Report of the Head of Planning, Transportation and Regeneration

Address HPH 3 MILLINGTON ROAD HAYES

Development: Change of use of the building from Class B1a (Class E) to 113 flats (90 x 1 person, 22 x 1 bedroom, 2 person and 1 x 2 bedroom, 3 person units) (Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

LBH Ref Nos: 72360/APP/2021/2656

Drawing Nos:
DR_PP_A_1100 Rev. P5
DR_PP_A_1101 Rev. P3
DR_PP_A_1102 Rev. P3
DR_PP_A_1103 Rev. P3
DR_PP_A_1104 Rev. P3
DR_PP_A_1105 Rev. P3
DR_PP_A_1106 Rev. P3
DR_PS_A_1300 Rev. P1
DR_SC_A_1400 Rev. P2 (Proposed Accommodation Schedule)
DR_SP_A_1000 Rev. P1
DR_XP_A_0000 Rev. P1
DR_XP_A_0010 Rev. P1
DR_XP_A_0011 Rev. P1
DR_XP_A_0012 Rev. P1
DR_XP_A_0013 Rev. P1
DR_XP_A_0014 Rev. P1
DR_XP_A_0015 Rev. P1
DR_XP_A_0016 Rev. P1
DR_XS_A_0200 Rev. P1
Daylight and Sunlight Assessment, April 2021
Phase I Environmental Assessment, dated 22/10/20
Flood Risk Assessment, October 2020
Supplemental Acoustic Report, dated 4/12/20
Acoustic Report, dated 22/10/20
Transport Statement, April 2021

Date Plans Received: 05/07/2021 **Date(s) of Amendment(s):**

Date Application Valid: 05/07/2021

1. SUMMARY

This application seeks prior approval for the conversion of the existing office building Hyde Park Hayes 3 to provide 113 individual residential units (90 x 1 person/studio; 22 x 1 bed, 2 person and 1 x 2 bed, 3 person units). Members may recall that an almost identical prior approval application to provide 113 individual residential units was presented to the Majors committee on 24/6/21 (App. No. 72360/APP/2021/1709 refers). This application only differs in the composition of the proposed units as now 2 additional 1 person/studio and 2 additional 1 bedroom, 2 person units are proposed whereas the number of the 2 bed, 3 person units has decreased from 5 to 1.

As previously, a total of 68 car parking spaces would be provided to serve future occupants. The spaces would be located within the existing surfaced parking areas which serve the existing and surrounding buildings. Facilities for the secure storage of 117 cycles and 3 motorcycles would also be provided within the existing service store building.

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

- Transport and highways impacts of the development
- Contamination risks on site
- Flooding risks on the site
- Noise impacts of the development
- The provision of adequate natural light in all habitable rooms of the dwellinghouses.
- Floor space standards

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

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

The application has been assessed against the above criteria and subject to relevant conditions and the securing of highway obligations through a 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. A full travel plan shall be submitted to and approved by the Local Planning Authority to be in general accordance with submitted 'Travel Plan Framework'. The approved Travel Plan shall be implemented upon occupation and subject to annual review thereafter.

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

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

4. An obligation to secure a £43,185 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.

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

6. 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 24/09/21 (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 and DMT 2 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), Policy T4 of the London Plan (2021) and the Chapter 9 of 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:-

DR_PP_A_1100 Rev. P5
DR_PP_A_1101 Rev. P3
DR_PP_A_1102 Rev. P3
DR_PP_A_1103 Rev. P3
DR_PP_A_1104 Rev. P3
DR_PP_A_1105 Rev. P3
DR_PP_A_1106 Rev. P3
DR_PS_A_1300 Rev. P1
DR_SP_A_1000 Rev. P1

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 (2012) and 2 (2020) and the London Plan (2021).

3 RES5 **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:

Daylight and Sunlight Assessment, April 2021
Phase I Environmental Assessment, dated 22/10/20
Flood Risk Assessment, October 2020
Supplemental Acoustic Report, dated 4/12/20
Acoustic Report, dated 22/10/20
Transport Statement, April 2021

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 Policies D6, D14, SI 12 and T4 of the London Plan (2021) and Policies DMT 1, DMT 2, DMEI 9, DMEI 12 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

4 NONSC **Contaminated Land**

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

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

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

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

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority.

REASON
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

5 NONSC **Noise 1 Condition**

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

REASON
To ensure the development accords with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy D14 of the London Plan (2021).

6 NONSC **Noise 2 Condition**

Prior to commencement of the development, a revised noise assessment shall be submitted to the local planning authority which provides a conclusive assessment of noise impact on external facades of the building. The report should assess whether appropriate mitigation is required by way of the installation of new or secondary glazing. To meet the requirements set out in BS 8233:1999, a glazing performance of Rw+Ctr 35 dB must be

obtained and the report should recommend how this is achieved. The recommendations of the agreed report must be implemented prior to the first occupation of the development and retained/maintained for the life of the development.

REASON
To ensure the development accords with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy D14 of the London Plan (2021).

7 NONSC **Parking Allocation**

Prior to occupation of the development, a Parking Allocation Plan relating to the 68 car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 68 car parking spaces shall be for residential use of the flats hereby approved and as agreed within the Parking Allocation Plan approved by the Local Planning Authority.

REASON
To ensure availability and management of parking, in accordance with policies DMT1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), policies T6.1 of the London Plan (2021).

8 NONSC **Electric Charging Points**

Prior to the occupation of the units, 14 car parking spaces shall be provided with electric charging points, with the remainder of the spaces having passive for provision in the future as and when demand is generated by the building's occupiers.

REASON

To ensure that the scheme accords with Policies T6 and T6.1 of the London Plan (2021).

9 NONSC **Piling Condition**

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON
The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure which needs to be safeguarded in accordance with Policy SI 5 of the London Plan (2021).

10 RES9 **Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Hard Landscaping
1.a Refuse Storage
1.b Cycle Storage

1.c Means of enclosure/boundary treatments
1.d Car Parking Layouts (including 68 car parking spaces and 117 covered and secure cycle parking spaces and 3 motorcycle spaces, including demonstration that the 3 motorcycle spaces will have anchor points)
1.e Hard Surfacing Materials
1.f External Lighting

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 DMHB 11, DMHB 12, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

11 NONSC **Non Standard Condition**

Notwithstanding the plans hereby approved, details shall be submitted of all studio unit layouts and approved in writing by the Local Planning Authority. Each studio unit shall be laid out as a studio flat and not as a one bedroom self contained flat or with any form of dividing walls.

REASON
To ensure that the development provides a satisfactory level of accommodation and amenity for future occupiers in accordance with the National Technical Standards 2015.

INFORMATIVES

1 I70 **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 I73 **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. 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

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

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=04%7C01%7C%7Cb32761ffcbed43f02a9608d9153c0d51%7Caaacb679c38148fbb320f9d581ee948f%7C0%7C0%7C637564169924237686%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn03D%7C1000&sdata=Fgd3v3m0RLo7vmZ%2BP5WP9WtwTYNN44ItztDOqXVRVd0%3D&reserved=0. Please refer to the Wholsesale; Business customers; Groundwater discharges section.

3. CONSIDERATIONS

3.1 Site and Locality

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

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

The site forms part of an Air Quality Management Area. The area also forms part of the Hayes/ West Drayton Corridor.

3.2 Proposed Scheme

This application seeks prior approval for the conversion of the existing office building from Class B1a (Class E) to provide 113 residential units (90 x 1 person, 22 x 1 bedroom, 2 person and 1 x 2 bedroom, 3 person units). A total of 68 car parking spaces, would be provided to serve future occupants. The spaces will be located within the existing surface car parks and hard surfaced parking areas which serve the existing and surrounding buildings. Facilities for the secure storage of 117 cycles and 3 motorcycles will also be provided.

This scheme differs from the previous prior approval application (72360/APP/2021/1709 refers) in that the total number of 1 person/studio units would increase from 88 to 90, the number of 1 bedroom, two person units would increase from 20 to 22 and the number of 2 bedroom, 3 person units would decrease from 5 to 1, with the total number of units remaining the same at 113. All the proposed changes are being made on the ground floor.

The 117 cycle parking spaces are proposed which equates to 1.04 spaces per unit. These are to be located in the existing plant/ storage building which would be secured and covered.

3.3 Relevant Planning History

72360/APP/2016/4122 Hph 3 Millington Road Hayes

Prior approval from office to dwellings (157 units)

Decision: 05-01-2017 Refused

72360/APP/2021/1709 Hph 3 Millington Road Hayes

Change of use from offices (Class B1a) to 113 flats (88 x 1 person; 20 x 1 bed, 2 person and 5 x 2 bed, 3 person units) (Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (a amended)).

Decision: 24-06-2021 Approved

Comment on Relevant Planning History

This site has been the subject of a number of Class O Prior Approval applications, the latest of which (72360/APP/2021/1709 refers) was presented to the Major Applications Committee meeting on 24/6/21 where the officers recommendation for approval was agreed, subject to conditions and a S106 Agreement which has yet to be finalised. This was for a very similar conversion of the building that also provides 113 individual residential units, although the composition of the units differed slightly, ie. 88 x 1 person; 20 x 1 bed, 2 person and 5 x 2 bed, 3 person units. The scheme provided the same total of 69 car parking spaces and 117 cycle parking spaces. The S106 includes the following heads of terms:-

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

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

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

4. An obligation to secure a £43,185 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.

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

6. 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.

Previous to this, two Prior Approval applications to convert the office building to provide 114 individual residential units (110 x 1 bed, 1 person and 4 x 1 bed, 2 person units) (73998/APP/2020/3589 refers) and 157 individual residential units (155 x studios and 2 x 1 bed) (67702/APP/2018/920 refers), were approved on 12/3/21 and 10/07/18 respectively, subject to similar heads of terms and conditions.

These followed an earlier refusal of a Prior Approval application (72360/APP/2016/4122 refers) to change of use of the building from office (Class B1(A)) to residential (Class C3) to provide 157 units on 5/1/17 for the following reasons:-

1. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as the application has failed to demonstrate that sufficient off street parking would be provided and therefore the development is considered to result in substandard car parking provision, significantly below the Councils approved car parking standard and likely to result in significant over-spill parking on the surrounding highway, leading to situations prejudicial to highway and pedestrian safety.

2. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as the application fails to demonstrate adequate provision for the storage and collection of refuse and therefore that the proposed development would not result in the stopping and waiting of refuse vehicles on the adjacent highway, to the detriment of the free flow of traffic, leading to conditions prejudicial to road safety.

3. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as the proposal does not provide sufficient secure and covered cycle storage to meet the requirements of the proposed development contrary to Council and London Plan policies to encourage sustainable modes of transport and to the Council's cycle parking standards.

4. Planning Policies and Standards

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

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **5th August 2021**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

6 neighbouring properties have been consulted on this application and 4 site notices have been put up on site on or before 26/7/21 with a closing date of 16/8/21. No responses from neighbouring properties have been received.

Thames Water (summary) (Comments from 72360/APP/2021/1709)
With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=04%7C01%7C%7Cb32761ffcbed43f02a9608d9153c0d51%7Caaacb679c38148fbb320f9d581ee948f%7C0%7C0%7C637564169924237686%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Fgd3v3m0RLo7vnZ%2BP5WP9WtwTYNN44ItztDOqXVRVd0%3D&reserved=0. Please refer to the Wholsesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FPlanning-your-development%2FWorking-near-or-diverting-our-pipes&data=04%7C01%7C%7Cb32761ffcbed43f02a9608d9153c0d51%7Caaacb679c38148fbb320f9d581ee948f%7C0%7C0%7C637564169924237686%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=utcWwz8terZdoPJixDkA4ONKI%2BghMsMQ3WrlRQoJNJg%3D&reserved=0. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Internal Consultees

Comments received on 72360/APP/2021/1709.

Contamination Officer (summary):

I recommend the following conditions should be imposed if planning permission is awarded:

Proposed conditions for land affected by contamination.

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

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

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

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

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority.

REASON
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

· The highest risks were associated with potential impacts to groundwater receptors, particularly the Lynch Hill Gravel Member and the deeper chalk strata; these receptors are designated by the Environment Agency as Principal Aquifers. The risks were defined as "Moderate" on two occasions within the CSM and "Low to Moderate" also on two occasions within the CSM.

· The report provides indications concerning the presence of historic, recent and current USTs (and a 650Lt day tank) at the site. The specific locations of some historic tanks are unconfirmed.

· Made Ground, (maximum reported thickness of materials = 4.10m), comprising sandy clay with soil gravel, bricks, concrete and clinker is present. It is possible some materials within the Made Ground may represent a source of ground gas.

Highway Engineer (summary):

The applicant has stated that Prior approval has been previously approved for "Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 114 residential units (Prior Approval). " Prior approval was granted by the London Borough of Hillingdon on 12 March 2021.

From the information provided by the applicant the extant planning permission is for 114 residential flats, comprising 110 studio flats four one-bedroom flats, with 69 car parking spaces (including six accessible spaces) and includes 117 cycle spaces.

In view of the extant permission, the applicant is now seeking to reduce the number of residential units by one unit and one less car parking space to those previously approved and is therefore re-applying for prior approval to regularise these changes.

The current application is to provide 113 residential flats (one fewer than the extant permission), comprising of 108 x one-bed and 5 x two-bed flats with a total of 68 car parking spaces, overall parking provision equates to 0.60 spaces per unit.

Whilst the applicant in their Transport Statement has based their car parking assessment on The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6, however given the site has a PTAL 4 rating the parking standards in the London Plan adopted March 2021 which are more stringent supersede the Local Plan DMT6, therefore the maximum parking standard in the London Plan for outer London PTAL 4 sites is dwellings with 1-2 bed the maximum parking provision is up to 0.5 - 0.75 spaces per dwelling (When considering development proposals that are higher density or in more accessible locations, the lower standard shown here should be applied as a maximum).

Given that the proposed parking provision equates to 0.60 spaces per unit, this is within the maximum range of 0.5-0.75, and whilst the HA would seek the lower figure of 0.5, however the relevant provisions of the GPDO do not refer to parking, but the perceived adverse impact to assess is one of congestion or highway safety, where the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

Given the proposal involves a reduction of the developments residential units by one unit and one less associated car parking space relative to the extant permission, it is accepted that the development will result in a reduction in the quantum of trips associated with the site and therefore will not result in a material increase or a material change in the character of traffic in the vicinity of the site, and so the level of parking being proposed is not an issue under the GPDO.

In line with the adopted London Plan, within the final quantum there is also a requirement for a 20% 'active' Electric Vehicle Charging Point (EVCP) provision with all remaining spaces being designated as 'passive'. These aspects should be secured via planning condition.

Parking spaces for motorcycles, mopeds and scooters should be provided at the rate of 5% of car parking spaces, for a development of this type the Local Plan would allow a maximum of 6no. spaces. As mentioned above parking for 3no. motorcycles are proposed which is considered satisfactory. These motorcycle parking space should be provided with anchor points - this should be secured by planning condition.

Taking into account that c.45no. dwellings would be car-free, the Highway Authority requires that a Travel Plan is implemented so as to make the alternatives to using a private car are as attractive and convenient as possible. As surety that the Travel Plan will be implemented and targets achieved the Highway Authority requires that the developer provides a £20,000 bond. In the event of the Travel Plan not being delivered the Highway Authority will use this bond to implement the Travel Plan itself. This should be secured by way of a s.106 agreement. If the Travel Plan is successful, the bond will be returned. This Travel Plan is required to ensure that the new residents do not find their travel horizons are limited with them resorting to owning car despite having nowhere to park on-site. This could lead them to parking injudiciously on the surrounding streets thereby contributing to parking stress, increasing the road safety risk and hindering the free flow of traffic.

Related to this, the Highway Authority requires that the applicant enter a s.106 legal agreement with the Council that prohibits future residents of the development from joining any nearby parking management schemes.

Recommendation:
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 given the sites extant permission there would be no unacceptable implications with regard to highway impacts and safety subject to the application of the aforementioned planning conditions / Heads of Terms referred to above.

The HA has no objection to the proposed development, the same conditions and Heads of Terms placed on the previously approved application apply in full on this application, also the EV charge points should now be in line with the London Plan requiring all the non active bays to be with passive charge points.

Case Officer Comment on Highways S106
TheHeads of Terms referred to in the highway officer comments included sections on the S106 negotiations. Committee is advised that this can be summarised such that the final agreed obligation is in effect based on a pro rata contribution (to the effect that it was agreed with the developer during the assessment of the original prior approval application, to do a cost per unit calculation based on the £60,000 for the 157 units). As such, due to the reduction in the number of units from 157 to 113 the proposed scheme would require a £43,185 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. The figure of £43,185 has been agreed with the applicant.

Noise Officer (commenting on previous application 73998/APP/2020/3589):

The acoustic report is acceptable but does set out potential interventions necessary to meet appropriate building standards:

An indicative facade sound insulation assessment has been carried out on the worst affected facade of the building. To meet the requirements set out in BS 8233:1999, a glazing performance of Rw+Ctr 35 dB is required. This acoustic performance is achievable with double glazing. If enhancements to the existing glazing are required, this could be done by installation of secondary glazing.

Unfortunately, the consultant doesn't appear to have concluded whether the existing building does have sufficient glazing in line with the recommendations.

Consequently, we would require further confirmation, either through a condition or a pre-approval submission to secure the appropriate interventions to all the building to be altered to residential use.

Case Officer Comment:
A condition pertaining to the submission of further details regarding the existing glazing has been attached as per the Noise Officer's comments.

Flood and Water Management Officer:
The site lies in Flood Zone 1 and therefore there are no objections to the proposed change of use. There are no proposals to alter the surrounding external layout and therefore no opportunities to include SuDS, therefore there are no further comments.Contamination Officer (summary):

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 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.

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 (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.

Furthermore the revised order states that developments undertaken within class O are required to conform with the minimum space standards as set out within the MHCLG technical housing space standards. Policy D6 of London Plan (2021) refers to the need to comply with at least the gross internal floor area standards set out in Table 3.1 which requires the following:

- One storey 1 person unit with a shower room should provide a minimum of 37 square metres Gross Internal Area (GIA), increasing to 39 square metres if a bath is provided.
- One storey 1-bed, 2 person unit should provide a minimum of 50 square metres Gross Internal Area (GIA).
- One storey, 2 bed, 3 person unit should provide a minimum of 61 square metres Gross Internal Area (GIA).

The proposed floor plans demonstrate that each single person unit meets the minimum requirements of 37sqm (with shower rooms) and 39sqm (with baths), the one-bed, two person units satisfy the minimum 50sqm and the two-bed, three person unit meets the 61sqm standard for internal floor space.

The NPPF advises at Paragraph 199 states that local authorities 'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'

The applicant has submitted a Daylight and Sunlight Assessment in support of the application. This advises that of the total of 209 windows which serve habitable rooms, a high percentage fully comply BRE Guidance (205 or 98% using the Average Daylight Factor (ADF) analysis and 207 of the rooms or 99% using Daylight Distribution (DD) analysis). Compliance is less using Annual Probable Sunlight Hours (APSH) analysis (117 or 56% of rooms being compliant) but BRE guidance acknowledges that 'if a room faces significantly north of due east or west it is unlikely to be met.'

The report concludes that:-

'Analysis of the proposed residential accommodation shows that daylight and sunlight amenity is in excess of expectations for this type of development with the vast majority of the rooms seeing full compliance with the BRE Report daylight guidance.

Given the character and form of the property and its location the daylight and sunlight amenity of the proposed development is considered to be adequate. The assessment demonstrates that the development is acceptable in the context of the BRE Report, particularly having regard to the flexibility inherent to the report and its suburban basis, the character of the site and its surroundings and the character of the proposed development.'

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (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 committee report on the previous Prior Approval application for an identical number of residential units (72360/APP/2021/1709 refers) stated:-

'The Council's Highways Engineer has reviewed the revised proposal which seeks to reduce from 114 to 113 the number of units and the number of parking spaces from 69 to 68 (all other elements of the scheme remaining the same, including a total of 117 cycle spaces, which equates to 1.04 spaces per unit and 3 motorcycle spaces located within the former service building). As mentioned above, the proposal would have 68 parking spaces for residents. This is a ratio of 0.60 spaces per dwelling, However, the Highway Authority considers this appropriate taking into account that the site occupies an edge of town centre location with good accessibility to shops, services and facilities as well as public transport opportunities. The applicant highlights that there is spare parking capacity within the Hyde Park estate to cater for additional parking demand if needed.

Given the need to ensure future residents are not reliant on cars and use sustainable modes of transport, a travel plan with a £20,000 bond and provision for auditing has been agreed as part of the S106 and a £43,185 contribution towards works to improve the safety and convenience to walk or cycle has been secured. This figure is based on the per unit contribution derived from a previous prior approval consent (67702/APP/2018/920 refers) Whilst there is a reduction in the number of units proposed, there remains a need to ensure future residents have access to sustainable travel choices and modes.'

Therefore, subject to the completion of the Legal Agreement / Deed of Variation with the same heads of terms and the previously proposed conditions, the highways impacts of the development are acceptable.

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 (December 2020) 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 SI 13 states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

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 (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.

A Flood Risk Assessment has been submitted with this application. The Council's Water and Flood Management Officer on the previous application (72360/APP/2021/1709 refers) advised that:-

'The site lies in Flood Zone 1 and therefore there are no objections to the proposed change of use. There are no proposals to alter the surrounding external layout and therefore no opportunities to include SuDS, therefore there are no further comments.'

On this basis, the proposal is considered acceptable with regards to flooding and water management, in accordance with strategic policy EM6 of the Local Plan: Part 1 (2012); policy EM6 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012); and Policies SI 12 and SI 13 of the London Plan (2021).

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 (2020) seeks to protect residential amenity.

An indicative facade sound insulation assessment has been carried out on the worst affected facade of the building. To meet the requirements set out in BS 8233:1999, a glazing performance of Rw+Ctr 35 dB is required. This acoustic performance is achievable with double glazing. If enhancements to the existing glazing are required, this could be done by installation of secondary glazing.

Whilst the submitted noise assessment does provide some reference to a glazing assessment it does not state whether the existing building does have sufficient glazing in line with the recommendations.

Consequently, we would require further confirmation and a such an appropriately worded condition has been added which requires further information and installation of any necessary mitigation, such as enhanced glazing to each unit.

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

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

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

4. An obligation to secure £43,185 towards a works to improve the safety and convenience with which occupiers of the site cycle to Hayes and Harlington Station Elizabeth Line (Crossrail).

5. An obligation to prevent future residents from applying for parking permits in existing and future expansion of the Parking Management Scheme in Hayes.

6. 5% Management and Monitoring Fee.

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 applicable.

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 Council's Contaminated Land Officer reviewed the same submitted documents on the previous application (72360/APP/2021/1709 refers) and in terms of the risk of contamination, raised no objections to the proposal subject to the attachment of an appropriate condition. This 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 Hyde Park Hayes 3 to provide 113 individual residential units (90 x 1 person; 22 x 1 bed, 2 person and 1 x 2 bed, 3 person units). A total of 68 car parking spaces would be provided to serve future occupants. The spaces will be located within the existing surface car parks and hard surfaced parking areas which serve the existing and surrounding buildings. Facilities for the secure storage of cycles will also be provided within the existing service store building.

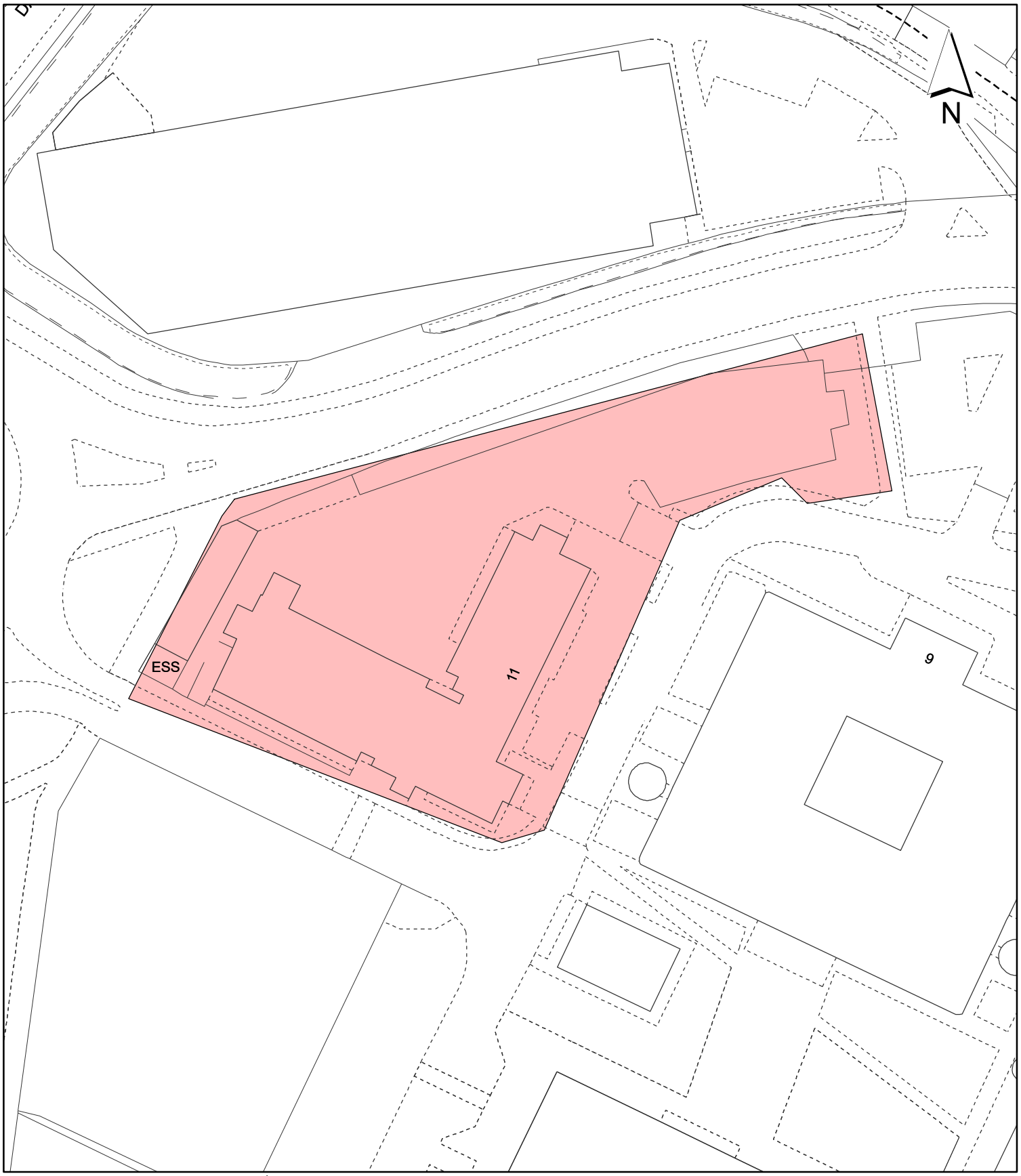
The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required.

The application has been assessed against the relevant criteria and subject to conditions and the securing of a Travel Plan, parking permit restriction, highway improvement obligations 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 **Telephone No:** 01895 250230



Notes:

Site boundary

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Site Address:

HPH 3,
Millington Road

Planning Application Ref:
72360/APP/2021/2656

Scale:
1:800

Planning Committee:
Major

Date:
September 2021

LONDON BOROUGH OF HILLINGDON
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