

Report of the Interim Director of Planning, Regeneration & Public Realm

Address UNIT 6 & 7 ORBITAL INDUSTRIAL ESTATE HORTON ROAD YIEWSLEY

Development: Change of use of Units 6 and 7 from Class E(g)(iii) to flexible Use Classes E(g)(ii-iii)/B2/B8.

LBH Ref Nos: 72906/APP/2022/2555

Drawing Nos: Site Location Plan (29.07.22)
103579 (29.07.22) (Floor Plans)
Planning Statement (29.07.22)
Air Quality Memorandum (Ref: S3783-0030-0001HKL) (04-10-22)
Noise Impact Assessment (Ref: 6095-01) (07-10-22)
Transport Note (10-10-22)

Date Plans Received: 11/08/2022 **Date(s) of Amendment(s):**

Date Application Valid: 02/11/2022

1. SUMMARY

The proposal seeks to allow the use of Units 6 and 7 within the Orbital Industrial Estate, which itself is part of the wider Strategic Industrial Location (SIL), to be used under use classes E(g)(ii), E(g)(iii), B2 or B8, whereas the units are currently restricted to E(g)(iii) only.

All of the proposed uses are acceptable land uses for a SIL, and it is recognised that allowing a more flexible use of these units would make them more attractive to potential occupants, thereby improving, if only marginally, the viability of the wider SIL and encouraging investment in the borough.

The use of the building under these additional use classes would not give rise to any adverse impacts on neighbours or the character and/or appearance of the area, noting that no physical changes to the existing buildings are proposed.

On the basis of the above, the proposal is recommended for approval, subject to conditions.

2. RECOMMENDATION

That delegated powers be given to the Interim Director of Planning, Regeneration and Public Realm to GRANT planning permission, subject to the following:

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:

- i) Air Quality mitigation financial contribution of £8,330.**
- ii) Management and Monitoring fee; 5%.**

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Interim Director of Planning, Regeneration and Public Realm), delegated authority be given to the Interim Director of Planning, Regeneration and Public Realm to refuse planning permission for the following reason:

'The applicant has failed to secure the necessary legal obligations associated with the proposed development and provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Air Quality mitigation). The scheme therefore conflicts with Policy DF1 of the London Plan (2021), Policy DMCI 7 of the Hillingdon Local Plan Part 2 (2020) and the Planning Obligations Supplementary Planning Document (2014).'

E) That if the application is approved, the following conditions be imposed:

1 COM3 Time Limit

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 COM4 Accordance with Approved Plans

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

Site Location Plan (29.07.22)
103579 (29.07.22) (Floor Plans)

Thereafter the development shall be retained as such for as long as the development remains in existence.

REASON

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

3 COM5 General compliance with supporting documentation

The development hereby approved shall be implemented in accordance with the following supporting documents:

Planning Statement (29.07.22)
Air Quality Memorandum (Ref: S3783-0030-0001HKL) (04-10-22)
Noise Impact Assessment (Ref: 6095-01) (07-10-22)
Transport Note (10-10-22)

Thereafter the development shall be 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 Parts 1 and 2 (2012 and 2020) and the London Plan (2021).

4 MCD15 Low Emission Strategy

Prior to the first occupation of the development hereby approved, a Low Emission Strategy (LES) shall be submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

A) the implementation of a fast electric vehicle charging bay.

B) a clear and effective strategy to encourage staff / users to

i) use public transport;

ii) cycle / walk to work where practicable;

iii) enter car share schemes;

iv) purchase and drive to work zero emission vehicles.

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

REASON

To reduce the impact on air quality within an Air Quality Management Area in accordance with Policy EM8 of the Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policies SI 1 and T4 of the London Plan (2021), and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

5 COM16 Noise

For the lifetime of the development hereby approved, the rating level of noise caused by the operation of development shall be at least 5 dB below the minimum background noise level, or 35 dB(A), whichever is higher, determined 1 metre outside of any window of any existing dwelling, or similarly noise sensitive premises, in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy D14 of the London Plan (2021).

6 D11 Restrictions on Changes of Uses

Notwithstanding the provisions of the Town and Country Planning (General permitted Development) (England) Order (2015) (as amended) or the Town and Country Planning (Use Classes) Order (1987) (as amended), the development hereby approved shall operate within the E(g)(ii), E(g)(iii), B2 or B8 use classes only.

REASON

To ensure the units retain an industrial use within an established Strategic Industrial Location and continue to contribute to the supply of industrial land within the borough in accordance with Policies E4 and E5 of the London Plan (2021).

7 COM12 Use Within Same Use Class

The uses hereby approved under the B8 use class shall not include operation as a Data Centre.

REASON

To ensure that any use as a Data Centre is assessed against development plan policies in place at the time, as they tend to have very high energy demands and much worse impacts on air quality than other B8 uses, and these impacts would likely require assessment against Policies SI1, SI2 and SI3 of the London Plan (2021) and require subsequent mitigation.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E5	(2021) Strategic Industrial Locations (SIL)
LPP GG2	(2021) Making the best use of land
LPP SI1	(2021) Improving air quality
DMHB 11	Design of New Development

3 I70 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

4 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises two industrial units within the Orbital Industrial Estate on the southern side of Horton Road. These two units form part of the wider industrial estate,

which comprises eleven other units arranged around an access road, with on-site parking to the side. Orbital Industrial Estate forms part of a wider industrial area designated as a Strategic Industrial Location (SIL), which generally extends eastwards following the railway line to Hayes Town Centre.

Neighbouring uses to the east and west appear to be in keeping with the SIL designation, and there are residential uses to the north of the site, on the northern side of Horton Road, which is the SIL's northern boundary.

3.2 Proposed Scheme

The proposal seeks permission to use Units 6 and 7 as E(g)(ii) (research and development), B2 (heavy industry) or B8 (storage and distribution) uses, in addition to their established use as E(g)(iii) (light industry).

No physical changes are sought.

3.3 Relevant Planning History

72906/APP/2017/1951 Units 1,5,6 & 7, Orbital Industrial Estate Horton Road Yiewsley
Installation of new cladding

Decision: 07-08-2017 Approved

Comment on Relevant Planning History

There is no relevant planning history.

4. Planning Policies and Standards

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) (2021), 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.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- LPP D13 (2021) Agent of change
LPP D14 (2021) Noise
LPP E4 (2021) Land for industry, logistics and services to support London's economic function
LPP E5 (2021) Strategic Industrial Locations (SIL)
LPP GG2 (2021) Making the best use of land
LPP SI1 (2021) Improving air quality
DMHB 11 Design of New Development

5. Advertisement and Site Notice

- 5.1** Advertisement Expiry Date:- **30th November 2022**
5.2 Site Notice Expiry Date:- **30th November 2022**

6. Consultations

External Consultees

Letters dated 02-11-22 were sent to 14 nearby addresses, a site notice was displayed outside the site on 09-11-22 and a press notice was advertised in a local newspaper on 16-11-22.

No responses were received.

Internal Consultees

AIR QUALITY OFFICER (09-01-23): The proposed development is located within the LBH Air Quality Management Area and 370m from the West Drayton/Yiewsley Focus Area bringing additional traffic emissions which will add to current likely exceedances in the area. As per the London Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan (March 2021) requires development to be air quality positive specially within focus areas, actively contributing to reduce pollutant emissions to the atmosphere.

According to LBH Local Action Plan, proposed development within Focus Areas (or with impacts on FAs) needs to be Air Quality positive and further action is required to reduce total emissions produced by its operation. Therefore, the total emissions associated with these activities needs to

be mitigated.

The proposed development is not air quality neutral for B8 use (assuming all parking spaces are used daily, 20 in total) and not air quality positive.

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

Any mitigation measures proposed will be evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

Therefore, if no further mitigation is offered by the applicant, a section 106 agreement with the LAP of £8,330 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

HIGHWAYS OFFICER (05-12-22): The Highway Authority has reviewed the application and have no objections to this proposal.

NOISE OFFICER (10-11-22): Sufficient information has been provided by the Applicant to make a recommendation with respect to noise, including a noise impact assessment report. It is recommended that no objection is made on noise grounds subject to the inclusion of a suitable condition which should be met based on the design information provided and considering measurement and prediction uncertainty.

PLANNING POLICY (05-12-22): No objection. Located in SIL. Please just note standard condition re: No data centres.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 81 of the NPPF sets out that planning decisions should create conditions which mean businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policies GG2 (Making the best use of land) and GG5 (Growing a good economy) of the London Plan state that to create successful sustainable mixed-use places, those involved in planning and development must enable the development of brownfield land, particularly on sites within and on the edge of town centres, as well as utilising small sites wherever possible and sites which are well connected by existing or planned public transport. Additionally, boroughs should plan for sufficient employment and industrial space in the right locations to support economic development and regeneration whilst ensuring that physical and social infrastructure is provided to support London's growth.

In addition, Policy E4 of the London Plan (Land for industry, logistics and services to support London's economic function) requires a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions to be provided and maintained, making provision for the varied operational requirements of light and general industry (use classes E(g)(iii) and B2), storage and logistics (use class B8) and other uses which would be inappropriate outside of an

industrial setting. Policy E4 further states that the retention, enhancement and provision of additional industrial capacity should be particularly prioritised in locations that are accessible to the strategic road network or have potential for the transport of goods by rail or water transport and proposals which seek to provide capacity for micro, small and medium-sized enterprises should be encouraged.

Policy E5 of the London Plan (Strategic Industrial Locations) sets out that Strategic Industrial Locations (SILs) should be managed proactively through a plan-led process to sustain them as London's largest concentrations of industrial and logistics capacity for uses that support the functioning of London's economy. As such, proposals in SILs should be supported where the uses proposed fall within the industrial-type activities set out under Policy E4. Moreover, proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and their ability to operate on a 24-hour basis.

Taking the above into account, it is clear that SILs are London's main reservoir of industrial land and local planning authorities should support opportunities which allow businesses to invest and grow, and should encourage applications which seek to make the borough's supply of SIL land more attractive to investors. The proposed extension of acceptable use classes would allow more opportunities for industrial-style businesses to use the premises (rather than light industrial uses only), keeping employment land in active use and improving the economic strength of the wider industrial estate.

Moreover, all of the proposed uses are acceptable SIL land uses and there are no residential properties in close proximity to these two units which would be affected by a B2 and B8 uses.

Overall, the proposal is acceptable in land use terms.

7.02 Density of the proposed development

Residential density is not relevant to this application.

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

The proposal would have no impact on any heritage assets.

7.04 Airport safeguarding

The proposal has no impact on the physical structures within the application site and therefore no impact on airport safeguarding would occur.

7.05 Impact on the green belt

The proposal would have no impact on the Green Belt or Metropolitan Open Land.

7.07 Impact on the character & appearance of the area

There would be no change to the character or appearance of the area as the proposal relates to land uses only. No physical changes are proposed.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies and Policy BE1 of the Hillingdon Local Plan: Strategic Policies both seek to ensure that new development does not adversely impact on the residential amenity of neighbouring properties.

There would be no impact on neighbours as a result of the proposal, noting the location of these two units, being centrally sited within the Orbital Industrial Estate, away from the Horton Road frontage and in any event, falling within an active industrial site within a wider SIL.

7.09 Living conditions for future occupiers

Not relevant to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed additional land uses would not give rise to any additional demand for parking or give rise to any significant adverse impacts on the local or strategic road network, as any additional vehicle movements associated with the development, in the context of the wider industrial estate and SIL, would be negligible, especially when the established industrial use is considered. As such, it is considered that the highways and parking impacts of the proposal are acceptable.

In any event, both Units 6 and 7 have dedicated parking bays within the site, with five for Unit 6 (367 sqm) and fifteen for Unit 7 (786 sqm), and this would remain unchanged.

7.11 Urban design, access and security

Not relevant to this application as no physical changes are proposed.

7.12 Disabled access

Not relevant to this application as no physical changes are proposed.

7.13 Provision of affordable & special needs housing

Not relevant to this application.

7.14 Trees, landscaping and Ecology

Not relevant to this application as no physical changes are proposed.

7.15 Sustainable waste management

As a purely commercial scheme, Hillingdon would not collect from this site and the applicant would need to arrange this with a private refuse collection service.

7.16 Renewable energy / Sustainability

Not relevant to a change of use application only.

7.17 Flooding or Drainage Issues

Not relevant to this change of use application, as the existing and proposed uses are both not vulnerable.

7.18 Noise or Air Quality Issues

NOISE

Policy D14 of the London Plan (Noise) states that new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. Development proposals should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances with necessary and appropriate provisions including ongoing and future management responsibilities, and proposals should seek to separate new noise-sensitive development from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.

In addition, Policy D13 of the London Plan (Agent of Change) sets out that proposals should mitigate and minimise 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, improving and enhancing the acoustic environment and promoting appropriate soundscapes. Proposals should first seek to separate new noise-sensitive development from major noise sources through the use of distance, screening, layout, orientation, uses and materials, in preference to sole reliance

on sound insulation. 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, promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Furthermore, Policy EM8 of the Hillingdon Local Plan: Strategic Policies (Land, Water, Air and Noise) states that the council will promote the maximum possible reduction in noise levels and will minimise the number of people potentially affected by new developments. As such, the council will seek to ensure that noise sensitive development and noise generating development are only allowed if noise impacts can be adequately controlled and mitigated. In this regard, it is generally accepted that noise emanating from residential properties is lower than commercial premises, and industrial uses are associated with the highest noise profiles.

In support of the application, a Noise Impact Assessment (07-10-22) has been submitted which outlines that the nearest residential properties are on Aspen Close (to the north of Horton Road) and establishes background noise levels using Defra's datasets. These existing sound levels are used as a benchmark, and the predicted sound levels from the proposed development are calculated and compared against the background levels at the residential properties. The Noise Impact Assessment has been reviewed by the council's Noise Officer, who agrees with the findings of the assessment and concludes that the proposed additional uses would not lead to unacceptable conditions at the nearest residential properties, and that this can be effectively controlled by condition in any event, which forms part of the officer's recommendation.

On this basis, the proposal is considered to be acceptable in terms of its impact on noise.

AIR QUALITY

Policy SI 1 of the London Plan (Improving air quality) states that proposals should not lead to further deterioration of existing poor air quality or create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits, so as not to create unacceptable risk of high levels of exposure to poor air quality.

As such, as a minimum, proposals should be at least Air Quality Neutral and should use design solutions to prevent or minimise increased exposure to existing air pollution, whilst making provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures. As such, major development proposals must be submitted with an Air Quality Assessment.

Policy EM8 of the Hillingdon Local Plan: Strategic Policies (Land, Water, Air and Noise) requires all development to protect both existing and new sensitive receptors, and not result in the deterioration of local air quality. In addition, all major developments within Air Quality Management Areas (AQMA) should be air quality neutral whilst actively contributing to the promotion of sustainable transport measures such as vehicle charging points and the increased provision for vehicles with cleaner transport fuels.

Whilst no comments have been received from the council's Air Quality Officer, as the site falls within the borough's AQMA (but not within an AQFA), the development needs to demonstrate an air quality neutral approach. The site's immediate context includes other

industrial uses whilst the nearest residential uses are on Horton Road, to the north. An Air Quality Memorandum was submitted in support of the application, which outlines that the proposed change does not require any construction activities, and does not introduce a new point source emission to air (such as a CHP) and as such, the only potential impact on air quality would be as a result of an increase in vehicle movements.

As set out previously, there would be no predicted change in the level of vehicle movements associated with the change of use, recognising that the on-site parking levels would remain unchanged, with no HGV parking provided. In addition, vehicle movements on the local road network associated with these units are unlikely to change significantly following the change of use, however, as the site is located within an AQMA, and is within 400 metres of an AQFA, some level of mitigation is required. Whilst Mitigation measures to reduce emissions can be applied on-site or off-site, no on-site measures are proposed, and therefore an off-site contribution of £8,330 is required to mitigate the scheme using off-site measures to be implemented by the council. This would be secured as a planning obligation.

Additionally, given the borough's AQMA and the need to encourage all developments to be air quality neutral, a Low Emission Strategy is recommended as a condition to ensure policy compliance.

7.19 Comments on Public Consultations

Letters dated 02-11-22 were sent to 14 nearby addresses, a site notice was displayed outside the site on 09-11-22 and a press notice was advertised in a local newspaper on 16-11-22.

No responses were received.

7.20 Planning obligations

Policy DF1 of the London Plan (Delivery of the Plan and Planning Obligations) requires proposals to provide infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and support delivery of the council's strategic objectives. In general, the London Plan sets out that priority should first be applied to securing affordable housing and necessary public transport improvements, and following this, delivering necessary health and education infrastructure, whilst recognising the importance of securing affordable workspace, and culture and leisure facilities.

At a borough level, Policy DMCI 7 of the Hillingdon Local Plan: Development Management Policies (Planning Obligations and Community Infrastructure Levy) sets out that planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it, to ensure that development is sustainable in accordance with the NPPF (2021). Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL) and through planning obligations.

Specifically, planning obligations are used to secure the provision of affordable housing in relation to residential development schemes, and where a development has infrastructure needs that are not addressed through CIL to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal. Applications which fail to include appropriate planning obligations to make the proposal acceptable will be refused. Planning obligations run with the land, are legally binding and enforceable.

The Community Infrastructure Levy Regulations, the NPPF and Planning Practice

Guidance have put three tests on the use of planning obligations into law. In this regard, planning obligations must meet the following tests to be lawful:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

The following Heads of Terms are proposed, to be secured through a section 106 agreement to either ensure policy compliance or to address deficiencies in the scheme which could not be addressed through amendments to the plans:

- i) Air Quality mitigation financial contribution of £8,330.
- ii) Management and Monitoring fee; 5%.

No CIL would be applied to the development as the proposal is for a change of use.

7.21 Expediency of enforcement action

Not relevant to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

All of the proposed uses are acceptable land uses for a SIL, and it is recognised that allowing a more flexible use of these units would make them more attractive to potential occupants, thereby improving, if only marginally, the viability of the wider SIL and encouraging investment in the borough.

The use of the building under these additional use classes would not give rise to any adverse impacts on neighbours or the character or appearance of the area, noting that no physical changes to the existing buildings are proposed.

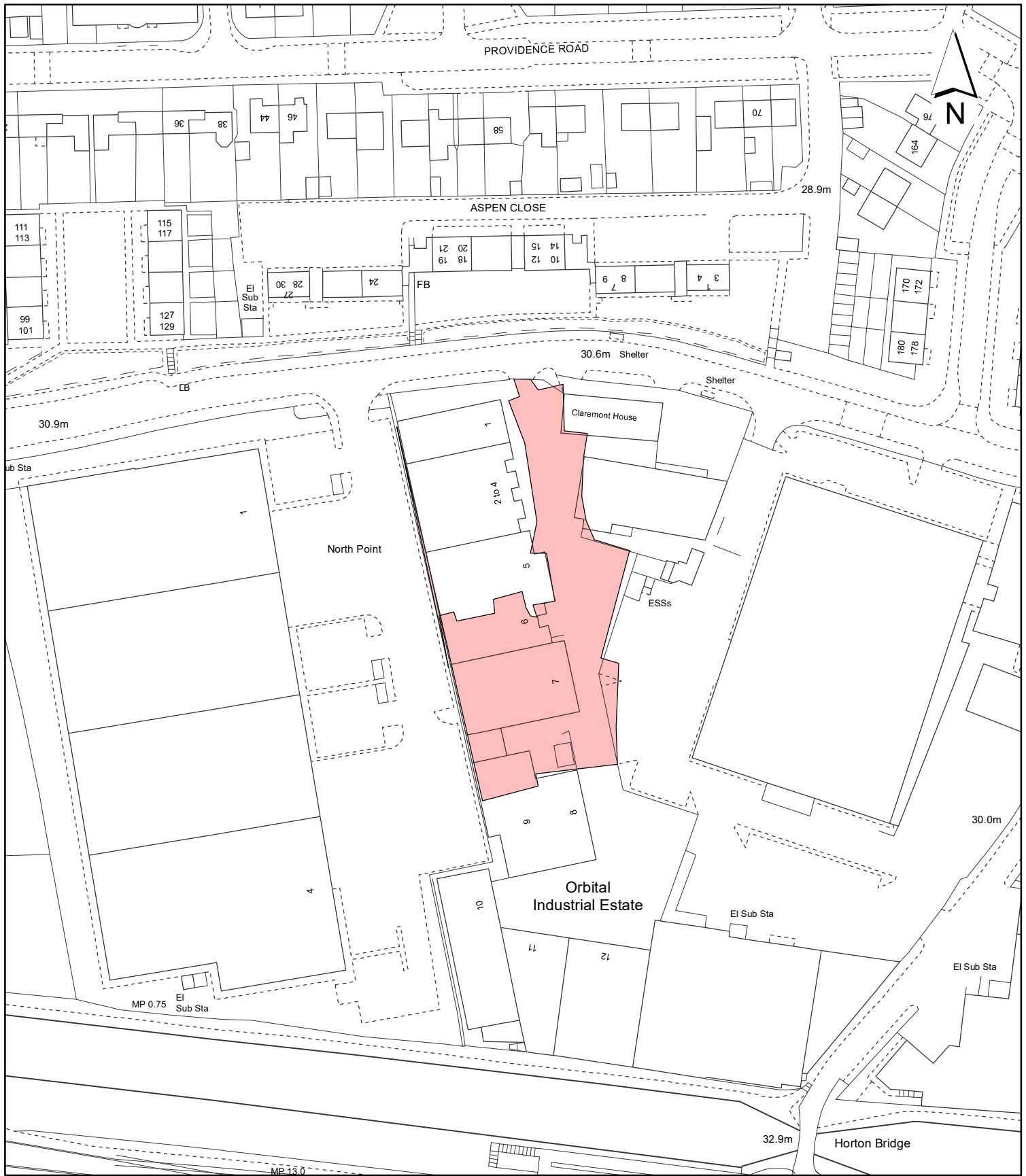
On the basis of the above, the proposal is recommended for approval, subject to conditions.

11. Reference 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)

Contact Officer: Andrew Thornley

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

Unit 6 & 7 Orbital Industrial Estate

Planning Application Ref:

72906/APP/2022/2555

Planning Committee:

Major

Scale:

1:1,250

Date:

January 2023

LONDON BOROUGH OF HILLINGDON
Residents Services Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111



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