



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

The application has been assessed against the above criteria and subject to relevant conditions and the securing of highway obligations through a Legal Agreement, prior approval is required and granted.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Deputy Director of Planning and Regeneration to confirm Prior Approval is required and is GRANTED subject to:**

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

**1. An obligation to secure A £18,000 contribution towards works to improve the safety and convenience with which occupiers of the site can walk or cycle to Hayes and Harlington Station Elizabeth Line (Crossrail) station.**

**2. Project management and monitoring fee: A financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.**

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

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

**D) If the Legal Agreements have not been finalised by 01/09/21 (or such other timeframe as may be agreed by the Deputy Director of Planning and Regeneration), delegated authority be given to the Deputy Director of Planning and Regeneration to refuse the application for the following reason:**

**'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to the highways necessary as a consequence of demands created by the proposed development. The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2015, policies DMCI 7, DMT1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (2021) and the NPPF.'**

**E) That subject to the above, the application be deferred for determination by the Deputy Director of Planning and Regeneration under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Deputy Director of Planning and Regeneration prior**

**to issuing the decision.**

**1 PAA Prior Approval - Approval**

The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the Council has assessed the impacts of the proposal and considers that there would be no unacceptable impacts with regard to (a) transport and highways impacts of the development, (b) contamination risks on the site, (c) flooding risks on the site, (d) impacts of noise from commercial premises on the intended occupiers of the development and section (e) the provision of natural daylight/sunlight for all habitable rooms and (f) the units satisfy National floor space standards.

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1069/051 rev 02 and 1069 054 Rev01 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 Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**3 RES5 General compliance with supporting documentation**

The development hereby permitted shall be completed in accordance with the specified supporting plans and/or documents:

Daylight and Sunlight Report

FRA

Noise assessment

Transport 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 the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**4 NONSC Noise 1**

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

**REASON**

To ensure the development accords with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

**5 NONSC Cycle Parking**

Within 6 months of the implementation of the prior approval, a plan demonstrating the location of a secure covered cycle store to hold 18 bicycles 2 of which shall be allocated for visitors, shall be submitted to and approved by the local planning authority in writing. The proposed cycle store should be constructed prior to the occupation of the new

residential units.

#### REASON

To ensure the development complies with the provisions of policies DMT 4, DMT 5 the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policies T5 of the London Plan 2021.

#### **6 NONSC CMP and Servicing & Delivery**

Prior to the commencement of the development a plan shall be submitted and approved in writing to the Local Plan Authority demonstrating the following

- The submission for approval of a Construction Logistics Plan
- The submission for approval of a Service and Delivery Plan

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 of policies DMT 1, DMT 2, DMT 4, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policies T4, T5 and T6 of the London Plan 2021.

### INFORMATIVES

#### **1 170 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 Local Plan Part 1, Local Plan Part 2, 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.

#### **2 173 Community Infrastructure Levy (CIL) (Granting Consent)**

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [planning@hillingdon.gov.uk](mailto:planning@hillingdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement

conditions have been discharged/complied with.

### **3. CONSIDERATIONS**

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

The site is located at Stockley Park within The Arena building. The building is locally listed due to its architectural significance and sits within the Green Belt. The wider area comprises large scale offices to the south, a gym and other commercial units to the north east, a Travelodge Hotel to the north and beyond that again Stockley Park Golf Course. The Stockley Park business park, associated Arena and golf course are all located within a designated area as a Grade II Listed Park and Garden due to its pioneering design and skilled reuse of highly contaminated land.

The Arena is a two storey building (ground plus 1 floor above). A vacant unit (Use class A4) exists on the ground floor which was previously in use as a Weatherspoons public house. The offices proposed for change of use are situated on the first floor above the vacant public house. The lawful use of the first floor of the building is class B1(a) offices and were last in partial use in July 2020.

The Arena is served by a 160 space car park (of which 12 are accessible spaces), with further areas of car parking also used by users of the gym under a lease arrangement with the Golf Club. There are also 8 existing cycle parking spaces on site, a motorcycle parking space and four electric vehicle parking spaces. The hotel is served by a further 8 secure cycle parking spaces.

#### **3.2 Proposed Scheme**

The application proposes the change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 12 residential units. The layout of the proposed residential use is shown on the accompanying plans. The proposals include 4 x 1 bedroom 2 person and 8 x 1 bedroom 1 person units. The proposed residential units will utilise existing bin storage on the ground floor as shown on the plans. Cycle storage is incorporated inside the building at first floor level. This prior approval application for change of use relates solely to internal alterations.

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

37800/APP/2021/1294     The Arena Bennetsfield Road Stockley Park

Part change of use of ground floor drinking establishment (Use Class A4) to provide cycle parking facilities and partial replacement of timber cladding with glazing at first floor level

**Decision:** 05-07-2021     Approved

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

The application site benefits from planning consent for the erection of 81 room hotel (Use Class C1) with ancillary bar/cafe with associated ancillary works including extension and reconfiguration of car park and landscaping. The Arena itself is located within the Stockley Park Estate and provides a leisure hub for the surrounding commercial units, comprising public house, retail, coffee shop/ sandwich bar and gymnasium uses.

A full planning application (37800/APP/2021/1294) has been submitted relating to the part

change of use of ground floor drinking establishment (Use Class A4) to provide cycle parking facilities and partial replacement of timber cladding with glazing at first floor level.

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

Town and Country Planning (General Permitted Development) (England) Order 2015

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

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

NPPF	National Planning Policy Framework
LPP 5.12	(2016) Flood risk management
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 6.13	(2016) Parking
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMEI 9	Management of Flood Risk
DMHB 11	Design of New Development
DMHB 16	Housing Standards

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

**5.1** Advertisement Expiry Date:- **7th July 2021**

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

#### **6. Consultations**

##### **External Consultees**

5 neighbouring properties were consulted by letter, a site notice was placed outside of the site for 21 days and the proposal was advertised within the local press. No comments were received following the expiry of the public consultation on 07/07/21.

##### **Internal Consultees**

Flooding

Change of use in Flood Zone 1 and no indicated other sources of risk. FRA confirms this.

Highways

Development: Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 12 residential units (Prior Approval).

Location: The Arena, Bennetsfied Road, Stockley Park

Reference: 37800/APP/2021/2189

Planning permission is sought for the change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 12no. one-bedroom residential units (Prior Approval). The development would include 14no. long term cycle parking spaces for residents situated on the first floor accessible by stairs. No car parking spaces would be provided.

The application site is situated at The Arena within Stockley Park. The Arena is a development that includes an 81no. bedroom hotel, cafes, a health club and small shops for use by people working at and visiting Stockley Park. To immediate north of The Arena is the Stockley Park Golf Course and Club House.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The published London Plan 2021 Policy T6.1 Residential Parking requires that development proposals must comply with the relevant parking standards. For a development of this type - 12no. one-bedroom apartments situated in Outer London with a PTAL ranking of 2, the London Plan 2021 allows a maximum parking provision of 0.75 car parking spaces per dwelling, this equates to 10no. spaces for the development as a whole.

The Arena is served by 160no. car parking spaces, the Health Centre 75no. and the Golf Course 125no. All spaces are free of charge with a maximum stay limit of 3 hours. However, Golf Club members, staff and guests of the hotel are issued with permits for extended stays. As mentioned above, no additional car parking would be provided as part of the proposed development - the applicant highlights that the car parking spaces freed up by closing the existing office space would become free and available for use by the residents of the new development.

The London Plan 2021 Policy T5 Cycling requires that this development provides 1no. cycle parking space per dwelling for residents, for this proposal this equates to 12 no. spaces for residents and 2no. spaces for visitors. The 14no. cycle parking spaces for residents and 2no. spaces for visitors is therefore in accordance with the published London Plan 2021 Policy T5 Cycling. Whilst the number of cycle parking spaces is in accordance with London Plan 2021 Policy, the first floor location of these spaces is not. Policy T5 Cycling requires that 'cycle parking should be fit for purpose, secure and well located'. The cycle parking by way of its first floor location is unacceptable. Residents will be deterred from using their bicycles simply because of the effort required to retrieve their bicycle from the store, open and close doors, then wheel/carry the bicycle and any possessions down a flight of stairs to the ground floor, they would have to do exactly the same when they return. Policy T5 Cycling states that parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. The London Cycle Design Standards require that cycle parking is 'well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners'. The cycle parking proposed does not accord with the London Cycle Design Standards and therefore neither Policy T5 Cycling.

Transport for London use as system called PTAL (Public Transport Accessibility Level) to measure access to the public transport network. PTAL assesses walk times to the nearest public transport location taking into account service frequency. The location is then scored between 0 and 6b where 0 is the worst and 6b the best. According to the Transport for London WebCAT service the application site has a PTAL ranking of 2 indicating access to public transport is limited compared to London as a whole suggesting that there will be a reliance on the private car for trip making. However, taking into account the size of the development, just 12no. one-bedroom units, and that future residents would not have an allocated parking space, the number of vehicles trips the development would generate would be low and the impact on the surrounding road network insignificant. The applicants have provided trip generation details, the forecast number of trips in the network AM Peak 08:00 to 09:00h would be just 7no. movements. The Highway Authority is satisfied

that the development would not be detrimental to the operation of the local transport network.

As mentioned above the development would not provide any new car parking spaces but residents will be allowed to park within the larger Arena car park on a first come first served basis - none of the spaces in the Arena car park will be allocated to the development. This is not considered an issue as the residents will be able to use the spaces freed up by the closure of the former office use. The Highway Authority is aware that blue badge/wheelchair accessible parking and electric vehicle charging points that future residents could use were provided in the Arena car park under planning application reference 37800/APP/2016/1430.

Taking into account that the development would not have any dedicated car parking spaces it would in effect be 'car free'. Residents would be dependent on public transport, walking and cycling to satisfy their daily travel needs. To allow safe and convenient trip making by walking and cycling a developer contribution is sought to better link the proposal site to Hayes Town Centre and all the shops, services, facilities, and public transport opportunities it has to offer

The Highway Authority require that the develop contributes £18,000 towards the creation of a shared use footway/cycleway along Bolingbroke Way. People living at the development would be able to cycle through Stockley Park, pass through the bus gate and along Bolingbroke Way before joining Dawley Road and onwards to Hayes Town Centre.

The Highway Authority currently objects to planning application because the cycle parking is not 'fit for purpose' and therefore not in accordance with London Plan 2021. This objection could be overcome if the applicant follows the London Cycle Design Standards and redesigns the cycle parking provision. Drawings showing the redesigned cycle parking should then be submitted for approval. In all other aspects the Highway Authority is satisfied that the proposal would not present a risk to road safety, hinder the free flow of traffic or, lead to parking stress. It is therefore in accordance with the London Plan Policy T6.1 Residential Parking and the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts - road safety and Policy DMT 2: Highway Impacts - traffic congestion.

#### Planning Conditions

- A planning condition requiring the applicant to submit for approval revised plans showing the location and layout of a cycle parking area for residents
  - A planning condition requiring the applicant to submit for approval revised plans showing the location and layout of 2no. covered, accessible and secure short term cycle parking spaces for visitors.
  - A planning condition requiring the submission for approval of a Construction Logistics Plan
  - A planning condition requiring the submission for approval of a Service and Delivery Plan
- s.106 Contributions
- A planning condition requiring the applicant to enter a s.106 legal agreement with Council obliging them to make a contribution of £18,000 toward the improvement of pedestrian and cycle links between the application site and Hayes town centre

#### Contaminated Land

On the basis of the known previous extensive remediation at the Stockley Park Site and the above mentioned submitted document's references to:

1. An earlier produced Phase 1 Assessment and Phase 2 Ground Investigation report/s.
2. The provision of summary details and satisfactory conclusions concerning land conditions, (which Bridges Pound Consultants identifies as low risk to human health and controlled waters.



3. Assurance that the proposed change of use will not create any disturbance to the ground of the site.

The submitted information is acceptable and I have no objection, further comments and/or requirements regarding this particular application.

## **7. MAIN PLANNING ISSUES**

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

Under Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, from 30 May 2013 development consisting of the change of use of a building to a use falling within Class C3 (dwellinghouses) from a use falling within Class B1(a) (offices) constitutes 'permitted development', subject to a number of criteria; namely permitted development rights do not apply if:

- the building is on article 1(6A land);
- the building was not used for a use falling within Class B1(a) immediately before 30th May 2013, or, if the building was not in use immediately before that date, when it was last in use;
- the site is or forms part of a military hazard area;
- the site is or forms part of a military explosives storage area;
- the building is a listed building (or within its curtilage) or a scheduled monument;
- permitted development rights have been removed.

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

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

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

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

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

### **7.04 Airport safeguarding**

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

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

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

### **7.06 Environmental Impact**

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

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

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

### **7.08 Impact on neighbours**

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

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

From 1st August 2020, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the LPA is required to take part (e), the provision of adequate natural light in all habitable rooms of the dwelling houses into consideration while determining applications.

Policy DMHB 11 states that new residential development should be designed to ensure that occupants benefit from adequate visual amenity which includes outlook and natural light (daylight/sunlight).

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all housing development should have an adequate provision of

internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:

- i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
- ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

From 6th April 2021, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in addition to the LPA being required to take part (e), the provision of adequate natural light in all habitable rooms of the dwelling houses into consideration while determining applications, also requires that MHCLG technical housing space standards are adhered to which require the following.

- One storey 1-bed 1 person unit with a shower room should provide a minimum of 37 square metres Gross Internal Area (GIA).
- One storey 1-bed 2 person unit should provide a minimum of 50 square metres Gross Internal Area (GIA).

The proposed floor plans demonstrate that each unit meets the minimum requirements of 37sqm (with shower rooms), and one-bed units being at least 50sqm.

The applicant has submitted a daylight sunlight assessment in support of the application. In order to comply with schedule 2, part 3 of class O the development must demonstrate compliance with the BRE daylight guidance. Analysis of the proposed residential accommodation shows that daylight and sunlight amenity is in excess of expectations for this type of development with all of the rooms seeing full compliance with the BRE Report daylight guidance.

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

Policies DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
- ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
- iii) provide equal access for all people, including inclusive access for disabled people;
- iv) adequately address delivery, servicing and drop-off requirements; and
- v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2 of the Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local

amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and roads.

Policy DMT 4 of the Local Plan: Part 2 - Development Management Policies (2020) states that proposals must promote the enhancement of public transport facilities. The Council may require developers to mitigate transport impacts from development proposals by improving local public transport facilities and services.

Policy DMT 5 of the Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network and that cycle parking and changing facilities are provided.

Policy DMT 6 of the Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T4 of the London Plan 2021 requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed. The London Plan 2021 Policy T5 Cycling requires that this development provides 1no. cycle parking space per dwelling for residents.

The Transport Assessment states that no additional car parking provision is proposed. It is concluded that the level of on-site car parking space used by the current office accommodation will be sufficient for the proposed residential use. In reviewing the impacts the change of use would have on trip generation to and from the site, it is concluded that the proposed development would result in fewer total trips across all modes in comparison to the use of the building for offices.

The existing car park benefits from 160 spaces of which 20 were gained following the consent granted for the construction of the new hotel. The 140 remaining spaces are shared between the operators within the Arena and it is understood that there is a legal agreement in place to prevent the allocation of spaces to specific operators/units. As such a parking management plan to restrict spaces to the residential unit is not possible. It has been stated that there is adequate space for the residential units within the car park however given the issues which COVID has brought to commercial businesses it is unlikely that any sort of survey which could be undertaken would bring forward accurate and realistic data. Furthermore it should be noted that the existing units would have benefited from car parking in the free flow car park (140 spaces) so it is likely that parking would be available.

Taking the above points into consideration the Highways Officer has reviewed the proposal and decided that it would be appropriate to accept no additional car parking for this development thus making it car free on the provision that the applicant enters into a section 106 agreement and agrees to pay £18,000 towards pedestrian and cycle way improvements within adjoining roads.

Secure cycle parking provision was proposed to be provided at first floor level however this

was deemed to be unacceptable, as such a condition is to be attached to the granting of approval for a plan showing the location of a secured and covered cycle store large enough to accommodate 18 bicycles to be submitted to and approved by the Local Planning Authority in writing.

Taking the above points into consideration the Council is satisfied that the proposed development would not give rise to detrimental impacts upon the local highway network. As such subject to conditions pertaining to the submission of a construction management plan & servicing and delivery plan and the agreement to enter into a s106 to pay the highway contribution above, the proposal is considered to meet the relevant highway policies.

**7.11 Urban design, access and security**

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

**7.12 Disabled access**

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

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

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

**7.14 Trees, landscaping and Ecology**

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

**7.15 Sustainable waste management**

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

**7.16 Renewable energy / Sustainability**

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

**7.17 Flooding or Drainage Issues**

Policy SI 12 of the London Plan 2021 requires that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development.

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

Policies DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

As the site is located in Flood Zone 1, it is not at risk of flooding according to the Environment Agency's Flood Risk Maps. The site does not have critical drainage problems identified by the Environment Agency. It is not proposed to change the existing surface and foul water drainage arrangements at the site. There is no risk from flooding presented by the proposed change of use. A brief assessment of the existing and proposed drainage is submitted to further confirm that the site is not at risk of flooding and drainage will be managed correctly. This notes the retention of existing roof, drainage that allows surface water drainage into the adjacent lake, and retention of the existing foul water drainage system.

The proposal has been reviewed by the Councils Flood Water Management Officer who has agreed with the details within the FRA and has raised no objection to the proposal. As such the application is considered to comply with the above Policies.

**7.18 Noise or Air Quality Issues**

## NOISE

Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the conversion of existing offices (Class B1(a)) to residential use subject to determination by the Local Planning Authority whether prior approval is required. The Order permits the LPA to take into account the impacts of noise from commercial premises on the intended occupiers of the development.

Policy DMHB 11 of the Local Plan Part 2 Development Management Policies (January 2020) seeks to protect residential amenity.

The application is accompanied by a Noise Impact Assessment that has been prepared following a noise survey on site. The report prepared by Clarke Saunders Acoustics, summarises findings following the completion of an environmental and internal noise survey. The environmental noise survey measured general environmental background noise from the area surrounding the site and considered potential noise from the adjacent golf club during events at an external marquee. The internal noise survey also considered these elements from within the building, whilst assessing existing internal sound insulation and the potential impact of noise from the adjacent gym and public house on future residents.

The report concluded that the only element of concern would be the use of first floor gym area for weights and kettlebell activity however upon further investigation the resilient gym floor acts as sufficient mitigation to any potential excessive noise.

Taking the above into consideration the noise survey is considered to be robust and acceptable.

## AIR QUALITY

Air Quality Issues are not relevant given that this is a prior approval application.

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

No comments have been received.

### **7.20 Planning obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable 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 DF1 of the London Plan (2021) requires development proposals to provide the infrastructure and meet relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

Relevant Officers have reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impact of the development which are as follows.

1. An obligation to secure A £18,000 contribution towards works to improve the safety and convenience with which occupiers of the site can walk or cycle to Hayes and Harlington Station Elizabeth Line (Crossrail) station.

2. Project management and monitoring fee: A financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

CIL

Although the scheme is CIL liable, the liability will be £0 as there is no increase in floorspace and the building is in use.

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

Not relevant to this application

#### **7.22 Other Issues**

CONTAMINATED LAND

Policy DMEI 12 of the Local Plan: Part Two (2020) requires proposals for development on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants. Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

The application site is identified as a former land fill site and therefore would be considered as high risk in terms of land contamination. Notwithstanding this point, a significant amount of information has been submitted to the Council to assess as part of recent applications to construct the adjacent hotel and alterations to the car park which serves the entire Arena complex. This detail included verification documents submitted to demonstrate the success of mitigation work carried out which has been reviewed by the Council's Contaminated Land Officer. The Council's Contaminated Land Officer has reviewed the submitted documents in terms of the risk of contamination and has raised no objections to the proposal. The proposal is therefore acceptable in terms of contamination.

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

General

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

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

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

#### Planning Conditions

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

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

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

None

### **10. CONCLUSION**

This application seeks prior approval for the conversion of the existing office building at the first floor level of the Arena complex building to provide 12 individual residential units (4 x

1b2p and 8 x 1b1p). No additional car parking is provided however the proposal does include the provision for 18 cycle spaces located within a secure bike store at first floor level.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required.

The application has been assessed against the relevant criteria and subject to conditions and the securing of a highway improvement obligation and a project management and monitoring fee through a legal agreement, prior approval is required and is granted.

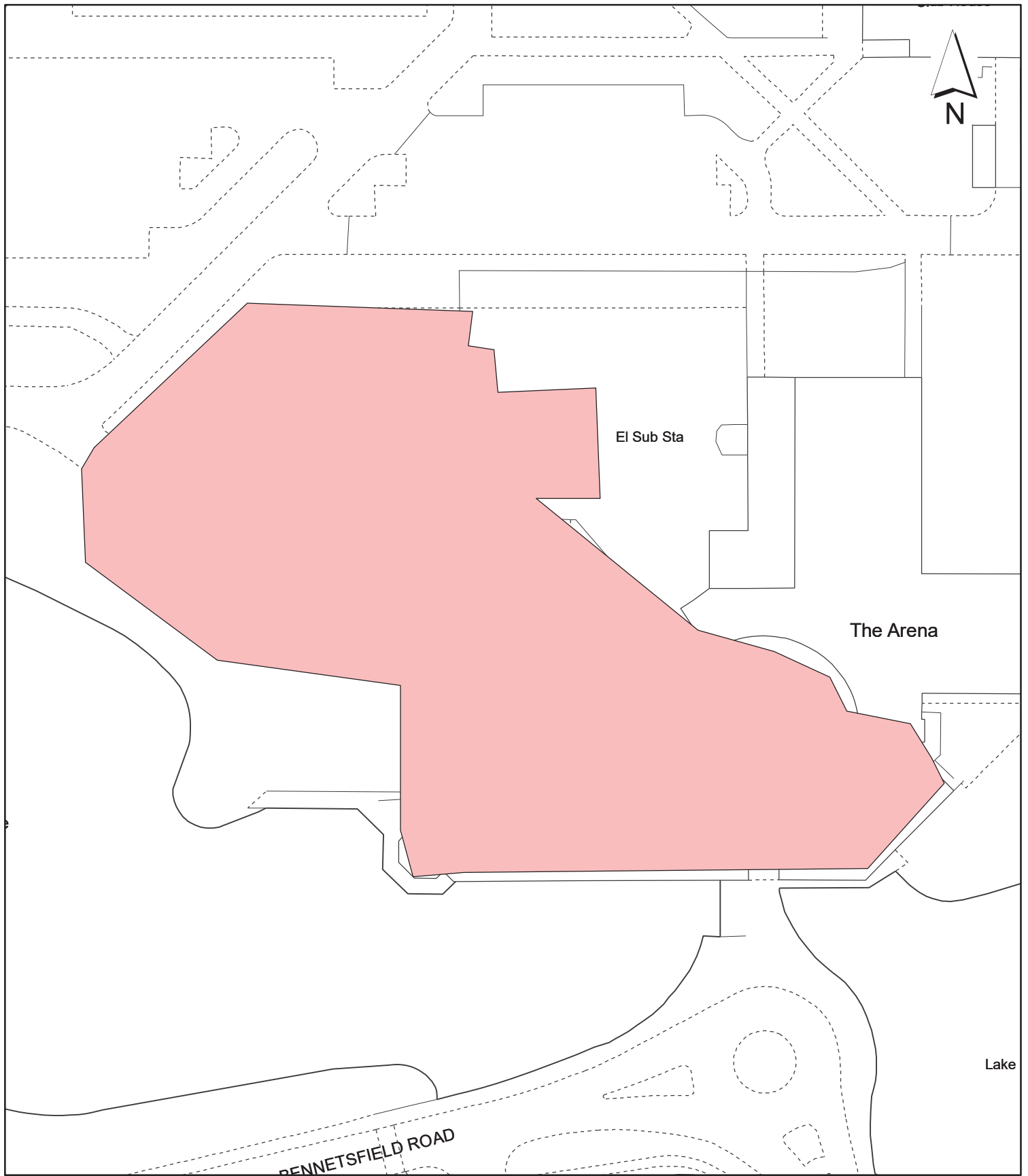
## **11. Reference Documents**

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Contact Officer:** Christopher Brady

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**Notes:**

 Site boundary

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Site Address:

**The Arena**

**LONDON BOROUGH OF HILLINGDON**  
**Residents Services Planning Section**  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:  
**37800/APP/2021/2189**

Scale:  
**1:800**

Planning Committee:  
**Major**

Date:  
**July 2021**

