

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

**Address** UNIT 2-4, AIRPORT GATE BUSINESS CENTRE BATH ROAD HEATHROW

**Development:** Application for the change of use from B1c and B8, to B1c, B2 and B8 for Units 2-4, including the replacement of external cladding, and internal alterations to the first-floor and alterations to access, car parking layout serving Units 5-7 and landscaping and service yards together with associated works

**LBH Ref Nos:** 54794/APP/2019/2421

**Drawing Nos:** 31516A\_T\_UC  
11165 PL 100  
11165 PL 102  
11165 PL 103  
11165 PL 105  
11165 PL 106  
11165 PL 107  
11165 PL 108  
11165 PL 109  
11165 PL 110  
11165 PL 111  
11165 PL 112  
11165 PL 101  
Design and Access Statement dated July 2019  
Planning Statement dated July 2019  
Covering Letter  
BREEAM Report  
Bird Management Plan  
Energy Statement  
BREEAM Pre- Assessment Report  
Transport Statement  
Preliminary Ecological Appraisal  
External Lighting Assessment  
Preliminary Risk Assessment & Geo-Environmental Assessment Report  
Flood Risk Assessment and Surface Water Drainage Strategy  
Planning Noise Impact Assessment  
11165 PL 104 Rev. A

**Date Plans Received:** 18/07/2019      **Date(s) of Amendment(s):** 18/07/2019  
**Date Application Valid:** 18/07/2019      25/07/2019

### 1. SUMMARY

This application is being reported to the Major Applications Planning Committee because it seeks approval for works to a site area that is over 1 hectare.

The application seeks planning permission for the change of use of the existing properties from Use Classes B1c and B8 to Use Classes B1c, B2 and B8. The proposal includes a comprehensive refurbishment and replacement cladding. Whilst there is a small loss in floorspace, the proposal provides a more efficient and productive layout to meet the needs

of future occupiers. The proposal includes access, changes to the car parking layout which would result in the loss of car parking spaces, nevertheless the car parking spaces provided exceed the requirements within the Local Plan. The proposal would not result in harm to the amenities of neighbouring occupants or the local highway network. The proposal complies with policies within the Development Plan and it is therefore recommended for approval.

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning, Regeneration and Transportation to approve this application subject to the following conditions.**

### **1 RES3 Time Limit**

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

#### **REASON**

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

### **2 RES4 Accordance with Approved Plan**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbers:

11165 PL 100

11165 PL 101

11165 PL 102

11165 PL 103

11165 PL 104

11165 PL 105

11165 PL 109

11165 PL 111

11165 PL 112 and shall thereafter be retained/maintained for as long as the development remains in existence.

#### **REASON**

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

### **3 COM5 General compliance with supporting documentation**

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

Design and Access Statement dated July 2019

Planning Statement dated July 2019

Covering Letter

BREEAM Report

Bird Management Plan

Energy Statement

BREEAM Pre- Assessment Report

Transport Statement

Preliminary Ecological Appraisal

External Lighting Assessment

Preliminary Risk Assessment & Geo-Environmental Assessment Report

Flood Risk Assessment and Surface Water Drainage Strategy

Planning Noise Impact Assessment

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

#### REASON

To ensure that the development complies with the objectives of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and Policies 2.7, 4.4, 5.2, 5.13 and 7.6 of the London Plan (March 2016).

#### **4 NONSC Bird Hazard Management Plan**

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

To comply with policy A6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy DMAV1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) to manage the roof areas in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

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

Prior to the implementation of the site layout, 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 to include native species that are pollution absorbing (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
- 2.c Means of enclosure/boundary treatments
- 2.d Electric charging: demonstration that 24 of parking spaces are served by active electrical charging points and 24 spaces are served by passive electric charging points
- 2.e Hard Surfacing Materials
- 2.f External Lighting

##### 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), Policy Policy DMHB14 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and 5.17 (refuse storage) of the London Plan (2016).

## **6 NONSC Operator Travel Plan**

Prior to the occupation of the development, an Operators Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning Authority. The OTP shall be required for the occupiers of the proposed use. Measures shall include an implementation plan alongside the following:

- 1) 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; 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/electric vehicle 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; and
  - Public transport subsidy for employees.

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

### **REASON**

To ensure that the proposed development will mitigate against the air quality impact of the development within an Air Quality Focus Area in compliance with policies 7.14 of the London Plan (2016) and emerging Policy DMEI 14 of the emerging Local Plan: Part 2 (2019).

## **7 NONSC Accessible Car Parking**

Notwithstanding the submitted plans, prior to occupation, a car parking layout illustrating a minimum of 19 accessible car parking bays shall be submitted to and approved in writing by the Local Planning Authority.

### **REASON**

To ensure that an appropriate level of accessible car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (2012) and Chapter 6 of the London Plan (2016).

## INFORMATIVES

### 1 152 **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).

### 2 153 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMEI 9	Management of Flood Risk
DMHB 12	Streets and Public Realm
LE2	Development in designated Industrial and Business Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 4.1	(2016) Developing London's economy
LPP 4.4	(2016) Managing Industrial Land and Premises

### 3 115 **Control of Environmental Nuisance from Construction Work**

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section

61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### **4 170 LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2012, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

#### **5 160 Cranes**

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

#### **6**

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.

#### **7**

All opportunities to incorporate drainage provision in the landscaping, such as including regular breaks in kerb lines to allow surface water to disperse into the tree pits/beds/hedges should be considered by the applicant.

### **3. CONSIDERATIONS**

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

The application site measures 1.5 ha. It is situated on the northern side of Bath Road. The site comprises a terrace of 3 industrial units referred to as Units 2, 3 and 4 Airport Gate Business Centre with their associated, access, service yards and areas of car parking. The site is entirely within an established industrial business area as allocated within the Local Plan: Part Two (November 2012).

The surrounding context is varied. It is bound to the north by Green Belt, a recreation ground and residential properties to the east, Heathrow Airport boundary is situated to the south, and a hotel and offices are to the west.

#### **3.2 Proposed Scheme**

The proposal seeks the change of use of units 2-4 from B1c and B8 uses to also include B2 together with replacement cladding and alterations to the internal floorspace at first floor

level, access, landscaping with associated works.

### Change of Use

The current authorised uses on site are B1c and B8. This application seeks to include Use Class B2 which is a general industrial use. This is to meet the needs for the end user and also allow greater commercial flexibility in the future.

### Amount

The footprint of the unit would remain as existing. The existing unit includes a Gross External Floor Area (GEA) of 6,600 s.qm. The internal reconfiguration of the unit would provide 5,609 s.qm GEA. The proposal would result in a reduction of 991 sq.m reduction. The loss of floorspace would be at first floor level. The proposal involves a marginal increase in ridge height from 11.35m to 11.95m.

### Appearance

The existing building is in a poor state of repair. The northern elevation is damaged and some of the cladding is corroded. The existing raised floor level is unsuitable for standard decker level doors. The proposal seek to re-clad the envelope of the building. The design includes full height glazing and a new palette of materials for the building envelope. The proposal will feature profiled metal cladding in metallic silver colour, aluminium framed entrance door within full height curtain walling with a vertical composite cladding feature and high level projection to improve legibility of the unit's access and ribbon windows to the office areas to provide natural light to the internal accommodation.

### Access

The proposal also involves alterations to the existing access road which is proposed to be realigned closer to the eastern boundary of the site along this length. All parking and loading areas will be accessed via this road, retaining its existing 7.3 metre width. Access and parking to Units 5 to 7 is to be rationalised with additional fencing to be introduced to separate one of the units.

### Parking

The existing site is served by 179 car parking spaces. Under application ref: 54794/APP/2019/1709 (07-08-19), a layout for 139 car parking spaces was approved.

This application seeks to provide a larger forecourt to serve Units 2-7/servicing yard area for Units 2-4. In total, it provides 119 car parking spaces of which 20% of the spaces would be served by electric charging points. The proposal also includes 4 motor cycle parking bays split into individual units and 46 dedicated secure cycle parking spaces.

## 3.3 Relevant Planning History

54794/APP/2019/1709 Units 2-4 & 5-7 Airport Gate Business Centre Bath Road Harmondswic  
Reconfiguration of external areas comprising the re-alignment of the access road, reconfiguratic  
of the parking layout and associated landscaping

**Decision:** 07-08-2019 Approved

54794/APP/2019/1765 Unit 2-4, Airport Gate Business Centre Bath Road Heathrow  
External alterations including replacement cladding

**Decision:** 07-08-2019 Approved

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

The key difference between this application and the previously approved consents is that the layout of this site meets the requirements of the current end user.

Whilst the footprint and the design of the building remains as previously consented under application ref: 54794/APP/2019/1765, the site layout has been amended since application ref: 54794/APP/2019/1709 was consented. Under this application, a larger forecourt is provided and as such the number of car parking spaces have also reduced.

#### **4. Planning Policies and Standards**

##### Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Saved UDP Policies (2012)

The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

##### Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

##### Draft London Plan (Consolidated with Changes July 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. This Consolidated version remains under examination with a report by the appointed panel of Inspectors due in Autumn 2019.

The Council's general approach at this stage is to give limited weight to the draft London Plan as a material consideration when deciding planning applications given at this stage of preparation it remains subject to a large number of objections, and could still be subject to



significant further change prior to publication.

Proposed Submission Local Plan Part 2 with Main Modifications (March 2019)  
The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and were published for public consultation from 27 March to 8 May 2019.

Taking para 48 of the NPPF into account, the Council's general approach to the weight which should be afforded to the draft LPP2 will be as follows:

The preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

Those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

Finally, it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE20	Daylight and sunlight considerations.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMEI 9	Management of Flood Risk
DMHB 12	Streets and Public Realm
LE2	Development in designated Industrial and Business Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 4.1	(2016) Developing London's economy
LPP 4.4	(2016) Managing Industrial Land and Premises

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

**5.1** Advertisement Expiry Date:- **6th September 2019**

**5.2** Site Notice Expiry Date:- **6th September 2019**

## **6. Consultations**

### **External Consultees**

Two site notices were displayed between 15-08-19 and 06-09-19. Additionally, 35 neighbouring occupiers were consulted on this application. No comments were received.

#### Heathrow Aerodrome Safeguarding

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions requiring a Bird Hazard and an informative relating to Cranes.

#### National Air Traffic Services

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.

### **Internal Consultees**

EPU Officer:

No comments received at the time of writing this report.

Sustainability Officer:

This appears to be minor alterations to an existing building to allow for the building to have an additional B2 use. I have no objections to the proposed changes.

Flood and Water Management Officer:

No objection. It is acknowledged that this is a change of use with only minor alterations to external

areas. The alterations include the provision of new landscaping areas which will contribute to a slight reduction in the area of impermeable surface on the development site. All opportunities should be considered to incorporate drainage provision in the landscaping, such as including regular breaks in kerb lines to allow surface water to disperse into the tree pits/beds/hedges.

Access Officer:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following informative should be attached to any grant of planning permission: 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.

Highways Officer:

Proposals comprise the change of use of an existing B1c/B8 facility to use class B8, B1(c) and B2 as well as reducing the Gross Internal Area (GIA) of the building from 6375sqm to 5444sqm through internal reconfiguration. This represents a 931sqm reduction.

Access to the respective units (2 - 4) will take place via the 7.3m wide access road which runs parallel to the eastern boundary of the site. All access points associated with these units (2-4) are to be reconfigured. Swept Path analysis drawings have been provided showing how HGVs are able to access and egress the site in forward gear.

Whilst concerns are raised with associated HGVs having to make use of the opposing running lane in order to carry out both access and egress, it is noted that this section of the site is privately maintained and beyond the jurisdiction of the London Borough of Hillingdon as Highway Authority.

With regard to parking provision, the site currently provides a total 179 parking spaces. You will be aware that planning consent (for this site) was recently granted under ref, 54794/APP/2019/1709 for 139 parking spaces. This current scheme seeks to further reduce parking to 119 spaces. The proposed level of provision complies with the currently adopted parking standards and is therefore deemed acceptable.

It is required that 20% of all parking be provided for electrical vehicles with a further 20% as passive provision. I trust you as the Local Planning Authority will secure this by way of condition.

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.

The submitted TS mentions that 4% of the total provision will be designated as 'disabled' parking. This percentage should be increased in order to comply with current policy. This should also be secured by way of condition.

With regard to cycle parking, it is proposed that 46 cycle parking spaces be provided within the confines of the site via a two-tiered 'stacker' system. This complies with the London Plan minimum standards and is therefore deemed acceptable.

In terms of the level of traffic movements associated with the site, the proposals are not expected to generate a significant increase in movements compared to the currently permitted use class.

Mindful of the above, I do not have any objections to this application subject to the above mentioned points and following obligation being secured.

- A £20,000 bond to secure and monitor workplace travel plan.

Trees and Landscaping Officer

This site is occupied by units 2-7 of the Airport Gate Business Centre on the north side of Bath Road. There are no TPO's or Conservation Area designations affecting the site. COMMENT The site has been the subject of recent applications, including 2019/1709 which was approved. There is no objection to the proposed change of use, replacement cladding and internal alterations, subject to the implementation of the external landscape enhancements (as approved under application ref. 2019/1709). This submission includes a Bird Management Plan which has been prepared with reference to CAA guidance relating to birdstrike risk management. RECOMMENDATION No objection subject to condition COM9 (parts 1,2,4 and 5).

Air Quality Officer

The proposal is to simply add a B2 use to an extant approval for a B1c and B8 use.

The traffic study states: 'Given that the proposals do not represent an increase in floorspace or it is not anticipated that they will result in any significant change in travel demand.' Furthermore, there is a reduction of car parking spaces.

The current use includes B8 which allows for a range of different operations with varying degrees of traffic impacts. The addition of B2 is not likely to alter the current identified traffic demand (unless stated otherwise by the highways function). Without any likely increase in traffic demand, there would not be a fundamental change to the current air quality impacts.

It is noted that the applicant has presented a travel plan - this should be a conditional requirement. Beyond that, there is no need for damage costs to be secured as part of a S106.

## **7. MAIN PLANNING ISSUES**

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

Policy E1 of the Local Plan: Part One (November 2012) notes the Council will accommodate growth by protecting Locally Significant Industrial Sites.

As part of this application, there is a small loss in the quantum of internal floorspace at first floor level, however the proposal would provide a more efficient and productive layout. The proposal seeks to provide more flexibility by including 'B2 uses' to future occupants. Use Class B2 is an appropriate use within this business area. The proposal would provide more appeal to future commercial occupiers. The proposed change of use from Use Classes B1c and B8 to Use Classes B1c, B2 and B8 is considered acceptable.

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

Not applicable to this development.

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

The site does not lie within a Conservation Area nor are there listed buildings within the vicinity of the development. The majority of changes are limited to alterations to the external fabric, on this basis, the proposal would not result in an impact to heritage assets.

### **7.04 Airport safeguarding**

NATS raised no objection to the application. Heathrow Airport Safeguarding has requested a pre-commencement condition requiring a Bird Hazard Management Plan and an

informative relating to cranes. The proposed condition is attached to the draft schedule of conditions.

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

The site is bound by Green Belt to the north. The application is confined to the existing site and the proposal does not result in an increase to the footprint or site area. The proposal would not result in an impact on the Green Belt.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings. Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should harmonise with the existing street scene or other features of the area.

Policy BE25 of the Local Plan: Part Two (November 2012) seeks to modernise and improve industrial and business areas.

The site currently consists of a terraced building which has been used as a single unit since its internal layout and elevations were modified by previous tenants. The proposal includes a new internal core to be constructed and will have less floor area to suit a single user, with an overall GEA of 5,609 sq.m. The proposal is designed to create a mix of employment use space which will be suitable for use by a single occupier which can be subdivided in the future.

The proposal provides a comprehensive refurbishment of the dated building. The existing main steel frame structure will be retained and a new building envelope will be rebuilt, keeping the building's footprint as existing. The height of the building will alter slightly from 11.35m to 11.95m. Overall, the size and scale of the development will be similar to the existing building.

The existing building is in a poor state of repair. The northern elevation to unit 4 has been damaged and the lower level of the cladding has become corroded. The existing first floor level was designed to meet the needs of the existing user and is unsuitable for standard dock levellers doors and in turn unsuitable for the majority of future occupiers. The proposal seeks to reclad the building that would improve its thermal efficiency and bring the building up to standard.

The proposed design includes features to improve the overall appearance and legibility of the building. A new palette of materials include profiled metal cladding in metallic silver colour, aluminium framed entrance doors within full height curtain walling with a vertical composite cladding feature and high level projection to improve legibility of the unit's access and ribbon windows to the office areas to provide natural light to internal accommodation. The appearance of the building is in keeping with the surrounding industrial context.

The modernisation and improvements of the industrial unit is supported by Policy BE25, as such the proposal is considered acceptable.

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

Policy BE21 requires new residential developments to be designed to protect the outlook of adjoining residents. The nearest residential occupants are situated 70m to the south west of the site. The proposal is unlikely to harm to residential amenity of neighbouring properties.

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

Not applicable to this application.

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

Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) are concerned with traffic generation, road capacity, onsite parking and access to public transport.

### Highways Safety

The highways officer has commented on this application noting, access to the respective Units (2 - 4) will take place via the 7.3m wide access road which runs parallel to the eastern boundary of the site. The applicant has provided a swept path analysis confirming HGVs and LGVs can gain access and egress the site in forward gear. The highways officer has noted that HGVs and LGVs would be expected to make use of the opposing running lane in order to carry out both access and egress, however this would take place on a private road which is managed by the applicant and on this basis there are no highways safety objections to the application.

### Car Parking

The existing site layout provides 179 car parking spaces. Under planning ref: 54794/APP/2019/1709, a scheme was approved for 139 parking car parking spaces. This application seeks an amendment to the car parking layout which reduces car parking to 119 spaces. The proposed level of provision complies with the currently adopted parking standards and is therefore deemed acceptable.

The highways officer has requested that 20% of all car parking spaces that are provided provide active electrical charging points with a further 20% as passive provision are secured by way of a condition. A condition is recommended as part of the officer's recommendation. Policy DMT 6 of the emerging Local Plan: Part Two (2019), requires 10% of the car parking provision be allocated to blue badge holders, this is also secured by way of a condition.

### Cycle Parking

With regard to cycle parking, it is proposed that 46 cycle parking spaces be provided within the confines of the site via a two-tiered 'stacker' system which is separated out for separate units. This complies with the London Plan minimum standards and is therefore deemed acceptable.

### Travel Plan

The highways officer has requested a £20,000 bond to secure and monitor workplace travel plan. It is noted that the application is for a refurbishment that involves the reduction in both floorspace and car parking. It is considered unreasonable to require a legal agreement for this proposal and it is unlikely to result in an increase in trip generation. A travel plan condition has been recommended.

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

Issues addressed in 07.7 of this report.

## **7.12 Disabled access**

The access officer has commented on this application and deemed there to be no

accessibility issues raised by the proposal. An informative is attached to the application.

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

Not applicable to this application.

**7.14 Trees, landscaping and Ecology**

Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

Policy DMHB 14 of the emerging Local Plan:Part Two (2019) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

The trees and landscaping officer has commented on the application noting there is no objection to the proposed change of use, replacement cladding and internal alterations, subject to a condition securing landscape enhancement. An appropriately worded condition is included in the draft decision.

**7.15 Sustainable waste management**

The waste collection are to remain as existing, on this basis the proposal is considered acceptable.

**7.16 Renewable energy / Sustainability**

Policy 5.13 of the London Plan (2016) states that development proposals should use sustainable urban drainage systems (SuDs) unless there are good reasons for not doing so and that developments should aim to achieve green-field run-off rates. Policy 5.15 goes on to confirm that developments should also minimise the use of mains water by incorporating water saving measures and equipment.

The submitted energy statement notes the proposal includes an Air Sourced Heat Pump and PV panels which will result in a 35.6% reduction is predicted carbon emissions. The proposal is considered acceptable.

**7.17 Flooding or Drainage Issues**

The flood water management officer has commented on this application noting that this application mainly involves a change of use with only minor alterations to external areas. The alterations include the provision of new landscaping areas which will contribute to a slight reduction in the area of impermeable surface on the development site. An informative is included which requires the applicant to consider opportunities to incorporate drainage provision.

**7.18 Noise or Air Quality Issues**

Noise

The applicant has provided a Noise Impact Assessment in support of the planning application. It acknowledges that due to its location within an allocated business area, there are no restrictions on the hours of operation. No changes are proposed in this respect. A noise assessment in line with BS4142 found that the Rating Level of noise from the proposed units was below predicted background noise levels. The applicant seeks to provide thermal double glazed windows to mitigate against intrusive noise into the proposed ancillary offices. This approach is considered acceptable.

Air Quality

Policy 7.14 of the London Plan requires developments to be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs)). The application seeks to provide a comprehensive refurbishment to an existing unit to bring it up to standard. The proposal includes the reduction in floorspace and the net loss of 61 car parking spaces.

The air quality officer has commented on this application noting the proposal simply adds a B2 use to an extant approval for a B1c and B8 use.

The traffic study states: 'Given that the proposals do not represent an increase in floorspace or it is not anticipated that they will result in any significant change in travel demand.' The proposal includes a reduction of car parking spaces.

The current use includes B8 which allows for a range of different operations with varying degrees of traffic impacts. The addition of B2 is not likely to alter the current identified traffic demand (unless stated otherwise by the highways function). Without any likely increase in traffic demand, there would not be a fundamental change to the current air quality impacts. A travel plan has been secured by way of a condition.

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

No objections were received. Comments have been addressed in this report.

#### **7.20 Planning obligations**

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) notes a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

Policy R17 of the Local Plan: Part Two (November 2012) is concerned with securing planning obligations to supplement the provision of recreational 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.

At a regional level, policy 8.2 'Planning Obligations' of the London Plan (2016) stipulates that when considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees. The comments received indicate that although a travel plan obligation was requested, given the proposal seeks to provide a refurbishment of the existing building and there is a reduction in floorspace and car parking, it is not considered reasonable or necessary to making this application acceptable in planning terms. As requested by the Air



Quality Officer, a travel plan condition has been recommended with the officer report.

Community Infrastructure Levy (CIL)

The applicant would not be liable to pay CIL as there is proposed to be no increase in floorspace.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

No other issues identified.

**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**

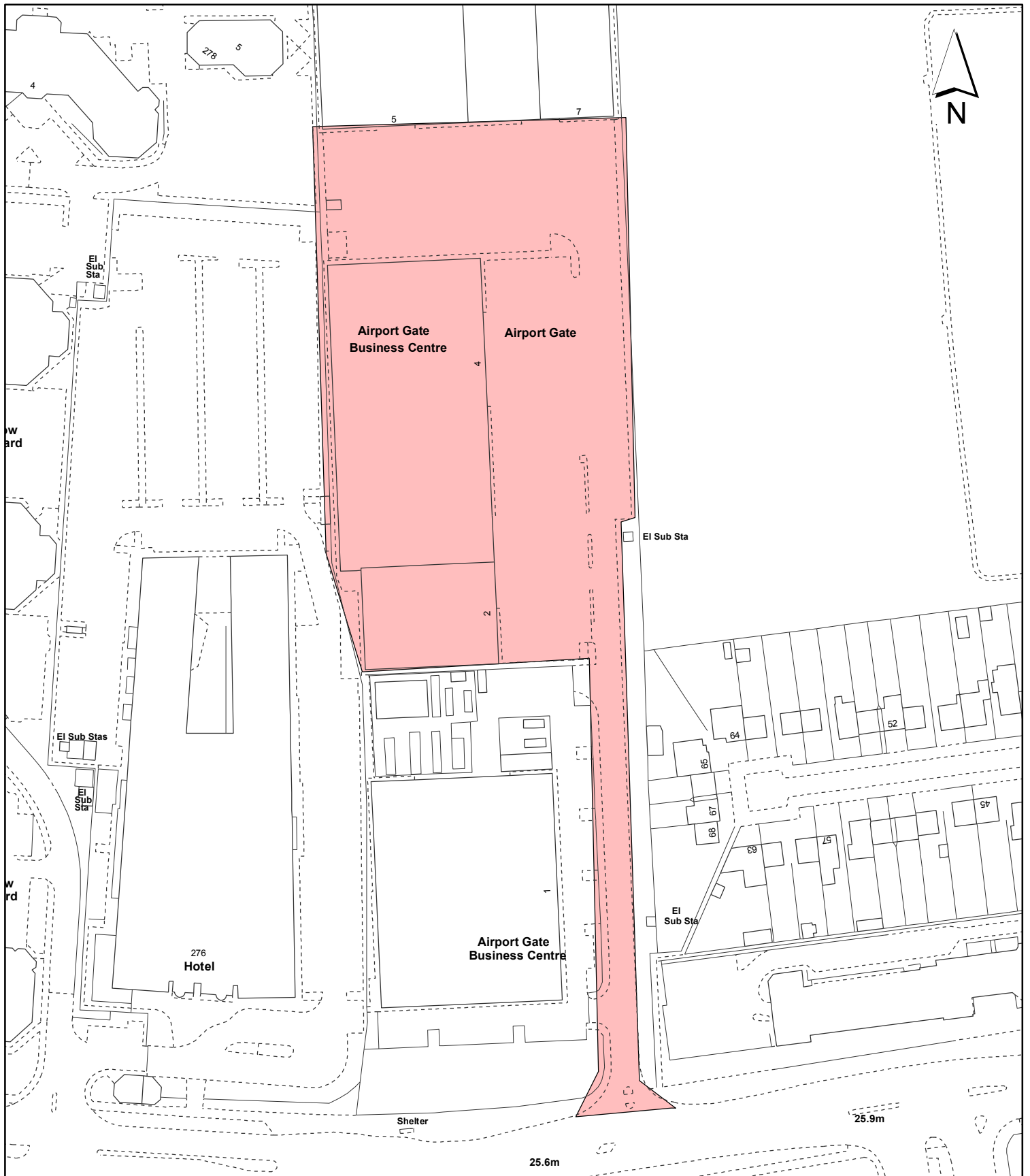
The application seeks planning permission for the change of use of the existing properties from Use Classes B1c and B8 to Use Classes B1c, B2 and B8. It includes a comprehensive refurbishment and replacement cladding that is in keeping with its immediate context. Whilst there is a small loss in floorspace, the proposal provides a more efficient and productive layout to meet the needs of future occupiers, particularly at first floor level. The proposal would not result in harm to the amenities of neighbouring occupants or the local highway network. The proposal complies with policies within the Development Plan and it is therefore recommended for approval.

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

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
Emerging Hillingdon Local Plan: Part 2 Site Allocations and Designations  
Emerging Hillingdon Local Plan: Part 2 Development Management Policies  
Emerging Hillingdon Local Plan: Part 2 Policies Map  
London Plan (March 2016)  
National Planning Policy Framework

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**Notes:**

 Site boundary

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Site Address: **Unit 2-4  
 Airport Gate Business Centre  
 Bath Road  
 Heathrow**

Planning Application Ref:  
**54794/APP/2019/2421**

Planning Committee:  
**Major**

Scale:  
**1:1,500**

Date:  
**November 2019**

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