

## Report of the Head of Planning, Transportation and Regeneration

**Address** FROGSDITCH FARM SHEPISTON LANE HAYES

**Development:** Outline planning application for the demolition of 5 existing buildings and construction of replacement building/s with a combined floor space of 1,402.9 sqm and associated hard standing, fencing and landscaping for use class B8.

**LBH Ref Nos:** 10181/APP/2018/4485

**Drawing Nos:** MMD-372345-C-DR-00-XX-2002 Rev PO1 (illustrative landscape plan)  
MMD-372345-C-DR-00-XX-2001 Rev PO1 (illustrative masterplan)  
Indigo covering letter dated 13/12/18  
Archaeological desk-based assessment March 2018  
Planning statement December 2018  
Flood risk assessment 4 June 2019 Rev B  
Green belt assessment December 2018  
Technical not air quality  
Preliminary ecological appraisal June 2017  
Arboricultural February 2017  
Bat Survey September 2017  
Phase 1 Desk Study 10 December 2018  
Energy statement (June 2019)  
Design and Access Statement December 2018  
MMD-372345-C-DR-00-XX-2004 Rev P (development plan)  
Transport statement May 2018 Rev C  
Reptile Survey September 2017  
MMD-372345-C-DR-00-XX-2003 Rev PO1 (site location plan)  
MMD-372345-C-IM-00-XX-00;  
MMD-372345-C-IM-00-XX-00;  
MMD-372345-C-IM-00-XX-00;  
MMD-372345-C-IM-00-XX-00;

<b>Date Plans Received:</b>	24/12/2018	<b>Date(s) of Amendment(s):</b>	04/07/2019
<b>Date Application Valid:</b>	24/12/2018		28/12/2018
			04/06/2019
			22/01/2019

### 1. SUMMARY

The application is for outline planning consent with all matters reserved. Details of internal & external access, layout, scale, appearance and landscaping would be reserved matters for subsequent approval. The Outline application is for the erection of a building/s to provide 1,409 sqm of floor space for B8 use (existing use retained).

The application site is located within the green belt therefore development is not usually permitted unless very special circumstances can be evidenced. The proposed development would be constructed on a previously developed site within the green belt which benefits from a CLU for B8 open storage use. The supporting documentation states there to be no intensification of the use of the site given the fact the the proposed floor space is no greater than the existing arrangement.

The applicant has agreed to make changes to the access of the site to resolve the

concerns raised by TFL and the Councils Highway Officer. Details relating to internal access, layout, scale, appearance and landscaping are to be determined at reserved matters stage, however the application includes indicative details of how such a proposal could be delivered.

The application provides an opportunity to improve the existing built form on site which is in a very poor state of disrepair and subsequently the view of the site within its green belt setting could also be improved. It is therefore recommended that the application be approved subject to the attachment of conditions and an appropriate S106 Legal Agreement.

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant planning permission, subject to the following:**

**A. That the application be referred to the Mayor under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.**

**B. That the Council enter 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) A highways contribution of 30% towards the total costing of a new pedestrian crossing within close proximity to the application site.**

**(ii) Foot-way extension of Shepiston Lane for improved pedestrian and cycle links to the site**

**(iii) Construction Training: either a contribution equal to the formula (£2,500 for every £1m build cost + coordinator costs) or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development with the preference being for an in-kind scheme to be delivered.**

**(iv) Project Management and Monitoring Fee: a contribution equal to 5% of the total cash contribution to enable the management and monitoring of the resulting agreement.**

**C) That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement/Deed of Variation 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 24 October 2019 (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 planning permission for the following reason:**

**'The applicant has failed to provide contributions towards the improvement of highway infrastructure in response to the demands created by the proposed development. The proposal therefore conflicts with Policies AM2 and AM7 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMT1, DMT2 and DMT5 of the emerging Hillingdon Local Plan: Part Two -**

**Development Management Policies (March 2019) and London Plan (2016) Policies 6.1 , 6.3 and 6.9.**

**F) That subject to the above, the application be deferred for determination by the Head of Planning, Transportation and Regeneration under delegated powers, subject to the GLA not calling in the application and on completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**G) That if the application is approved, the following conditions be attached:-**

**1            OUT1            Time Limit- outline planning application**

The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**REASON**

To comply with Section 92 of the Town and Country Planning Act 1990 (As Amended)

**2            OUT2            Reserved matters - submission**

Application for approval of the following reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission: -

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access
- (e) Landscaping

**REASON**

To comply with Section 92 of the Town and Country Planning Act 1990 (As Amended).

**3            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

MMD-372345-C-DR-00-XX-2004 Rev P (development parameters plan)

MMD-372345-C-DR-00-XX-2003 Rev P (site location plan)

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 (March 2016).

**4            NONSC            Non Standard Condition**

Notwithstanding the approved parameters plan (MMD-372345-C-DR-00-XX-2004 Rev P (development parameters plan) the detailed design submitted at reserve matters stage should not exceed the 1,409 sqm of floor space as stated in the approved description of development and the proposed building heights should not exceed 6.5 metres as demonstrated in the design and access statement.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (March 2016).

**5 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:

Technical Note - Air Quality  
Preliminary Ecological Appraisal, June 2017  
Arboricultural February 2017  
Bat Survey September 2017  
Phase 1 Desk Study 10 December 2018  
Energy Statement (June 2019)  
Flood Risk Assessment 4 June 2019 Rev B  
Transport Statement May 2018 Rev C

Thereafter the development shall be retained/maintained in accordance with these details 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 (March 2016).

**6 RES7 Materials (Submission)**

Prior to above ground level works details of all materials and external surfaces, shall be 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**7 COM9 Landscaping (car parking & refuse/cycle storage)**

Prior to above ground level works a landscape scheme shall be 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 Refuse Storage
  - 2.b Cycle Storage showing 3 spaces
  - 2.c Means of enclosure/boundary treatments
  - 2.d Car Parking Layouts showing 29 car parking spaces (including demonstration that 5% 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 surfing/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

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 Policy 5.17 (refuse storage) of the London Plan (2016)

#### **8 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 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **9 NONSC Non Standard Condition**

Prior to above ground level works a Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached \* See paragraph below \*

\*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England or and Rural Affairs Department (SGERAD) before the removal of nests and eggs.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority

#### REASON

It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

### **10            H6                      Car parking provision - submission of details**

Notwithstanding the approved transport assessment, prior to above ground level works a revised details of the parking arrangements shall be submitted to and approved in writing by the Local Planning Authority; the proposed details should include a reduction in the proposed volume of parking spaces to 29 spaces.

#### REASON

To ensure that adequate facilities are provided in accordance with Policies AM14 and AM15 emerging policy DMT6 and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **11            RES24                      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 dwelling 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 (2015) Policies 7.1 and 7.3.

**12 OM19 Construction Management Plan**

Prior to above ground level works, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

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

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

**REASON**

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

**13 DIS2 Access to Buildings for People with Disabilities**

Prior to above ground level works details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

**REASON**

To ensure that people with disabilities have adequate access to the development in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2012) and Policies 3.1, 3.8 and 7.2 of the London Plan (2016) .

**14 RES15 Sustainable Water Management (changed from SUDS)**

Prior to above ground level works a scheme for the provision of sustainable water management shall be 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 be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### 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 Policy 5.12 of the London Plan (2016).

#### **15 COM30 Contaminated Land**

(i) Prior to above ground level works until a scheme to deal with contamination shall be submitted to the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination, and approved by the LPA. All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

a) 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

(b) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

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

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

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

#### **16 NONSC Non Standard Condition**

Prior to the above ground works, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the protection of quality habitats on site, or the replacement and enhancement where protection is suitably justified as not being viable. The scheme shall provide plans and specifications that demonstrate the incorporation of measures and features within the landscaping and the fabric of the building that support a range of habitats and species, as a minimum it is expected that bat and bird boxes will be included.

#### REASON

To ensure the development contributes to the protection and enhancement of the natural environment in accordance with Policy EM7 of the Local Plan Part 1 (2012).

#### **17 NONSC Non Standard Condition**

No development shall commence until proof of the registration in GLA's database ([nrmm.london/nrmm/about/what-nrmm-register](http://nrmm.london/nrmm/about/what-nrmm-register)) and compliance with the London's Low Emission Zone for non-road mobile machinery requirements is submitted to and approved in writing by the Local Planning Authority.

#### REASON

The London's Low Emission Zone for non-road mobile machinery shall be complied with as per requirements as of 1st September 2015. From 1 September 2015 NRMM of net power between 37kW and 560kW used in London will be required to meet the standards set out at Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

#### **18 NONSC Non Standard Condition**

No development shall commence until an Operators Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning Authority. The OTP shall be required of the occupiers of the new proposed use and include the following components in detail and with a plan of implementation associated with each of them. It shall include:

- 1) Any captive fleets and services (which are manageable via contractual procedures) associated with the operation of the proposed B8 use to be Euro 6/VI or cleaner or have implemented retrofitting devices that will enable compliance with such Euro standards;
- 2) Mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies. This will include making provision of heavy-duty electric vehicle fast charging bays which will supply at least 20% of total HGV usage
- 3) HGVs and LGVs traffic routing shall avoid residential areas;
- 4) A clear and effective strategy to encourage staff to a) use public transport; b) enter car share schemes; c) purchase and drive to work zero emission vehicles; This is to include:

- a Welcome Pack available to all new staff online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes;
- Eco-driver training and provision of eco-driver aid to all staff
- Car club provision within development or support given to local car club/eV car clubs
- Designation of parking spaces for low emission vehicles
- Adequate provision of secure cycle storage; offer season ticket loans to staff; and offer tax-free loans to allow for the purchase of cycle for travel to work, or sign up to the government's cycle to work scheme
- Differential parking charges depending on vehicle emissions for staff
- Public transport subsidy for employees

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

#### REASON

To ensure the development contributes to a reductions in this Air Quality Management Area and to comply with paragraph 124 of the NPPF, policy 7.14 of the London Plan, policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), and London Borough of Hillingdon Air Quality Action Plan 2024.

#### **19 NONSC Non Standard Condition**

Prior to commencement of development, an energy assessment showing the development will achieve a 35% reduction in CO2 emissions from a building regulations compliant baseline development shall be submitted to and approved by the Local Planning Authority. The assessment shall follow the London Plan energy assessment guidelines and meet the requirements of Policy 5.2 of the London Plan. The assessment shall incorporate full specifications of any low and zero carbon technology to be used including their location within the development (elevations, roof plans etc. as necessary). The development must proceed in accordance with the approved plans.

#### REASON

To ensure the development contributes to a reduction in CO2 in accordance with Policy 5.2 of the London Plan 2016.

#### **20 NONSC Non Standard Condition**

Prior to occupation 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 Local Plan (November 2012).

**21 NONSC Non Standard Condition**

Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (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 policies AM7, AM14 and OL4 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**22 NONSC Non Standard Condition**

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

**REASON**

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policy [specify] Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**23 COM20 Air extraction system noise and odour**

No air extraction system or other external plant and equipment shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
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
OE7	Development in areas likely to flooding - requirement for flood protection 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.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMEI 6	Development in Green Edge Locations
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 10	High Buildings and Structures
DMHB 11	Design of New Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
LPP 8.3	(2016) Community infrastructure levy
NPPF- 2	NPPF-2 2018 - Achieving sustainable development

NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment

### **3            160            Crane Informative**

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))

### **4**

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 7, 'Wind Turbines and Aviation' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

### **5**

Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are strongly advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work and, if found, to formulate plans to control or eradicate it. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plants may extend up to 7 meters beyond this. Knotweed in adjoining land may affect the site and should be noted and considered

Before any works are undertaken, the site must be surveyed by an appropriate consultant, for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend up to 7 metres beyond this. Therefore, this survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the building(s).

### **6**

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage

or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises a plot of land to the north of Shepiston Lane, directly adjacent to the eastern boundary of Cherry Lane Cemetery. The site has an approximate area of 1.18 hectares with vehicular access via an entrance/exit point off Shepiston Lane in the south west corner of the site. The section of the site to be redeveloped forms the southern section of a wider site which extends further to the north.

The site is occupied by Hayes Gate Plant Hire for the storage of plant, scaffolding, trenching equipment and the parking of associated vehicles. The operation of the plant hire company on site includes the repair and maintenance of plant equipment plus lorries and skips.

Currently there are eight separate buildings within the site which are in varying states of disrepair. There are also piles of aggregate and a small number of temporary structures such as a mobile home and a domestic scale garden shed.

The site is predominantly flat, however there are significant banks of raised ground along the northern boundary and a section of the western boundary, plus smaller banks within the site itself. There are a number of trees and parcels of vegetation within the site and along the majority of the sites boundaries. There is mature planting along the western boundary of the site within the grounds of Cherry Lane Cemetery.

There is a public surface water sewer that runs through the site. The site has a PTAL score of 1 and is located within the Greenbelt, as designated by the policies contained within the Hillingdon Local Plan (November 2012). It also forms part of the Hillingdon Air Quality Management Area.

#### **3.2 Proposed Scheme**

The application seeks outline planning consent for the demolition of the 5 existing buildings and the construction of replacement building/s with a total floor space of 1,402.9 sqm and associated hard-standing, fencing and landscaping. All details are to be reserved matters.

#### **3.3 Relevant Planning History**

10181/APP/2005/2220      Frogsditch Farm Field Shepiston Lane Hayes  
CHANGE OF USE OF LAND FROM AGRICULTURE TO SCHOOL PLAYING FIELDS

**Decision:** 08-11-2005      Approved

10181/APP/2010/1570      Frogsditch Farm Shepiston Lane Hayes  
Use of the site for the storage of plant hire, scaffolding, trenching equipment including the parkir

of associated vehicles and the operation of an associated groundwork contracting business involving the use of the existing buildings on the site by the operator for the ancillary servicing and maintenance of the plant hire and groundwork contracting equipment by the business (Application for a Certificate of Lawful Development as an Existing Use).

**Decision:** 12-09-2012    Approved

10181/APP/2016/1150    Frogditch Farm Shepiston Lane Hayes

Existing use as open storage (Use Class B8) (Application for a Certificate of Lawful Development for an Existing Use).

**Decision:** 31-08-2016    Approved

10181/PRC/2016/150    Frogditch Farm Shepiston Lane Hayes

Royal Mail operating centre on southern area of the site (Sui Generis)

**Decision:** 01-11-2016    OBJ

#### **Comment on Relevant Planning History**

10181/APP/2016/1150 - A Certificate of Lawful Development was granted on 12/09/12 for the 'Use of the site for the storage of plant hire, scaffolding, trenching equipment including the parking of associated vehicles and the operation of an associated groundwork contracting business involving the use of the existing buildings on the site by the operator for the ancillary servicing and maintenance of the plant hire and groundwork contracting equipment by the business'.

#### **Officer Note:**

This consent covered the southern section and a small section north of the approved site area granted consent in 2010 for the same use.

10181/APP/2010/1570 - A Certificate of Lawful Development was granted for use of the southern section of the site for the storage of plant hire, scaffolding, trenching equipment including the parking of associated vehicles and the operation of an associated groundwork contracting business involving the use of the existing buildings on the site by the operator for the ancillary servicing and maintenance of the plant hire and groundwork contracting equipment by the business.

#### **Officer Note:**

This consent covered the southern section of the site only and did not include the parcel of land to the north.

In addition, there have been 3 more recent applications seeking the redevelopment of the site( listed below) all of which were withdrawn by the applicants prior to determination:

10181/APP/2017/3348- Change of use of land to Sui Generis and/or Class B8 (Storage and Distribution) use including the parking of lorries, plant and other vehicles and open storage.- withdrawn

10181/APP/2017/2230- Hybrid application for (1) Full application for the southern part of the site for Sui Generis and/or Class B8 (Storage and Distribution) use including the parking of lorries, plant and other vehicles and open storage with the siting of 4 portacabins to provide an office, welfare and toilets, installation of a fuel pump and tank and jet wash with ancillary drainage, erection of new 2.4m palisade fencing and gates, retention of perimeter fencing, widening access junction and formation of access road and associated works; and (2) outline application for the erection of industrial/warehouse buildings (up to 1,622sq.m) (Class B1c, B2 and B8) with parking for lorries, plant and other vehicles, open storage, access, hardstanding, fencing, bund and landscaping for the northern part of the site.- withdrawn

10181/APP/2013/3831- Demolition of existing buildings, erection of a storage warehouse building of 2128sqm (use class B8) for the storage of industrial machinery and equipment, plant hire, scaffolding and trenching equipment with associated car parking.- Withdrawn

#### **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.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM3	(2012) Blue Ribbon Network
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise

###### Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
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
OE7	Development in areas likely to flooding - requirement for flood protection 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.
AM14	New development and car parking standards.



BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMEI 6	Development in Green Edge Locations
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 10	High Buildings and Structures
DMHB 11	Design of New Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
LPP 8.3	(2016) Community infrastructure levy
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment

**5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **16th May 2019**

**5.2** Site Notice Expiry Date:- **21st May 2019**

27th February 2019

## 6. Consultations

### External Consultees

The application has been subject to 2 rounds of both internal and external consultation. The reason for the second consultation was due to a minor change in the description of development as well as the submission of a parameters plan which illustrates the area for which the proposed floor space will be located.

The application was advertised publicly by way of notices posted adjacent to the site. In addition, letters were sent to the owners / occupants of neighbouring properties to inform them of the proposed development and invite comments as well as an advertisement placed within the local press.

Two letters of objection were received raising concerns regarding:

- noise
- light and air pollution
- traffic congestion.

GLA

Conclusion

London Plan and draft London Plan policies on Green Belt, noise and air quality, urban and inclusive design, and transport are relevant to this application. The application does not comply with these policies of the London Plan and draft London Plan; the following changes might lead to the application becoming compliant:

- Green Belt: Continued industrial use on previously developed land within Green Belt, could be acceptable, provided the applicant demonstrates the proposal does not have a greater impact on the openness of the Green Belt, including by submitting CGI visuals. Otherwise, the proposal would be inappropriate development and very special circumstances would need to be demonstrated to justify the development.
- Noise and air quality: The applicant must submit noise and air quality assessment reports that accord with London Plan Policy 7.14, draft London Plan Policy SI1, and the NPPF.
- Urban and inclusive design: The applicant must review its design and access statement to incorporate indicative block map and CGI visuals and demonstrate inclusiveness.
- Transport: The applicant must address concerns raised regarding healthy streets approach, car and cycling parking. Workplace travel plan, CLP and DSP must be submitted and should be secured by conditions of any planning consent.

CASE OFFICER COMMENT:

Following the Stage 1 comments from the GLA the agent submitted wireline plans and responded to the issues raised above in a detailed letter.

GLA : Further Comments Received-01-07-19

I have looked through the comparative visuals. Provided that the Council is comfortable with the key viewpoints selected (only two - i.e. Shepiston Lane & the Cemetery), I can confirm now that from

these key points the visuals demonstrate that the proposed development does not have greater impact on the openness of the Green Belt.

## ENVIRONMENT AGENCY

We have no objections to the proposal however there are some considerations included below regarding the foul drainage scheme.

## TRANSPORT FOR LONDON (TfL)

### Site Location and Context

The proposed development is currently a storage and distribution centre, located on Shepiston Lane in Hayes, which runs parallel to the M4, and is approximately 800m east of junction 4. The closest London Underground station is Heathrow Airport, located over 3km south of the site and is served by Piccadilly Line services. The site is served by one bus stop, adjacent to the entrance of the site, served by the 698 bus route. The site is located within Metropolitan Open Land (MOL) and is in an Air Quality Area. The site has a Public Transport Access Level (PTAL) of 0, on a scale of 0 to 6b, where 6b is highest.

### Site Access

The development will not make any changes to the current access from Shepiston Lane, which will be used by pedestrians, cyclists as well as staff and operational vehicles.

It is recommended that this arrangement is reviewed, in order to widen the existing access, as many large vehicles over-run the footway kerb on Shepiston Lane when accessing and egressing the site, which compromises the safety of pedestrians in this area. Furthermore, TfL recommends that a separate pedestrian and cyclist access is provided that is not shared with HGV's, in light of Mayoral Vision Zero aspirations, which aims to eliminate deaths and serious injuries on London's streets by 2041. Shepiston Lane has a speed limit of 40mph and experiences high volumes of traffic on a daily basis, however many vehicles speed along this road. Visibility splays from the site entrance should be provided, in order to ensure there is sufficient visibility from this access.

### Walking, Cycling and Healthy Streets

From the site access, there is a natural desire line to cross the road, in order to access fast food chains located at the petrol filling station to the west of the site. Furthermore, the Cherry Lane Cemetery bus stop is the closest to the 'Goals' five-a-side football centre located approximately 480m to the east of the site, therefore it is likely that there will be a number of pedestrians, including vulnerable road users in the vicinity of the site. As mentioned above, TfL and the Mayor have outlined Vision Zero, which aims to eliminate deaths and serious injuries on London's streets by 2041. In order to deliver this aspiration, and to deliver draft London Plan policy T2 which aims to reduce road danger, it is recommended that the applicant contributes towards funding road safety improvements in this area. TfL has also launched the Healthy Streets Approach, which aims to improve air quality, reduce congestion and make attractive places to live, work and do business. There are ten Healthy Streets indicators which put people and their health at the heart of decision making, and aim to result in a more inclusive city where people choose to walk, cycle and use public transport. The applicant should demonstrate how they will deliver improvements that support the ten Healthy Streets indicators, in line with draft London Plan policy T2. It is not clear what the development currently does to deliver improvements in line with the Healthy Streets approach, and the above recommendation could help to deliver improvements against the 'easy to cross' and 'people feel relaxed' indicators.

### Car Parking

A total of 34 parking spaces for staff and visitors are proposed on site, which is considered to be an overprovision and therefore, this level should be reviewed in line with draft London Plan policy. The

site is currently subject to a Certificates of Lawful Use and Development (CLEUD) for a range of uses including open storage, plant hire, vehicle parking and ground contracting. TfL consider that the proposal represents a B8 use and therefore, car parking should be restricted towards the maximum standards for this use. The draft London Plan states that applications for B2 and B8 employment uses should have regard to B1 office standards, outlined in Policy T6.2, and take into account the significantly lower employment density in such developments. Policy T6.2 outlines that the maximum provision should be up to 1 space per 100m<sup>2</sup>, equating to a maximum provision of 13 spaces. No justification has been provided as to why the proposed level of car parking is required, and this should be demonstrated to ensure there is no excessive provision.

#### Cycle Parking

No details on the level of cycle parking has been provided and sufficient provision, in line with draft London Plan policy T5, should be provided. At least 3 long-stay and 2 short-stay cycle parking spaces should be provided in a secure location, close to building entrances. Given the proposed number of employees on site, it is considered that cycle parking should be provided above these levels in order to promote active travel to the site. Furthermore, end of journey facilities such as showers, lockers and changing facilities should be provided to further promote active travel.

#### Trip Generation

The trip generation has been calculated using existing site surveys, for which a sensitivity test has been carried out using the TRICS database. This is considered to be an acceptable approach. This assessment therefore estimates that over a 24 hour period, the site generates a total of 202 two-way movements. As a result of the development proposals, the site trip generation is not expected to increase.

#### Deliveries and Servicing

No delivery and servicing details have been provided as part of the application, however given that the trip generation assessment has been calculated using manual surveys, it is likely that this incorporates delivery and servicing movements on site. Nonetheless, a Delivery and Servicing Plan (DSP) should be produced in accordance with TfL best practice guidance, and this requirement should be secured by condition on any consent. DSPs consist of a range of tools, actions and interventions aimed at reducing and re-timing deliveries, redefining building operations and ensuring procurement activities account for vehicle movement and emissions.

#### Travel Planning

It is noted that the site will operate 24/7 and therefore a workplace travel plan should be produced and secured by condition on any consent. This should include measures such as car sharing or incentives to encourage less car use and more sustainable travel. This would reduce vehicular trips to and from the site in line with London Plan aspirations for sustainable travel and air quality improvement.

#### Demolition and Construction

A Construction Logistics Plan should be submitted to the London Borough of Hillingdon and should consider measures such as a delivery booking system, off-site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common procurement). This requirement should be secured by condition on any consent.

#### Mayoral Community Infrastructure Levy (MCIL)

The Mayor of London has introduced his Community Infrastructure Levy (MCIL) on 1st April 2012 to help implement the London Plan. The Mayor has arranged boroughs into three charging bands. The proposed development is located in the London Borough of Hillingdon, where the charging rate is £35 per square metre of floorspace. In June 2017, the Mayor published proposals for an MCIL2. This would be levied from April 2019 and would replace both MCIL and Crossrail S106 contributions scheme.

## Summary

To conclude, the applicant should address the following issues, in order for the development to become acceptable in strategic highway terms:

- Current access arrangements should be reviewed in order to ensure pedestrian safety at the site access;
- Visibility splays from the site access should be provided;
- Funding towards road safety improvements to ensure safety at the site access should be secured;
- It should be demonstrated how the development delivers improvements in line with the Healthy Streets Approach;
- Car parking should be reduced towards draft London Plan standards;
- Cycle parking should be provided to at least the minimum standards outlined in draft London Plan policy T5;
- DSP, CLP and Travel Plan to be secured by condition.

TFL - Further comments dated 29.05.19

We are satisfied that the condition is sufficient at this point, and would expect that at detailed design stage the access is designed to industry standards. We would like to see a footway extending from Shepiston Lane into the site to provide safe access to the buildings by foot or cycle. A plan should be provided at reserved matters stage showing the footway access arrangements and swept paths showing that sufficient carriageway width is maintained to allow access by vehicles accessing the site.

(OFFICER COMMENT: The details requested are contained within the Heads of Terms and suitable worded planning conditions)

## METROPOLITAN POLICE

This is only a outline planning application, I do not object but do request a condition is attached that Secure By Design (SBD) accreditation is achieved. This will ensure appropriate security measures are installed, such as the doors, windows and perimeter provide the minimum level of resilience to crime. This is easily achievable by this site.

(OFFICER COMMENT: A suitably worded condition is proposed to be added)

## THAMES WATER

### Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimise the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

HIGHWAYS ENGLAND 29-01-19

Highways England will be concerned with proposals that have the potential to impact on the safe and

efficient operation of the SRN. In this case, principally the M4, in particular Junction 4.

We have read through the documents provided and we have some concerns. We have listed the additional information we require below.

The Transport Assessment does not assess the net impact of the development on the network at its peak hours e.g. 8-9am and 5-6pm. Please could a net impact traffic assessment be made for these hours.

There is no mention of the impact of the development on the SRN. This area of the network is highly congested and there is a high level of new development coming forward. It needs to be made clear what the potential impact of this development could be on the SRN.

Currently, the Transport Assessment does not provide enough evidence for us to make a full assessment on whether the development has a severe impact on the SRN and therefore further information should be provided that will enable us to make an assessment as to whether the proposals materially affect the safety, reliability and/or operation of the SRN. Without a full understanding of the potential traffic impacts of the development, there is insufficient information for us to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32).

I trust that the above is of assistance and would be grateful if you could pass the above comments to the applicant and their consultants for further consideration and reply. This email does not constitute a formal recommendation from Highways England.

Accordingly, we formally request that your authority refrains from determining this application, (other than refusal) until such time as we have received and considered all the requested information. Once we are able to adequately assess the above and its potential impact on the SRN, and this has been agreed with the developer, we will provide you with our final formal response.

If, in the meantime, your authority wishes to determine the application, please let us know and we will provide you with a formal response based on the information available at that time.

We look forward to receiving the additional information in due course.

HIGHWAYS ENGLAND -Further Comments 08-05-2019

Referring to the notification of a planning application dated 9 January 2019 referenced above, in the vicinity of the M4 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we have no objection.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

HEATHROW SAFEGUARDING

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition/s detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached \* See paragraph below \*

\*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England or and Rural Affairs Department (SGERAD) before the removal of nests and eggs.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

#### Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at [www.aoa.org.uk/policy-campaigns/operations-safety](http://www.aoa.org.uk/policy-campaigns/operations-safety)). These details shall include:

- the species, number and spacing of trees and shrubs
- details of any water features

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

We will need to object to these proposals unless the above mentioned conditions applied to any planning permission.

We would also make the following observations:

#### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the



aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

#### Wind Turbines

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 7, 'Wind Turbines and Aviation' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

(OFFICER COMMENTS: The conditions requested would be added)

#### GLAAS

#### Recommend No Archaeological Requirement

London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The application does not lie within an archaeological priority area and as indicated by the applicant's archaeological desk-based assessment is unlikely to cause harm given the land use history and modest scale of the proposals.

No further assessment or conditions are therefore necessary.

#### Internal Consultees

##### FLOOD WATER MANAGEMENT OFFICER

##### Initial Comments:

The proposals to replace two existing buildings with two of the same footprint it is argued by the applicant's consultant Mott MacDonald that no drainage is required on this site.

The Frogs Ditch which actually runs through this site is identified in the proposals as the southern Thames Water sewer connection. This should be opened up along the southern boundary connecting into the watercourse to the east, reducing the exclusion zone needed on the site, and increasing the space for water. This is a critical area for the Council, the catchment flowing to this area contributes to flooding problems downstream.

Therefore any proposals on this site must provide appropriate sustainable drainage within the site controlling run off to green field rates in accordance with government guidance and standards as well as the Local Plan.

There is no mention of invasive species within this application acknowledging the Japanese Knotweed previously found close to the western border, which should be shown clearly to be managed through an appropriate plan, and to provide satisfaction that the proposals do not make the situation worse.

(OFFICER COMMENT: Following discussions with the agent the Drainage Strategy has now been amended and states a commitment to implement a SuDs based system on site. Furthermore the document lists the types of systems which are to be considered at reserve matters stage and therefore a condition is imposed to secure these details. As such the Drainage Strategy has now been amended to include further commitment to the use of permeable draining methods.)

#### ACCESS OFFICER

Any approval at this outline stage should convey to the applicant/agent the requirement to ensure the buildings would be fully accessible to disabled people, including wheelchair access to all floors above ground. Inclusive design should be considered from the outset to ensure that the eventual service provider and/or employer can meet their obligations imposed by the Equality Act 2010. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. Any subsequent full planning application should be supported by a detailed Design & Access Statement, demonstrating how the principles of access and inclusion have been integrated, and to which standards the proposal has been designed. Conclusion: acceptable

#### TREES AND LANDSCAPES OFFICER

This site has a history of commercial uses and is currently occupied by lorries, plant and other vehicles associated with storage and distribution. A brownfield site, it currently benefits from a Certificate of Lawfulness. The site is generally flat with gravel hard-standing and five buildings / sheds in various states of disrepair. At the northern end a crude weed-infested bund of 3-4 metres in height separates site 2 (the north section) from an area of open grassland which acts as a spatial buffer between the site and the residential area of Pinkwell Lane, to the north. The east boundary is defined by fencing with agricultural (arable) land to the east. The southern boundary has a remnant hedge and access point onto Shepiston Lane. To the west lies Cherry Lane Cemetery. This boundary is defined by a sparse hedgerow with trees. In the past couple of years an intensification of activity and the removal lengths of residual hedgerow has been noted along the east boundary. The land lies within the Green Belt - a designation which seeks to restrict inappropriate development and prevent urban sprawl - except where special circumstances can be supported. There are no TPO's or Conservation Area designations affecting the site.

#### COMMENT

The site has been the subject of pre-application meetings and previous applications, including ref. 2017/2230, which was withdrawn. An Arboricultural Report, by Mott Macdonald, dated February 2017 (revised December 2018), has been submitted. The survey identified and assessed 5 individual trees and 8 groups, most of which are situated along the south and west boundaries - including off-site trees on the east boundary which influence, or may be influenced by, the site. The executive summary confirms that there are no 'A' grade trees on the site, however, there are 2 individual trees (T1 and T3) and 2 groups (G2 and G7) which are considered 'B' category - whose condition and value constitute a constraint on development. These trees can, and will, be retained. Three individual trees and one tree group (C grade) will be removed to enable the development and seven tree groups will require some pruning / management. The report includes a tree protection plan and temporary protective barrier detail. The planning statement (5.30) and D&AS (3.9 - 3.13) confirm that additional planting will re-inforce the south and west boundaries. This is confirmed on Mott's dwg. No. MMD-372345-C-DR-00-XX-2004. There is no reference to Hillingdon' policy BE38 and no proposal to enhance the north or east boundaries. No reference is made to Japanese Knotweed - a non-native invasive species which was previously identified on the site and requires a programme of chemical eradication? The demolition of one of the buildings on the west (cemetery) boundary will leave a vulnerable gap in the existing fencing. This should be 'plugged' with a 2.4metre high security fence. In addition to the proposed shrub planting on the west boundary there are gaps in the tree cover at a higher level which could be filled with additional tree planting.

#### RECOMMENDATION

This submission only partly addresses the landscape and visual impact of this development. Additional detail is required to ensure that the south and west boundaries are secure and the hedgerow / trees effectively re-inforced. - These details could be secured through post-

commencement conditions COM9 (parts 1,2,4 and 5) and COM10. The proposals continue to provide no landscape enhancement of the north and east boundaries - contrary to policy BE38. If Japanese Knotweed is still present on the site, the landowner has a duty to eradicate it and prevent its spread to neighbouring land.

WASTE: 21-01-19

It is not clear what the current waste and recycling arrangements for the site are. However, as the application proposes minimal changes and the site is designed for access to large vehicles and plant machinery, I have no concerns regarding access for future waste and recycling collections.

11-02-19

Suitable for waste and recycling requirements

HIGHWAYS ENGINEER

The development site is located along Shepiston Lane, Hayes which is part of the Council's Classified Road Network and bounds the M4 to the south. Towards the west Shepiston Lane intersects to the A408 which in turn connects to junction 4 of the M4 and Hayes to the east via the A437. Within the vicinity of the site the road is subject to a 40mph speed limit and benefits from pedestrian footways, street lighting and centreline road markings.

You will be aware that this application seeks outline planning consent for the redevelopment at Frogs Fitch Farm which comprises the demolition of 5 existing buildings measuring 1,403sqm in order to accommodate two warehouses measuring 1,339sqm as outlined within the submitted Transport Assessment, thus providing a net reduction of 64sqm. The site is currently categorised as Use Class B8 (Storage and Distribution) and this will remain as such post implementation.

This section of Shepiston Lane has experienced recent pedestrian fatalities which has led to a heightened focus on the safety of pedestrians using this busy connector route linking the M4 motorway and Hayes Town Centre. There is a range of frontages along this part of the road including a fuel filling station and convenience store on the opposite side of Shepiston Lane to the applicant's site. As all the other frontages become more highly activated, there is a concern that pedestrian activity and associated risk to those crossing Shepiston Lane in this area will increase.

Because of the nature of the road and traffic speeds, it is considered likely that the only viable means of enhancing road safety for pedestrians crossing between the Frogditch Farm side of Shepiston Lane and the other will be a signal controlled pedestrian crossing. Further study will be required including the necessary detailed design and estimation of costs.

It is considered reasonable to ask the developer to make a real and substantive cost towards the provision of such a facility, but at the same time recognised that not all of these costs should fairly be drawn from the developer of this site alone. For this reason, the recommendation is made that a highways contribution of 30% towards the costs of a new pedestrian crossing be sought in anticipation that the Council, as Highways Authority, will seek additional funding, such as S106 funding or the Mayor of London's 'Vision Zero' programme.

In order to ensure that such funds as are made available for this crossing from the Frogditch Farm development are utilised for such a measure, it is suggested that a reasonable time limit of five years be used, after such time, should the crossing not have been created, the funds would be returned to the applicant.

Having reviewed the PTAL rating for the proposed development using the Transport for London WebCAT service, it is indicated that the site includes a PTAL rating of 0 which on a scale of 0 - 6b (6b being the best) is indicated as 'worst'. The only bus route operating along Shepiston Lane is the

698 school service.

### Parking Provision

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Councils adopted Car Parking Standards.

When considering the quantum of development and in accordance with the London Borough of Hillingdon's currently adopted UDP standards, it is required that 15 parking spaces be provided to accommodate the proposals. The emerging DMT6 Policy however would require a more substantial provision at 29 parking spaces.

The submissions depict 34 spaces within the confines of the site thus providing an overprovision. I would therefore request that onsite parking provision to be reviewed and in accordance with the emerging policy DMT6.

### Disabled Parking

To accord with both the currently adopted UDP standard and the emerging Local Plan: Part 2 DMT 6 policy, it is required that 10% of parking provision be allocated to blue badge holders. It is therefore required that 3 spaces be allocated for this purpose. The submissions show that 9 spaces will be assigned to blue badge holders and this is welcomed.

### Electrical Vehicle Charging Points

Provision for electrical vehicle charging points should be provided in accordance with the London Plan standards which require 20% active spaces and a further 20% as passive spaces. 6 spaces should be provided as active provision and a further 6 should be assigned as passive. I trust you as the Local Planning Authority will secure this by way of condition.

### Cycle Parking

With regard to cycle parking, this should be in accordance with Hillingdon Local Plan: Part 2 Saved UDP Policies (November 2012) minimum standards which require 3 secure and covered spaces. Whilst this has not been demonstrated within the submissions, this can also be dealt with by way of condition.

### Trip Generation

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

In order to determine the level of trips associated with the site, Manual Classified Turning Count surveys were undertaken at the Shepiston Lane priority junction and access. The results show that the site currently generates 122 movements per day with 62 arrivals and 60 departures. The peak operational hours of the site were highlighted between 06:00-07:00 hours with 12 'all vehicle types' leaving the site and 12:00-13:00 hours with 11 'all vehicle types' entering the site.

The Transport Assessment notes however that the network AM peak hour along Shepiston Lane takes place between 08:00-09:00 hours with the PM peak between 17:00-18:00 hours.

A further exercise has been undertaken in order to establish trip rates through an interrogation of the TRICS (Trip Rate Information Computer System) database with reference to three comparable

sites. The assessment highlights that the site will generate in the region of 79 two-way movements during a 12 hour period (07:00-19:00 hours) with 10 movements in the AM peak (08:00-09:00 hours) and 12 movements in the PM peak (17:00-18:00 hours).

It is therefore deemed that the surveys undertaken at the existing (operational) site are based on a worst case scenario and are considered robust. The Highway Authority is therefore satisfied that the proposals will not result in significant adverse impact to the surrounding highway network.

It should be noted that the site benefits from an unrestricted Certificate of Lawfulness which enables the site to be in operation during a 24 hour period. However, given that the proposals would not give rise to an increase in the level of trips compared to that currently associated with the site, an objection on this basis would be difficult to sustain at an appeal scenario.

#### Access Provision

The site is currently accessed off Shepiston Lane through an industrial sized access point along the western section of the site frontage. Entrance gates are set back a sufficient distance in order to enable associated vehicles to pull off the highway without causing instances for potential rear end shunts.

Given that proposals seek to replace the existing floor space and that there is no significant increase in the level of traffic movements therefore giving rise to an intensification of the existing access, no alterations are proposed.

#### Service and Delivery Provision

The applicant should be made aware that an updated Delivery and Servicing plan (DSP) will be required which should consist of a range of actions and interventions which aim to reduce and control the number of deliveries to and from the site. The DSP should be produced in accordance with TfLs best practice guidance. This should be secured by way of condition.

#### Work Place Travel Plan

A Work Place Travel Plan should also be provided which sets out the framework and strategy by which the proposed commercial/industrial units can seek to encourage and enable sustainable modes of travel. This should also be secured by way of an appropriate legal binding (S106) agreement or suitable planning condition.

#### Construction Management Plan

Prior to the implementation of the works, a full Construction Management Plan is required and is to be secured under a suitable planning condition due to the site constraints of the local highway network. This should detail the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of an on-site qualified banksman, on-site loading/unloading arrangements and parking of site operative vehicles.

#### Conclusion

Mindful of the above, I do not have any objections to this application subject to the above mentioned conditions being included in any consent that you may grant.

#### CONTAMINATED LAND

Following our telephone conversation on Friday, I confirm that I have now reviewed the following report:

Frogs Ditch Farm, Phase 1 Desk Study; dated 10 December 2018; Produced by Mott MacDonald Ltd.

I have no objection to the above outline planning application, subject to conditions relating to land affected by contamination.

## AIR QUALITY

The application site is within the M4 Corridor Focus Area and is predicted to generate at least a total of 202 two-way annual average daily traffic (AADT) movements / day on the adjoining highway. A Focus Area is a hot spot where several exceedances to the annual mean limit value for nitrogen dioxide are observed and where air quality improvements should be sought. The total air pollution emissions arising from the operation of the development, if not removed or offset by other contributions, would amount to an air quality damage cost of £83,165. Therefore, a targeted operators travel plan is required to minimise and reduce the vehicle emissions associated with the development. The conditions below should be sought which aim to reduce the impact of the construction phase and the operational phase.

### CONDITION AIR QUALITY - NRMM - CONSTRUCTION PHASE

No development shall commence until proof of the registration in GLA's database ([nrmm.london/nrmm/about/what-nrmm-register](http://nrmm.london/nrmm/about/what-nrmm-register)) and compliance with the London's Low Emission Zone for non-road mobile machinery requirements is submitted to and approved in writing by the Local Planning Authority.

Reason: The London's Low Emission Zone for non-road mobile machinery shall be complied with as per requirements as of 1st September 2015. From 1 September 2015 NRMM of net power between 37kW and 560kW used in London will be required to meet the standards set out at Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

Condition Air Quality - Operator's Travel Plan (B8 use)

No development shall commence until an Operators Travel Plan (OTP) has been submitted to and approved in writing by the Local Planning Authority. The OTP shall be required of the occupiers of the new proposed use and include the following components in detail and with a plan of implementation associated with each of them. It shall include:

- 1) Any captive fleets and services (which are manageable via contractual procedures) associated with the operation of the proposed B8 use to be Euro 6/VI or cleaner or have implemented retrofitting devices that will enable compliance with such Euro standards;
- 2) Mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies. This will include making provision of heavy-duty electric vehicle fast charging bays which will supply at least 20% of total HGV usage
- 3) HGVs and LGVs traffic routing shall avoid residential areas;
- 4) A clear and effective strategy to encourage staff to a) use public transport; b) enter car share schemes; c) purchase and drive to work zero emission vehicles; This is to include:
  - a Welcome Pack available to all new staff online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes;
  - Eco-driver training and provision of eco-driver aid to all staff
  - Car club provision within development or support given to local car club/eV car clubs
  - Designation of parking spaces for low emission vehicles

- Adequate provision of secure cycle storage; offer season ticket loans to staff; and offer tax-free loans to allow for the purchase of cycle for travel to work, or sign up to the government's cycle to work scheme
- Differential parking charges depending on vehicle emissions for staff
- Public transport subsidy for employees

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

Reason - As the application site is within an Air Quality Management Area and to comply with paragraph 124 of the NPPF, policy 7.14 of the London Plan, policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), and London Borough of Hillingdon Air Quality Action Plan 2024.

(OFFICER COMMENT: The applicant has agreed to incorporate improvements to air quality through compliance with the above condition therefore the damage costs are no longer sought.)

#### SUSTAINABILITY 17-05-19

1 Energy- - No energy assessment has been provided. The development is therefore not shown to be policy compliant as it does not meet the CO2 reduction targets of the London Plan (Policy 5.2).

2 - Ecology - I have no objections to the proposed development and consider the detailed surveys are appropriate to the site and surroundings and the conclusions appear reasonable. Notwithstanding that, the development will have an impact on biodiversity in general and no net loss should be considered a minimum with opportunities to enhance to be considered at the detailed stage.

#### SUSTAINABILITY 04-06-19

I do not accept the justification provided in the statement on energy. The application is for 1,402 m2 of B8 use. This makes it a) easy to work out the baseline energy demand and associated emissions, and b) assess the types of features required to achieve the 35% reduction target - for example through the use of xxm2 of PV panels.

The development as proposed is not policy compliant.

However, if the intention is to approve the application, the development can be conditioned to be policy compliant through the following:

#### Condition

Prior to commencement of development, an energy assessment showing the development will achieve a 35% reduction in CO2 emissions from a building regulations compliant baseline development shall be submitted to and approved by the Local Planning Authority. The assessment shall follow the London Plan energy assessment guidelines and meet the requirements of Policy 5.2 of the London Plan. The assessment shall incorporate full specifications of any low and zero carbon technology to be used including their location within the development (elevations, roof plans etc... as necessary). The development must proceed in accordance with the approved plans.

#### Reason

To ensure the development contributes to a reduction in CO2 in accordance with Policy 5.2 of the London Plan.

Please note this is a pre-commencement condition as some energy solutions require below ground works. The failure to consider this in even broad strategic terms renders the need to keep all options open prior to commencement.

## **7. MAIN PLANNING ISSUES**

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

#### **GREEN BELT**

The application site is within the Metropolitan Green Belt.

The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns merging into one another
- c) to assist in safeguarding the countryside from encroachment
- d) to preserve the setting and special character of historic towns
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- i. buildings for agriculture and forestry
- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The London Plan strongly supports the protection, promotion and enhancement of London's open spaces and natural environments. Policy 7.16: Green Belt states that in terms of planning decisions:

"The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special



circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance"

Local policy, Policy EM2 'Green Belt, Metropolitan Open Land and Green Chains' of Hillingdon's Local Plan: Part 1 - Strategic Policies (Nov 2012) explains that the Council will seek to maintain the current extent, hierarchy and strategic functions of the Green Belt, Metropolitan Open Land and Green Chains and that development in the Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances test.

Policy OL1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (Nov 2012) restricts development of Green Belt land to predominantly open uses, however it specifically states that limited infilling or redevelopment of major existing development sites is considered appropriate.

Policy OL2 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (Nov 2012) states that within the Green Belt, where development proposals are acceptable in principle in accordance with the above policy, comprehensive landscaping improvements to achieve enhanced visual amenity and other open land objectives will be sought.

Policy OL4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (Nov 2012) states that the Council will only permit the replacement or extension of buildings within the green belt if the development would not result in any disproportionate change in bulk and character of the original building; the development would not significantly increase the built up appearance of the site; and the development would not injure the visual amenities of the Green Belt by reason of siting, materials, design, traffic or activities generated.

Whilst the development of new buildings within the Green Belt is not normally considered acceptable, consideration should be given to whether or not the proposal meets the requirements of the 'very special circumstances' test within the NPPF. The site presently benefits from Certificates of Lawful Use and Development (CLU) for a range of uses including open storage, plant hire, vehicle parking and ground contracting. The site was entirely developed between 1975 and 1985 and a number of buildings still remain from this development and are now considered to be lawful. The current built form comprises of a number of commercial/industrial buildings, mostly of brick construction with tiled or metal roofs. The buildings are clustered around the central and western side of the site and are in a very poor state of repair.

Given the CLU which has been granted and the current dilapidated state of the existing built form, the proposal presents an opportunity to improve the character and appearance of the site and its appearance within its Green Belt setting. The quantum of new floor space proposed through the replacement buildings is identical to the existing buildings on site (1,402.9 sqm) therefore, any new building/s would not be materially larger than the existing. Furthermore the supporting documents state that the proposed building/s would be no greater in height than that of the existing buildings and the new floor-space would be sited further south towards the highway thus reducing the potential impact to the openness of the wider Green Belt.

In this instance it is considered the applicant has provided sufficient justification for why the proposal meets the criteria set out in the NPPF(2019).

The GLA have also confirmed and concluded that the proposals do not result in a greater

impact upon the openness of the Green Belt.

**7.02 Density of the proposed development**

Not applicable to this application.

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

The application site does not fall within a conservation area, area of special local character nor are there any listed building within the curtilage of the site.

The applicant has submitted a desk based archaeological assessment which suggests that the site falls within an archaeological priority area. However, GLAAS (Greater London Archaeological Advisory Service) has confirmed the site does not fall within such an area and given the land use history and modest scale of the proposals, it is unlikely to cause harm so that no further assessment or conditions are necessary.

**7.04 Airport safeguarding**

NATS and Heathrow Airport Safeguarding have been consulted on this planning application. Neither consultee has raised an objection to the scheme however Heathrow Airport Safeguarding have requested that any approval should be subject to conditions requiring details of a bird hazard management plan and details of landscaping to be submitted and approved by the local planning authority. They also make observations as regards use of cranes and wind turbines.

As this application is for outline planning consent with all matters reserved, the request for landscaping details will be secured at reserved matters stage for which both NATS and Heathrow Airport Safeguarded will be consulted. The other observations as regards use of cranes and wind turbines have been included as informatives within the officer recommendation.

**7.05 Impact on the green belt**

As set out in Section 7.01, this development is not considered to have a detrimental impact upon the Green Belt.

**7.06 Environmental Impact**

Addressed in other areas of this report.

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

The application is for outline consent with all matters reserved. Further details of the access, layout, scale, appearance and landscaping are to be secured by reserved matters for subsequent approval. Development within the greenbelt is found to be unacceptable unless evidence of very special circumstances can be provided. The existing built form on site comprises of 5 buildings which are in a very poor state of repair therefore the proposed scheme presents an opportunity to improve the character and appearance of the area. The parameters plan as proposed illustrates the area within the site for which the new floor space will be accommodated and the supplementary planning information states the proposed building would be no greater than the existing buildings therefore the scale and height of the development are considered to be acceptable in the context of the character of the area. The final scheme will be carefully reviewed at reserved matters stage to ensure the development is appropriate in this location.

It is therefore considered that the proposed development would result in acceptable visual impact and provide spatial characteristics which relate to the surrounding area and, as such, is in accordance with Policy BE13 and London Plan Policies 7.4 and 7.6.

**7.08 Impact on neighbours**

The nearest residential properties to the site are located approximately 160 metres to the north of the site. Given this distance and that the proposal would not result in an

intensification of the use of the site, the proposed development is not considered to give rise to any additional impacts on the amenities of the surrounding residential occupiers, in accordance with Policies BE20, BE21 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

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

Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) advise respectively that proposals for development will be assessed against their contribution to traffic generation and impact on congestion, having regard to the present and potential capacity of public transport and that the traffic generated by proposed developments would need to be accommodated on principal roads without increasing demand along roads or at junctions already used to capacity, not prejudice the free flow of traffic, nor diminish environmental benefits brought about by other road improvement schemes or infiltrate local roads. Policy AM9 supports cycle provision, including the need for cycle storage provision within development schemes and Policy AM14 advises that development should accord with adopted car parking standards.

The Council's Highways Engineer has reviewed the Transport Statement and Technical Notes and has confirmed that they have no highway or transport concerns regarding the development as it does not involve an intensification of the use of the site thus there would be no increase in trip generation. However this section of Shepiston Lane has experienced recent pedestrian fatalities which has led to a heightened focus on the safety of pedestrians using this busy connector route linking the M4 motorway and Hayes Town Centre. There is a range of frontages along this part of the road including a fuel filling station and convenience store on the opposite side of Shepiston Lane to the applicant's site. As all the other frontages become more highly activated, there is a concern that pedestrian activity and associated risk to those crossing Shepiston Lane in this area will increase.

Because of the nature of the road and traffic speeds, it is considered likely that the only viable means of enhancing road safety for pedestrians crossing between the Frogditch Farm side of Shepiston Lane and the other will be a signal controlled pedestrian crossing. Further study will be required including the necessary detailed design and estimation of costs.

TfL requires the development to comply with its zero accidents strategy. In order to adhere to this, TfL has proposed alterations to the access into the site to create a segregated pedestrian and cycling access as well as the introduction of a pedestrian crossing to help improve the safety of those who use and pass the development.

The applicant has agreed to a contribution towards a new pedestrian crossing which will be secured via the section 106 legal agreement. A revised transport assessment has also been submitted which now includes a commitment to creating a segregated access for pedestrians and cyclists which will be secured via a condition. Subsequently this satisfies the concerns raised by TfL.

The proposed development would be served by 34 spaces within the confines of the site however the quantum of development suggests 29 parking spaces should be provided therefore the levels of parking will need to be reviewed during the reserved matters stage as well as where the parking spaces will be located. As such, a condition has been included to secure further parking details which would see the volume of parking spaces

reduced to 29.

Subject to the imposition of conditions and contributions towards a new pedestrian crossing, the proposals accord with Policies AM2, AM7, AM9 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

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

Design and access issues raised by the proposals have been considered within other relevant sections of the officer's report.

The submitted Design & Access Statement states that the development will be built to achieve Secured by Design Certification. A condition has been attached to secure this.

#### **7.12 Disabled access**

The application is for outline consent with all matters reserved. Details of internal and external access, layout, scale, appearance and landscaping are to be finalised by reserved matters for subsequent approval. The Council's Accessibility Officer has reviewed the submitted details and confirmed that they have no objection to the proposed outline application subject to a condition pertaining to a scheme which demonstrates how the principles of access and inclusion have been integrated. The requested condition will be imposed as requested.

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

Not applicable to this application

#### **7.14 Trees, landscaping and Ecology**

##### **LANDSCAPING**

The application is for outline with details of internal & external access, layout, scale, appearance and landscaping to be reserved matters for subsequent approval. The submitted landscape master plan and supporting documents written by Mott MacDonald identified a number of trees on site most of which are located along the south and west boundaries. Whilst there are no grade A trees on site there are a number of grade B trees which make a positive contribution to the site and its green belt setting therefore should be retained. The supporting information indicates 3 individual and one tree group (grade C) will be removed to enable the development with a number of tree groups requiring some form of pruning. The supporting documents demonstrate reasonable tree protection methods for which the Council's Landscape Architect has agreed are acceptable.

The submitted parameter plan illustrates the retention of the established mature landscaping belt to the south of the application site. Whilst some trees would be lost as part of the development these trees are deemed low quality 'C' grade trees that are not worthy of special protection. The Council's Landscape Architect has reviewed the submitted details and raised no objections to the proposal subject to the attachment of appropriate conditions.

##### **ECOLOGY**

The applicant has submitted a 'Preliminary Ecological Appraisal' and further survey evidence relating to reptiles and bats in support of the application. The report confirms that there is low potential for the presence of protected species on site. Notably, whilst it does recommend the carrying out of further surveys, the Council's Sustainability Officer has advised that this is a very precautionary approach and cannot be justified given limited likelihood that protected species are present. Accordingly, no objection has been raised subject to a condition requiring the provision of ecological enhancements to the site should

planning permission be granted. This condition forms part of the Officer recommendation.

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

The application is for outline consent with all matters reserved. Details of internal and external access, layout, scale, appearance and landscaping are to be finalised by reserved matters for subsequent approval. The Councils Waste Strategy Officer has raised no objection to the scheme and is happy details relating to waste management to be secured via a condition. Therefore the location and size of waste/recycling areas and bin stores plus details of collection would be resolved at reserved matters stage.

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

Policy 5.3 of the London Plan requires development proposals to demonstrate sustainable design standards are integral to the proposal. It requires major development proposals to meet minimum sustainable design standards set out in the Mayor's SPG. Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions. However if this cannot be achieved, then a cash in lieu contribution will be sought.

The application is for outline planning consent with all matters reserved thus no detailed Energy and Sustainability Statement has been submitted in support of the proposal.

Given the outline nature of the application and the fact that the final design / specification of the new building(s) will not be determined until the reserved matters detailed design stage, the potential to incorporate energy efficiency measures is currently unknown. Whilst initial concerns were raised by the Councils Sustainability Officer this is a matter that will be explored as part of the detailed design of the final scheme and will, therefore, be dealt with at the reserved matters stage. A pre-commencement condition has been included which requires the applicant to submit a energy assessment which will achieve a 35% reduction in CO2 emissions from a building regulations compliant baseline development in line with the London Plan energy assessment guidelines.

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

Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding.

The application site does not fall within a Flood Risk area. However, the submitted Drainage Strategy states that two culverts are located beneath the site which combine together to discharge into an open watercourse along the eastern boundary. There is also an existing watercourse to the east of the site which flows into a man made ditch along the south east boundary until it meets the River Crane. Furthermore the report states that the proposed development does not present an increase in impermeable area and as the footprints of the buildings will match those of the existing, no further drainage works are required to be undertaken.

The Flood and Water Management Officer stated that the site falls within a critical area and that the catchment flowing to this area contributes to flooding problems downstream therefore the proposal should include an appropriate sustainable drainage plan which accords to both government and local policies.

Following discussions with the agent the Drainage Strategy has now been amended and states a commitment to implement a SuDs based system on site. Furthermore the document lists the types of systems which are to be considered at reserved matters stage and therefore a condition is imposed to secure these details. As such the Drainage Strategy has now been amended to include further commitment to the use of permeable

draining methods.

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

### **NOISE**

It is noted that the GLA have requested a full noise assessment. However the vehicle movements associated with the proposed development are not predicted to increase from the movements which exist at the site which negates the need for a noise assessment.

There is a potential that plant and equipment on the future development may have an increased impact on noise levels but this is a matter which can and would be controlled by a suitably worded condition.

### **AIR QUALITY**

It is also noted that a Air Quality assessment has been requested by the GLA, however the Councils Air Quality Officer has assessed the submissions made and concluded that subject to the imposition of suitable conditions securing a targeted operators travel plan is required to minimise and reduce the vehicle emissions associated with the development, the proposals are acceptable.

## **7.19 Comments on Public Consultations**

As above in the consultation section of this report

## **7.20 Planning obligations**

Policy R17 of the Hillingdon Local Plan: Saved Policies (November 2012) is concerned with securing planning obligations to supplement the provision recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These saved UDP policies are supported by more specific supplementary planning guidance.

Should the application be approved, a range of planning obligations would be sought to mitigate the impact of the development, in line with saved policy R17 of the of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

(i) A highways contribution of 30% towards the total costing of a new pedestrian crossing within close proximity to the application site. Should the local authority be unable to secure funding for the further 70% or fail to implement the proposal for a new pedestrian crossing within 5 years. the monies contributed shall be returned to the applicant.

(ii) Construction Training: either a contribution equal to the formula (£2,500 for every £1m build cost + coordinator costs) or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development with the preference being for an in-kind scheme to be delivered.

(iii) Project Management and Monitoring Fee: a contribution equal to 5% of the total cash contribution to enable the management and monitoring of the resulting agreement.

The applicant has agreed to the above heads of terms. As such, the scheme complies with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

The proposed development is liable to Mayoral and LBH CIL charges and, as such, a CIL Liability Notice will be issued in order to secure the relevant contributions.

## **7.21 Expediency of enforcement action**

Not applicable

## **7.22 Other Issues**

Not applicable

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

### **General**

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

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

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

### **Planning Conditions**

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

### **Planning Obligations**

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

### **Equalities and Human Rights**

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

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

circumstances.

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

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

Not applicable

#### **10. CONCLUSION**

The application is for outline planning consent with all matters reserved. Details of internal & external access, layout, scale, appearance and landscaping would be reserved matters for subsequent approval. The Outline application is for the erection of a building/s to provide 1,409 sqm of floor space for B8 use (existing use retained).

The application site is located within the green belt therefore development is not usually permitted unless very special circumstances can be evidenced. The proposed development would be constructed on a previously developed site within the green belt which benefits from a CLU for B8 open storage use. The supporting documentation states there to be no intensification of the use of the site given the fact the the proposed floor space is no greater than the existing arrangement.

The applicant has agreed to make changes to the access of the site to resolve the concerns raised by TFL and the Councils Highway Officer. Details relating to internal access, layout, scale, appearance and landscaping are to be determined at reserved matters stage, however the application includes indicative details of how such a proposal could be delivered.

The application provides an opportunity to improve the existing built form on site which is in a very poor state of disrepair and subsequently the view of the site within its green belt setting could also be improved. It is therefore recommended that the application be approved subject to the attachment of conditions and an appropriate S106 Legal Agreement.

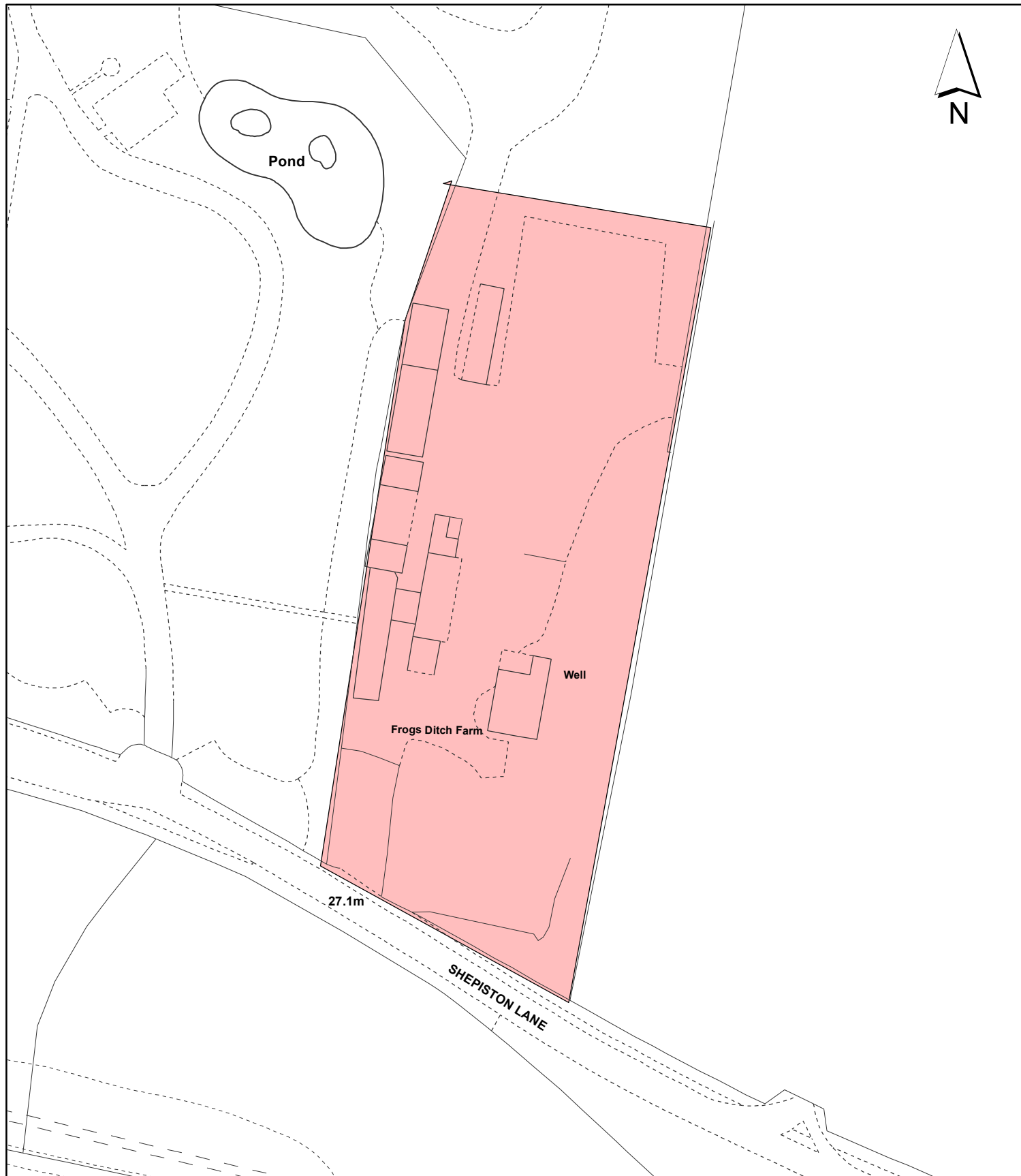
#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (March 2016)  
National Planning Policy Framework (January 2019)

**Contact Officer:** Christopher Brady

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**Notes:**

 Site boundary

For identification purposes only.

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Site Address:

**Frogditch Farm**

Planning Application Ref:

**10181/APP/2018/4485**

Planning Committee:

**Major**

Scale:

**1:1,250**

Date:

**July 2019**

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services  
Planning Section**

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



**HILLINGDON**  
LONDON