

Report of the Head of Planning, Transportation and Regeneration

Address H.P.H.3. HYDE PARK HAYES MILLINGTON ROAD HAYES

Development: Prior approval change of use from office (Class B1(A)) to residential (Class C: to provide 157 units

LBH Ref Nos: 67702/APP/2018/920

Drawing Nos: GA. 1201 Rev. E
GA.1205
GA.130C
GA.1301
GA.1302
GA.1303
GA.1304
GA.1305
GA.1306
Noise Report
GA.1307
GA.140C
GA.1358
GA.1308 Rev. C
GA.131C
GA.1311
GA.1312
GA.1313
GA.1314
GA.1315
GA.1401
Planning Statement
Phase 1 Environmental Assessment
Flood Risk Assessment
Transport Statement

Date Plans Received: 13/03/2018

Date(s) of Amendment(s):

Date Application Valid: 13/03/2018

1. SUMMARY

This application seeks prior approval for the conversion of the existing office building Hyde Park Hayes 3 to provide 157 individual residential units (155 x studios and 2 x 1 bed). A total of 135 car parking spaces, would be provided to serve future occupants. The spaces will be located within the existing surface car parks and hard surfaced parking areas which serve the existing and surrounding buildings. Facilities for the secure storage of cycles will also be provided within the existing service store building.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required. The application is not seeking full planning permission and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted

Development) (England) Order 2016 only permits the Local Planning Authority to take the following factors into consideration in the determination of such an application:

- (a) transport and highways impacts of the development;
- (b) contamination risks on site;
- (c) flooding risks on site; and
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

In considering an application for prior approval under Class O, Paragraph 10b of Section W states that the local planning authority shall "have regard to the National Planning Policy Framework... so far as relevant to the subject matter of the prior approval, as if the application were a planning application". As such, the prior approval application must be assessed against transport and highways impact, contamination, noise and flooding risks only. The local planning authority is not directed, as a matter of law, to determine applications for prior approval under Class O with reference to the Development Plan.

The local planning authority may also grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The application has been assessed against the above criteria and subject to relevant conditions and the securing of highway obligations through a Section 106 Legal Agreement, prior approval is not required.

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning, Transportation and Regeneration to confirm Prior Approval is Not Required subject to:

A) 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:

1. A full travel plan shall be submitted to and approved by the Local Planning Authority to be in general accordance with submitted 'Travel Plan Framework'. The approved Travel Plan shall be implemented upon occupation and subject to annual review thereafter.

2. An obligation to secure £5,000 towards auditing the Travel Plan for 5 years.

3. An obligation to secure a £20,000 bond to be used by the Council to deliver the measures contained in the Travel Plan in the event of the developer failing to do so. This will be retained by the Council for 5 years. Providing the developer implements all measures contained in the Travel Plan then the bond will be returned with any interest accrued.

4. An obligation to secure £60,000 towards works to improve the safety and convenience with which occupiers of the site can walk or cycle to Hayes and Harlington Station Elizabeth Line (Crossrail) station.

5. An obligation to prevent future residents from applying for parking permits, season tickets and car park permits in existing and future expansion of Parking Management Scheme in Hayes.

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

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

D) If the Legal Agreements have not been finalised by 25th May 2018 (or such other timeframe as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse the application for the following reason:

'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to the highways necessary as a consequence of demands created by the proposed development. The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2016, policies R17, AM2, AM7 and AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (March 2016) and the NPPF.'

E) That subject to the above, the application be deferred for determination by the Head of Transportation and Regeneration 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, Transportation and Regeneration prior to issuing the decision.

1 NONSC Contamination Condition

(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 Document 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; and

(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, along with details of a watching brief to address undiscovered contamination.

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

(iii) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be 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.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all 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 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 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NONSC Non Standard Condition

The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

REASON

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NONSC Non Standard Condition

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON

To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 NONSC Non Standard Condition

Prior to occupation of the development, a Parking Allocation Plan relating to the 135 car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 135 car parking spaces shall be for residential use of the flats

hereby approved and as agreed within the Parking Allocation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure availability and management of parking, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policies 6.3 and 6.13 of the London Plan (March 2016).

3. CONSIDERATIONS

3.1 Site and Locality

The 0.60 ha application site lies some 850 metres to the south west of the Hayes town centre, just to the south of the Great Western mainline and is located on the south eastern side of the A437 North Hyde Road, immediately to the east of its roundabout junction with Dawley Road and Bourne Avenue. It comprises a seven storey 'L'-shaped office block and surrounding car parking areas to the north and east of the building.

The building forms part of the commercial estate known as Hyde Park, Hayes Business Park and includes commercial and industrial buildings to the south and east of the site. On the opposite side of North Hyde Road, immediately to the north of the application site and adjacent to the roundabout is a distribution/ storage building and there are traditional residential areas to the west and further to the east along the northern side of North Hyde Road.

The site forms part of the Millington Road Industrial and Business Area (IBA) and also forms part of an Air Quality Management Area. The area also forms part of the Hayes/ West Drayton Corridor.

3.2 Proposed Scheme

This application seeks prior approval for the conversion of the existing office building to provide 157 individual residential units (155 x studios and 2 x 1 bed). A total of 135 car parking spaces, would be provided to serve future occupants. The spaces will be located within the existing surface car parks and hard surfaced parking areas which serve the existing and surrounding buildings. Facilities for the secure storage of cycles will also be provided within the existing service store building.

This scheme differs from the previous prior approval application in that the application site boundary has been enlarged so that it includes more surface parking, increasing from 63 spaces from the previous application to the currently proposed 135 spaces.

Swept paths have also been provided to demonstrate that refuse vehicles can access the bin storage area.

Also, 170 cycle parking spaces are proposed which equates to 1.08 spaces per unit. These are to be located in the existing plant/ storage building which would be secured and covered.

3.3 Relevant Planning History

Comment on Relevant Planning History

72360/APP/2016/4122 - A prior approval application for a change of use of the building from

office (Class B1(A)) to residential (Class C3) to provide 157 units was refused on 5/1/17 for the following reasons:-

1. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2016 (as amended) as the application has failed to demonstrate that sufficient off street parking would be provided and therefore the development is considered to result in substandard car parking provision, significantly below the Council's approved car parking standard and likely to result in significant over-spill parking on the surrounding highway, leading to situations prejudicial to highway and pedestrian safety.

2. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2016 (as amended) as the application fails to demonstrate adequate provision for the storage and collection of refuse and therefore that the proposed development would not result in the stopping and waiting of refuse vehicles on the adjacent highway, to the detriment of the free flow of traffic, leading to conditions prejudicial to road safety.

3. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2016 (as amended) as the proposal does not provide sufficient secure and covered cycle storage to meet the requirements of the proposed development contrary to Council and London Plan policies to encourage sustainable modes of transport and to the Council's cycle parking standards.

4. Planning Policies and Standards

Town and Country Planning (General Permitted Development) (England) Order 2016

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.EM6 (2012) Flood Risk Management

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

Part 2 Policies:

NPPF National Planning Policy Framework

LPP 5.12 (2016) Flood risk management

LPP 6.3 (2016) Assessing effects of development on transport capacity

LPP 6.9 (2016) Cycling

LPP 6.13 (2016) Parking

LPP 7.15 (2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

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
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **27th April 2018**

6. Consultations

External Consultees

Consultation letters were sent to 3 adjoining properties and the application was also advertised by way of 2 site notices which were displayed on the adjoining main road frontages on 5/4/18 with a closing date of 27/4/18. No responses have been received.

Internal Consultees

Highway Engineer:

The development site is located at the north-western section of the Hyde Park Hayes estate which includes multiple use class facilities including a hotel, office buildings, retail and residential units. The site includes multiple points of access through Millington Road via North Hyde Road (A437) to the north and Station Road (A437) to the east. The Site is also accessed towards the west of the site via the 4-arm Dawley Road roundabout which links south to Harlington.

I note the wider highway network provides access routes to the M4 (which runs east-west) via Dawley Road and Shepiston Lane.

Prior to the submission of this scheme the London Borough of Hillingdon as Highway Authority provided informal comments and advice in a response dated 17th November 2017. This pertained to matters such as parking, trip generation and refuse collection.

You will be aware that this application seeks planning consent for prior approval of change of use from an existing office building to 157 units (155 studio plus 2 x 1 bed units). Having assessed the submitted information I have the following observations.

Vehicle Trip Generation

To determine both the existing and proposed number of trip rates associated with the development, the applicant has carried out an interrogation of the TRICS (Trip Rate Information Computer System)

database.

I note that a number of selected sites are situated within Inner London, which is not considered comparable as the application site is located on the outer fringes of Greater London. To address this, the applicant has since provided additional trip rate assessments which include two additional scenarios comprising the removal the inner London sites and Outer London sites with PTAL 3-5 only

All three approaches confirm that there will be net a reduction in the level of trip rates to be associated with the site, but a different pattern of traffic movements would take place throughout the day. On this basis, The London Borough of Hillingdon is satisfied with the assessments.

Parking Provision

The Hyde Park Hayes estate benefits from 1,055 (no) car parking spaces across the whole site. Of these 671 (no) are allocated to specific occupiers, the balance of 384 (no) are unallocated. However, these ratios will change as part of the committed Premier Inn development (Reference, 22632/APP/2016/2369) currently under construction. Seventy two of the unallocated spaces will be allocated to the new hotel as guest overspill spaces leaving 312 (no) spaces unallocated across the whole estate.

The proposed development would have 135 (no) car parking spaces for residents, 70 (no) of which are already allocated spaces within the site boundary. The balance of 65(no) spaces, would be newly allocated spaces taken from the 312 unallocated spaces with committed development. This leaves a new balance of 247 (no) spaces unallocated; 808 (no) spaces allocated. As part of the new development the number of unallocated spaces would fall from 312 to 247 a drop of 21%, nevertheless 23% of spaces across the whole estate would still be unallocated. This is considered more than sufficient to cater for likely parking demand.

The 72 (no) Premier Inn allocated spaces and 65 (no) development new allocated spaces are all situated in a car park near both developments. Similar to the Car Parking Management Plan submitted with the Premier Inn development - which allocated 72 (no) spaces to guests, it should be conditioned that a Car Parking Management Plan submitted as part of this development should confirm that 65 spaces will be allocated exclusively to residents.

Provision for electric vehicles is provided in accordance with The London Plan. Of the 135 (no) parking spaces, 27 (no) spaces will have active electric vehicle charging points and 27 (no) will be passive spaces.

I note that 170 (no) cycle parking spaces are proposed which equates to 1.08 spaces per unit. These are to be located in secured and covered cycle storage.

Service Provision

In terms of refuse and servicing provision for the residential use, the Transport Statement mentions that this will take place as per the existing arrangement whereby refuse vehicles access the site via Millington Road. I note the on-site servicing strategy has been discussed and agreed in principle with Hillingdon Council's Waste Team.

The submitted TS has undertaken Swept Path analysis drawings demonstrating that a 10.5 metre refuse vehicle is able to access the bin store at the required 10.0 metre collection distance. The London borough of Hillingdon is satisfied with this arrangement.

Mindful of the above, the London Borough of Hillingdon does not have any objections and requests that the following obligations are requested.

Obligation

- A full travel plan shall be submitted to and approved by the Local Planning Authority to be in general accordance with submitted 'Travel Plan Framework'. The approved Travel Plan shall be implemented upon occupation and subject to annual review thereafter.
- An obligation to secure £5,000 towards auditing the Travel Plan annually for 5 years.
- An obligation to secure a £20,000 bond to be used by the Council to deliver the measures contained in the Travel Plan in the event of the developer failing to do so. This will be retained by the Council for 5 years. Providing the developer implements all measures contained in the Travel Plan then the bond will be returned with any interest accrued.
- An obligation to secure £60,000 towards works to improve the safety and convenience with which occupiers of the site can walk or cycle to Hayes and Harlington Station Elizabeth Line (Crossrail) station.

Environmental Health Officer (Noise):

Having looked through the submitted information there are considerations around environmental noise and vibrations with this development. These can be dealt with via conditions and I suggest the following if you are mindful of granting this application.

The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Under Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016, from 30 May 2013 development consisting of the change of use of a building to a use falling within Class C3 (dwellinghouses) from a use falling within Class B1(a) (offices) constitutes 'permitted development', subject to a number of criteria; namely permitted development rights do not apply if:

- the building is on article 1(6A) land;
- the building was not used for a use falling within Class B1(a) immediately before 30th May 2013, or, if the building was not in use immediately before that date, when it was last in use
- the site is or forms part of a military hazard area;

- the site is or forms part of a military explosives storage area;
- the building is a listed building (or within its curtilage) or a scheduled monument;
- permitted development rights have been removed.

The site and buildings do not meet any of the criteria listed above. As such the site benefits from permitted development rights.

7.02 Density of the proposed development

Not applicable as this is not an application for standard planning permission.

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

Not applicable as this is not an application for standard planning permission.

7.04 Airport safeguarding

Not applicable as this is not an application for standard planning permission.

7.05 Impact on the green belt

Not applicable as this is not an application for standard planning permission.

7.06 Environmental Impact

Not applicable as this is not an application for standard planning permission.

7.07 Impact on the character & appearance of the area

Not applicable as this is not an application for standard planning permission.

7.08 Impact on neighbours

Not applicable as this is not an application for standard planning permission.

7.09 Living conditions for future occupiers

Not applicable as this is not an application for standard planning permission.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Council's Highways Engineer has carefully reviewed the proposals. It is considered that the revised scheme overcomes the 3 previous reasons for refusal whilst there would still be sufficient non allocated parking to serve the surrounding commercial estate. The Highway Engineer also advises on the measures required to mitigate against the detrimental impact of the development. These can be summarised as a requirement for a Travel Plan and a Highways contribution of £60,000. The Applicant has agreed to these obligations which would be secured through a Unilateral Undertaking.

Subject to the completion of the Legal Agreement and proposed condition the Highway's impact of the development is acceptable.

7.11 Urban design, access and security

Not applicable as this is not an application for standard planning permission.

7.12 Disabled access

Not applicable as this is not an application for standard planning permission.

7.13 Provision of affordable & special needs housing

Not applicable as this is not an application for standard planning permission.

7.14 Trees, landscaping and Ecology

Not applicable as this is not an application for standard planning permission.

7.15 Sustainable waste management

Not applicable as this is not an application for standard planning permission.

7.16 Renewable energy / Sustainability

Not applicable as this is not an application for standard planning permission.

7.17 Flooding or Drainage Issues

A revised Flood Risk Assessment has been submitted with this application. Although the

Council's Water and Flood Management Officer has not commented on the current application, the FRA is almost identical to the previous FRA assessment and presents an identical conclusion. Previously, the Council's Flood Officer advised:-

The site is located within Flood Zone 1. A report considering the flood risk within the site has been submitted with the application.

As the application site is located within a Flood Zone 1 of little or no risk and is not within a Critical Drainage Area, there is insufficient justification to attach a SUDs condition as the proposal does not raise any objection in principle on flooding grounds.

On this basis, the proposal is considered acceptable with regards to flooding and water management, in accordance with strategic policy EM6 of the Local Plan: Part 1 (2012); policy EM6 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012); and policy 5.12 of the London Plan (2016).

7.18 Noise or Air Quality Issues

The Council's Environmental Health Officer (Noise) has considered the submitted noise report and advises of the need for 2 conditions to safeguard noise concerns. These form part of the officer's recommendation.

Air Quality Issues are not relevant given that this is a prior approval application where only 4 specific issues can be considered.

7.19 Comments on Public Consultations

No comments have been received.

7.20 Planning obligations

In order to mitigate the impact of the proposals, the following obligations will be sought:

1. A full travel plan shall be submitted to and approved by the Local Planning Authority to be in general accordance with submitted 'Travel Plan Framework'. The approved Travel Plan shall be implemented upon occupation and subject to annual review thereafter.
2. An obligation to secure £5,000 towards auditing the Travel Plan annually for 5 years.
3. An obligation to secure a £20,000 bond to be used by the Council to deliver the measures contained in the Travel Plan in the event of the developer failing to do so. This will be retained by the Council for 5 years. Providing the developer implements all measures contained in the Travel Plan then the bond will be returned with any interest accrued.
4. An obligation to secure £60,000 towards works to improve the safety and convenience with which occupiers of the site can walk or cycle to Hayes and Harlington Station Elizabeth Line (Crossrail) station.
5. An obligation to prevent future residents from applying for parking permits in existing and future expansion of the Parking Management Scheme in Hayes.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

A report considering contamination within the site has been submitted with the application. Although no comments have been received from the Council's Contamination Officer, the

report is a revised report of an earlier version submitted with the previous prior approval application and no significant alterations have been made and the conclusion of the report is identical. The previous report was reviewed by the Council's Environmental Protection Unit who raises no objection to the proposed conversion from office to residential subject to a contaminated land condition being attached to any consent granted. This forms part of the officer recommendation.

Therefore, the proposal is acceptable in regards to contamination, in accordance with Policy OE11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 5.21 of the London Plan (March 2016).

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 Probitary 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

This application seeks prior approval for the conversion of the existing office building Hyde Park Hayes 3 to provide 157 individual residential units (155 x studios and 2 x 1 bed). A total of 135 car parking spaces, would be provided to serve future occupants. The spaces will be located within the existing surface car parks and hard surfaced parking areas which serve the existing and surrounding buildings. Facilities for the secure storage of cycles will also be provided within the existing service store building.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required.

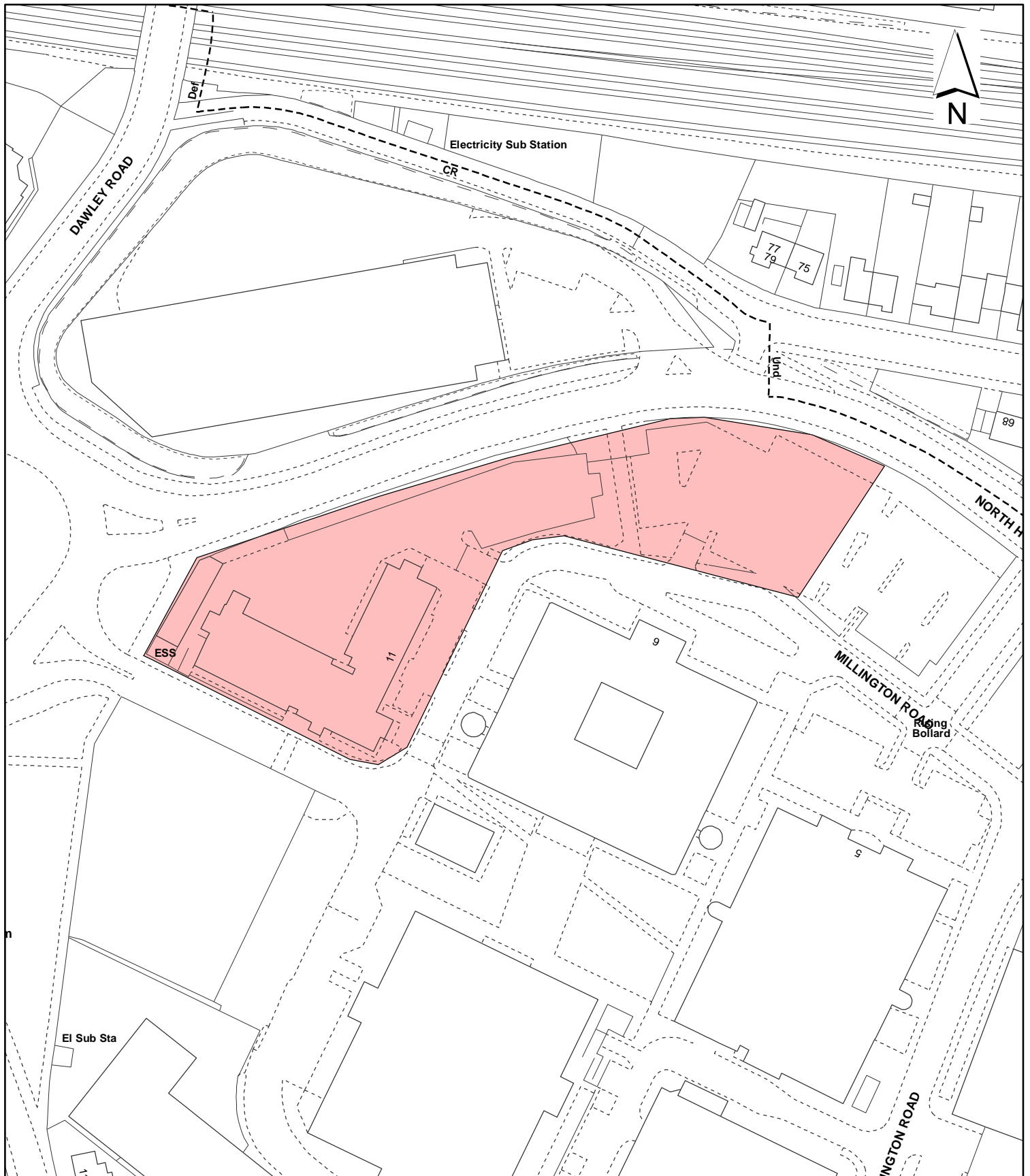
The application has been assessed against the relevant criteria and subject to conditions and the securing of a Travel Plan and highway improvement obligations through a S106/Unilateral Undertaking, prior approval is not required.

11. Reference Documents

Town and Country Planning (General Permitted Development) (England) Order 2016

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2018 Ordnance Survey 100019283

Site Address:

**Building 3
 Hyde Park
 Hayes**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
67702/APP/2018/920

Scale:
1:1,250

Planning Committee:
Major

Date:
May 2018

