

Report of the Head of Planning & Enforcement Services

Address FORMER C R L AND MERMAID BUILDINGS DAWLEY ROAD HAYES

Development: Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation, ref:8294/APP/ 2005/952 dated 29/06/2005: Redevelopment of site to provide Class B1(b) and B1(c) (Business) and B8 (Storage and Distribution) uses including some trade counter uses with associated parking, servicing, access and landscaping.

LBH Ref Nos: 8294/APP/2010/867

Drawing Nos: DPA-001 (rev 00)
DPA-002 (rev 00)
DPA-003 (rev 00)
DPA-004 (rev 01)
DPA-005 (rev 00)
DPA-006 (rev 01)
DPA-010 (rev 01)
DPA-011 (rev 01)
DPA-012 (rev 00)
DPA-013 (rev 01)
DPA-020 (rev 00)
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DPA-022 (rev 00)
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Drivers Jonas Planning Statement
Peter Brett Associates Transport Assessment
Air Quality Assessment
Jacobs Webber Design Statement
Waterman Burrow Crocker Flood Risk Assessment
Macgregor Smith Landscape Proposals
CBA Trees Tree Survey Report

Date Plans Received: 19/04/2010 **Date(s) of Amendment(s):**

Date Application Valid: 19/04/2010

1. SUMMARY

DEFERRED REASON

The application was deferred at the 19 April 2011 Committee in order for the following to be addressed:

i) a further assessment of traffic impacts for further clarification in respect of the Highways officer's comments relating to the potential increase in HGV movements.

Planning Officer Comment:

For avoidance of doubt, the detailed Highways Officer comments in section 6 had erroneously been reproduced from the time of the original application. The erroneous highway comments referred to an increase in traffic movements. There are no changes to levels of parking or the number of traffic movements. The current scheme is the same as that considered acceptable by the committee in 2006.

The current application is only for an extension of the time limit of the planning permission.

The agent has confirmed that the proposal is only to extend the time of the planning permission, that there is no change whatsoever to the proposal since the time that the original application was considered.

The Highways officer has advised that he raises no objection to the current application.

It should be noted by Committee that because of the 2006 approval any major development proposal in the surrounding area since this date would have needed to take into account the additional trip generation from this development proposal in their Transport Assessment. In this regard it is not the case that the highway impact needs to be re-considered in 2011. That would only apply if there had been a major change to the layout of the surrounding highway network, which has not been the case.

SUMMARY

Planning permission is sought to extend the time frame of a previous permission, which proposed full planning permission for the redevelopment of the application site to provide

class B1(b) & B1(c) (Business) & B8 (Storage and distribution) uses including some trade counter uses with associated parking, servicing, access and landscaping.

The previous planning permission was approved in 2006, with a timeframe of five years. The previous planning permission is a substantive material consideration for this application, particularly in light of changes to procedures introduced in October 2009 concerning applications to extend planning permissions. In accordance with the new procedures, an application to extend the time frame of the previous permission was submitted to the Council and validated prior to the previous permission expiring.

Following the deferral of the application by committee on 19 April 2011 to investigate the transport assessment, it has been confirmed by the agent for avoidance of any doubt that there are no changes proposed. That the scheme remains as per the original approved scheme. Further for avoidance of any doubt, the Highways engineer confirms the scheme is acceptable and an update to the Transport Assessment is not required.

All details are identical to those previously approved. There are no changes including the layout and design of the proposed development nor the intensity of the land use as was considered as part of the original assessment, found acceptable and subsequently granted permission.

The proposed complies with currently London Plan and Hillingdon Unitary Development Plan saved policies (September 2007). Accordingly, approval is recommended.

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning, Consumer Protection, Sport and Green Spaces to grant planning permission, subject to the following:

a) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:

i) The provision of a Sustainable Travel Plan and an undertaking to implement the Initiatives therein

ii) An undertaking to enter into a s278 agreement and to fund the cost of off-site highway works subject to a detailed design to be approved in writing by the Council prior to the commencement of development, not necessarily limited to and to include the following:

- Improvements to the Swallowfield Way / Dawley Road roundabout

iii) The provision of satisfactory training and employment opportunities as part of the construction on site to be agreed with the Council

iv) A contribution towards the monitoring and management of the legal agreement of 5% of the s106 value.

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.

d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this committee resolution, then the application will be referred back to the Committee for determination.

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

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 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Highway Improvements

Details of proposed improvement works to the Swallowfield Way/Dawley Road roundabout and other necessary access junction works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be implemented in accordance with the approved scheme prior to occupation of the development.

REASON

In the interests of highway safety in accordance with policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (2007).

5 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the

Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings hereby approved, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with

BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings hereby approved, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

6 TL3 Protection of trees during site clearance and development

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local

Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 TL7 Maintenance of Landscaped Areas

No development shall take place until a schedule of landscape maintenance for a

minimum period of 5 years from practical completion of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation and provide details of how the buffer zone between the development and the Grand Union Canal is to be maintained. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

10 OM11 Floodlighting

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

REASON

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and policy 5.3 of the London Plan (July 2011).

11 SUS2 Energy Efficiency Major Applications

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The energy efficiency report shall demonstrate how the Mayors Energy Hierarchy will be integrated into the development, including a full assessment of the site's energy demand and carbon dioxide emissions, measures to reduce this demand and the provision of 20% of the sites energy needs through on site renewable energy generation. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan (2011).

12 NONSC Trade Counter Floorspace

At any time, no more than 15% of the total gross floorspace of any individual industrial or storage/distribution unit, up to a maximum of 49sqm, shall be publicly accessible for trade counter purposes. At no time shall any adjoining trade counters be combined to create a single larger trade counter.

REASON

Excessive trade counter use of the site would be contrary to the Local Planning Authority's policy for the location of such uses, in particular Policy LE2 of the Hillingdon Unitary Development Plan Saved Policies (2007).

13 SUS6 Green Travel Plan

Prior to the commencement of the development hereby permitted a 10 year Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel

Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements;
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with Policies 6.1, 6.3, and 6.4 of the London Plan (July 2011).

14 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).

15 NONSC Plant Noise

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 Method for rating industrial noise affecting mixed residential and industrial areas .

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan

16 N9 Noise Monitoring Scheme

Before the development commences a scheme which specifies the provisions to be made for the monitoring of noise levels in accordance with condition 15 shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

17 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

18 NONSC Contamination Site Survey (EPU)

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The survey shall be undertaken at such points and to such depth as the Local Planning Authority may stipulate. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers, members of the public, buildings and the environment when the site is development. All works which form part of this remediation scheme shall be completed before any part of the development is occupied unless otherwise agreed in writing by the Local Planning Authority. Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

REASON

To ensure that the occupants of the development are not subjected to any risk from land contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (2007).

19 NONSC Gas Protection (EPU)

Before any part of this development is commenced, a site survey to determine the presence or absence of landfill gas shall be carried out to the satisfaction of the Council. Some of the landfill gas tests within the survey shall be taken beneath the proposed footprint of any new buildings. If landfill gas is found the applicant shall install remediation measures to prevent gas ingress to any buildings on the development site to the prior written satisfaction of the Local Planning Authority.

REASON

The Council's records show that the development site is situated on land that may have been used for landfill. A gas survey is required to clarify that there is no landfill gas being generated that might prejudicially affect the proposed development in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (2007).

20 NONSC Bird Hazard Management

A Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and shall include the following details:

- management of any flat roofs within the site which may be attractive to nesting, roosting or 'loafing' birds. The management plan shall comply with Advice Note 8 - Potential Bird Hazards from Building Design (www.aoa.org.uk/publications/safeguarding.asp),
- which waste materials can be brought on to the site,
- physical arrangement for collection and storage of putrescible waste,
- signs deterring people from feeding birds.

The Bird hazard management plan shall be implemented as approved when construction and shall remain in force for the life of the development.

REASON

To protect Aircraft safety in accordance with Policy A6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

21 NONSC On Site Signage (Original)

Details of on site signage detailing the left hand turn only restriction from the egress only access midway along the Dawley Road frontage shall be submitted to and approved by the Local Planning Authority and implemented prior to first occupation of the development.

REASON

In the interest of highway safety in accordance with policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (2007).

22 NONSC Japanese Knotweed (Original)

A site survey to identify the presence of Japanese Knotweed shall be undertaken and if present an eradication strategy implemented in accordance with details submitted to and approved by the Local Planning Authority prior to commencement of development.

REASON

Japanese Knotweed is a controlled plant which should not be spread in order to protect and enhance the ecological interest of the site in accordance with policy EC5 of the Hillingdon Unitary Development Plan Saved Policies (2007).

23 RCU4 Mezzanine Restriction (Original)

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policy AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

24 MCD10 Refuse Storage (Original)

No development shall take place until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of refuse at the premises have

been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 5.16.

25 H14 Cycle Storage (Original)

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage to accommodate 35 bicycles, as well as changing facilities, lockers and showers for users of and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

26 NONSC Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Document Number: WBC 35079 (SE) 002, Revision A02, March 2005 and the Addendum Letter, ref: 35079-WBC01-BMDW-12113, 20 May 2005 and the following mitigation measures detailed:

- Maximising the reduction in surface water run-off rates for all storm events up to and including the 1 in 100 year event, taking climate change into account, with greenfield rates being the target. As a minimum, run-off rates will not exceed current rates;
- Provision of storage on site to attenuate all storm events up to and including the 1 in 100 year event, taking climate change into account.

REASON

To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), and policy 5.12 of the London Plan (July 2011) and PPS25.

27 NONSC Surface Water Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Any proposed scheme should include:

- A detention basin as described in the letter dated 20 May 2005
- The Maximisation of other Sustainable Drainage Systems (SUDS) such as swales, filter

drains and permeable paving

REASON

To prevent the increased risk of flooding and to improve and protect water quality in accordance with policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), and policies 5.13 and 7.13 of the London Plan (February 2008) and PPS25.

28 NONSC Contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON

To prevent any unacceptable risk to groundwater in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) PPS1 and PPS23.

29 NONSC Contamination Verification

Prior to occupation of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plans for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON

To prevent any unacceptable risk to groundwater in accordance with policy OE11 of the

Hillingdon Unitary Development Plan Saved Policies (September 2007) PPS1 and PPS23.

30 NONSC Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON

To ensure any additional contamination not identified in the site investigation is dealt with appropriately in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) PPS1 and PPS23.

31 NONSC Soakaways

No soakaways shall be constructed in contaminated land.

REASON

To prevent contaminants leaching from the ground to groundwater or watercourses in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policy 5.13 of the London Plan (July 2011) and PPS1 and PPS23.

32 NONSC Buffer Zone

Prior to commencements of development and as part of details submitted in respect of discharging the requirements of condition 7 Landscaping, details of a landscape border within the application site and along the boundary adjacent to the Grand Union Canal (including location, dimensions, layout and planting) shall be submitted for approval in writing by the Local Planning Authority. This should be vegetated with species of local UK genetic provenance and not have a detrimental effect on the river corridor. This should be established in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To contribute to the setting of the Grand Union Canal and also to provide a buffer between the development and any refuges for wildlife within the Grand Union Canal in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) as well as policy 7.19 of The London Plan (July 2011) and PPS1.

33 NONSC Light Spill into Watercourse

There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.

REASON

To minimise possible artificial lighting disrupting the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitat in accordance with policy 7.19 of The London Plan (July 2011) and PPS1.

34 OM14 Secured by Design

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 7.1, 7.2 and 7.3 of the London Plan (July 2011).

35 NONSC CCTV

Prior to commencement of the development for which full planning permission is hereby approved a scheme for the provision of Closed Circuit Television (CCTV) for the relevant phase/relevant component of the full planning element shall be submitted to and approved in writing by the Local Planning Authority. The scheme for the provision of Closed Circuit Television (CCTV) shall include the following:

- i) Details of how the proposed CCTV system will be compatible with the Council's CCTV system;
- ii) Details of CCTV cameras, including type and specification;
- iii) Details of the location of CCTV cameras to be mounted on and/or around the buildings, amenity areas and bicycle storage areas

Thereafter the development shall be carried out in accordance with the approved scheme and thereafter maintained for the life of the development.

REASON

In pursuance of the Local Planning Authority's duty under Section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Local Planning Authority's powers under Section 2 of the Local Government Act 2000; to reflect the guidance contained in the Council's SPG on Community Safety by Design and to ensure that the development provides a safe and secure environment in accordance with policies 7.1, 7.2 and 7.3 of the London Plan (July 2011).

36 NONSC Works Adjacent to Watercourses

Prior to the commencement of development a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted and approved in writing by the local planning authority in consultation with British Waterways. The risk assessment shall also include details of the proposed safety equipment along the canal frontage, which shall be installed prior to first occupation of the development hereby permitted.

REASON

To protect the aquatic environment in accordance with EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) as well as Policies 7.13 and 7.14 of the London Plan (July 2011) and PPS1.

37 NONSC Waterway CCTV and Lighting

Prior to the commencement of the development hereby permitted, full details of any proposed lighting and CCTV scheme close to the Grand Union Canal shall be submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The approved lighting and CCTV scheme should be implemented prior to first occupation of the development.

REASON

In the interest of crime prevention, ecology, visual amenity and the canal setting in accordance with policies EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) as well as Policy 7.3 of the London Plan (July 2011) and PPS1.

38 NONSC Waterborne Freight

Before development is commenced, a feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclates). The use of waterborne transport shall be maximised during the construction of the development unless the above assessment demonstrates that such use of the canal is not physically or economically feasible.

REASON

To encourage the use of the canal for transporting waste and bulk materials in accordance with Policies 7.24, 7.25, 7.26, 7.27, 7.28, and 7.30 of the London Plan (July 2011).

39 SUS8 Electric Charging Points

Before development commences, plans and details of 6 electric vehicle charging points, serving the development and capable of charging multiple vehicles simultaneously, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electrical charging points shall be installed in accordance with the approved details and permanently maintained.

REASON

To encourage sustainable travel and to comply with London Plan Policies 5.8 and 6.13.

40 NONSC Non Standard Condition

Prior to the commencement of development, a scheme (including the marking out of parking spaces) for the allocation of parking spaces (including all disabled bays) shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the parking areas shall be marked out in accordance with the approved plans; designated and allocated for the sole use of the occupants of the development in accordance with the approved scheme; constructed prior to occupation of the development; and thereafter be permanently retained and used for no other purpose. The allocation scheme shall ensure that car parking spaces are located within reasonable proximity to the units they will serve.

REASON

In order to ensure the development is adequately serviced by car parking spaces and to meet the needs of disabled persons in accordance with Policies AM7, AM13 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

41 OM2 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

42 NONSC Non Standard Condition

All soils used for soft landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval by the Local Planning Authority. Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 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.

EC5	Retention of ecological features and creation of new habitats
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE32	Development proposals adjacent to or affecting the Grand Union Canal

BE36	Proposals for high buildings/structures in identified sensitive areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE3	Provision of small units in designated Industrial and Business Areas
LE7	Provision of planning benefits from industry, warehousing and business development
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons

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

With respect to conditions 18, 19 and 20, the Council's Environmental Protection Unit and the Environment Agency, should be consulted prior to preparing information. Contaminates may be present in the soil, water (ground/surface) and gas within the land or exist on the surface of the land.

5 I60 Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp)

6 I15 Control of Environmental Nuisance from Construction Work

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

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours

and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

7

The applicant is advised that any discharge of surface water into the waterways requires British Waterways' written permission before development commences. Please contact Ben Loader on 0207 985 7288 for further information.

8

The applicant/developer is advised to contact British Waterways' third party works engineer, Hilton Guerra (07787 183085) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways Code of Practice for Works affecting British Waterways.

9

You are advised that in relation to discharging the condition relating to the car parking allocation, the Council will expect the details submitted to demonstrate that car parking spaces will be located within reasonable proximity to the units they will serve, and in particular that disabled car parking spaces should be sited close to building entrances. In addition, the Council will expect the details submitted to show the allocation of individual parking spaces to each unit and show where staff and trade counter parking is to be located.

10

You are advised that in discharging condition 3 which relates to boundary treatment details the Council will expect that the frontage along Dawley Road will incorporate railings with brick piers along integrated with landscape planting.

11

You are advised that should a scheme for Closed Circuit Television (CCTV) be proposed for the site, you should liaise with the Metropolitan Police Crime Prevention Officer to ensure that this is compatible with the Council's CCTV system.

12 158 Opportunities for Work Experience

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon

Education and Business Partnership.

3. CONSIDERATIONS

3.1 Site and Locality

The site has an area of approximately 2.6ha and is located on the eastern side of Dawley Road (a London Distributor Road), opposite Swallowfield Way.

The site was formally used by EMI, before part of the site was redeveloped to provide office and research accommodation for Scipher.

To the north, the site backs onto a retained EMI archive building (outside the application site) and the Grand Union Canal. The opposite side of the canal is designated as Green Belt, and part of this area forms the Lake Farm Country Park, a Borough Grade 1 site of importance for Nature Conservation.

On the opposite side of Dawley Road, midway along the length of the site, there is a row of six residential properties with the Industrial and Business Area. To the north of these residential properties is a three-storey factory building, and to the south are two two-storey factory buildings. To the east of the site is a large scale storage building which has a 150m frontage to Blyth Road and a two-storey office building on Clayton Road.

At the time of the original application, the site comprised two office buildings, the octagonal two storey CRL building and the predominantly one and part two storey Mermaid building which is made up of a series of interlinked octagonal units. These buildings have since been demolished. The buildings were previously used for light industrial, research and development and associated office uses. The area where the buildings were located is currently used as a car park.

The site and surrounding area is designated as an Industrial and Business Area (IBA) in the UDP. The surrounding large scale office, industrial and warehousing development reflects this designation.

3.2 Proposed Scheme

This application seeks the renewal of extant planning permission ref: 8294/APP/2005/952 (dated 29/06/2005). All details are identical to those previously approved.

The original planning permission gave consent for the redevelopment of the site to provide an industrial estate. Three single storey buildings and two two-storey buildings are proposed for the site, divided into a total of 29 units. It is proposed that the existing access into the site from the Dawley Road roundabout would be retained as the main access, the access point midway along Dawley Road would be retained as a non-HGV egress with left hand turn only restrictions. Access is also available from Clayton Road, although this is a private road and as such, no formal access arrangements to this road are proposed.

As per the previous application, planning permission is sought for Class B1(b) (research and development laboratories), B1(c) (light industry), B8 (storage and distribution) uses and trade counter uses.

A comprehensive range of supporting technical reports were submitted for consideration

as part of the original assessment, and which were considerations in this application, including a Transport Assessment, Ecological Appraisal, Acoustic Assessment, Flood Risk Assessment, Tree Survey Report, Landscape Proposals Report, and Air Quality Assessment. The scheme is unchanged and no new issues are raised with consideration solely in respect of the acceptability of extending the time limit of the planning permission.

3.3 Relevant Planning History

8294/APP/2001/1970 Scipher Headquarters Dawley Road Hayes

USE AT ANY TIME FOR ALL OR ANY OF THE ACTIVITIES WITHIN CLASS B1 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987

Decision: 18-10-2001 Approved

8294/APP/2005/952 C R L And Mermaid Buildings Dawley Road Hayes

REDEVELOPMENT OF SITE TO PROVIDE CLASS B1(b) AND B1(c) (BUSINESS) AND B8 (STORAGE AND DISTRIBUTION) USES INCLUDING SOME TRADE COUNTER USES WITH ASSOCIATED PARKING, SERVICING, ACCESS AND LANDSCAPING (INVOLVING DEMOLITION OF EXISTING BUILDINGS)

Decision: 28-06-2005 Approved

Comment on Relevant Planning History

Planning permission is sought to extend the time frame of a previous permission, which proposed full planning permission for the redevelopment of the application site to provide class B1(b) & B1(c) (Business) & B8 (Storage and distribution) uses including some trade counter uses with associated parking, servicing, access and landscaping.

The previous planning permission was approved in 2005, with a timeframe of five years. The previous planning permission is a substantive material consideration for this application, particularly in light of changes to procedures introduced in October 2009 concerning applications to extend planning permissions. In accordance with the new procedures, an application to extend the time frame of the previous permission was submitted to the Council and validated prior to the previous permission expiring.

All details are identical to those previously approved.

4. Planning Policies and Standards

An extension of time application is considered against the development plan and material considerations, with a focus on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Policy considerations of note which have changed since the original grant of consent include:

- *Saved Policies version of the Hillingdon Unitary Development Plan 2007
- *London Plan (consolidated since 2004) 2008, specifically the 20% renewable target
- *Accessible Hillingdon Supplementary Planning Document 2010
- *Planning Obligations Supplementary Planning Document 2008

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- | | |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.23 | To encourage industry and warehousing to located within existing Industrial and Business Areas and offices and other business uses, shops and public buildings employing or attracting large numbers of people to located within Town Centres or other areas identified for such purposes. |
| PT1.24 | To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing. |
| PT1.25 | To encourage the provision of small industrial, warehousing and business units within designated Industrial and Business Areas. |
| PT1.30 | To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities. |

Part 2 Policies:

- | | |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| EC5 | Retention of ecological features and creation of new habitats |
| BE13 | New development must harmonise with the existing street scene. |
| BE18 | Design considerations - pedestrian security and safety |
| BE24 | Requires new development to ensure adequate levels of privacy to neighbours. |
| BE25 | Modernisation and improvement of industrial and business areas |
| BE32 | Development proposals adjacent to or affecting the Grand Union Canal |
| BE36 | Proposals for high buildings/structures in identified sensitive areas |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| 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 |
| OE8 | Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures |
| R17 | Use of planning obligations to supplement the provision of recreation, leisure and community facilities |
| LE1 | Proposals for industry, warehousing and business development |
| LE2 | Development in designated Industrial and Business Areas |
| LE3 | Provision of small units in designated Industrial and Business Areas |
| LE7 | Provision of planning benefits from industry, warehousing and business development |
| AM1 | Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations |
| AM2 | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity |

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons

5. Advertisement and Site Notice

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

6. Consultations

External Consultees

Consultation letters were sent to 9 local owners/occupiers.

Two public consultation responses have been received, one from the Chairman of the Hayes Town Partnership and another from Councillor J. Gardner.

HAYES TOWN PARTNERSHIP

Request consideration of any opportunity for the changing the proposal to make better use of the canal.

Officer Comment:

The application is for an extension of time, where consideration of the planning application is assessed against changes in Policy since the granting of the original permission. With regard to the above comment, there has been no change in policy to merit its consideration as part of this application.

COUNCILLOR J GARDNER

I object if the proposal includes the destruction of the area adjacent to the canal. This area has a mooring area already in situ, albeit cosmetic, but the canal side from there up to Dawley Road has excellent cover for a variety of wildlife, including Moorhens, Coots, Ducks, Swans, Heron, Shags, Parrots, a variety of wild birds, Foxes, Shrews and Voles. Many people, including myself and local residents, exit Lake Farm directly opposite the mooring site to site to site and watch the wildlife and feed the water fowl. If the proposal is to be permitted, can I ask that the section next to the canal is left as it is, or opened up so that canal boats can moor there.

Officer Comment:

The application does not encroach into British Waterways land and as such the proposal does not affect access along the canal or its moorings. Notwithstanding, that the application is for an extension of time, where consideration of the planning application is assessed against changes in Policy since the granting of the original permission. With regard to the above comment, there has been no change in policy to merit its consideration as part of this application.

BRITISH WATERWAYS

After due consideration of the application details, British Waterways has the following comments to make:

Use of Waterside

We acknowledge that the Proposals Map designation for the site, including the waterside area, is for Industrial and Business Uses. However, British Waterways is concerned that this designation and the proposed development would not make the best use of the opportunities provided by the Grand Union Canal, which is a unique feature of Hayes, and its benefits for amenity, leisure,

recreation, education, sustainability and ecology should be capitalised upon.

In the five years since the last permission on this site was granted there has been much more realisation of the significance of waterways in acting as a catalyst for regeneration, particularly with the regeneration projects of King's Cross, and the London 2012 Olympic Park site. The Town and Country Planning Association Inland Waterways Policy Advice Note, produced in coordination with British Waterways has also recently been published (2009), and provides advice on the value of watersides and the best way of maximising this for environmental, social and economic gain: <http://www.tcpa.org.uk/pages/inland-waterways.html>

The government guidance 'Waterways for Tomorrow' is also currently at consultation in its revision - Waterways for Everyone.

Whilst the site only occupies a very short waterside length, this links access from the adjacent road, and its use for parking and some landscaping does not make the best use of this valuable asset. It also potentially sterilises future redevelopment of the adjacent site for a more appropriate mixed use scheme that could make the most of the waterside.

We therefore consider that the waterside element of the scheme fails to enhance the character, appearance or use of the waterside in a way that would help to achieve environmental, social and economic benefit for the surrounding area.

However, should the Council be minded to grant planning permission, we would suggest that the waterside be used to create an amenity area for the occupiers of the site. There are currently a lot of self-seeded trees within the waterway wall that will be damaging its structural integrity. This is the responsibility of the site owner and landscaping proposals should consider removing and managing some trees and necessary repairs to the wall.

The development's occupiers are likely to make use of the waterside and the canal towpath for leisure and as a sustainable transport link, putting additional pressure on British Waterways to improve and maintain the canal environment to the standard they expect. We would therefore request that a financial contribution be sought from the development to enhance the waterway environment.

We also request that the following conditions and Informatives be appended to the decision notice:

Prior to the commencement of development a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted and approved in writing by the local planning authority in consultation with British Waterways. The risk assessment shall also include details of the proposed safety equipment along the canal frontage, which shall be installed prior to first occupation of the development hereby permitted.

No development shall take place on site until full details of the proposed landscaping scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The landscaping scheme should include reference to plant species types, surface treatments, fences and walls, any signage and information boards together with the means of on-going maintenance for a five year period. The approved landscaping scheme shall be implemented by the first planting scheme after the development commences.

Reason: In the interest of preserving open views to and from the canal, the living environment for future residents and the canal setting.

Prior to the commencement of the development hereby permitted, full details of any proposed lighting and CCTV scheme close to the Grand Union Canal shall be submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The approved lighting and CCTV scheme should be implemented prior to first occupation of the development.

Reason: In the interest of crime prevention, ecology, visual amenity and the canal setting.

Before development is commenced, a feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables). The use of waterborne transport shall be maximised during the construction of the development unless the above assessment demonstrates that such use of the canal is not physically or economically feasible.

Reason: To encourage the use of the canal for transporting waste and bulk materials in accordance with Blue Ribbon Network Policies 3C.25 & 4C.8 of the Consolidated London Plan, 2008.

Informatives

The applicant is advised that any discharge of surface water into the waterways requires British Waterways's written permission before development commences. Please contact Ben Loader on 0207 985 7288 for further information.

The applicant/developer is advised to contact British Waterways, third party works engineer, Hilton Guerra (07787 183085) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways Code of Practice for Works affecting British Waterways.

In addition, in order for British Waterways to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

ENVIRONMENT AGENCY

Although this is a time extension of a previously granted permission we would like to alter our conditions that we requested originally due to changes in policy.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Document Number: WBC 35079 (SE) 002, Revision A02, March 2005 and the Addendum Letter, ref: 35079-WBC01-BMDW-12113, 20 May 2005 and the following mitigation measures detailed:

- Maximising the reduction in surface water run-off rates for all storm events up to and including the 1 in 100 year event, taking climate change into account, with greenfield rates being the target. As a minimum, run-off rates will not exceed current rates;
- Provision of storage on site to attenuate all storm events up to and including the 1 in 100 year event, taking climate change into account.

Reason:

To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Any proposed scheme should include:

- A detention basin as described in the letter dated 20 May 2005
- The Maximisation of other Sustainable Drainage Systems (SUDS) such as swales, filter drains and permeable paving.

Reason:

To prevent the increased risk of flooding and to improve and protect water quality.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent any unacceptable risk to groundwater.

Prior to occupation of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plans for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason

To prevent any unacceptable risk to groundwater.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

To ensure any additional contamination not identified in the site investigation is dealt with appropriately.

No soakaways shall be constructed in contaminated land.

Reason:

To prevent contaminants leaching from the ground to groundwater or watercourses.

Before development commences a buffer zone should be maximised between the development and the Grand Union Canal. This should be vegetated with species of local UK genetic provenance and not have a detrimental effect on the river corridor. This should be established in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.

There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.

Reason:

Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitat.

Officer comment: Discussions with the EA have clarified that the condition relating to the landscape buffer is simply an intent to emphasise landscaping within the application site with appropriate trees and shrubs along the boundary to the canal. This is to reinforce the natural character and wildlife value of canal but is not intended to extend off the site and into British Waterways land, nor require any alteration to the layout of the development on the site as otherwise approved. It was further confirmed by the EA that this would form part of the landscape details submitted with respect to proposed condition 3.

NATURAL ENGLAND

The description states that existing buildings will be demolished as a result of this development. You should be satisfied that these buildings do not have potential to support bat roosts as bats are a European protected species. It is not clear whether bat surveys were undertaken as part of the original application. However, as this was submitted in 2005 the results would now be out of date. I recommend that you request further information from the applicant in relation to this matter prior to granting planning permission.

Officer Comment:

The buildings were demolished in between the time of granting the original permission and apply for an extension of time. As such, Natural England's comments are considered not relevant in this instance.

BAA SAFEGUARDING

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below from 8294/APP/2005/952 are still applied to any planning permission:

Flat/Shallow Pitched Roofs

Any flat/shallow pitched roof shall be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier shall not allow hazardous birds in particular gulls, to nest, roost or loaf on the building and they must be dispersed by the owner/occupier when requested by BAA Airfield Operations staff.

Reason: To avoid endangering the safe operation of aircraft through the attraction of birds.

We would also make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, Cranes and Other Construction Issues (available at www.caa.co.uk/srg/aerodrome).

SECURE BY DESIGN

The Metropolitan Police Secure by Design Liaison Officer has reviewed the application and raises no objection, subject to a secure by design and pre-commencement boundary treatment condition which addresses:

- What sort of access control/gate will be at the main entrance;
- What security will be like for the cycle storage;
- CCTV coverage for the vehicle entrance as well as general views of the site (up to an acceptable standard for car index numbers etc.);
- How the front fence ends down by the canal, that is, whether access could be gained along the canal side into the site.

The Officer also recommends an Informative noting the Secure by Design Liaison Officer's contact details.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

Noise

No objection to the application to replace an extant planning permission, and an updated standard noise condition has been recommended being condition 15.

Contamination

No objection to the renewal of the permission and extension, subject to the same contaminated land conditions, and the need to submit further information in compliance with the conditions.

Verification information will have to be submitted in order for the condition to be discharged, in case the wording is not explicit enough.

WASTE MANAGEMENT

No objection.

TREES & LANDSCAPING

I refer to the above application to renew an extant planning permission ref. 8294/APP/2005/952 and my previous comments (attached). It is noted that the demolition work has already been implemented. The current application refers to the supporting documents, as formerly approved. My original comments remain valid.

Recommendation:

No objection subject to conditions TL2, TL3, TL5 (full specification), TL6 and TL7.

I refer to the above application, the Design Statement (Jacobs Webber doc.), Ecological Appraisal (CPM doc.), Landscape Proposals (Macgregor Smith doc.), Drg Nos DPA-001, 002, 003, 004, 005, 006, 010, 011, 012, 013, 020, 021, 022, 023, 030, Landscape drawing Nos 6157-01, 753-101, 103-112, 201, 301, 01 and a recent site visit:

The trees on this site form part of the approved landscape setting for the existing complex of buildings. However, the trees are not protected by TPO and the site does not lie within a designated Conservation Area.

Design Statement (Jacobs Webber):

The design statement confirms at 1.3.1 that proposals will retain 'a significant amount of landscaping around the perimeter of the site as well as the existing landscape material adjacent to the Grand Union Canal in order to reduce any visual impact from the Green Belt area'.

It is also proposed to retain the existing perimeter brick wall and railings, with minor amendments to the entrance walls from the main Dawley Road access.

Comparing the existing site plan Drg No DPA-002 with the proposed layout drawing No DPA-004, it is apparent that the planting /soft landscape areas along the north-west boundary with the canal will be retained. The area to the south of Block 01 will be similar to, or slightly wider than, the current

planted strip. Between Block 02 and 04, on the Dawley Road frontage there will be a net loss of planting, with a reduced width of soft landscape reinforced by two triangular areas which project into the site and a new line of continuous planting along the Blyth Road frontage - due to the relocation of the pedestrian access point. Drg No 002 shows the existing soft landscape strip, along the Dawley Road frontage, varying between 2.00-12.00m in width (with an average width of approximately 5.00m). This compares with the proposed layout (Drg No 004) which provides widths varying between 2.00-18.00m but averaging less than at present, approximately 4.00m?

The existing garden-like planting within the site will be totally removed in order to accommodate the proposed built development and service roads. Within the proposed operational areas of the site this plan indicates realistic locations for approximately 18No new trees.

Drg Nos DPA 005,020,021,022,023 and 030 provide a number of elevations and sections around and through the site. These serve to emphasise the existing and potential screening effect, along the Dawley Road frontage in particular, provided by the boundary wall and railings (which will be retained) the mature(ing) trees (selectively to be retained) and the generally reduced ground levels within the site compared with the Dawley Road.

Ecological Appraisal (CPM):

The conclusions and recommendations in section 5 of the Ecological Appraisal, note that:

5.3 'The site is not covered by or immediately adjacent to any statutorily designated sites of nature conservation interest'.

5.9 '...it is considered that some of the semi-mature trees and (shrubs?) should be retained in accordance to the requirements of policy EC5 of the Hillingdon UDP'.

5.13 'The site potentially supports a small stand of Japanese Knotweed...if it is confirmed to be Japanese Knotweed then an eradication strategy will be required'.

5.15 In summary, it is considered that subject to the measures set out above that the proposed re-development of the site can be implemented without significant adverse ecological impacts...'

Landscape Proposals (Macgregor Smith):

The submission includes a tree survey by CBA Trees, carried out according to the guidelines set out in BS 5837:1991. The assessment includes a condition survey which classifies the trees according to their condition and their suitability for retention/removal. The survey information is supported by Drg No CBA 6157.01.

30 different tree species were identified with a total of 130No individual trees were surveyed and 4No groups:

No trees are rated A or A/B (the best categories).

13No trees are rated 'B' (moderate condition where retention is desirable)

55No trees are rated 'B/C' (moderate condition, subject to possible tree surgery)

66No trees are rated 'C' (average condition which could be retained)

1No tree is rated 'C/D' (poor shape/form, not worthy of retention in the long term)

The Landscape Proposals document (Macgregor Smith) provides a landscape statement, which explains the design rationale and objectives for the site. The document includes an Outline Specification for the soft landscape works and Plant Schedules listing the palette of new trees and shrubs proposed for the site.

Tree retention/removal, within the development area, is clarified on Drg No 753-101 which indicates approximately 33No individual trees to be retained around the site edges (north, west/Dawley Road and the Leyland hedge along the southern boundary with Clayton Road).

Drg No 753-301 shows the hard landscape details, including regular irrigation points for the planted areas. The palette of street furniture and paving materials is provided on Drg No 753-01.

Drg No 753-201 shows the proposed soft works package including the retained trees together with new tree and shrub planting with a few planted areas within the site and a concentration of screen planting around the site edges. A total of 14 No cross-sections, both long-distance and local (to explain the effects of the hard and soft landscape proposals along the Dawley Road frontage) are provided in Drg Nos 753-104, 105, 106, 107, 108, 109, 110, 111, 112. The long-distance sections across the whole site and are shown on Drg no 753-104. This illustrates the juxtaposition of the existing trees - at the raised level of the Dawley Road with the proposed buildings (situated on the lower ground level). The boundary sections have been designed to ensure that the existing soil levels around the retained trees will remain unchanged, in order to minimise any changes to the growing conditions. Similarly the new, vertical, retaining walls within the site have been designed to minimise root severance. Any localised loss of soiled areas around existing trees is within the limits specified by BS 5837.

Drg No 753-103 details the protective fencing designed to safeguard the retained trees during the construction work. This detail complies with the recommendations in BS 5837. This drawing needs to be read in conjunction with a plan showing the position of the fencing - which has not been submitted as part of this submission.

Summary:

The site benefits from the retention of the existing wall and railings along the Dawley Road. The proposal to retain trees where appropriate and the relatively low profile of the buildings situated on a level significantly lower than the adjacent public highway, Dawley Road. Although there will be a net loss of planting within the site (the landscape quality of the site is currently exceptional for an IBA), the hard and soft landscape details submitted indicate a high quality landscape setting which has utilised the potential of the landscape features present on the site, in compliance with policies BE25 and BE38.

If you are minded to approve the application, I note that a line of 'off-site' trees are to be removed opposite the main entrance (on the Archive site). Although these trees are outside the application site, this plot is visible from the road/main entrance and should be replanted. Further to this, conditions TL2, TL3, TL5 (full specification) and TL7 should be added.

URBAN DESIGN

Proposal:

From an urban design point of view there are no objections to the proposed scheme in terms of density, site layout, or building design.

Conditions:

- Boundary treatment to be submitted and agreed in writing with the LPA before any works commence;
- Samples of proposed materials for buildings and hard landscaping to be submitted to the LPA and agreed in writing before any works commence.

PLANNING CONTRIBUTIONS s106

There does not appear to have been a s106 signed for the 2005 scheme. However, regarding this extension of time request I do consider that there may now be the need for one given our adopted SPD on planning obligations July 2008.

1. If the proposal has an expected construction time of 3 or more months and an estimate construction cost of over £2 million then it is likely a construction Training scheme or contribution is needed. This would equate to £2,500 for every £1 million build cost.

2. If EPU determine that air quality would be affected by the proposal to such a degree then an air quality contribution may be sought. This could be in the region of £25,000.
3. Transport: depending upon the comments of the highways engineer, there may be the need to include any road works into a s38 or s278 agreement.
4. If a s106 is entered into then a contribution equal to 5% of the total cash contributions will be sought to enable the management and monitoring of the resulting agreement.

Officer comment: EPU do not consider that an air quality contribution is required in this instance. The original approval did not have a s106 signed for the 2005 scheme nor did it have any contribution condition despite the Highways Officer at the time recommending that a s106/s278 agreement be sought.

HIGHWAYS

This is an application for planning permission to replace an extant planning permission. All details (including traffic and parking) are identical to those previously approved.

The proposed development as previously approved will result in an overall net decrease of 122 and 117 vehicular trips during the AM and PM peak periods respectively in comparison with the consented office use, a decrease of 55% and 54% respectively.

However within the overall reduced trips there is likely to be a higher proportion of HGV movements. An analysis of surveys undertaken for the Transport Assessment showed the HGV percentages 16% and 13% respectively travelling to/from the Swallowfield Way industrial area. For robustness the TA assumes an HGV proportion of 20% for the predicted site generated traffic giving a total of 25 and 19 HGV movements respectively.

As with the extant planning permission no objections are raised on highway grounds.

ACCESS OFFICER

I have reviewed the application and based on the details submitted, I have no specific comments to make and therefore do not require any specific conditions in terms of access and inclusion.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

This application seeks the renewal of extant planning permission ref: 8294/APP/2005/952 (dated 29/06/2005). Under procedures introduced in October 2009, applicants can apply to their LPA for a new planning permission to replace an existing permission which is in danger of lapsing. For an extension of time application, an applicant must submit an application to the Council and it must be validated prior to the previous permission expiring. This application meets the criteria of the new procedure to be considered as an extension of time application.

Since the granting of the previous permission, all buildings on site have been demolished.

The site is located in a designated Industrial and Business Area. Policy LE2 of the UPD states that business, industry and warehousing are the preferred uses in Industrial and Business Areas. The proposed industry, warehouse and distribution use is therefore considered to be consistent with the site designation.

All details are identical to those previously approved. This includes the proposed 19 small

units which addresses Policy LE3 as well as a condition limiting the size of the proposed trade counter to address Policy LE2. The scheme therefore remains acceptable in principle, being in accordance with Policy.

7.02 Density of the proposed development

Not relevant to this type of application.

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

The scheme is identical to that previously considered acceptable in 2005. No new issues have been identified.

The Grand Union Canal is designated as a Green Chain, and the Lake Farm Country Park (Borough Grade II Nature Conservation site) is located on the opposite side of the canal.

Policy OL11 of the UDP states that the Council will conserve and enhance the visual amenity and nature conservation values of Green Chains, and Policy BE32 sets a range of considerations for the assessment of development proposals adjacent to the Grand Union Canal, including ensuring that buildings are of a design which compliments the visual quantities of the canal and enhancing or creating views to and from the watercourse. The proposed development is not considered to cause any detriment to the visual amenity or other values of the Grand Union Canal or in respect to its designation as a Green Chain.

Policy EC1 of the UDP states that the Council will not approve development that would be unacceptably detrimental to Nature Conservation Sites. An ecological assessment has been provided with the application, and the conclusions of this study state that the development will not cause any detriment to the Lake Farm Country Park. The Council's Trees and Landscaping Officer has reviewed the ecological assessment submitted and considers the conclusions to be appropriate.

With regard to impact on areas of special character, it is considered that the proposal complies with policies OL11, BE32 and EC1 of the UDP.

7.04 Airport safeguarding

BAA Safeguarding have reviewed the application and raises no aerodrome safeguarding objection to the proposal. The up-to-date Bird Hazard Management standard condition is recommended and cranes informative.

7.05 Impact on the green belt

The scheme is identical to that previously considered acceptable in 2005. No new issues have been identified.

The site is adjacent to the Grand Union Canal, and the land on the opposite side of the canal is designated as Green Belt. Policy OL5 of the UDP states that development adjacent to, or conspicuous from, the Green Belt will normally only be permitted if the development would not injure the visual amenities of the Green Belt.

The site is largely screened by buildings on an adjoining site which extends approximately 104m along the canal. This building is outside the site boundary of this application.

Accordingly, the proposed development is not considered to result in any harm to the Green Belt and as such complies with policy OL5 of the UDP.

7.07 Impact on the character & appearance of the area

This has been addressed in section 7.11 of the report.

7.08 Impact on neighbours

The scheme is identical to that previously considered acceptable in 2005. No new issues have been identified.

With regard to impact on neighbours, the proposed scheme is not considered to result in detriment to surrounding working conditions of other industrial and office buildings, or to the living conditions of the residential properties opposite the site on Dawley Road. Accordingly, it is considered that the proposal complies with policies BE19, BE20, BE21, BE23, BE24, BE25, OE1 and OE3 of the UDP.

7.09 Living conditions for future occupiers

Not relevant to this type of application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

There has been no material change since the extant planning permission and the Council's highways officer has raised no objection to the extension of time application.

The Council's Highways Engineer considers car parking and bicycle parking provision remains sufficient and acceptable for the predicted number of persons to be employed on the site. Shower facilities are provided in each of the units which can be used by cyclists.

The Council's Highways Officer has also reviewed the original Transport Assessment of the approved scheme and considers the assessment and its conclusions to still be relevant and as such, no update is required. Accordingly, it is considered that the impact of the proposed development on the local highway network remains acceptable.

Similarly, the swept path drawings are included in the Transport Assessment, and these drawings indicate that internal circulation to service all of these units is acceptable.

The application includes the proposed improvement works to the Swallowfield Way-Dawley Road roundabout to enable articulated vehicles to access the main site entrance. As per the original scheme the works are to increase the diameter of the roundabout and increase the entry width to the northern Dawley Road arm and the site access arm. These proposed works remain acceptable to the Council's Highways officer and the applicant has reaffirmed that they agree to undertake these works.

The original Transport Assessment contains a framework for a future Travel Plan for the site. A legal agreement is recommended requiring the submission and approval of a full travel plan prior to occupation of the development to enable the specifics of the occupiers to be incorporated into the Travel Plan.

No objection is raised to the proposed junction works and the proposed development is not considered to result in detriment to the local highway network. Accordingly, the application is considered to comply with UDP Policies AM2, AM7, AM9, AM14 and AM15 and remains acceptable on this basis.

7.11 Urban design, access and security

The design of the building is identical to that approved in 2005. There has been no material change since the extant planning permission. The proposed development is comprised of five blocks divided into a total of 29 business units.

To ensure that an appropriate appearance is provided, conditions are recommended requiring the submission and approval of materials and boundary treatment prior to commencement of development.

Given the industrial context of the site and the Industrial and Business Area designation,

the proposed development is considered to provide a satisfactory design and appearance that is considered consistent with surrounding development and in accordance with UDP Policy BE13. The design of the proposed development is also considered to contribute to the improvement of the Industrial and Business Area in accordance with UDP Policy BE25.

7.12 Disabled access

The Council's Access officer has raised no objection to the extension of time application.

Since the granting of the previous permission, the Council has adopted the Accessible Hilling Supplementary Planning Document (SPD).

The Council's Access Officer has reviewed the proposals and has not raised any concerns or requested the imposition of any new conditions.

Accordingly, no objection is raised with regards to accessibility or inclusive design and the development is considered to accord with appropriate standards.

7.13 Provision of affordable & special needs housing

Not relevant to this application.

7.14 Trees, landscaping and Ecology

There has been no material change since the extant planning permission and the Council's Trees and Landscape officer has raised no objection to the extension of time application.

Provision is made for approximately 18 new trees within the operational area of the site. Much of the existing boundary planting is retained (including approximately 33 trees), with small losses and gains to boundary landscaping in accordance with the proposed site layout.

The landscape details indicate a high quality landscape setting which utilises existing landscape features where possible. Accordingly, the proposed development is considered to comply with UDP Policies BE25 and BE38.

7.15 Sustainable waste management

There has been no material change since the extant planning permission and the Council's Waste Management officer has raised no objection to the extension of time application.

7.16 Renewable energy / Sustainability

Policy 4A.4 (Energy assessment) of the London Plan (February 2008) requires an assessment of the energy demand and carbon dioxide emissions from the proposed development to demonstrate that the proposal accords with the Mayor's Energy Strategy. There has been a policy shift since the 2005 approval from the need to meet a 10% renewable target for new development to a 20% renewable target. A condition requiring an energy efficiency report to be submitted is recommended.

It should be noted that since the last permission was granted the London Plan has been updated and Council's have been encouraged to include electric vehicle charging points in major development proposals. A condition is therefore added requiring electric vehicle charging points to be provided.

7.17 Flooding or Drainage Issues

Consultees have recommended conditions relating to surface water drainage and soakways. These recommendations accord with comments and recommendations made

as part of the previous permission. Relevant conditions are recommended.

7.18 Noise or Air Quality Issues

There has been no material change since the extant planning permission and the Council's EPU team has raised no objection to the extension of time application in terms of either noise or air quality.

7.19 Comments on Public Consultations

Refer to section 6.1 of the report.

7.20 Planning obligations

The proposed development would secure the following planning obligations, which necessarily have regard to the material planning consideration which is the previous planning permission.

(i) The provision of a Sustainable Travel Plan and an undertaking to implement the initiatives therein.

(ii) An undertaking to enter into a s278 agreement and to fund the cost of off-site highway works subject to a detailed design to be approved in writing by the Council prior to the commencement of development, not necessarily limited to and to include the following:

- Improvements to the Swallowfield Way / Dawley Road roundabout

(iii) The provision of satisfactory training and employment opportunities as part of the construction on site to be agreed with the Council

(iv) A contribution towards the monitoring and management of the legal agreement of 5% of the s106 value.

The applicant has agreed to meet these obligations.

With regard to British Waterway's comment that the use of the development would likely result in additional pressure for them to improve and maintain the canal environment and their subsequent request that a financial contribution be sought, it is noted that there have been no relevant adopted policy changes since the granting of the extant planning permission. As such the British Waterways request for a financial contribution to improve and maintain the canal environment is not able to be supported.

7.21 Expediency of enforcement action

Not relevant to this application.

7.22 Other Issues

CONTAMINATED LAND

Council records show that the site is either located on land, or is adjacent to land, with a considerable history of industrial uses including a brickfield, turpentine works and a gramophone factory. Any or all of these uses may have left a legacy of contamination. The Council's Environmental Protection officer has reviewed the application and considers the conditions forming part of the previous permission relating to site contamination investigation are still relevant.

CONSTRUCTION PHASE

To ensure that the construction phase does not cause detriment to neighbouring properties and in accordance with the previous permission, a condition is recommended requiring the submission and approval of a construction management plan.

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.

10. CONCLUSION

The application seeks a time extension of an extant planning permission for the redevelopment of a large vacant site within an Industrial and Business Area. The proposed development would provide for Class B1(b), B1(c), B8 uses. Five buildings are proposed, which are divided into a total of 29 units. The main site access is provided from the Swallowfield Way/Dawley Road roundabout, and improvements are proposed to increase the roundabout geometry to enable HGV access to the site.

The previous planning permission is a substantive material consideration for this application, particularly in light of changes to procedures introduced in October 2009 concerning applicants to extend planning permissions.

Following the deferral of the application by committee on 19 April 2011 to investigate the transport assessment, it has been confirmed by the agent that for avoidance of any doubt there are no changes proposed. That the scheme remains as per the original approved scheme. Further for avoidance of any doubt, the Highways engineer confirms the scheme is acceptable and an update to the Transport Assessment is not required.

All details are identical to those previously approved. There are no changes to the layout and design of the proposed development nor the intensity of the landuse, considered as part of the original assessment, found acceptable and subsequently granted permission. Nevertheless, consultees have revisited their assessment, no new issues have been raised and the scheme remains acceptable and recommended for support on this basis.

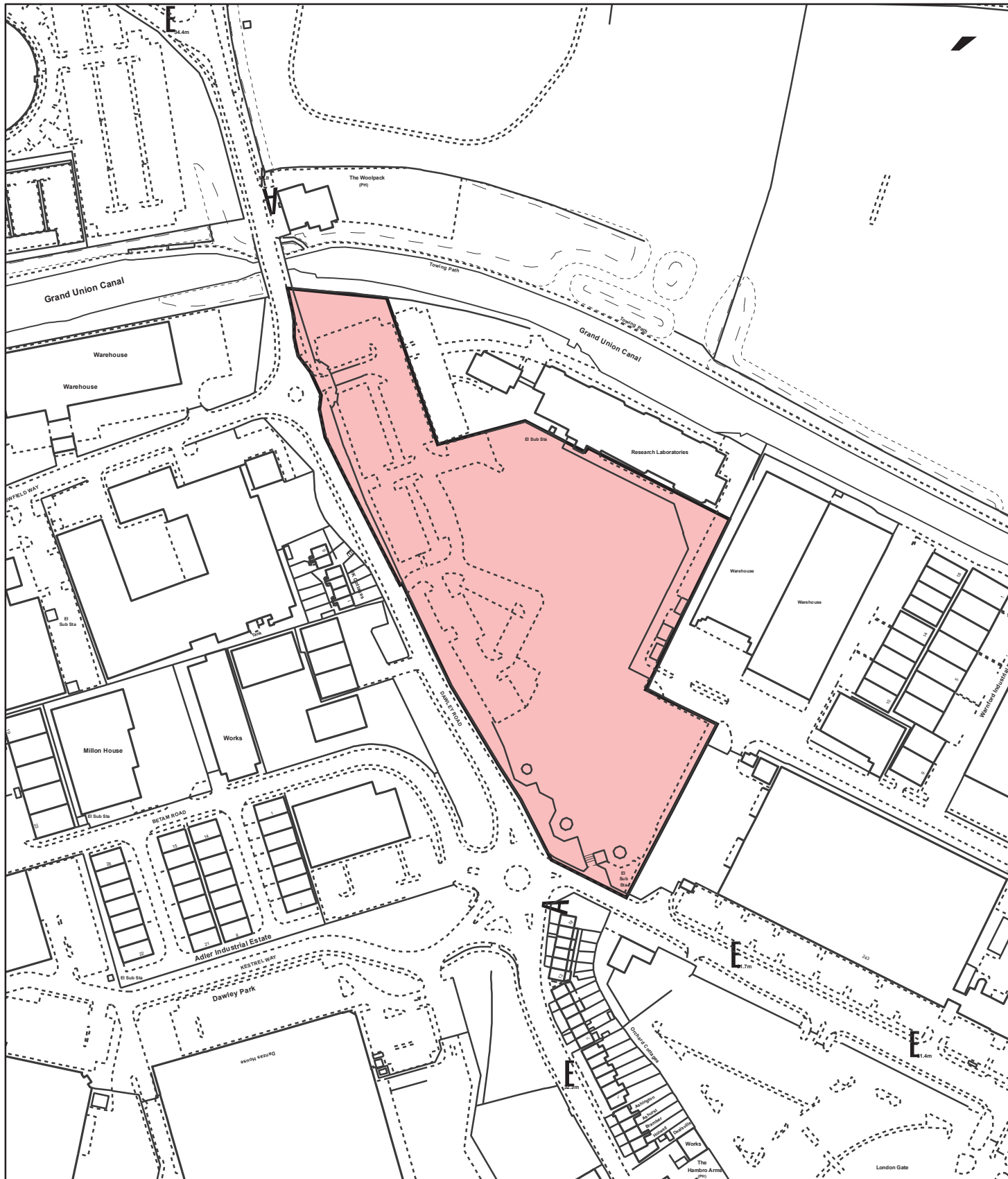
The proposal complies with current London Plan and UDP policies. Subject to conditions, and planning obligations approval is recommended.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies 2007
London Plan (consolidated since 2002) 2008

Contact Officer: Jason Traves

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Notes



Site boundary

For identification purposes only.

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London Borough of Hillingdon
100019283 2011

Site Address

Former CRL and Mermaid Buildings Dawley Road Hayes

Planning Application Ref:

8294/APP/2010/867

Planning Committee

Central and South

Scale

1:2,500

Date

March 2011

**LONDON BOROUGH
OF HILLINGDON**

**Planning,
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