

## Report of the Head of Planning, Sport and Green Spaces

**Address** E C HOUSE SWALLOWFIELD WAY HAYES

**Development:** Section 73 application seeking a variation to condition 2 (approved plans) of planning permission ref. 38065/APP/2014/2143 (Re-development of the site to provide 5 industrial units (Use Class B1(c), B2 and B8) with associated parking, servicing and landscaping (Involving demolition and refurbishment of existing units) dated 2/12/14) to remove the 2 metre gap between units 2 and 3 by extending either or both units.

**LBH Ref Nos:** 38065/APP/2015/206

**Drawing Nos:** 1620-TP-N-01F  
1620-TP-N-02D  
1620-TP-N-03E  
1620-TP-N-04C

**Date Plans Received:** 20/01/2015

**Date(s) of Amendment(s):**

**Date Application Valid:** 20/01/2015

### 1. SUMMARY

The application proposed a minor amendment to the previously approved drawings for the development. The amendments do not raise any significant planning concerns and therefore the development proposals accords with the saved Unitary Development Plan policies, the Local Plan Part 1 policies, the London Plan and the NPPF.

Accordingly the application proposal to infill the 2 metre gap between units 2 and 3 is recommended for approval.

### 2. RECOMMENDATION

**1. That delegated powers be given to the Head of Planning and Enforcement to grant planning permission subject to:**

**A) No further objections raising additional material planning concerns not addressed in this report being received before the end of the consultation period.**

**B) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:**

- i) Air Quality Management contribution £12,500;**
- ii) Construction Training: £2500 per £1m of building costs + £9600 per phase of development for coordinator costs or an in kind scheme.**
- iii) Travel Plan including a £20,000.00 bond;**
- iv) Project Management and Monitoring Sum: a financial contribution equal to 5% of the total cash contribution;**

**C) That in respect of the application for planning permission, the applicant meets the Councils reasonable costs in preparation of the Section 106 and/or 278**

Agreements and any abortive work as a result of the agreement not being completed.

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

E)If the Legal Agreements have not been finalised by 17th March 2015 or any other period agreed by the Head of Planning and Enforcement, delegated authority be given to the Head of Planning and Enforcement to refuse planning permission for the following reason:

'The applicant has failed to deliver necessary offsite highway works and to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of employment, air quality management and Travel Plan). The proposals therefore conflicts with Policy AM2, AM7 and R17 of the adopted Local Plan and the Councils Planning Obligations SPG.'

E)That subject to the above and any other changes identified as being necessary by the Head of Planning and Enforcement, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F)That if the application is approved, the following conditions be imposed subject to changes negotiated by the Head of Planning, Green Spaces and Culture prior to issuing the decision:

**1 COM3 Time Limit**

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

**REASON**

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

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LP-01-A, 1620-TP-N-01F, 1620-TP-N-02D, 1620-TP-N-03E, 1620-TP-N-04C, 1620-TP-N-05 and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

**3 COM5 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:  
Inclusive Access Measures/ Security Design/ Waste Strategy (Design & Access Statement dated June 2014),  
Air Quality Mitigation (Air Quality Assessment - dated June 2014),

Sustainable Design Measures (Energy and Sustainability Statement dated 10 June 2014),  
Noise Mitigation Measures (Noise Impact Assessment June 2014)  
Soft Landscaping (Soft Landscape Specification in Planting Layout 647.19.04 June 2014)

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

#### REASON

To ensure that the development complies with the provisions in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011).

#### **4 COM13 Restrictions - Enlargement of Industrial/Warehouse Buildings**

Notwithstanding the provisions of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the building(s) shall not be extended without the prior written consent of the Local Planning Authority.

#### REASON

To enable the Local Planning Authority to assess all the implications of the development and in accordance with policy BE25 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **5 NONSC Use Restrictions**

Notwithstanding the Town and Country Planning (Use Classes) Order (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the units shall not be used as a data centre.

#### REASON

To ensure compliance with the energy and sustainability details hereby approved and to accord with policies 4.4, 5.2, 5.7 and 5.9, of the London Plan 2011.

#### **6 COM14 No additional internal floorspace**

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 Policies BE25 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **7 NONSC No External Storage Above 2 Metres**

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), external storage associated with the use of any part of the site shall not exceed 2 metres in height within any part of the development hereby approved.

#### REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure the development does not detrimentally impact upon the streetscene.

## **8 COM9 Landscaping (car parking & 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. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  
2. Details of Hard Landscaping
  - 2.a Means of enclosure/boundary treatments
  - 2.b Car Parking Layouts (including five disabled parking spaces and demonstration that 4 parking spaces are served by electrical charging points)
  - 2.c Hard Surfacing Materials
  - 2.d External Lighting
  - 2.e Other structures (such as play equipment and furniture)
  
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 surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  
4. Other
  - 4.a Existing and proposed functional services above and below ground
  - 4.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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (July 2011)

## **9 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 Local Plan: Part Two Saved UDP Policies (November 2012).

### **10 NONSC Sustainable Energy**

Prior to occupation, documentary evidence should be submitted to the Local Planning Authority and approved in writing to demonstrate that each element of the development has been carried out in accordance with the approved details. If the development as a whole is unable to meet the required development plan 40% reduction in CO2 emissions through the approved energy strategy, then any shortfall should be made up through the application of further sustainability measures unless otherwise approved by the LPA in writing.

#### REASON

To ensure that the development complies with the provisions in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011).

### **11 COM15 Sustainable Water Management**

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 that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 5.12.

### **12 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 Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 7.1

### **13 COM31 Secured by Design**

The building(s) shall achieve '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). No building shall be occupied until accreditation has been achieved.

#### 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 London Plan (July 2011) Policies 7.1 and 7.3.

### **14 NONSC Imported Soils**

Before any part of the development is occupied, site derived soils and imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

#### 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 Local Plan: Part Two Saved UDP Policies (November 2012).

### **15 COM30 Contaminated Land**

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

### **16 NONSC Archaeological Investigation**

A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.

B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

C) No development or demolition shall take place other that in accordance with the Written Scheme of Investigation approved under Part (B).

D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

#### REASON

Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF

### **17 NONSC Noise Levels**

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the nearest noise sensitive residential window. The measurements and assessment shall be made in accordance to the latest 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

## **18 NONSC Air Quality**

Before the development is commenced details of any plant, machinery and fuel burnt, as part of the energy provision and the location of the flue(s) for the development shall be submitted to the LPA for approval. This shall include pollutant emission rates at the flue(s) with or without mitigation technologies and needs to be considered as part of a wider air quality assessment, as set out in the EPUK CHP Guidance 2012, if applicable. The use of ultra low NOx emission gas CHPs and boilers is recommended. The development should as a minimum be 'air quality neutral' and demonstrably below the relevant building emissions benchmarks.

REASON: To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

## **19 NONSC Existing Access Closure**

The development shall not be occupied until the eastern most existing access from the site to Swallowfield Way has been permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority; and only the approved details shall be implemented.

REASON

To restrict access onto the public highway where it is necessary in the interest of highway safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

## **INFORMATIVES**

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

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

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

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.



LE2	Development in designated Industrial and Business Areas
LPP 5.11	(2011) Green roofs and development site environs
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 7.3	(2011) Designing out crime
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities

### **3            I25                    Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

#### **4**

Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.

It is recommended that the archaeological fieldwork should comprise of the following:

#### Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. Bearing in mind the existing buildings on the site trial trenching is recommended after demolition to establish the site's potential with further investigation if significant remains are found.

#### **5**

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](http://www.aoa.org.uk/publications/safeguarding.asp))

#### **6**

Construction Site Informative:

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

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

(i) 0800 and 1800 on Monday to Friday;

(ii) 0800 and 1300 on Saturday;

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

(B) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance- The control of dust and emissions from construction and demolition, GLA, November 2006)

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

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site comprises a 1.1 hectare corner plot located on the southern side of the junction of Swallowfield Way and Dawley Road, Hayes, some 70 metres to the south of the Grand Union Canal. It currently accommodates six industrial units providing 7,551m<sup>2</sup> (GIA) total area floor space, including a large 1930's part two, part three storey industrial building with some 1980's additions. The site is currently vacant but was formerly used as a logistics depot with permission for a flexible use comprising primary functions such as light industrial (Use Classes B1(C)), general industry (Use Class B2) and/or uses warehouse (B8 storage & distribution).

The site is bounded to the north by Swallowfield Way, and predominantly surrounded by industrial units. The only exception to this is a row of cottages which front Dawley Road and immediately adjoin the south eastern corner of the application site. To the north of the canal, beyond The Woolpack PH on the eastern side of Dawley Road is the Lake Farm Country Park.

The site is located within the Rigby Lane/Swallowfield Way Industrial and Business Area.

#### 3.2 Proposed Scheme

The current application is submitted under Section 73 of the Town and Country Planning Act (as amended) and seeks for minor material alterations to condition 2, to enable minor changes to the approved plans.

The applicant seeks to infill a 2 metre gap between units 2 and 3 by extending sideways either or both units without any alterations to the approved materials.

The infill of the gap would add a further 90m<sup>2</sup> of covered industrial floorspace to this site.

#### 3.3 Relevant Planning History

38065/APP/2014/2143     E C House   Swallowfield Way Hayes

Re-development of the site to provide 5 industrial units (Use Class B1(c), B2 and B8) with associated parking, servicing and landscaping (Involving demolition and refurbishment of existing units)

**Decision:** 13-10-2014     Approved

#### Comment on Relevant Planning History

The only difference between the extant consent and the current proposal is the infilling of the gap between units 2 and 3.

#### **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

Part 2 Policies:

AM14 New development and car parking standards.  
AM15 Provision of reserved parking spaces for disabled persons  
AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities  
BE13 New development must harmonise with the existing street scene.  
BE20 Daylight and sunlight considerations.  
BE21 Siting, bulk and proximity of new buildings/extensions.  
BE24 Requires new development to ensure adequate levels of privacy to neighbours.  
BE25 Modernisation and improvement of industrial and business areas  
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  
LE2 Development in designated Industrial and Business Areas  
LPP 5.11 (2011) Green roofs and development site environs  
LPP 5.2 (2011) Minimising Carbon Dioxide Emissions  
LPP 7.3 (2011) Designing out crime  
OE3 Buildings or uses likely to cause noise annoyance - mitigation measures  
R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

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

**5.1 Advertisement Expiry Date:- 12th February 2015**

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

#### **6. Consultations**

##### **External Consultees**

34 nearby owner occupiers were consulted, a site notice was posted and the application was advertised in a local paper. The consultation period will expire on 12th February 2015.

No responses have been received raising concerns with the proposed variations. However, if members are minded to recommend approval the permission should be issued only after the

consultation period has expired and only in the case that no additional material considerations are raised that have been discussed in this report.

Canal and River Trust  
No objections to the proposals.

Heathrow  
No safeguarding objections to the S73 application.

#### **Internal Consultees**

Tree and Landscape  
No objections to proposed variation.

Accessibility  
No accessibility issues are raised by this application.

Highways  
Traffic impacts, car and cycle parking all remain unchanged by the amendments currently sought. It is not considered the additional floorspace would have any significant impact on highways matters in this case.

## **7. MAIN PLANNING ISSUES**

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

The principle of the development was considered in granting planning permission 38065/APP/2014/2143. Further consideration of this matter is not warranted under the current application.

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

The application does not comprise any residential floorspace, as such density is not considered relevant to the proposal.

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

Although the site does not fall within a Conservation Area or Area of Special Character the Greater London Archaeological Advisory Service (GLAAS) stated with the respect to the previous application that the site lies in an area known for evidence of early human (Lower and Middle Palaeolithic) occupation.

A condition has been imposed to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Subject to such a condition the proposals raises no heritage issues.

Furthermore, the proposals do not impact on any other heritage assets including Conservation Areas, Listed Buildings or Areas of Special Local Character.

### **7.04 Airport safeguarding**

The proposal does not conflict with aircraft safeguarding criteria.

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

The site does not fall within land designated as Green Belt and therefore raises no Green Belt issues.

### **7.06 Environmental Impact**

The environmental impacts of the development were considered in granting planning permission 38065/APP/2014/2143. The proposed amendments do not impact on these issues and as such are acceptable in this respect.

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

Overall, the proposed alterations to the external appearance of the development are minor and will not alter its overall appearance within the surrounding area. Notwithstanding this, it is considered that the removal of the gap will provide a continuous and common frontage to the units and will result in an improvement to the appearance of the development overall.

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

The position of the infill gap in between units 2 and 3 is such that it would not be visible from nearby residential properties and therefore the proposal would not have a detrimental impact on the amenity of neighbouring occupiers.

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

The proposal is for an industrial building and accordingly there will be no future residential occupiers. The internal layout is suitable for future users of the industrial and warehousing buildings.

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

Traffic generation, car/cycle parking and safety issues were considered as part of the original approval. Traffic Impacts, car and cycle parking all remain unchanged by the amendments currently sought.

The increase in floorspace is minor and the amendments therefore raise no highways concerns.

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

Issues of design and access are dealt with in the appropriate sections of the report.

The original scheme was considered adequate in terms of security, subject to a secure by design condition. The proposed amendments would not impact on the security of the development.

#### **7.12 Disabled access**

The infill of the gap raises no additional issues for wheelchair accessible users and the development fully accords with the provisions for inclusive access and meets the requirements of British Standards BS8300, Access for Disabled People.

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

Not applicable.

#### **7.14 Trees, Landscaping and Ecology**

The proposed amendments have no impact on the previously agreed layout in terms of trees and landscaping.

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

The proposed amendments have no impact on the previously agreed waste location and refuse stores capacity.

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

There are no alterations proposed to the 40% energy reduction achieved in the original proposal and therefore the proposals fully accord with the London Plan policy requirements.

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

The appropriateness of the development in terms of flooding and drainage was considered in granting planning permission 38065/APP/2014/2143. The proposed amendments do not impact on these issues and as such are acceptable in these respects.

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

The appropriateness of the development in terms of noise and air quality was considered in

granting planning permission 38065/APP/2014/2143. The proposed amendments do not impact on these issues and as such are acceptable in these respects.

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

None.

#### **7.20 Planning Obligations**

A suite of planning obligations was secured towards Air Quality Management, Construction Training, Travel Plan Project Management and a Monitoring Sum under application 38065/APP/2014/2143.

Given that this is a Section 73 application the development will be subject to a deed of variation to secure the provision of the aforementioned obligations to adequately mitigate its impact on local facilities.

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

Not Applicable.

#### **7.22 Other Issues**

None.

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

#### **General**

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

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

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

#### **Planning Conditions**

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

#### **Planning Obligations**

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

#### **Equalities and Human Rights**

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

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

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

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

None.

#### **10. CONCLUSION**

The application proposed a minor amendment to the previously approved drawings for the development. The amendments do not raise any material planning concerns and therefore the development proposals accords with the saved Unitary Development Plan policies, the Local Plan Part 1 policies, the London Plan and the NPPF.

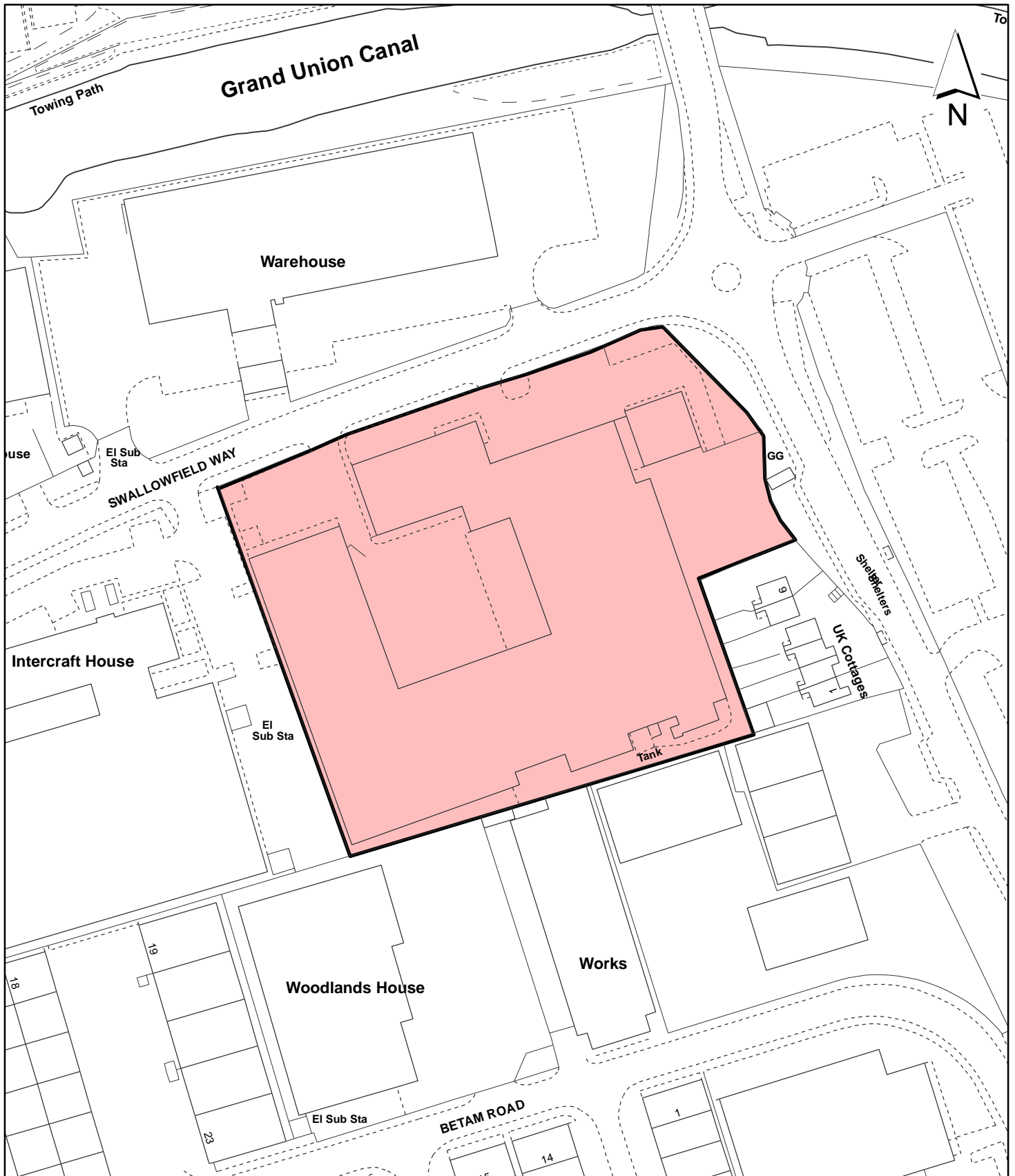
Accordingly the application proposal to infill the 2 metre gap between units 2 and 3 is recommended for approval.

#### **11. Reference Documents**

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
London Plan (July 2011)  
National Planning Policy Framework  
Hillingdon Supplementary Planning Document - Accessible Hillingdon  
Hillingdon Supplementary Planning Document - Noise  
Hillingdon Supplementary Planning Document - Planning Obligations  
Hillingdon Supplementary Planning Guidance - Air Quality  
Hillingdon Supplementary Planning Guidance - Community Safety by Design  
Hillingdon Supplementary Planning Guidance - Land Contamination

**Contact Officer:** Tiago Jorge

**Telephone No:** 01895 250230



**Notes**

 Site boundary

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Site Address

**E C House  
 Swallowfield Way  
 Hayes**

**LONDON BOROUGH  
 OF HILLINGDON**

**Residents Services  
 Planning Section**

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

Planning Application Ref:

**38065/APP/2015/206**

Scale

**1:1,250**

Planning Committee

**Major**

Date

**February 2015**



**HILLINGDON**  
 LONDON