

Minutes of the Meeting of the Planning Committee

Date: Wednesday, 21 April 2021

Time: 19:00

Venue: Virtual Meeting

Attendees:

Councillor Shahbaz Ahmed, Councillor Praveen Anand, Councillor Gary Busuttil, Councillor Joanna Dabrowska, Councillor Stephen Donnelly, Councillor Tariq Mahmood, Councillor Dee Martin, Councillor Aysha Raza, Councillor Miriam Rice, Councillor Gregory Stafford, Councillor Chris Summers, Councillor Lauren Wall, Councillor Ray Wall

1 Apologies for Absence and Substitutions

Councillor Gary Busuttil substituted for Councillor Jon Ball.
Councillor Joanna Dabrowska substituted for Councillor Seema Kumar.

2 Urgent Matters

There were none.

3 Declarations of Interest

Councillor Praveen Anand declared for the record that, he had a leased premises on Boston Road, however, he did not feel that the application had any impact on it.

4 Matters to be Considered in Private

There were none.

5 Minutes

Following discussion, it was **RESOLVED:**

That the minutes of the meeting held on 17 March 2021 were agreed as a true and accurate record of proceedings.

6 Site Visit Attendance

There were none.

7 75-117, Boston Road, Hanwell, W7 3SA

Gregory Gray, Planning Officer, introduced the report and explained that the application was for a 'Minor Material Amendment' (MMA) under s73 of the 1990 Act in connection with a mixed, residential-led scheme proposing 360 flats, Commercial and Business re-development of the site of a former Wickes retail DIY store and Nissan car dealership premises in three blocks A, B and C. The site was designated as a Primary Shopping Parade and as a development site (HAN3) in the Development Sites DPD.

The application followed the grant of permission ref: 191301FUL in September 2020 covering the same site, also for a mixed use, residential-led scheme, comprising 333 flats and the same Commercial and Business uses, over three Blocks of 3-7 storeys. That permission was granted pursuant to an earlier grant ref:177284FUL again for a mixed use, residential-led scheme of 283 flats.

Permission ref:177284FUL had been begun in relation to Block A which was common to the extant permission ref:191309FUL and to the present application. It therefore was a material planning consideration in considering the merits of the present s73 application.

The new submission involved an amendment from 191309FUL which included:

1. An increase in the storey heights of Block B from 5, 6 and 7-storeys to 5, 6, 8 and 9-storeys to accommodate an additional 27 affordable and market flats.
2. No changes were proposed to the layout or disposition of Blocks A or C, access, service or parking arrangements, or the amount of Commercial or Business space.
3. Changes were proposed to increase car and cycle parking.
4. External alterations to shopfronts, external doors and windows and balcony positions, ventilation louvres, roof parapets and in relation to current Fire Strategy requirements.
5. Variations of conditions 2, 15, 16, 22, 25, 26, 27 and 32 of permission 191301FUL to cover substitute plan numbers and noise measurement/insulation criteria.
6. Relocation of the existing electricity sub-station within the site.

The Committee was informed that with regard to the approach to assessing a 'Minor Material Amendment' (MMA) under s73 of the 1990 Act, National Planning Policy Guidance (NPPG) stated: '*...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.*' 'Materiality' was judged against the extant or original permission. Any amendments to the permission should not be fundamentally or substantially different to the permission. Regard was had therefore to the Council's Minor Material Amendments Protocol, 2011 and the criteria for assessing minor amendments. The conclusion was that the amendments were not fundamentally or substantially different and the application could accordingly be determined under the provisions of s73.

The Committee was further informed that as the total number of dwellings proposed exceeded the 150 dwelling threshold the application was referred to the GLA under the Mayor of London Order, 2008. Having assessed the application, the GLA had concluded that as the application proposed a net increase of only 27 flats over that already granted, the details, scale and nature of the amendments did not give rise to any new strategic planning issues. Consequently, the Mayor did not wish to be consulted further.

It was reported that the scheme comprised three blocks that would vary in height from 3- to 9-storeys. Those elements above 6-storeys were considered, in accordance with London Plan Policy D9, to be a 'tall building'. Block B was already permitted by 191309FUL to reach heights of 7 storeys. The principle of tall buildings on the site was therefore settled.

The residential component comprised of 360, studio, 1, 2, 3 and 4-bed units. 35% by unit 37.7% by habitable room which a total of 126 would be affordable, shared ownership and London Affordable Rent (LAR), with 234 for market sale. The application increased the number of family-sized shared ownership flats and the proportion of LAR flats, over the extant permission, which was positively supported by the Council's Housing Supply Team.

As the affordable offer and tenure mix was consistent with the extant permission and the increase in dwellings was only 27 and was only recently granted in September 2020 and was subject to an FVA and the s106 agreement review mechanism up to 50% remained in the recommendation, it was considered that the applicant did not need to conduct a further FVA.

In addition to residential amenity spaces, two areas of open public space/village square would enhance the Boston Road frontage. Seven new retail/commercial units would be created to replace the DIY and car sales uses, increasing the scope for new retail uses and job creation. One new B1 Business unit would be created and one for a dry gym/ concierge/post facility for the flats. Car, cycle and service vehicle parking provision was considered to be satisfactory.

The external changes and increased storey height maintained the high design quality of the extant permission. The high-density scheme continued to deliver high design qualities. Daylight, sunlight and overshadowing as well as air quality impacts were assessed along with the character and setting of the adjacent heritage assets and found not to give rise to significant adverse impacts or harm when weighed in the balance against the public benefits of the development.

Transport, environment, energy, Mayoral CIL and Section 106 matters and requirements were assessed. Representations from local residents had been reviewed and addressed. The objections were not considered to outweigh the recommendation for approval.

The Committee was further informed that, it had been concluded, that this would be a sustainable development in NPPF terms, on its merits and in balancing the impacts and benefits in applying the Planning Balance, it was therefore recommended by Officers that full planning permission be granted.

A briefing note in respect of the application had been produced by Planning Officers, circulated to the Committee and published on the Council's website prior to the meeting. It had provided details of amendments to the recommendation, amendments and clarifications to the report, further representations received and amendments to conditions and informatives. The Committee was informed that since the circulation and publication of the briefing note, a further nineteen representations had been received.

The Committee debated the proposal and in response to some of the questions and points raised, Officers confirmed that:

- The units would be compliant with national space standards.
- It would be a matter of judgement by the Committee when considering if the application before them was or was not a minor amendment to the extant permission.
- There would be an increase in single aspect north facing windows and there would also be an increase in dual aspect windows within the scheme.
- With regard to daylight and sunlight impacts on nearby properties, the level of impact and harm would generally be the same as the extant permission.
- The shortfall in communal space would be met by a Section 106 contribution which would be directed towards two parks opposite the site.

Following discussion, the Committee then proceeded to vote on the Application.

RESOLVED:

That for the reasons set out in the committee report, planning permission for the application REF **210104VAR** be **GRANTED** subject to:

1. Satisfactory completion of a Section 106 Legal Agreement.
2. Successful resolution of Planning Conditions of Consent and Informatives as set out in the committee report and amended by the briefing note.

8 Date of Next Meeting

It was noted that the next scheduled meeting would be held on Wednesday 19 May 2021.

The meeting of the Committee concluded at 08:24pm