

## Report of the Head of Planning & Enforcement Services

**Address** PREMIER LODGE SHEPISTON LANE HAYES MIDDLESEX

**Development:** Installation of 10 ground level condenser units with associated timber fencing.

**LBH Ref Nos:** 46138/APP/2010/1932

**Drawing Nos:** C5502/E/1101A - Site Plan  
R2 Series High COP  
Planning Statement  
C5502/M/702 - Proposed North West External Air Conditioning Condenser Compound Plan, Fence Detail and Typical Elevation  
Location Plan - 1:1250  
C5502/M/701 Rev B  
C5502/M/702 Rev A  
C5502/M/703 Rev A

**Date Plans Received:** 18/08/2010                      **Date(s) of Amendment(s):** 18/08/2010

**Date Application Valid:** 18/08/2010

### 1. SUMMARY

The application relates to the installation of 10 conditioning units divided between three areas and screened by 2m high wooden compounded areas. No landscaping would be disturbed or altered. It is considered this additional plant and associated enclosures would in-keeping with the design of the existing building and entirely what you would expect to see on a site of this nature. Furthermore, it is not considered the development would result in a disproportionate change or a material increase in the built up appearance of the site and as such it is considered to comply with the all the relevant policies contained in the UDP (Saved Policies September 2007) and the advice contained in PPG2: Green Belts. The application is recommended for approval

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

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

#### 2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September

2007).

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

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

### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE25	Modernisation and improvement of industrial and business areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
AM14	New development and car parking standards.

### **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **4 I3 Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5 I6 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override

property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## 6

Construction Site Informative:

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

(i) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of;

- 0800 and 1800 on Monday to Friday

- 0800 and 1300 on Saturday.

No such work must be carried out on Sundays and Bank Holidays. All noise generated during such works must be controlled in compliance with British Standard 5228;

(ii) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance  $\zeta$  The control of dust and emissions from construction and demolition, Greater London Authority, November 2006);

(iii) No bonfires on the site shall be allowed to take place at any time.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site relates to an area of land located between the M4 motorway and Shepiston Lane near its junction with Stockley Road. The site comprises an established hotel with surface level parking area to the front. To the east side there is a petrol filling station and there is open land to the west. The application site lies within the 'Green Belt as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

### 3.2 Proposed Scheme

The application seeks planning permission for the; Installation of 10 condensing units, split between three different locations. Three units would be installed to the south east corner of the building against the existing delivery compound area, four units applied to the west corner of the building, to the inset area provided by the staircase block and three units applied to the north corner of the building, again in the inset area on this projection. All units would be screened by a 2m high timber fencing compounds with access gates at the same height.

### 3.3 Relevant Planning History

46138/APP/2000/363      Adj To M4 Junction And South Of Shepiston Lane Hayes

DEVELOPMENT OF A HOTEL WITH ASSOCIATED CAR PARKING AND SERVICING FACILITIES, CREATION OF A NEW MEANS OF ACCESS AND LANDSCAPING (OUTLINE APPLICATION)

**Decision:** 25-02-2002    Approved

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

None

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

PPG2 - Greenbelts

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

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE25	Modernisation and improvement of industrial and business areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
AM14	New development and car parking standards.

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **15th September 2010**

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

An article 8 site notice was displayed to the front of the site and no responses have been received.

BAA Safeguarding: No safeguarding objections

##### **Internal Consultees**

Environmental Protection Unit

EPU have no objection concerning the proposal given that it is not considered to have a material environmental impact on any nearby residential properties.

The proposal seeks to install 10 ground level condenser units at ground level with associated 2m high timber fencing. The application site is located close to the M4 motorway with no residential properties in close proximity and any noise impact will be screened by the fence and masked by the noise from the motorway.

There is potential noise impact on the Premier Inn Hotel accommodation suites within the application site however. But the design and access statement dated August 2010 states that the residential units are sufficiently sound proofed to mitigate any residual noise on the hotel

accommodation given the noise generated from the M4 motorway traffic.

Therefore, EPU do not consider recommending a noise condition in this instance.

## **7. MAIN PLANNING ISSUES**

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

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE15 states alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.

National policy guidance in relation to development within Green Belts is set out in PPG2 Green Belts. Advice contained in that document states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is to be achieved by resisting inappropriate development which by definition is harmful to the Green Belt.

Policy OL4 of the UDP (Saved Policies September 2007) states that the replacement or extension of buildings within the green belt will only be permitted if the development would not result in any disproportionate change in the bulk and character of the original building, would not significantly increase the built-up appearance of the site, and would not injure the visual amenities of the green belt by reason of siting, materials, design, traffic or activities generated.

The proposal relates to the installation of 3 separate areas of plant against the corners of the existing building. These would be screened from the wider area by the provision of 2m high timber fencing with access gates. In relation to the building to which it would be applied, the plant together with associated enclosures, would be small in nature and would be considered in-keeping with the building to which they would be applied. Furthermore, it is not considered the proposal would result in any disproportionate change in the bulk or character of the existing building or increase the built up appearance of the site. As such the principle of the development would be considered acceptable.

### **7.02 Density of the proposed development**

n/a No housing is proposed

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

The application does not affect any of these designations.

### **7.04 Airport safeguarding**

The application is within a safeguarding area and the British Airways Safeguarding Department has been consulted and has confirmed the application would not conflict with safeguarding criteria.

### **7.05 Impact on the green belt**

Policy OL1 of the UDP (Saved Policies September 2007) defines the types of development that are considered acceptable within the Green Belt. The proposal at this hotel site does not conform to those types, however, the hotel and its associated developments are considered to be an established use on the site.

The application seeks permission to install 10 condensing units in total, split into 3 different compounds on the site. Two of the compounds would be installed into the internal corners formed by the projection of the staircase blocks at the end of each wing,

and the third area would extend the existing service area compound by an additional 1m. As such, the two new compounded areas would not protrude further than the existing building lines (resulting in a squaring off of the footprint of the existing building) and the third resulting in an additional 1m section applied to the rear of the existing service area compound. Furthermore, the materials and design are considered to be in-keeping with the site and to the building to which it would relate. As such, due to the proposed design and siting of this plant and its associated compounds, it is not considered the proposal would result in a disproportionate change or a material increase in the built up appearance of the site. Therefore the proposal is considered to comply with the intentions of policy OL4 of the UDP (Saved Policies September 2007) and advice set out in PPG2 Green Belts

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

It is considered these proposals would not have a detrimental impact on the building to which they relate or to the surrounding area. Whilst views of the proposed enclosures of the condenser units may be gained from the public highway, it is considered this development is minor in nature and in-keeping with the design of the building. The condenser units would be visible from within the delivery compound, but again the design of the units is considered to be appropriate with the building and the site to which they relate, and as such would not appear as obtrusive features. Therefore the application is considered to comply with Policies BE13 and BE15 of the UDP (Saved Policies, September 2007).

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

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties, and Policy OE3 deals with development which has the potential to cause noise annoyance. The Environmental Protection Unit has no objection to the application. However, it is noted there are no properties in the near vicinity that would be affected by the proposal and therefore the proposal is considered to accord with policy OE1 and OE3 of the UDP (Saved Policies, September 2007).

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

Not applicable to this application

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

The proposed would not alter the current parking provision on the site and as such the proposal would accord with policy AM14 of the UDP (Saved Policies September 2007)

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

See above

#### **7.12 Disabled access**

Not applicable to this application

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

Not applicable to this application

#### **7.14 Trees, landscaping and Ecology**

The proposed plant and enclosures would be sited against the walls of the existing building and would not impact on any of the existing well landscaped areas of the wider site area.

#### **7.15 Sustainable waste management**

Not applicable to this application

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application

#### **7.17 Flooding or Drainage Issues**

Not applicable to this application

#### **7.18 Noise or Air Quality Issues**

The Council's EPU section has advised that they have no objections to the proposals as they are not considered to have a material environmental impact on any nearby residential properties.

The proposal seeks to install 10 ground level condenser units at ground level with associated 2m high timber fencing. The application site is located close to the M4 motorway with no residential properties in close proximity and any noise impact will be screened by the fence and masked by the noise from the motorway.

There is potential noise impact on the Premier Inn Hotel accommodation suites within the application site however. But the design and access statement states that the residential units are sufficiently sound proofed to mitigate any residual noise on the hotel accommodation given the noise generated from the M4 motorway traffic.

Therefore, EPU do not consider recommending a noise condition in this instance.

#### **7.19 Comments on Public Consultations**

None

#### **7.20 Planning obligations**

Not applicable to this application

#### **7.21 Expediency of enforcement action**

Not applicable to this application

#### **7.22 Other Issues**

Policy BE25 states Local Planning Authorities will seek to ensure modernisation and improvement of industrial and business areas through careful design and landscaping of buildings. This site is surrounded by mature, well landscaped areas, and the plant to be installed would be considered in keeping with the design of the building to which it relates. The landscaping is to remain unchanged, therefore the proposal is considered to comply with the intentions Policy BE25 of the UDP (Saved Policies, September 2007).

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

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is

unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

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

Not applicable to this application

**10. CONCLUSION**

In summary, it is considered the proposed additional plant to be installed to the building would be minor in nature and not result in any adverse impacts to the existing building or the wider area. As such, the proposal is considered to comply with all relevant policies contained in the UDP (Saved Policies September 2007) and therefore the proposal is recommended for Approval.

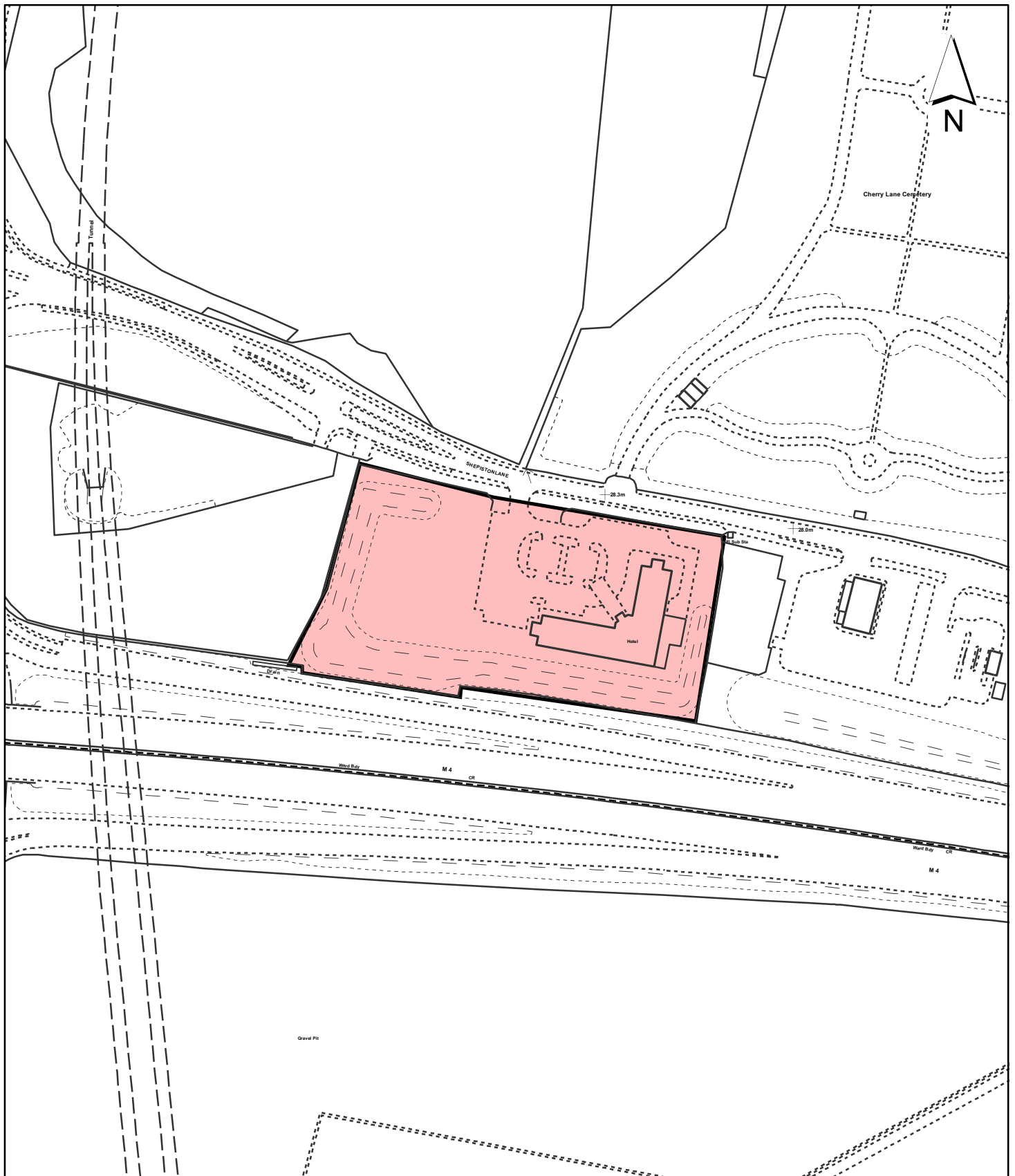
**11. Reference Documents**


Hillingdon Unitary Development Plan Saved Policies September 2007  
The London Plan (2008)

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230





<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2010</p>	<p>Site Address</p> <p style="text-align: center;"><b>Premier Lodge Shepiston Lane Hayes</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning, Environment &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>46138/APP/2010/1932</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:2,500</b></p>	 <p style="text-align: center;"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;"><b>Central and South</b></p>	<p>Date</p> <p style="text-align: center;"><b>November 2010</b></p>	