

21 June 2024

Michael Briginshaw
London Borough of Hillingdon, Planning Services
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High Street
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Dear Mr Briginshaw,

Tavistock Works, Yiewsley Town Centre, West Drayton, UB7 7QZ - S73 Variation of planning conditions to Planning Permission ref: 35810/APP/2021/1234

On behalf of our client, Linea UB7 Ltd, please find enclosed an application to vary the wording of Condition 2, 3, 5, and 13 of planning permission ref: 35810/APP/2024/243 under Section 73 (S73) of the Town and Country Planning Act 1990 (as amended).

The alterations relate primarily to matters of design and thus seek to amend Condition 2 in order to add to changes which have previously been approved under two separate S73 applications, namely: 35810/APP/2023/2106 and 35810/APP/2024/243. These applications sought permission for, and thus have established the following alterations to the original scheme:

- Replacement of balconies in lieu of winter gardens;
- The provision of an additional 1B2P unit at ground floor;
- A reduction in car parking to provide 1no blue badge car parking space; and
- The provision of an additional stair core and reconfiguration of ground floor service layout.

The proposed development seeks to make further alterations to the original scheme by way of an infill at the upper floors to provide an additional 5no dwellings totalling 38 dwellings proposed. While the proposed amendments relate primarily to matters of design, it is also necessary to amend conditions related to approved documentation, landscaping (including layout cycle parking), and energy due to the necessity of the submission of revised documents hence, this application also seeks to amend conditions 3, 5, and 13. This S73 planning application therefore follows on from the grant of the most recent S73 planning permission (35810/APP/2024/243).



The proposed description of development is as follows:

“Pursuant to development approved under planning application ref. 35810/APP/2024/243 dated 7th May 2024 (S73) to vary Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscape Scheme) and 17 (Parking Allocation Scheme) under planning application ref: 35810/APP/2023/2106 dated 25th January 2024 (S73) approved to vary Conditions 2 (Approved Plans) and 13 (Energy) of Planning Inspectorate decision letter dated 21st September 2022 for appeal reference APP/R5510/W/21/3288333) (LPA ref: 35810/APP/2021/1234) the variation of Conditions 2 (Approved Plans), 3 (Supporting Documentation), 5 (Landscaping Scheme), and 13 (Energy) are sought 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 additional residential units and reconfigure roof layout.”

Application Documents

This application has been submitted via the Planning Portal (ref: PP-13172864) and comprises the following information:

- (a) Completed S73 Application Form and Certificates;
- (b) CIL Form;
- (c) Plans & Drawings;
- (d) Design Update DAS;
- (e) Heritage Townscape and Visual Impact Assessment;
- (f) Daylight & Sunlight Assessment;
- (g) Energy Statement;
- (h) Financial Viability Assessment;
- (i) Fire Strategy including Gateway One Report;
- (j) Flood Risk and Drainage Strategy;
- (k) Landscape Strategy Report ;
- (l) Overheating Assessment;
- (m) Transport Statement; and
- (n) Travel Plan Statement Technical Note.

A payment of £363.00 (inclusive of VAT) in respect of the requisite application fee has been made to the Council on submission of the application through the Planning Portal.



Background

The Site

The site is allocated in the Local Plan Part 2 – Site Allocations and Designations, under policy SA38: Padcroft Works and COMAG. It is one of three sub-sites, listed as A, B and C, with this site reference to as Site C: COMAG II. The site is in Yiewsley Town Centre and 150m from West Drayton Train Station and other town centre services and facilities.

Planning History

An application for the comprehensive redevelopment of the site to create an up to 8-storey building comprising residential units, landscaping and amenity spaces was submitted to London Borough of Hillingdon in March 2021. The application was refused in June 2021 and appealed in December 2021. The Appeal was allowed, and permission granted on the 21 September 2022. Since that time, two S73 applications have been permitted for amendments including the provision of open balconies in lieu of winter gardens, removal of all car parking but for one accessible blue badge space, the formation of a second stair core, reconfiguration of service layout and pedestrian access to Tavistock Road, and the construction of one additional dwelling (to bring a total of 33 dwellings).

Full planning history for the site is set out at Appendix A.

Proposed Variations of Planning Conditions

Variation of Condition 2

The proposed variation primarily relates to matters of design and thus requires that the approved floor plans and elevations are altered. As such, the following variations to the wording of Condition 2 to the extant S73 permission (ref: 35810/APP/2024/243) are sought.

For clarity, the old references are shown with a strikethrough with the updated references highlighted in **bold**:



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

Drawing	Approved Drawing reference	Revised Drawing reference
Proposed Ground Floor Plan	0010-ADE-XX-00-DR-A-0100 Rev. 04	0010-ADE-XX-00-DR-A-0100-REV 02
Proposed First Floor Plan	0010-ADE-XX-01-DR-A-0101 Rev. 03	0010-ADE-XX-00-DR-A-0101-REV 02
Proposed Second Floor Plan	0010-ADE-XX-02-DR-A-0102 Rev. 03	0010-ADE-XX-00-DR-A-0102-REV 02
Proposed Third Floor Plan	0010-ADE-XX-03-DR-A-0103 Rev. 03	0010-ADE-XX-00-DR-A-0103-REV 02
Proposed Fourth Floor Plan	0010-ADE-XX-04-DR-A-0104 Rev. 03	0010-ADE-XX-00-DR-A-0104-REV 02
Proposed Fifth Floor Plan	0010-ADE-XX-05-DR-A-0105 Rev. 03	0010-ADE-XX-00-DR-A-0105-REV 02
Proposed Sixth Floor Plan	0010-ADE-XX-06-DR-A-0106 Rev. 03	0010-ADE-XX-00-DR-A-0106-REV 02
Proposed Seventh Floor Plan	0010-ADE-XX-07-DR-A-0107 Rev. 03	0010-ADE-XX-00-DR-A-0107-REV 02
Proposed Roof Plan	0010-ADE-XX-08-DR-A-0108 Rev. 02	0010-ADE-XX-00-DR-A-0108-REV 02
Proposed South Elevation	0010-ADE-XX-ZZ-DR-A-0275 Rev. 02	0010-ADE-XX-ZZ-DR-A-0275-REV 02
Proposed East Elevation	0010-ADE-XX-ZZ-DR-A-0276 Rev. 02	0010-ADE-XX-ZZ-DR-A-0276-REV 02
Proposed West Elevation	0010-ADE-XX-ZZ-DR-A-0278 Rev. 02	0010-ADE-XX-ZZ-DR-A-0278-REV 02
Proposed North Elevation	0010-ADE-XX-ZZ-DR-A-0277 Rev. 02	0010-ADE-XX-ZZ-DR-A-0277-REV 02

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

Conditions 3, 5, and 13

The proposed design changes to the approved scheme necessitate that amended reports be prepared and submitted in relation to flood risk and drainage, landscaping (including layout of car parking and cycle parking), and energy. This application therefore also seeks to amend the wording of Conditions 3, 5, and 13 to reflect the updated reports and documents.



Our suggested wording for each of the listed conditions is set out below. For clarity, the wording to removed is shown with a strikethrough with the updated wording highlighted in **bold**:

Condition 3

Approved wording	Our suggested wording
The development hereby permitted shall not be carried out except in complete accordance with the specified supporting plans and/or documents: Flood Risk Assessment and Surface Water Management Report dated February 2021 , Transport Assessment dated January 2024 and Travel Plan dated January 2024 .	The development hereby permitted shall not be carried out except in complete accordance with the specified supporting plans and/or documents: Flood Risk Assessment Surface Water Management Report dated June 2024 , Transport Statement dated June 2024, Transport Assessment dated January 2024, Travel Plan Statement dated June 2024.

Condition 5

Approved wording	Our suggested wording
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 63 bicycles, 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.	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 Rev P07), 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, 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.



Condition 13

Approved wording	Our suggested wording
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_V1 Energy Statement (Dated July 2023)'. The development must proceed in accordance with the approved details.	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.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires decisions to be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Development Plan at this location comprises the Hillingdon Local Plan and any supplementary planning documents. Additionally, the National Planning Policy Framework (NPPF) and associated National Planning Practice Guidance (NPPG) are material considerations providing overarching national policies on sustainable development, housing, and economic growth, underpinning local planning decisions.

As confirmed in a recent High Court ruling in the case of *Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another* [2023] EWHC 176 (Admin) Section 73 does not limit its application to minor material amendments. Instead, the judgment clarifies that a Section 73 can only be used to amend conditions and cannot be used to vary the description of a development as per *Finney v Welsh Ministers and Others* [2019] EWCA.

Commensurate with the guidance established through the courts, this application seeks to vary the wording of Conditions 2, 3, 5, and 13 attached to extant S73 ref: 35810/APP/2024/243 to facilitate the proposed amendments to the scheme.



Design Approach and Visual Impact

All national, regional and local planning policies attach great weight to design. The NPPF particularly establishes that great importance is given to the design of the built environment and recognises that it is a key aspect of sustainable development, recently introducing ‘beauty’ in the built environment as a key planning consideration.

The LP policy D9 defines tall buildings as ‘6 storeys or 18 metres measured from ground to the floor level of the uppermost storey’, against which this proposed scheme now qualifies.

NLP policy D9 goes on to outline that tall buildings are appropriate in principle, taking account of:

- The visual, functional, environmental and cumulative impacts of tall buildings;
- Their potential contribution to new homes, economic growth and regeneration; and
- The public transport connectivity of different locations.

Within the Appeal Inspector’s report, it is noted the proposed development would complement the character and appearance of the area, and that *“the proposal would convey strong visual interest and activity both on the corner [of Garnet Place] and along Tavistock Road.”*

The principle established by the appeal, together with the wider consideration to the site allocation SA38 in its entirety, have been factored into the review of the design approach to this principal elevation. The approved winter gardens originated from discussions with the Council to create noise attenuation from Tavistock Road. However, the use of winter gardens within the local area is limited, and the use of open balconies more prevalent. In accordance with Local Plan policy DMHB11, the incorporation of open balconies will harmonise with the local context taking account of the surrounding architectural composition and the use of high quality buildings materials and finishes. It should be noted that the substitution of winter gardens for balconies was previously approved as part of the previous S73 (ref: 35810/APP/2023/2106) and thus the principle is considered acceptable with no assessment required.

The proposed development should be seen in conjunction with surrounding development, namely ‘COMAG I’ and Padcroft Works. The infilling of the approved scheme serves to bring forward an enhanced proposal that retains a high-quality design and one that would complete the comprehensive development of the wider site allocation; policy SA38: Padcroft Works and COMAG I (LB Hillingdon Local Plan: Part 2 (2020)).

The new storeys will reflect the architectural style and materials characteristic of the area, ensuring visual coherence with existing and forthcoming buildings. The height will match that of the adjacent COMAG I scheme and will therefore appear cohesive and in keeping with its context. The height and scale of the proposed development have been carefully considered to match the adjacent structures, preventing any adverse visual impact and maintaining the overall massing and established height within the area.

By infilling the approved top storeys, the use of available land is optimised, contributing to sustainable urban density without compromising the quality of the built environment. The proposed development is in a highly sustainable location, as outlined in detail within the submitted Transport Assessment, thus lending itself to increased height and density.



Additionally, the proposal includes the replacement of the white render with white brick on the vertical core of the building. This change is anticipated to enhance the overall aesthetic, bringing a subtle elegance to the focal point of the front elevation. The use of white brick is seen to modernise the appearance but also provides a more durable and refined finish, contributing positively to the architectural character of the development, thus further enhancing its visual appeal within the context of the surrounding area and development.

A comprehensive Heritage, Townscape and Visual Impact Assessment (HTVIA) has been prepared and supported by visualisations to thoroughly assess the impact of the proposed scheme.

The assessment demonstrates the development's integration within its context, particularly alongside the existing COMAG I scheme. The TVIA robustly demonstrates that the proposed heights of the new buildings match those of the adjacent approved structures, resulting in a uniform and cohesive character. This alignment ensures that the scheme sits comfortably within the surrounding townscape, contributing positively to the overall visual and aesthetic quality of the area. It should be noted that the TVIA has been prepared and assessed in the context of the extant COMAG I scheme given application ref: 24843/APP/2022/2403 remains undetermined.

Residential Accommodation and Housing Mix

The proposed amendments result in the addition of 6no residential units from the original scheme (and 5no from S73 Ref: 35810/APP/2024/243). Therefore, the housing mix is affected as a result. The approved and proposed housing mix is set out at Table 1 and Table 2 below.

Table 1 – Original Planning Permission (Ref: 35810/APP/2021/1234) Accommodation Schedule

Unit Type	Quantum	Total (%)
1B2P	14	45.5
2B3P	13	39.4
2B4P	1	3
3B4P	4	12.1
TOTAL	32	100

Table 2 – Proposed Accommodation Schedule

Unit Type	Quantum	Total (%)
1B2P	20	52.6
2B3P	13	34.2
2B4P	1	2.6
3B4P	4	10.5
TOTAL	38	100

In summary, the number of 1-bed dwellings has increased by 6, bringing the total number of residential units to 38.



The proposed housing mix remains broadly in line with Padcroft Works and COMAG 1 insofar that those schemes predominantly deliver one and two bed units, with a lower proportion of three beds. Table 3 shows the comparison of unit mix between the three sites. The proposal sits in between the lower and higher proportions of the three bed units on those sites.

Unit Size	Site A: Padcroft Works		Site B: COMAG I		Site C: COMAG II (Tavistock Works)	
	Quantum	%	Quantum	%	Quantum	%
1-bed	81	25.7	20	19.2	20	52.6
2-bed	178	56.5	75	72.1	14	36.8
3-bed	56	17.8	9	8.7	4	10.4

The affordable housing offer is unchanged as part of the proposed amendments to the scheme. As has been accepted at appeal previously and S73 (Ref: 35810/APP/2024/243), due to demonstrable viability reasons, no affordable housing is proposed. This position is supported by the submitted Financial Viability Appraisal and remains unchanged.

Daylight and Sunlight

A comprehensive daylight and sunlight analysis has been conducted to evaluate the impact of the proposed development on neighbouring properties, particularly Fitzroy Court to the north and Yardley Court to the east.

It is acknowledged that Fitzroy Court has bedrooms facing the site and therefore this has been a primary consideration arising in determining previous applications. The assessment previously included a 'mirror image' test to accurately predict the daylight reduction as allowed for at Appendix F of the BRE guidelines. This was accepted by the Inspector within appeal decision ref: APP/R5510/W/21/3288333. The Inspector concluded:

“I therefore do not concur with the Council that to apply the mirror image assessment would be unfair to occupiers of Fitzroy Court. Rather, the mirror image measure appears to be more appropriate in this situation rather than the application of the VSC measure. Consequently, this alternative measure provides a reasonable justification for a greater reduction in daylight to Fitzroy Court than by strictly applying the BRE Guidelines. To do so would unfairly prejudice the development of the appeal site and hamper the delivery of a building of suitable scale that would be commensurate with the aspirations of the allocation to provide comprehensive development across the three sites.”

These conclusions remain unchanged and therefore, a mirror image test, in addition to assessment against the originally consented scheme, is still appropriate in the context. The updated Daylight and Sunlight Assessment has therefore been prepared on this basis. Results indicate that the additional storeys will result in minimal impact over that previously approved, with the secondary bedrooms continuing to receive adequate daylight levels when assessed using the mirror image test and the originally consented scheme.

Yardley Court, located to the east, was also evaluated to ensure compliance with BRE guidelines. The analysis shows that the proposed development will not significantly overshadow Yardley Court, preserving its residents' access to daylight and sunlight throughout the year.



Neighbouring Amenity

The proposed development has been carefully assessed in terms of its impact on neighbouring amenities, namely in regard to Fitzroy Court and Yardley Court.

It should be noted that previously, the Inspector has confirmed that there are no significant concerns regarding overlooking, as the design includes no habitable room windows facing each other. Additionally, the windows that serve corridors are planned to be opaque, ensuring privacy and mitigating any potential issues. This will be unchanged as part of the revised proposals which form the basis of this S73 application.

Specifically, the Inspector set out, in regard to the original scheme:

“The effect of the proposal with respect to privacy has been raised by interested parties. The rear elevation would include windows that would serve circulation corridors and are proposed to be obscurely glazed. As such, there would not be a poor relationship between windows of habitable rooms of the proposal and neighbouring flats. The limited overlooking that would occur to some flats within Yardley Court could be adequately mitigated through the imposition of a condition. The first-floor external amenity space would be a similar height as the amenity space to the rear of Padcroft Works and would provide only oblique views towards nearest neighbouring windows. Also, views from the proposed external spaces at sixth and seventh floors would overlook neighbouring windows and balconies to a limited extent. These relationships could be further obscured by landscaping measures as proposed within the Landscape Strategy. As such, the proposal would not result in a material loss of privacy to adjacent neighbouring occupiers.”

Condition 16 from the previous consent, approved under appeal ref: APP/R5510/W/21/3288333, requires that details of privacy measures for windows facing Yardley Court be submitted and approved by the Local Planning Authority (LPA). This is set out below:

16) details of privacy measures to windows serving living rooms and facing Yardley Court shall be submitted to and approved in writing by the LPA.

It is asserted that the proposed infill will not significantly impact Yardley Court's amenity beyond what was previously approved. The inclusion of privacy measures, as stipulated in Condition 16, remains a viable solution to mitigate any concerns. The impact on neighbouring amenity can be effectively managed and should not impede the approval of the proposed development.

Similarly, the proposed development is not so materially different to the original scheme such that issues concerning overbearingness in relation to Fitzroy Court will arise. Thus, the Inspector's conclusion on the matter remains valid.

In this regard, in considering the original scheme, the Inspector noted within his report that, “[...] the proposed building would not be overbearing or domineering to occupiers of Fitzroy Court to result in material harm.”

Transport and Car Parking

Given that amendments are sought to the provision cycle parking, it is necessary to seek amendments to the wording of Conditions 5 to reflect the updated position and submission of updated documents.



The proposed amendments maintain a 'car-free' development whereby there will be no car parking spaces but for the provision of a single DDA compliant (blue badge) space for use by any disabled occupants. This approach has been permitted by the previous S73 which removed 9no car parking spaces and proposed a single accessible blue badge space in line with the provisions of London Plan Policy T6.

The provision of a car-free development at this location is considered to be in accordance with the maximum car parking standards as set out within the London Plan. Moreover, the London Plan encourages car-free development as the 'starting point' in locations with high public transport accessibility levels (PTALs).

This site is located within an area assessed as PTAL 3 (very good) and therefore, the provision of a car-free development is considered to meet the core aims of the London Plan by eliminating private car parking and encouraging sustainable methods of travel.

In terms of access to public transport, this is set out in detail within the accompanying Transport Assessment however, by way of a summary, the site is located less than 100m from West Drayton station which is served by both the Elizabeth line and GWR services, providing convenient access to central London to the east, and Slough to the west as well as all intervening locations. The site is also located close to a number of local bus routes providing additional connectivity to surrounding areas and enhancing the accessibility of the site without the need for a private vehicle.

The development is situated within a highly sustainable location with a local high street offering a variety of shops and amenities within walking distance. This proximity to essential services further reduces the need for car travel among residents.

Moreover, to solidify this point, within the Inspector's report related to appeal ref: APP/R5510/W/21/3288333, the Inspector accepted that the site is located in a '*town centre location*'. Within the report, the Inspector did acknowledge that the provision of limited car parking may result in increased pressure on the already limited on-street car parking within the area. It was therefore deemed, "*necessary for the Appellant to prevent future occupiers from seeking a resident parking permit*". The previous scheme also included the provision of a car club space for use by occupiers. Both of these measures are proposed to be carried forward and implemented under this current proposal.

With consideration to the above, the provision of a car free development is considered to align with the policy contained within the London Plan by promoting sustainable transport and reducing car dependency. The site's excellent public transport accessibility, proximity to local amenities, and availability of bus routes make it an ideal location for a car-free development. The additional 5 units therefore does not alter compliance with policy. The provision of significant environmental, health, and community benefits remain.

The provision of the additional 5no units of residential has been considered against Policy T6 in regard to the provision of blue badge spaces. The increase in residential units 38 total does not necessitate the provision of an additional blue badge space beyond what was previously accepted, as this adjustment results in only a marginal uplift against the requirements of Policy T6 (3% of 38 being 1.14). Given the requirement assessed against Policy T6 is only marginally above 1, it is considered that this position remains appropriate and in accordance with this policy.



It was previously acknowledged by the Inspector as well as Officers within the latest S73 application, Hillingdon's Local Plan does not incorporate or refer to the 7% requirement stipulated in the London Plan in regard to schemes providing 150 dwellings or more. As a result, only one accessible parking space is required under the current local planning provisions.

In terms of cycle parking, 54 spaces were previously proposed as part of the 32 unit scheme, representing 1 space for 1b2p units, and 2 spaced for remaining units. Additional cycle parking is made available as a result of the additional 5no dwellings. Sufficient cycle parking spaces will be provided to accommodate 67 bicycles as well as 4 visitor spaces, thus according with Policy T5 of the London Plan, and Policy DMT5 and DMT6 of Hillingdon's Local Plan.

Amenity Space

Private amenity space will be provided by open balconies serving each unit on the upper floors and gardens at ground floor level. Communal amenity space will be provided on the first and eighth floors representing an alteration to the scheme as previously approved. Amendments to the wording of Conditions 2 and 5 will therefore capture these changes.

Inclusive of the amenity space to the first floor and eighth floors, the proposed development would provide 375.4sqm of communal outdoor space which represents a significant uplift from the original scheme approved at appeal (294sqm), as well as the extant S73 (274.7sqm). Additionally, the scheme seeks to provide private amenity space totalling 297.4sqm which also represents a marked uplift from the original scheme which provided 266.4sqm of private outdoor amenity.

The site is also in proximity to parks and children's play area including the Regional Park to the north west and Yiewsley Recreation Ground to the north.

It was previously accepted by the inspector that the numerical shortfall in outdoor amenity space was outweighed by the quality of the space provided as well as taking account of the site's context and constraints. The Inspector concluded:

"Therefore, taking the above points together, whilst the quantity of amenity space proposed is lower than the numerical requirements of table 5.3, the proposed external areas would be good quality, offering a variety of communal and private spaces that would be high quality and useful. As such, taking into account the design requirements and constrained nature of the site, the external amenity space would be appropriate and adequate for the needs of future occupiers. As a result, the proposal would comply with policy DMHB 18 of the DMP in seeking development that would provide good quality and useable private outdoor amenity space."

While the scheme still has a shortfall against the requisite 750sqm of amenity space required in policy, there has been an uplift. In any case, the scheme is not considered to represent a fundamental departure from the scheme previously considered acceptable as part of the original consent (ref: 35810/APP/2021/1234) and the extant S73 (ref: 35810/APP/2024/243) in this regard and therefore the scheme is considered to be acceptable and appropriate in terms of the provision of outdoor amenity space.

Landscaping



A comprehensive Landscape Strategy is submitted in support of this application, prepared by Guarda Landscape. This strategy sets out the approach at the ground, first, and eighth (roof) levels. Amendments to the wording of Condition 5 are required as part of this application to reflect this updated Landscaping Strategy.

At roof level, there will be located areas for play, generous communal terrace, and areas for wildlife. The open space to the roof level will total 291sqm and will feature a communal, 'sunshine retreat' which provides a space for residents to sit and enjoy the sunshine in an enclosed and attractive space. Buff porcelain paving provides a permeable, light weight level surface with accessible paths. A central lawn is framed with feature decking, creating the heart of communal activities within the space

In terms of children's play space, this will be provided by way of an informal communal play area on the eighth floor within the 291m2 of amenity area.

Play features suitable for toddlers through to young juniors are proposed in a fun and vibrant space. Boundaries to the space are provided by raised planters, the building facade, glazed screens and green screens. Green screens will be planted with a variety of climbers to create a diverse, lush screen. Species to include *Trachelospermum jasminoides*, Clematis 'Prince Charles' and Lonicera 'Dart's Blanket'. Planting within the 1.1m high planter will be low growing, ensuring light into the space. Species will be selected suitable for the exposed conditions. Trailing plants soften the planters and bring colourful flowers accessible to children.

Play cubes, as shown within the landscape strategy, provide places for interaction and climbing and the spinner bowl allows for dynamic play. The seating is colourful and sculptural and allows a place for parents to sit and watch their children. The play loops also create further opportunities for dynamic play and jumping.

The proposed landscaping strategy is consistent with the plan previously approved under the extant scheme at appeal. There have been no material changes to the landscaping elements since that approval. As the extant permission remains a material consideration, the current landscaping strategy is deemed acceptable.

Urban Greening Factor

The Urban Greening Factor (UGF) is a policy measure introduced in the London Plan to enhance green infrastructure within urban developments. It encourages the incorporation of green features such as green roofs, walls, and permeable surfaces to improve biodiversity, air quality, and urban resilience. The London Plan sets a target UGF score of 0.4 for residential developments, meaning that 40% of the site should be covered by green infrastructure.

As set out within Guarda Landscape's Landscape Strategy, the proposed development achieves a UGF score of 0.42, and therefore wholly complies with the provisions of London Plan Policy G5 which aims to ensure that new developments contribute to the greening of the city by incorporating features such as green roofs, green walls, and soft landscaping.

Energy and Sustainability



The proposed development incorporates the energy and sustainability strategy as previously approved by LBH and thus the principle is considered to be established. The strategy is outlined and summarised below for completeness and should be read in conjunction with the Energy Statement and Overheating Assessment prepared by Love Design Studio in support of this application. As an updated Energy Statement has been prepared and submitted, this application requires amendments to the wording of Condition 13 to reflect the updated material and reference number.

By virtue of the introduction of active cooling, there will be change to the energy consumption and carbon emission results. This will have a knock-on effect on the carbon offset contribution. LDS have undertaken a review of the energy strategy and produced the accompanying Energy Statement.

The updated Energy Statement confirms the principles of the approved Energy Statement (XOCO2, March 2021), previously under Part L 2013, and updates the calculation of the on-site CO2 reduction considering the design amendments and the implementation of Part L 2021.

The energy strategy follows the energy hierarchy; Use Less Energy (Be lean), Supply Energy Efficiently (Be Clean), Use Renewable and Low Carbon Energy (BE Green), and Monitor Energy Performance (Be Seen) as per London Plan policy SI2 and local policy requirements.

The overall strategy capitalises on passive measures to maximise the fabric energy efficiency and energy demand. The use of MVHC will help to reduce the demand for heating and cooling. The strategy confirms that the scheme meets an on-site cumulative CO2 reduction of 63%. The resultant carbon offset contribution has therefore decreased from £44,622 to approximately £31,000.

Flood Risk and Drainage

A Flood Risk and Surface Water Management Report has been prepared by Flo Consult UK Ltd in support of this application and thus this application seeks consent for the variation of Condition 3 to substitute the wording to reflect this updated report which assesses the amended scheme.

An assessment of the development site's flood risk and surface water management has determined that the probability of flooding from all sources is low. Feasible Sustainable Drainage Systems (SuDS) such as blu-roof systems, permeable paving, and cellular units will be implemented, with surface water being directed to a surface water sewer. Peak flow control measures will restrict surface water discharge to 1.10 l/s for up to a 100-year storm event, aligning with Thames Water requirements and improving upon pre-development rates. Volume control measures ensure surface water run-off does not exceed pre-development levels, thus not increasing flood risk. Flood prevention within the development will be achieved with appropriately sized blue-roof and cellular units.

Construction will maintain existing drainage, prioritizing the installation of attenuation tanks and flow controls. The appointed contractors will manage and maintain drainage and SuDS features, funded through property deeds or rental agreements. Water quality will be enhanced through SuDS methods, improving upon the pre-development site.



It is not considered that the situation has materially changed in this regard from the scheme which was previously allowed at appeal. The scheme is therefore considered to be wholly acceptable in regard to London Plan policies SI12 and SI13 which together seek to ensure that new developments are designed to manage flood risk effectively and incorporate sustainable drainage systems (SuDS) to reduce the impact of development on drainage and water management.

Fire

This application is submitted with the following reports:

- Outline Fire Strategy (OF-001442-OFS-01-A)
- London Plan Fire Statement (OF-001442-01-A)
- Gateway One Fire Statement (OF-001442-01-B)

The Government recently concluded consultation on proposed changes to Approved Document B of the Building Safety Regulations. Updates include a mandate for the provision of two staircases within residential buildings over 18m in height. In response to this the GLA has confirmed that the mayor will not accept any proposals being referred which include residential buildings over 18m in height with single staircases as they will not be able to demonstrate the highest standards of fire safety in accordance with London Plan Policy D12.

The proposed development would stand at 8 storeys, measuring 21m in height when measured from the lowest adjacent external ground level to the floor level of the top-most occupied storey (or 24m to the rooftop terrace). As such, the proposed development will be required to accord with the provisions as described above.

The proposed development already incorporates a second stair core as approved via S73 (reference: 35810/APP/2024/243) and the additional units are found to be compliant with regards fire safety

The submitted fire documentation demonstrates compliance with the provisions of Approved Document B, as well as London Plan Policy D12. As such, the proposals are considered entirely acceptable in this regard. The provision of a second stair core has previously been considered and approved under application ref: 35810/APP/2024/243 and is thus considered wholly acceptable in principle and in design terms.



Conclusion

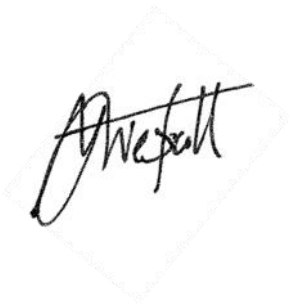
This application seeks to vary conditions in order to account for the change to the plans and drawings reflecting the infill at the upper floors to provide an additional 5 no dwellings totalling 38 dwellings proposed. Specifically, this application seeks to vary the plans approved under extant S73 permission ref: 35810/APP/2024/243 to build upon several changes as previously approved. Namely:

- Replacement of balconies in lieu of winter gardens;
- A reduction in car parking to provide 1 no blue badge car parking space;
- The provision of an additional 1B2P unit at ground floor; and
- The provision of an additional stair core and reconfiguration of service layout and ground floor.

While the proposed amendments relate primarily to matters of design, it is also necessary to amend conditions related to flood risk and drainage, landscaping (including layout of cycle parking), and energy due to the necessity of the submission of revised documents hence, this application also seeks to amend conditions 3, 5, and 13. In terms of the changes under this S73 planning application – namely the infill to provide additional accommodation and reconfiguration of the roof layout – these are considered wholly acceptable in design terms and provide a harmonious built form when considered in conjunction with the adjacent COMAG I site while providing much needed additional accommodation in a highly sustainable town centre location.

I trust that the enclosed provides sufficient information for the application to be validated and determined within the statutory period. In the meantime, please do not hesitate to contact me or my colleague Sam Dargue if you have any queries.

Yours sincerely



Mark Westcott MRTPI
Director

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APPENDIX A – FULL PLANNING HISTORY

Reference	Description of Development	Decision	Date
35810/APP/2020/187	Redevelopment of the site to include the demolition of the existing building (Use Class B1a) and the erection of a 8-storey building and a basement to provide residential units (Use Class C3) and associated works.	Refused	13-10-20
35810/APP/2021/1234	Demolition of existing building and replacement with an upto 8-storey building comprising residential units and associated car parking, landscaping and amenity space.	Refused	24-06-21
		Appeal Allowed	21-09-22
35810/APP/2023/219	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.	Refused	21-06-23
		Appeal Dismissed	28-03-24
35810/APP/2023/2106	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.	Approved	14-01-24



35810/APP/2024/243	<p>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.</p>	Approved	27-05-24
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