

Report of the Head of Planning, Sport and Green Spaces

Address HPH 5 MILLINGTON ROAD HAYES

Development: Variation of condition 14 (contamination) of planning permission 45753/APP/2012/2029 (Erection of five storey building to provide 13,880sq.m of Class B1(a) Office floorspace, provision of car parking spaces at surface and basement level, associated landscaping and ancillary works).

LBH Ref Nos: 45753/APP/2013/1980

Drawing Nos: Remediation Statement' produced by SKM Enviros, dated 30 April 2013

Date Plans Received: 15/07/2013 **Date(s) of Amendment(s):**

Date Application Valid: 15/07/2013

1. SUMMARY

The application seeks a variation of condition 14 in respect of potential land contamination to allow any necessary remediation works in respect to possible groundwater contamination to be undertaken after occupation of the development. The variation would retain the part of the original condition requiring that any soil remediation be carried out and verified prior to occupation of the development.

Both the Council's Land Contamination Officer and the Council's Flood and Drainage Management Officer have no objection to the sought variation since it poses no risk to health and based upon the information already provided and verified on the nature of the land. The Environment Agency who imposed the original condition have also stated in writing they have no objection to the wording of the revised condition and the proposed strategy to address possible groundwater contamination.

The application is recommended for approval subject to a Deed of Variation to the Legal Agreement to cover the new planning consent. All previous planning conditions applied on the previous permission would be imposed on the new consent

2. RECOMMENDATION

a) That delegated authority be given to the Head of Planning, Green Spaces and Culture to determine the application under delegated powers, subject to the completion of a Deed of Variation to the legal agreement associated with planning permission Ref 45753/APP/2012/2029 to be entered into, to insert the new planning reference number into the existing Agreement and subject to the conditions on the original planning permission, in so far that these are still relevant and are still capable of being discharged.

b) That if the Deed of Variation to the S106 legal agreement has not been finalised by the 9 September 2013, or any other period deemed appropriate by the Head of Planning, Sport and Green Spaces then delegated authority be granted to the Head of Planning, Sport and Green Spaces to refuse the application for the following reason:

'The development has failed to secure obligations relating to transport, public realm enhancements and construction and employment training. Accordingly, the

proposal is contrary to policies R17, OE1, AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and Policy EM6 of the Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) and Policy 5.12 of the London Plan (July 2011) and the NPPF.

c) That if the application is approved, the following conditions be imposed.

1 RES3 Time Limit

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

REASON

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

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SK1020/61/1/1_SLP05, 110475-D-006 Rev. B, 110475-D-005 Rev. B, 110475-D210 Rev. A, 110475-D211, 110475-D212, 110475-D209 Rev. B, 110475-D200 Rev. F, 110475-D201 Rev. F, 110475-D202 Rev. E, 110475-D203 Rev. E, 110475-D204 Rev. E, 110475-D205 Rev. E, 110475-D206 Rev. B, HED.983.107 Rev. D, HED.983.108 Rev. D, HED.983.103 Rev. D, HED.983.104 Rev. E, HED.983.105 Rev. E, HED.983.106 Rev. E and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

3 RES5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

SKM Air Quality Assessment dated 16 August 2012

Design & Access Statement dated June 2012

SKM Transport Assessment HPH5 including appendices (Volumes I, II, III) dated August 2012

SKM Framework Travel Plan HPH5, dated August 2012

Reduction in energy use: BREEM Ecology Report HPH4 and HPH5 (final version dated August 2012)

Water Management: Flood Foul Water Strategy Rev. A received 13 November 2012

Delta Simmons Environmental Assessment Phase 1 dated March 2012

Delta Simmons Environmental Assessment Phase 2 dated October 2012

3D Reid Design Bird Hazard Management Plan dated July 2012

3D Reid Safety and Crime Prevention Note, dated November 2012

SKM Energy Statement HPH5 dated 2 July 2012

Foul Water Strategy Rev. A received 13 November 2012

Report of Flood Risk Assessment & Surface Water Drainage Strategy Rev. 1 received 13 November 2012

Drainage Plans Figure 1 (existing) Rev. P01

Drainage Plans Figure 2 (foul water strategy) Rev. P00

Drainage Plans Figure 3 (proposed storm water strategy) Rev. P01

Rapleys Planning Statement dated 18 Augusts 2012

Fire Evacuation Procedure note, dated November 2012

Fire Strategy - additional statement received 20 November 2012
Remediation Statement' produced by SKM Enviros, dated 30 April 2013

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

REASON

To ensure that the development complies with the objectives of Policies BE13, BE38 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011).

4 COM6 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).

5 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

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).

6 COM9 Landscaping (including refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Full details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Full written specification of planting and cultivation works to be undertaken,
 - 1.c Full schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping
 - 2.a Covered and secure refuse storage
 - 2.b Covered and secure cycle storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts (including demonstration that 20% of all parking spaces are served by electrical charging points)

- 2.e Hard Surfacing Materials
- 2.f External Lighting
- 2.g Other structures

3. Details of Landscape Maintenance

- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

5. Other

- 5.a Existing and proposed functional services above and below ground
- 5.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan.

7 COM10 Tree 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, 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 3998:2010 'Tree work - Recommendations' 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, 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.

8 NONSC Reduction in potable water

Prior to the commencement of development a scheme for the reduction in potable water use including the harvesting and reuse of rainwater as well as the recycling and reuse of grey shall be submitted to and approved in writing by Local Planning Authority. The scheme shall clearly set out how collected water will be reused in areas where potable water is not required, i.e. toilet flushing and irrigation of landscaped areas. The development must proceed in accordance with the approved scheme.

Reason

To ensure the development reduces the pressure on potable water in accordance with Policy 5.15 of the London Plan (July 2011).

9 RES15 Sustainable Water Management (changed from SUDS)

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it follows the strategy set out in Hyde Park Hayes, Report on Flood Risk Assessment and Surface Water Drainage Strategy, produced by Halcrow, dated July 2012 Issue 2 Revision 1, and incorporates sustainable urban drainage in accordance with the hierarchy set out in Policy 5.15 of the London Plan.

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policy 5.12 Flood Risk Management of the London Plan (July 2011) and Planning Policy Statement 25. To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (July 2011), and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (July 2011).

10 NONSC Construction Logistic Plan

Prior to development commencing, the applicant shall submit a construction logistic 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.
- (iii) Measures to prevent mud and dirt tracking onto adjoining roads (including wheel washing facilities).
- (iv) 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).
- (v) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vi) The storage of demolition/construction materials on site (including height of stored materials).
- (vii) height of storage areas for materials or equipment.
- (viii) details of cranes and other tall construction equipment (including the details of obstacle lighting) - such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp).
- (xx) control of activities likely to produce smoke and dust, etc.
 - details of temporary lighting - such details shall comply with Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).
- (x) control and disposal of putrescible waste to prevent attraction of birds.

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

REASON

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

11 NONSC Delivery and Servicing Plan

Prior to commencement of development, details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate measures to minimise vehicle deliveries during am and pm peak hours. The approved strategy shall be implemented as soon as the development is brought into use and the strategy shall remain in place thereafter. Any changes to the strategy shall be agreed in writing by the Local Planning Authority.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy AM2 of the Hillingdon Unitary Development Plan Saved Policies September 2007

12 NONSC Landscape Contamination condition i

No development approved by this planning permission except that necessary to fulfil this condition (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components 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
- a 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON:

The Phase 1 report submitted with the planning application for confirms there is some land and groundwater contamination. The gravels beneath the site are designated a Principal Aquifer and this important resource needs to be protected. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also

states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

We would ask the applicant to wait for our comments on the Phase 2 report prior to undertaking any further work based on the site investigation.

13 NONSC Landscape Contamination condition ii

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 a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect the quality of the water environment by ensuring any contamination identified during construction (e.g. for the substantial basement) is addressed following EA guidance. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

14 NONSC Landscape Contamination condition iii

A verification report demonstrating completion of works set out in the approved remediation report demonstrating completion of 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. This shall be produced in two parts:

- 1) No occupation of any part of the permitted development shall take place until a report detailing verification of soil contamination which represents a potential risk to human health and structures has been provided, and;
- 2) Within two years of the occupation of the permitted development, a verification report demonstrating completion of works set out in the approved remediation strategy 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.

REASON

To ensure remedial work required by conditions 12 and 13 have been undertaken and demonstrated successfully. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

15 NONSC Landscape Contamination condition iv

No infiltration of surface water drainage into the ground is permitted other than with the

express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON

To protect the quality of the water environment by ensuring any infiltration drainage is appropriate to the physical and chemical conditions of the site. Please see advice at the bottom for more detail.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

16 NONSC Piling or any other penetrative design detail

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment. The basement structures have the potential to disturb contamination through their construction and their lifetime - they may cause contaminant migration if the structures cause the groundwater flow regime to change.

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 (July 2011) and national guidance.

NPPF

LPP 5.13 (2011) Sustainable drainage

3 I11 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal

contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

4 115 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

5 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.
Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

6 123 Works affecting the Public Highway - Vehicle Crossover

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

7 124 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

8 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

9 147 Damage to Verge

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

10 160 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)

11

Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.

Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur.

Flashing beacons/stroboscopic lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

12

You will be expected to utilise light sensors within the building to ensure that lights are turned off when facilities and rooms are not in use.

13

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy on commencement of this development. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

Should you require further information please refer to the Council's Website (<http://www.hillingdon.gov.uk/index.jsp?articleid=24738>).

14

The applicant is encouraged if the building uses mechanical ventilation to draw air from as high as possible to ensure the air is as clean as possible.

3. CONSIDERATIONS

3.1 Site and Locality

The former Safeway's Industrial Estate was renamed Hyde Park Hayes business park. It is bounded to the north by Hyde Park Road and by Dawley Road to the west. Millington Road is a private road running through the business park and this forms the southern and eastern boundary of the red line site.

The proposed Hyde Park Hayes 5 building plot was formerly utilised by Maccess as a motor part distributor to trade. The application site immediately adjoins part of a wider piece of land previously owned by Safeway's, although the proposal site was never occupied or operated as part of Safeway's headquarters.

The incomplete business park comprises to date of a number of buildings including:

- An office building, identified as HPH1 which is 4 storeys in height and provides for a floor area comprising 8,600sq.m in area and was built in 1994. Rackspace is a fast growing US origin IT company who provide cloud based data storage facility whose UK headquarters are located within HPH1 and are understood to be seeking to take up occupancy of HPH5 if approved and built out.

- A 3 storey office building (built 1993) identified as HPH2 which provides for a floor area comprising 6,285sq.m in area.

- A 7 storey office building identified as HPH3 (built in 1975 and recently refurbished) and comprises a floor area of 5,130sq.m in area.

- On the north west edge of the business park is the location of the former Mercury House, which was subsequently demolished (in 2007) with the land lying vacant and is identified the the business park owner's as the future building plot site of a building identified as Hyde Park Hayes 6.

- A 5 storey multi storey car park building exists on the business park located to the south west of proposed Hyde Park Hayes 5 with vehicle access off Millington Road and North Hyde Road.

The site is located 700 metres to the south west of Hayes and Harlington Road Station (a future Cross Rail station) accessed via Station Road and approximately a 9-10 minute walk away.

3.2 Proposed Scheme

The application concerns a variation of condition 14 in respect to land contamination. The variation of the condition is sought by the site owner in order to prevent delay to the occupation of the development should remediation works be required in respect to groundwater. The wording of the original condition was set by the Environment Agency

The wording of the proposed condition 14 is to read as follows:

A verification report demonstrating completion of works set out in the approved remediation report demonstrating completion of 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. This shall be produced in two parts:

- 1) No occupation of any part of the permitted development shall take place until a report detailing verification of soil contamination which represents a potential risk to human health and structures has been provided, and;
- 2) Within two years of the occupation of the permitted development, a verification report demonstrating completion of works set out in the approved remediation strategy 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.

REASON

To ensure remedial work required by conditions 12 and 13 have been undertaken and demonstrated successfully. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or

being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The wording of the condition is currently as follows:

"If, during development, contamination is found and remediation is required, no occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as 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.

REASON

To ensure remedial work required by conditions 12 and 13 have been undertaken and demonstrated successfully. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The reason for the condition would remain as currently stated.

3.3 Relevant Planning History

Comment on Relevant Planning History

The only directly relevant planning history is the permission to which this variation of condition relates namely Ref 45753/APP/2012/2029 for the "erection of five storey building to provide 13,880sq.m of Class B1(a) Office floorspace, provision of car parking spaces at surface and basement level, associated landscaping and ancillary works) that was granted on 5 July 2013 following completion of the legal agreement.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM6 (2012) Flood Risk Management

PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

NPPF

LPP 5.13 (2011) Sustainable drainage

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **13th August 2013**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed and 130 letters were sent to the owner/occupiers of neighbouring properties. A press notice was placed in a local newspaper in respect of the application.

No written responses were received from the general public.

ENVIROMENT AGENCY:

No objection to the variation of condition that accords with advice provided on the revised wording of the condition provided by the Environment Agency.

Internal Consultees

ENVIRONMENT PROTECTION UNIT (Land Contamination Officer)

I would have no objection to the change in wording of the condition (number 14) to allow groundwater remediation after occupation. The new condition as proposed in the letter from Rapleys requires that the soil remediation (to protect human health) has to be carried out and verified prior to occupation. This will mean that the soft landscaped areas will be remediated prior to the office workers moving into the site.

FLOOD and WATER MANAGEMENT OFFICER:

I see no reason why this is a problem, and they appear to have consulted the Environment Agency already on the changes. I have no objection to the sought changes.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable, as the principle of the development was established with the original permission (40652/APP/2012/2030)

7.02 Density of the proposed development

Not applicable.

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

Not applicable to this variation of condition.

7.04 Airport safeguarding

Not applicable to this variation of condition.

7.05 Impact on the green belt

Not applicable to this variation of condition.

7.06 Environmental Impact

Not applicable to this variation of condition.

7.07 Impact on the character & appearance of the area

Not applicable to this variation of condition.

7.08 Impact on neighbours

Not applicable to this variation of condition.

7.09 Living conditions for future occupiers

Not applicable to this variation of condition.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to this variation of condition.

7.11 Urban design, access and security

Not applicable to this variation of condition.

7.12 Disabled access

Not applicable to this variation of condition.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

Not applicable to this variation of condition.

7.15 Sustainable waste management

Not applicable to this variation of condition.

7.16 Renewable energy / Sustainability

Not applicable to this variation of condition.

7.17 Flooding or Drainage Issues

The Council's Land Contamination officer has stated the investigation reports submitted to date confirm there is no evidence of significant contamination that would pose a risk to human health. However, on a precautionary basis it is acknowledged that if contamination is found that could endanger the future occupier/users of the site, the site should not be occupied. However, where risk of contamination is solely related to ground water matters this would not provide a risk to future occupiers of the development. In view of that the condition as amended is considered satisfactory and would safeguard health, subject to the requirement that the ground water remediation works are undertaken within two years of the occupation of the development. This is consistent with the advice received by the Environment Agency. Accordingly the condition is considered to comply with NPPF paragraph 109.

7.18 Noise or Air Quality Issues

Not applicable to this variation of condition.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning obligations

The current application is identical to the approved scheme.

The heads of terms, shall be as previously agreed and are as follows:

1. Construction Training: An in-kind scheme delivered during the construction phase of the development, with the scheme to be submitted to and approved prior to the commencement of the development.

2. Employment Strategy: Prior to occupation of the development an employment strategy is to be prepared and agreed in writing with the council, demonstrating how local people will be given access to job opportunities on the site.

3. Public Realm: Prior to the commencement of either HPH 4 or HPH5, whichever comes first, a scheme shall be submitted to and approved in writing by the council addressing improvements to the public realm within the vicinity of the site. As a minimum the scheme shall address landscaping improvements to the land immediately adjacent to the site and the roundabout.

4. Carbon Off-Setting: A financial contribution in the sum of £59,160 is to be secured.
5. Air Quality: A financial contribution in the sum of £12,500 is to be secured.
6. Travel Plan: A Travel Plan is to be prepared to TfL guidelines and adhered to for the life of the development.
7. Highways: A s278/38 agreement is required to be entered into to address all highways works as required by the Council's highways engineer.
8. Pedestrian Environment Review (PERs): A pedestrian environment review shall be undertaken and any works identified as part of this review shall be undertaken by the applicant.
9. Project Management and Monitoring Fee: a financial contribution in the sum of 5% of the total cash contributions is to be secured.
10. Crossrail Contribution: Under the operative Crossrail SPG the sum of £416,400 is required to be made, in the event that this sum is in excess of the payment required under the Mayoral Community Infrastructure Levy (CIL). In the event that this payment is less than that of the Mayoral CIL then no payment is due under this obligation.

Accordingly, it is recommended that the Council approve the application only once the varied legal agreement is in place.

7.21 Expediency of enforcement action

Not relevant.

7.22 Other Issues

LAND CONTAMINATION:

Dealt with under section 7.17 of the report.

8. Observations of the Borough Solicitor

9. Observations of the Director of Finance

10. CONCLUSION

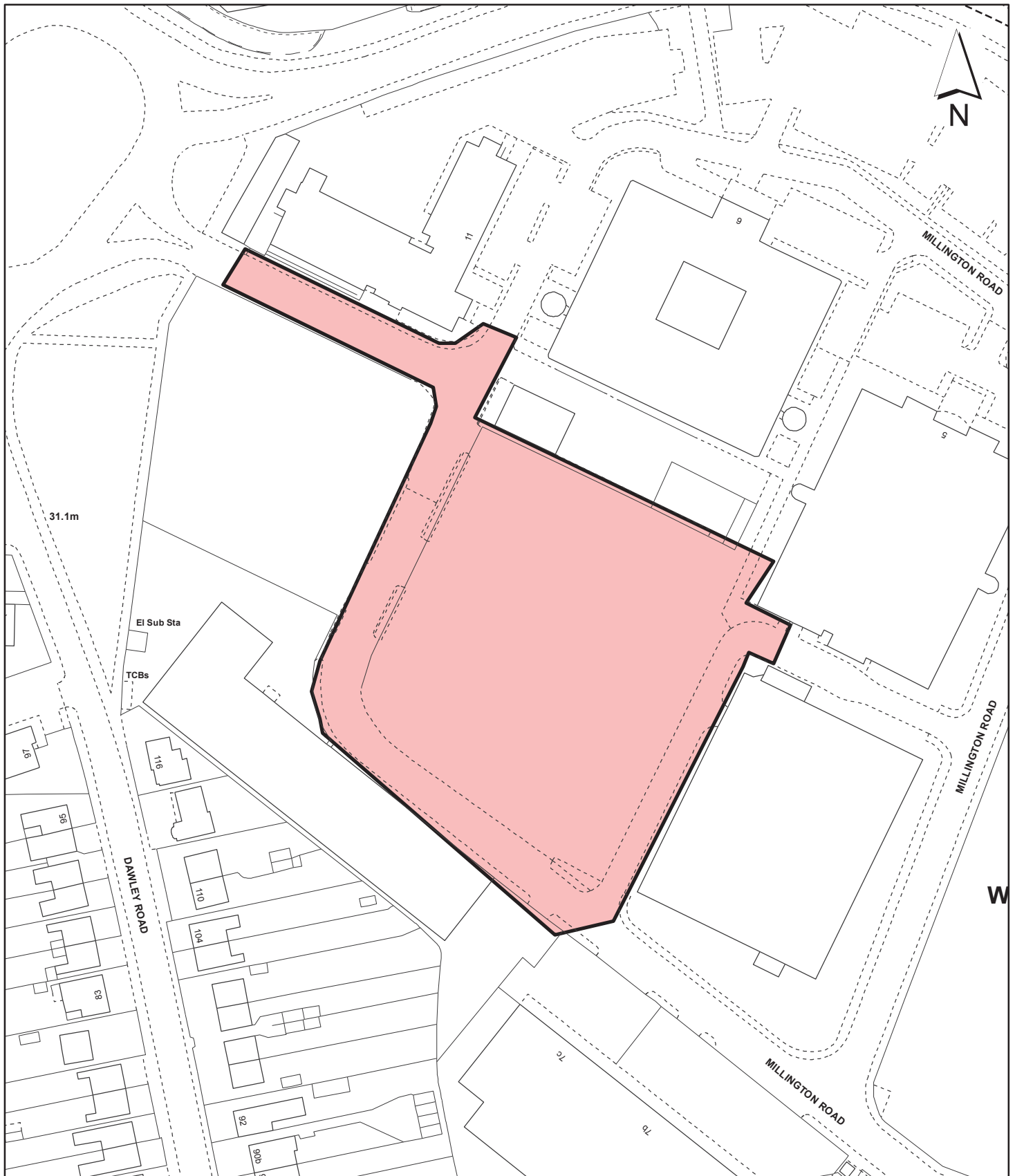
The variation of condition is considered to raise no fresh planning issues and provides the necessary security in terms of human health that accompanied the original planning condition whilst allowing the building to be occupied on completion. On that basis the condition is recommended for approval, subject to the requisite Deed of Variation to the Section 106 being signed.

11. Reference Documents

Hillingdon Local Plan: Part One (November 2012)
 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)
 London Plan (July 2011)
 National Planning Policy Framework (March 2012)

Contact Officer: Gareth Gwynne

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Notes

 Site boundary

For identification purposes only.

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Planning Application Ref:
45753/APP/2013/1980

Scale
1:1,250

Planning Committee
Major Applications

Date
**August
2013**



HILLINGDON
LONDON