Increasing efficiency and resilience
LPP H10	(2021) Housing size mix
LPP H13	(2021) Specialist older persons housing
LPP S1	(2021) Developing London's social infrastructure
LPP S3	(2021) Education and childcare facilities
LPP SD6	(2021) Town centres and high streets
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP SI5	(2021) Water infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP SI8	(2021) Waste capacity and net waste self-sufficiency
LPP T2	(2021) Healthy Streets

LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
LPP T9	(2021) Funding transport infrastructure through planning
NPPF11 -23	NPPF11 23 - Making effective use of land
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF14 -23	NPPF14 23 - Meeting the challenge of climate change, flooding and coastal change
NPPF15 -23	NPPF15 23 - Conserving and enhancing the natural environment
NPPF2 -23	NPPF2 2023 - Achieving sustainable development
NPPF4 -23	NPPF4 23 - Decision making
NPPF5 -23	NPPF5 23 - Delivering a sufficient supply of homes
NPPF7 -23	NPPF7 23 - Ensuring the vitality of town centres
NPPF8 -23	NPPF8 23 - Promoting healthy and safe communities
NPPF9 -23	NPPF9 23 - Promoting sustainable transport

In addition: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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 London Plan (2021)
The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) (2023), Planning Practice Guidance, as well as relevant supplementary planning documents and guidance are all material consideration in planning decisions.

The proposed development has been assessed against development plan policies and relevant material considerations, discussed below.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

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

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 (2020) states: "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 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."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 (2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice".

The proposed additional residential unit on the ground floor would face south onto Tavistock Road and would sit immediately next to the footway. Whilst there would be some element of overlooking to the newly proposed ground floor residential unit, it is noted that this is a common arrangement for flatted developments and is accepted. This has been established as acceptable under application ref. 35810/APP/2024/243.

For context, it should be noted that the Comag site sits directly to the west of the site and has been granted permission (under ref. 24843/APP/2022/2403) for 105 residential dwellings and community space, ranging from two to seven storeys. This development has not been completed.

The Padcroft Works site is adjacent to the site to the north and east and gained permission (under ref. 45200/APP/2014/3638) for 308 flats and offices in 2015. The building is now completed with Fitzroy Court siting directly to the north of Tavistock Works and Yardley Court siting directly to the east of Tavistock Works.

With respect to neighbour impacts, the focus of consideration relates to the impact posed by the seventh floor extension proposed on the west side of Tavistock Works on the development located approved on the Comag site and the impact posed by the sixth and seventh floor extension on the east side of Tavistock Works on the proposed extension at the seventh floor level on the Fitzroy Court and Yardley Court residential blocks.

The applicant has submitted a Daylight and Sunlight Assessment (dated June 2024) in accordance with the guidelines set out in the 2022 Building Research Establishment (BRE) Report. With respect to daylight, the details submitted state that the proposal will result in no additional material impact to neighbouring daylight amenity when compared to the scheme consented at appeal (ref. 35810/APP/2021/1234) for the vast majority of windows. Windows generally experience a less than

2% change in Vertical Sky Component (VSC). Where larger changes of more than 2% do occur, windows generally experience good retained VSC values of more than 15%, which is considered good for an urban setting.

Four windows within Fitzroy Court (Block 4 Padcroft Works) experience lower retained VSC values serving one bedroom and three combined living/kitchen/dining rooms ("LKDs"). These are W8/45, W9/45, W2/46 and W7/46. Daylight to bedroom uses is considered less important than to main living spaces and as such the larger VSC reduction of 3.15% to W8/45 is not considered significant. The remaining three windows serving LKDs, experience between 2.31% and 2.78% absolute VSC change. Each of these rooms is served by an additional window and when the average VSC to each room as a whole is considered together, the VSC changes are small. Further, each of these three remaining windows are secondary to the main window serving the room. The report concludes that the overall impact to daylight amenity to these rooms is not significant when compared to the consented scheme.

With respect to sunlight, the technical results identify that there is no material difference between the scheme consented at appeal (ref. 35810/APP/2021/1234) and the proposed scheme, with the exception of one bedroom. A total of 109 rooms have been assessed for sunlight and of these, 108 experience either no change in sunlight when compared to the consented scheme or experience negligible changes which will be immaterial to occupants.

The information submitted explains that one remaining room is a bedroom in Block 4 Padcroft Works (R4/46). The BRE states that sunlight to bedrooms need not be analysed (BRE, para.3.2.3.) as sunlight is less important to this room use. Room R4/46 experiences a reduction in winter sunlight, however the annual sunlight remains far excess of the BRE recommendation at 36% and on this basis, it is considered that sufficient sunlight amenity will be retained. Further, when compared to the mirror-massing baseline, this room experiences an improvement to both winter and annual sunlight.

With respect to daylight and sunlight, the conclusions of the assessment submitted are accepted. It is not considered to be reasonable or robust in an appeal scenario to recommend refusal on the basis of minor changes to receipt of daylight and sunlight.

Regarding neighbour privacy, it can be seen from the sixth and seventh floor plans submitted that the proposed infill roof extension would not include any residential units which would subsequently overlook the residential units located at Fitzroy Court (Block 4 Padcroft Works). In the main, the windows facing north would serve the corridor access, this being a design relationship already established as acceptable under previously approved applications.

The windows facing east towards Yardley Court would sit circa 15 metres distance away. This design relationship has already been established by previous approvals which locate residential units at lower levels with more direct overlooking into Yardley Court. The proposed windows at sixth and seventh floor levels would sit higher than the corresponding windows at Yardley Court and would not therefore directly overlook the corresponding residential flats. This is considered to be acceptable on balance. Again, it would not be considered reasonable or robust in an appeal scenario to recommend refusal on the grounds of overlooking and privacy.

As per the considerations above, the proposed development is not considered to result in an unacceptable impact to neighbour amenity, in accordance with Policy DMHB 11, Part B), of the Hillingdon Local Plan: Part 2 (2020).

7.2 Impact on Street Scene

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

A) All development 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.

The above policy is supported by Policy BE 1 of the Hillingdon Local Plan: Part 1 (2012).

Application reference 35810/APP/2023/2106 sought permission to replace the winter gardens approved under appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) with balconies on floors 1 to 7 on the southern elevation of the proposed residential 8-storey building, fronting Tavistock Road. This application was approved 25th January 2024 and the amendments are brought forward to the current application. This is a material planning consideration and establishes that such changes are acceptable.

Application reference 35810/APP/2024/243 sought permission to provide an additional ground floor unit and additional stair core. The creation of a residential unit at ground floor level was considered to achieve greater activation and improved relationship with the street scene. This application was approved on 7th May 2024 and the amendments are brought forward to the current application. This is a material planning consideration and establishes that such changes are acceptable.

Under the current application, the amended scheme seeks permission to infill the residential block at the sixth and seventh floor levels with 5 no. additional residential units, alongside an increase in the height of the lift overrun. These changes remove any variation in the roofscape of the development and removes the step down in heights which previously provided a transition from the Tavistock Works development down to the Padcroft Works development to the east. The visual interest of the development is considered to be worsened as a consequence.

In terms of harm, the application is supported by a Heritage, Townscape & Visual Impact Assessment (Dated June 2024) document which provides key views and a comparison of the development previously consented and the development proposed. View 01 is taken from the east of the development looking west, from Tavistock Road. Officers consider the addition of bulk and mass on this corner removes any visual relief previously provided and increases its overbearing impact on the street scene. The design quality and its relationship with its immediate surroundings is considered to be worsened as a consequence.

View 02 is taken from the west of the development looking east, from Tavistock Road. This view is not considered to be significantly impacted either with or without the implementation of the Comag development to the west of Tavistock Works.

View 03 is taken from south of the railway looking north, from the junction with Colham Mill Road and Humber Close. The increase in height at the sixth and seventh floor levels and lift overrun would be clear from this intermediate view. The visual relief would be lost from this view as a consequence. It is acknowledged that the Padcroft Works development behind already establishes a similar bulk and mass, but the amended scheme would lose the depth in perception and contrast with the materiality of the Tavistock Works.

View 04 is taken from the south-east of the railway facing north-west, from the junction between Swan Road and Station Road. This is a long distance view and the existing townscape and overall height of the proposal do serve to reduce the level of impact. The development does, however, terminate this view and as such the amended scheme would not be without impact. It is also surmised that the impact would be greater felt at the junction with Warwick Road and Station Road, closer to the development

Overall, it is considered that the design quality of the development is being eroded by the amendments proposed. Whilst the harm posed would not be sufficient to recommend refusal on its own, it is considered that this would weigh against the scheme in the planning balance.

7.3 Traffic Impact / Pedestrian Safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (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.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (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. This should be viewed in conjunction with Policies T6 and T6.1 of the London Plan (2021).

Paragraph 115 of the NPPF (2023) 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. This is supported by Policy T4 of the London Plan (2021).

The removal of 8 no. standard parking spaces provided via parking stackers, replacing them with an additional one bedroom two person unit, alongside one disabled parking space, has been approved previously under application reference 35810/APP/2024/243, dated 07-05-24.

Taking into account that the parking standards are maximum figures, the moderate PTAL rating of the site and that the location benefits from convenient access to a wide range of shops, services, facilities, and transport opportunities, the Highway Authority considers the proposal for 6 additional units, removal of the 8no. standard car parking spaces and provision of one disabled person car parking space to be acceptable on balance. As there would be no space on plot for any additional disabled persons parking spaces to be provided, a Parking Design and Management Plan is not to be secured in this instance.

Condition 17 relating to the allocation of parking is proposed to be amended to secure a parking allocation scheme for the 1 no. disabled parking space proposed. Condition 5 is proposed to be amended to secure the provision of an active electric vehicle charging point, provide the 67 cycle parking spaces (uplifted from 63) and provide adequate access to the cycle parking proposed.

Subject to securing the necessary planning conditions and legal agreement which prohibits future residents of the development from applying for a permit to join any parking management scheme in the vicinity of the site, the proposal is not considered to result in unacceptable impacts to highway safety or cause severe residual cumulative impacts on the road network, and is accepted on balance.

7.4 Carparking & Layout

Please refer to Section 07.3 of the report.

7.5 Urban Design, Access and Security Considerations

RESIDENTIAL QUALITY

In the main, matters relating to impact on the residential quality have already been established by grant of original permission. As per planning permission reference 35810/APP/2023/2106, the replacement of the winter gardens with balconies is not considered to have a significant adverse impact on internal living conditions.

Policy D6, Table 3.1, of the London Plan (2021) requires that one storey 1-bed 2 person units must provide at least 50m² floorspace. The newly proposed unit would provide 54.8m² and would therefore meet this requirement.

It is also noted that the size of one 1b2p unit on each floor (6 total) has been reduced from 56.6 sqm to 50 sqm in order to accommodate a second staircase. These units still meet the minimum required floorspace standards and is therefore accepted. The units proposed a sixth and seventh floors would also meet the minimum floorspace standards.

In respect of daylight and sunlight, the additional ground floor unit has been acceptable under planning permission reference 35810/APP/2024/243. It is also agreed that the additional units proposed at sixth and seventh floor levels would be provided with sufficient outlook to the south and by extension would be provided with sufficient and acceptable levels of daylight and sunlight. Accordingly, the proposal is considered to be acceptable with regard to the quality of residential accommodation.

AMENITY SPACE

Policy DMHB 18 of the Local Plan: Part Two (2020) requires new developments to provide good quality and usable private outdoor amenity space in accordance with the standards set out in Table 5.3. In summary, each unit type should provide at least the following levels of amenity space:

- 1 bedroom units: 20m²
- 2 bedroom units: 25m²
- 3 bedroom units and larger: 30m²

The scheme allowed at appeal under planning application ref. 35810/APP/2021/1234 (appeal ref. APP/R5510/W/21/3288333) secured the provision of 32 residential units, requiring the following amenity space provision:

- 14 x 1B2P: 280m²
- 13 x 2B3P: 325m²
- 1 x 2B4P: 25m²

- 4 x 3B4P: 120m²
- Total: 750m²

The amount of amenity space secured under the allowed appeal was equal to circa 294m².

The proposed development would add an additional 6 x 1B2P residential units, requiring the following amenity space provision:

- 20 x 1B2P: 400m²
- 13 x 2B3P: 325m²
- 1 x 2B4P: 25m²
- 4 x 3B4P: 120m²
- Total: 870m²

Evidently, the proposed amendments has increased the required amenity space provision from 750m² to 870m².

The addition of residential units is realised through an extension to the consented development at sixth and seventh floor levels, removing previously consented rooftop amenity spaces from the eastern and western edges of the building. The consented eastern amenity space accessed from the sixth floor level measured circa 125m² in area and is not re-provided on the same level. An inaccessible green roof is retained to the rear of the building at the sixth floor level.

At the seventh floor level, the consented western amenity space measured 42m² and is proposed to be replaced with a residential unit. This communal amenity space is again not re-provided on the same level.

The first floor podium communal garden is retained to the rear but to a reduced degree due to the provision of a second stair core, measuring 84.4m² in area (a reduction from circa 107m²).

The amended eighth floor roof plan now shows the provision of circa 302m² of communal amenity space. This replaces a previously consented green roof space which would not have been used by residents as communal amenity space. Balcony spaces are also provided to all of the new units proposed.

The proposed amenity space provisions are summarised as follows:

- Ground floor: 50m² of private amenity space
- First floor: 33m² of private amenity space and 85m² of communal amenity space
- Second floor: 33m² of private amenity space
- Third floor: 33m² of private amenity space
- Fourth floor: 33m² of private amenity space
- Fifth floor: 33m² of private amenity space
- Sixth floor: 33m² of private amenity space
- Seventh floor: 33m² of private amenity space
- Eight floor (rooftop): 302m² of communal amenity space
- Total private amenity space: 281m²
- Total communal amenity space: 387m²
- Total amenity space: 668m²

Whilst the level of amenity space provision has increased as a result of the additional units proposed, it is acknowledged that the on-site amenity space provision has also been increased. The shortfall of amenity space provision previously allowed at appeal is understood to be circa 456m² (requiring 750m² but only delivering 294m²). The current proposal would deliver a shortfall

equal to 202m² (requiring 870m² but only delivering 668m²). This is a reduced shortfall and an improvement over the previous consents granted. On this basis, it is not considered reasonable to sustain a reason for refusal on the grounds that the development fails to deliver a policy compliant level of amenity space provision.

PLAY SPACE

Policy S4 of the London Plan (2021) states that residential development proposals should incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child that:

- a) provides a stimulating environment
- b) can be accessed safely from the street by children and young people independently
- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure

This is supported by the Mayor's supplementary planning guidance (SPG) 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10m² of useable child play space to be provided per child, with under-fives play space provided on-site as a minimum, and makes clear that play space should not be segregated by tenure.

Policies DMCI 5 and DMHB 19 of the Hillingdon Local Plan: Part 2 (2020) state:

- A) For all major development proposals, the Council will apply Hillingdon's child yields and the London Plan SPG; 'Providing for Children and Young Peoples Play and Informal Recreation', which specifies that 10sqm of play space should be provided for each child and an accessibility standard of 400 metres to equipped playgrounds.
- B) In areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision.
- C) The Council will resist the loss of existing play spaces unless:
 - i) a replacement play space of equivalent size and functionality is provided to meet the needs of the local population. Where this is not possible, development will only be permitted in exceptional circumstances where there are over-riding planning merits to the proposal; and
 - ii) it can be demonstrated robustly that they are no longer required and that their loss would not lead to a shortfall in overall play provision in the local area.

Based on the GLA Population Yield Calculator (v3.2), it is anticipated that the following numbers would be yielded from the proposed development:

- 6.9 no. children under the age of 5 years old;
- 4.5 no. children aged 5 to 11 years old; and
- 1.4 no. children aged 12 to 17 years old.

This yields a total of 12.9 children, requiring 128.8 square metres of play space where only the 0-4 age group and 5-11 age group must be provided on site or within 400 metres of the site.

Based on the plans submitted, it can be identified that an area in excess of 128.8m² of play space would be provided on the rooftop communal space. The Landscape Strategy document provides suitable detail of this space and the final details would be secured by planning condition. As such, the proposal would accord with Policy S4 of the London Plan (2021) and Policies DMCI 5 and DMHB 19 of the Hillingdon Local Plan: Part 2 (2020).

ACCESS

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. They should:

- 1) be designed taking into account London's diverse population;
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion;
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment;
- 4) be able to be entered, used and exited safely, easily and with dignity for all; and
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

Policy D7 of the London Plan (2021) also requires:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

In the main, matters relating to impact on access already been established by grant of original permission. Specifically, the development would include two stair cores, a firefighting lift and an evacuation lift. The provision of 1 blue badge space on-site would be made available for all of the 4 x M4(3) units at ground and first floors within the scheme. This 3% provision of blue badge spaces is agreed and accepted. The Council's Access Officer has also raised no objections to the proposal. Subject to the necessary planning condition which requires policy compliant provision of M4(2) and M4(3) units, the proposal is considered to accord with Policies D5 and D7 of the London Plan (2021).

SECURITY

Matters relating to impact on security 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.

7.6 Other Issues

MINOR MATERIAL AMENDMENT

The pertinent test for a Section 73 application is whether the changes to the approved scheme would constitute minor material amendments. There is no statutory definition of a minor material amendment but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The proposed amendments would not amend the application description but it would increase the number of residential units and the amount of CIL liable floorspace proposed. The materiality of the proposed changes are considered in detail in the main body of the report.

PRINCIPLE OF RESIDENTIAL

The application site is allocated in Policy SA 38 of Local Plan: Part Two (2020) for a comprehensive residential, design lead development. There is no in principle objection to the comprehensive

redevelopment of the site subject to compliance with the Development Plan.

UNIT MIX

Policy H10 of the London Plan (2021) notes that new development should consist of a range of unit sizes. Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties, as identified in the Strategic Housing Market Assessment.

Figure 47 of the West London Strategic Housing Market Assessment (dated October 2018) (Page 73) confirms lists out the housing need in West London as follows:

Market Housing need:

- 1 bedroom: 17,900 between 2016 - 2041 / 720 per year
- 2 bedrooms: 47,500 between 2016 - 2041 / 1,900 per year
- 3 bedrooms plus: 149,600 between 2016 - 2041 / 5,980 per year

Affordable Housing need:

- 1 bedroom: 18,800 between 2016 - 2041 / 750 per year
- 2 bedrooms: 42,700 between 2016 - 2041 / 1,710 per year
- 3 bedrooms plus: 45,500 between 2016 - 2041 / 1,820 per year

Evidently, the highest need for housing, whether market or affordable, is for family units.

The scheme allowed at appeal under planning application ref. 35810/APP/2021/1234 (appeal ref. APP/R5510/W/21/3288333) secured the provision of 32 residential units, comprising:

- 0 (zero) x 1B1P (0%);
- 14 x 1B2P (44%);
- 13 x 2B3P (40%);
- 1 x 2B4P (3%); and
- 4 x 3B4P (13%).

The proposed development would add 6 no. residential units, comprising 2 no. 1 bedroom 1 person units, 2 no. 1 bedroom 2 person units and 2 no. 2 bedroom 3 person units. This would increase the total number of units to 38 and change the unit mix to the following:

- 2 x 1B1P (5.3%);
- 16 x 1B2P (42.1%);
- 15 x 2B3P (39.5%);
- 1 x 2B4P (2.6%); and
- 4 x 3B4P (10.5%).

Although the number of family units is not proposed to be reduced, the proportion of family units relative to the development as a whole would be reduced. The amended development does not take the opportunity to increase the number of family units for which there is a strategic need and does not weigh in favour of the scheme in the planning balance.

DENSITY

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 (2020) states that all new residential

development should take account of the Residential Density Matrix contained in Table 5.2.

Paragraph 5.67 of the Hillingdon Local Plan: Part 2 (2020) states that Hillingdon will apply the density standards set out in the London Plan in a flexible manner, according to local circumstances. Large parts of the borough, including many areas in close proximity to town centres, are suburban in character and will lean heavily towards the applications of lower to mid range density scales. Table 5.2 represents a starting point for discussions on the issue of residential density, which should ultimately be determined by a design led approach.

Policy D3 (Optimising Site Capacity through the Design-led Approach) of the London Plan (2021) further requires all development to make the best use of land following a design-led approach that optimises the capacity of sites, including site allocations and offers no density matrix figures. The policy further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

The area surrounding the site is mixed in character. There is an established suburban character with low-rise residential properties located to the north and south. The immediate context, forming part of the site allocation, would be more urban in character with higher density development. The site has a moderate PTAL rating of 3 and is within 100m of the Yiewsley and West Drayton Town centre boundary, characteristics more akin to an urban setting.

The principle of residential development has already been established on this site through the appeal allowed. Whilst the addition of 6 no. residential units will increase the density of development, it is not considered to be significant and arguably optimises the use of the site better in a sustainable location for such development.

AFFORDABLE HOUSING

Policy H5 of the London Plan (2021) states:

l) For schemes where the original permission did not meet the threshold or required tenure split, including schemes determined before the threshold approach that would not have qualified for the Fast Track Route, viability information will be required where an application is submitted to vary the consent, and the borough or the Mayor where relevant, consider this would materially alter the economic circumstances of the scheme. Such cases will be assessed under the Viability Tested Route.

The Unilateral Undertaking secured under appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234) makes provision for a £21,353 contribution to be paid towards affordable housing, alongside a review mechanism which secures the payment of an additional contribution equal to 50% of the surplus. Any further contributions towards affordable housing will be captured under a viability review to be undertaken at a later date.

Under the current scheme, a viability assessment has been submitted. It is noted that the amended scheme would remove 4 no. car stackers and add 6 no. residential units. These amendments are expected to reduce costs somewhat and increase the money generated by the scheme.

The scheme has been subject to viability testing by the Council's third party consultants. Following such assessment, it has been concluded that the scheme generates a deficit but is within the range of deliverability when accounting for growth within the market. Despite this, the developer made an affordable housing offer of one studio unit in the shared ownership tenure. Due to concerns over the

deliverability of the shared ownership unit and uptake by a Registered Provider, Officers consider there to be exceptional circumstances for an upfront affordable housing payment in lieu equal to £94,417 (as calculated using the methodology set out within the Mayor or London's Affordable Housing SPG). It is concluded that this offer would represent the maximum viable affordable housing contribution offer which is deliverable. This is an uplift relative to the contribution secured on previous schemes and would weigh significantly in favour of the scheme in the planning balance.

In the event of an approval, a legal agreement shall secure the upfront affordable housing payment in lieu equal to £94,417.

CO2 EMISSIONS

Policy SI 2 of the London Plan (2021) states that:

A. Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

B. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

C. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

E. Major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions.

Under appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234), CO2 emission reduction measures were approved and a £44,622 contribution towards carbon offsetting was secured to make the scheme net zero carbon. Under planning permission reference 35810/APP/2023/2106, the energy strategy was amended and the total carbon offset payment was reduced to £31,000. Under the current application, the energy strategy has again been amended and the carbon offset contribution is increased to £36,000 due to the increase in floorspace and number of residential units. In the event of an approval, the proposed £36,000 sum would be secured.

OVERHEATING

Policy SI 4 of the London Plan (2021) states:

A) Development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.

B) Major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:

- 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;
- 2) minimise internal heat generation through energy efficient design;
- 3) manage the heat within the building through exposed internal thermal mass and high ceilings;
- 4) provide passive ventilation;
- 5) provide mechanical ventilation; and
- 6) provide active cooling systems.

Under appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234), it was noted that there was a 'medium' overheating risk for one unit, a further unit was found to have a 'Not Significant' overheating risk and the remaining 10 assessed units we identified as having a 'Slight' overheating risk. It was noted that the information submitted did not make clear whether the winter gardens were tested for overheating. There were concerns that the winter gardens could overheat in the summer, especially given their south facing aspect. This was a material planning considerations that was considered to weigh against the development.

It is noted that the current amended scheme would replace the approved winter gardens with balconies and would therefore omit any concerns regarding the overheating of the winter gardens. The principle of residential units in the proposed locations is established by the appeal decision and the detail of an overheating strategy will be secured by condition in the event of an approval. Subject to condition, the proposal would accord with Policy SI 4 of the London Plan (2021).

NOISE

Policy D13 of the London Plan (2021) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

This is supported by Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

Under planning permission reference 35810/APP/2023/2106, a Planning Noise Assessment (Dated 31st May 2023) was submitted and reviewed by the Council's Noise Officer. The submission stated that it is likely that the noise levels of the external areas, whether it is a winter garden or a balcony would be, for some of the most exposed balconies, above the recommendations in BS8233. The Noise Officer noted that these spaces are likely to be for transitory use and hence significant noise effects are considered unlikely.

Under appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234), the Planning Inspector secured a planning condition which required the submission of a revised noise survey which includes details relating to mechanical ventilation impact and appropriate sound insulation details. This condition will be re-imposed in the event of an approval. Subject to such a condition, the development is considered to accord with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policies D13 and D14 of the London Plan (2021).

PUBLIC OPEN SPACE

Policy G4 of the London Plan (2021) states that development proposals should create areas of publicly accessible open space, particularly in areas of deficiency, where possible.

Policy EM4 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will safeguard, enhance and extend the network of open spaces, informal recreational and environmental opportunities that operate as carbon sinks and that meet local community needs and facilitate active lifestyles by providing spaces within walking distance of homes. Provision should be made as close as possible to the community it will serve. There will be a presumption against any net loss of open space in the Borough. The Council will identify new opportunities for open space through an Open Space Strategy. Major developments will be expected to make appropriate contributions to the delivery of new opportunities, or to the improvement and enhancements of existing facilities.

Policy DMCI 4 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Proposals for major new residential development will be supported where they make provision for new open space, or enhancements to existing open space, which meets the needs of the occupiers of the development and contributes to the mitigation of identified deficiencies in the quantity, quality and accessibility of open space. Regard will be had to Hillingdon's local recommended standards of provision for all relevant typologies of open space.

B) The provision of major new pieces of open space should contribute positively to Hillingdon's existing networks of green spaces. In major town centre developments, new civic space may be required as an alternative to green open space.

C) Proposals for major new residential development that fail to make provision for new or enhanced open space, or which would result in open space that is inappropriate in type, quality or location, will be resisted.

The scheme allowed at appeal under planning application ref. 35810/APP/2021/1234 (appeal ref. APP/R5510/W/21/3288333) secured the provision of 32 residential units. The proposed development would add an additional 1 bedroom 2 person unit to the ground floor, increasing the total number of units to 33. The scheme approved at appeal secured a £42,500 contribution towards public open space provision instead of providing the space on-site.

Using a 20 square metres per person requirement (based on 2.0 ha per 1,000 people required by London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)) and estimated 102 occupants (based on 2.67 average household size in Hillingdon (as of 2011 census) to reflect that they will never be full at the same time), the development should provide 2,040 square metres of publicly accessible open space.

If sufficient publicly accessible open space cannot be accommodated within the site, a financial contribution is required. In the context of the proposed development, it is considered appropriate that contributions are sought for the enhancement of existing public open space in Yiewsley, which is identified as a ward with insufficient open space (London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)). Based on the Planning Obligations Supplementary Planning Document (July 2014), this is calculated as follows:

Contribution = (Build Costs + On-costs) x (- Existing Capacity)

In this context, these variables would equate to the following:

- Build Costs: £20 per square metre (capital costs for providing open space per person)
- On-costs: £5 per square metre (capital/revenue costs of establishment, maintenance and management for an initial period or in perpetuity)
- 'Standard Provision per person': 20 square metres per person (based on 2.0 ha per 1,000 people required by London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011))
- 'Occupancy of Development': 102 occupants (based on 2.67 average household size in Hillingdon (as of 2011 census) to reflect that they will never be full at the same time)
- Existing Capacity: 0 (zero)

Based on the proposed scheme, the financial contribution works out to the following:

$$((20+5) \times ((20 \times 102) - 0) = £51,000$$

Subject to a Section 106 agreement securing an amended financial contribution in accordance with the above, the proposal would accord with Policy DMCI 4 of the Hillingdon Local Plan: Part 2 (2020), Policy EM4 of the Hillingdon Local Plan: Part 1 (2012) and Policy G4 of the London Plan (2021).

TREES, LANDSCAPING AND ECOLOGY

Matters relating to trees, landscaping and ecology 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.

As per the Landscape Strategy submitted, it is also noted that the development achieves an Urban Greening Factor (UGF) score of 0.42 and complies with the requirements of Policy G5 of the London Plan (2021).

SUSTAINABLE WASTE MANAGEMENT

Matters relating to sustainable waste management 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.

FLOODING AND DRAINAGE

Matters relating to flooding and drainage 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.

AIR QUALITY

Matters relating to air quality have already been established by grant of original permission. The removal of the car parking spaces would not result in any greater emissions being produced from the development proposal. In the event of an approval, a £20,541 financial contribution towards air quality mitigation measures shall be secured by legal agreement.

CONTAMINATED LAND

Matters relating to contaminated land 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.

FIRE SAFETY

Policy D12 of the London Plan (2021) states:

A) In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

B) All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building

6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

In July 2023, the Government confirmed the intention to introduce new guidance requiring a second stair core in new residential buildings in England above 18m. The approved development reaches a height of approximately 21.16m at 7th floor level (ground + 6 upper floors).

The proposal includes the provision of a second stair core in accordance with fire safety requirements. Notably, the development would measure approximately 21.16m at 7th floor level (ground + 6 upper floors) and would trigger the requirements for a second stair core.

HSE Fire Safety and the London Fire Brigade have been consulted and neither have raised any objections to the proposals. Accordingly, the application is considered to accord with the requirements of Policy D12 of the London Plan (2021).

HEALTH

Matters relating to health 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.

INFRASTRUCTURE ASSESSMENT

Matters relating to infrastructure assessments 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.

AIRPORT SAFEGUARDING

Matters relating to airport safeguarding 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.

ARCHAEOLOGY

Matters relating to archaeology 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.

BIODIVERSITY NET GAIN

The Environment Act 2021 has established that all planning permissions granted in England have to deliver at least 10% biodiversity net gain (BNG) from January 2024. Paragraph 174 of the NPPF (2023) also states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

There are a number of exemptions for biodiversity net gain requirements. As the original planning

permission to be varied was made before mandatory BNG on 2nd April 2024, the development is exempt from BNG requirements.

SECTION 73 CONDITIONS

The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. Decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

PLANNING OBLIGATIONS

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

- i) to secure the provision of affordable housing in relation to residential development schemes;
- ii) where a development has infrastructure needs that are not addressed through CIL; and
- iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

1. To secure all necessary highway works and repair and enhancement to the footpath adjoining the site including written agreement from the Local Planning Authority; (Section 278);
2. Parking Permit exclusion clause for all future residents;

3. Affordable Housing: Planning obligation to secure an upfront affordable housing payment in lieu equal to £94,417.

4. Employment Strategy and Construction Training - either a contribution equal to the formula within the Council Planning Obligations Supplementary Planning Document (SPD) 2014, or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development. Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered. Securing an Employment/Training Strategy Agreement is Council's priority. Financial Contribution will only be accepted in exceptional circumstances.

5. Air Quality: in line with the SPD and given the site is located in an air quality management area, a contribution in the sum of £20,541;

6. Carbon Offset Contribution: A contribution for a carbon fund to make up for the shortfall for this development and in order to make the development policy compliant calculated as £36,000;

7. Open Space Contribution of £51,000 (increased from £42,500);

8. A car club space on Tavistock Road; and

9. Project Management and Monitoring Fee: A financial contribution equal to enable the management and monitoring of the resulting agreement.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 100m² or more will be liable for the Mayoral Community Infrastructure Levy (Mayoral CIL), as legislated by the Community Infrastructure Levy Regulations 2010 and The Community Infrastructure Levy (Amendment) Regulations 2011. The liability payable will be equal to £60 per square metre (from April 2019). The London Borough of Hillingdon is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

In addition the development represents Chargeable Development under the Hillingdon Community Infrastructure Levy, which came into effect on 1st August 2014.

The liability payable is as follows:

Mayoral CIL: £195,210.55
Hillingdon CIL: £430,369.24
Total: £625,579.79

CONCLUSION

This application seeks permission under a Section 73 application to vary Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 13 (Energy) of Planning Inspectorate decision letter dated 21-09-2022 for appeal reference APP/R5510/W/21/3288333 (LPA planning reference 35810/APP/2021/1234). The application proposes to:

- Replace winter gardens with balconies;
- Reduce car parking to provide 1no. blue badge car parking space;
- Provide an additional stair core

- Reconfigure ground floor service layout; and
- Provide an additional 6no. units (to total 38 units).

The proposed amendments would deliver additional residential units for which there is a strategic need generally. This point is diminished somewhat by the proposal for a total of 6 no. residential units, comprising 2 no. 1 bedroom 1 person units, 2 no. 1 bedroom 2 person units and 2 no. 2 bedroom 3 person units for which there is less need for than family units within Hillingdon Borough. Accordingly, the amended development does not take the opportunity to increase the number of family units and does not weigh in favour of the scheme in the planning balance.

The scheme has been subject to viability testing by the Council's third party consultants. Following such assessment, it has been concluded that the scheme generates a deficit but is within the range of deliverability when accounting for growth within the market. Despite this, the developer made an affordable housing offer of one studio unit in the shared ownership tenure. Due to concerns over the deliverability of the shared ownership unit and uptake by a Registered Provider, Officers consider there to be exceptional circumstances for an upfront affordable housing payment in lieu equal to £94,417. It is concluded that this offer would represent the maximum viable affordable housing contribution offer which is deliverable. This is an uplift relative to the contribution secured on previous schemes and would weigh significantly in favour of the scheme in the planning balance.

The proposed amendments will increase the number of units, increase the bulk and mass of the development and reduces the architectural variation in heights previously delivered under the schemes previously granted consent on this site. It is acknowledged that the harm of such amendments would be limited in local, intermediate and long range views. Nonetheless, the reduction in design quality would weight against the scheme in the planning balance.

The proposed extensions at sixth and seventh floor levels also would increase the level of impact to outlook as perceived from neighbour residential neighbours at the Padcroft Works development. The technical documents confirm that the level of impact to daylight and sunlight is insignificant, and it is concluded that the impact neither weighs in favour of or against the scheme in the planning balance.

It is also acknowledged that the proposed development would increase the amenity space provision delivered by the development from 294m² to 668m². Whilst the amenity space requirement increases due to the increased number of residential units, proportionally, the proposal delivers an uplift of amenity space per unit from circa 9.2m² per unit to 17.6m² per unit. It is noted that the development would still deliver a shortfall of amenity space but such a shortfall would be reduced and has already been established as acceptable under the allowed appeal (under application ref. 35810/APP/2021/1234). The shortfall weighs against the scheme in the planning balance but less so than previously consented schemes.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined above and within the main body of the report, this application is considered to be acceptable in planning balance, subject to securing the necessary planning conditions and a Section 106 legal agreement.

8. Reference Documents

National Planning Policy Framework (December 2023)
National Design Guide (2021)
National Model Design Code (2021)

The London Plan (March 2021)
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
Accessible Hillingdon Supplementary Planning Document (September 2017)
Planning Obligations Supplementary Planning Document (July 2014)
Hillingdon Townscape Characterisation Study (November 2013)

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