

Report of the Head of Planning, Transportation and Regeneration

Address UNIT 6 & UNIT 7 SILVERDALE INDUSTRIAL ESTATE SILVERDALE ROAD HAYES

Development: Proposed Change of Use from B2 to Sui Generis use for van sales and external display, van repair workshop with MOT Facilities, parts storage and distribution centre, new and used vehicle PDI Centre and installation of new car wash building, including associated internal and external alterations to front and side elevations to form new vehicle access doors and alterations to the car parking layout and installation of security fencing.

LBH Ref Nos: 28877/APP/2020/3991

Drawing Nos: V27-10 Rev. B (Existing Site Plan)
V27-11 (Existing Floor Plan)
V27-12 (Existing Elevations)
V27-02 Rev. A (Proposed Ground Floor Plan and Front Elevation)
V27-01 (Proposed Covered Wash Pad Plan and Elevations)
Agent's email dated 24/6/21
V27-12 (Existing Elevation)
Kennedy Design Ltd. Covering Letter dated 02/12/20
Design and Access Statement
V27-11 (Existing Floor Plan)
V27-11 (Existing Site Plan)
V27-13 Rev. C (Location Plan)
V27-01 Rev. O (Proposed Site Plan)
Agent's Letter dated 10/12/21
Site photograph
V27-04 (Proposed First Floor Plan)
V27-03 (Proposed Elevation)

Date Plans Received:	02/12/2020	Date(s) of Amendment(s):	10/12/2021
Date Application Valid:	15/12/2020		08/02/2021
			02/12/2020
			24/06/2021

1. SUMMARY

This application is for the change of use of Units 6 and 7 from general industrial use (Class B2) to sui generis for van sales and external display, van repair workshop with MOT Facilities, parts storage and distribution centre, new and used vehicle Pre-Delivery Inspection (PDI) Centre and installation of new car wash building, including associated internal and external alterations to front and side elevations to form new vehicle access doors and alterations to the car parking layout, access ramps and installation of new 3m high security fencing.

The proposed change of use is considered acceptable in principle, and represents an appropriate use within this designated Strategic Industrial Location as confirmed by the Council's Policy Officer, following further clarification of the uses involved. The proposed use would not be detrimental to the amenities of surrounding residential occupiers, given the separation distances and screening afforded to the application site by adjoining commercial buildings and also as a result of Silverdale Industrial Estate having its own

separate access onto Pump Lane.

The proposed internal and external works are relatively minor in nature and will not adversely affect the amenities of adjoining occupiers or the setting of the adjoining Grade II Listed Benlow Works.

Following protracted discussions with the applicant and the Council's Highway Engineer, revised plans have been received and highways are now satisfied that the scheme makes suitable provision for staff parking, operational and servicing arrangements. The Council's Air Quality Officer advises of the need for an air quality contribution and a Travel Plan is required, which would be secured by means of a S106 Agreement.

The scheme is recommended for approval, subject to the S106 Agreement and conditions.

2. RECOMMENDATION

APPROVAL subject to the following:

That delegated powers be given to the Deputy Director of Planning and Regeneration to GRANT planning permission, subject to the following:

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following Heads of Terms:

- i) Air quality contribution of up to £11,380**
- ii) Travel Plan and £20,000 Travel Plan bond**
- iii) Project Management & Monitoring Fee**

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement 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) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame 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 planning permission for the following reason:

'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of a travel plan and air quality. The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2021).'

E) That if the application is approved, the following conditions be imposed:

1 COM3 Time Limit

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

REASON

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

2 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

V27-01 Rev. O (Proposed Site Plan)

V27-02 Rev. A (Proposed Ground Floor Plan)

V27-03 (Proposed Elevation)

V27-04 (Proposed First Floor Plan)

V27-01 (Covered Wash Pad Plan and Elevations)

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 COM5 General compliance with supporting documentation

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

Design and Access Statement

Agent's Letter dated 10/12/21

Agent's email dated 24/6/21

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 DMT 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

4 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5 COM9 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 Cycle Storage for 6 cycle spaces
- 1.b Means of enclosure/boundary treatments
- 1.c Car Parking Layouts (including demonstration that all the operational car parking spaces and 4 of the staff car parking spaces are served by electrical charging points)
- 1.d 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 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

6 NONSC Vehicle Parking Management Plan

The use hereby approved shall not be brought into use until a Vehicle Parking Management Plan (VPMP) has been submitted to, and approved in writing by, the Local Planning Authority. The VPMP shall, as a minimum, include details of how the parking on site will be managed and allocated to the different uses on site for the life-time of the development.

REASON

To demonstrate that the parking layout is workable in terms of reasonable accessibility and to ensure that an appropriate level of car parking provision is provided on site for the different operations, in accordance with Policy DMT 2 of the Hillingdon Local Plan Part Two 2 (2020) and Policies T4 and T6 of the London Plan (2021).

7 NONSC Delivery and Servicing Plan

The use hereby approved shall not be brought into use until a Delivery and Servicing Plan (DSP) has been submitted to, and approved in writing by, the Local Planning Authority. The DSP shall, as a minimum, include details and timings of deliveries and servicing arrangements to the site and how these will be managed so as to reduce any disruption to the efficient use of the adjoining access road to an absolute minimum for the life-time of the development.

REASON

To demonstrate that the parking layout is workable in terms of reasonable accessibility and to ensure that an appropriate level of car parking provision is provided on site for the different operations, in accordance with Policy DMT 2 of the Hillingdon Local Plan Part Two 2 (2020) and Policy T4 of the London Plan (2021).

8 NONSC Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) secure compliance with the London Plan requirements;
- 2) the implementation of an electric vehicle charging bay. This is to be implemented in line

with the minimum number of charging points required in the London Plan.

3) a clear and effective strategy to encourage staff / users to

- a) use public transport;
- b) cycle / walk to work where practicable;
- c) enter car share schemes;
- d) purchase and drive to work zero emission vehicles.

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

Reason

To reduce the impact on air quality within an Air Quality Management Area in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

9 NONSC Delivery Route and Vehicle Emission Specification Condition

Prior to the commencement of the use, details of delivery routes and delivery vehicle emission specifications, which should be Euro6/VI or cleaner shall be submitted to and approved in writing by the Local Planning Authority.

The use shall be operated in accordance with the approved details.

Reason

To reduce the impact on air quality within an Air Quality Management Area in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

INFORMATIVES

1 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

LPP SD1	(2021) Opportunity Areas
LPP D14	(2021) Noise
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E5	(2021) Strategic Industrial Locations (SIL)
LPP SI1	(2021) Improving air quality
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T7	(2021) Deliveries, servicing and construction
DME 1	Employment Uses in Designated Sites

DMHB 11	Design of New Development
DMEI 14	Air Quality
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

2 I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3 I43 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

4 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.

5 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.

6

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

7

The applicant / developer is advised to review the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust" and contact the Trust's Works Engineer) PatrickMcElroy@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-propertyandour-code-of-practice>).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises 2 units within the Silverdale Industrial Estate which is sited to the east of Hayes Town Centre. The units form the south eastern half of a large industrial building located on the southern side of a private estate access road, with Units 8 and 9 forming the north western half of the building. The application site also includes part of an area of parking located immediately to the north of the access road.

Vehicular access to the site is provided from Pump Lane, via Silverdale Road to the north. The private estate road wraps around the commercial buildings and parking area on its northern side to connect with Silverdale Road at two points, to the north east and north west of the application site.

The site is bounded by a number of commercial / industrial buildings, including the Grade II Listed Benlow Works to the north and is located close to the Great Western mainline and the Grand Union Canal to the south.

The site lies within the SIL: Sites Located Near Hayes Town Centre and is also within Hillingdon's Air Quality Management Area and forms part of the Hayes Air Quality Focus Area.

3.2 Proposed Scheme

The proposal is for the change of use of the existing buildings from light industrial use with ancillary offices (Class B2) to Sui Generis use for a light commercial van dealership incorporating new and used van sales, parts storage and distribution centre, and motor vehicle repair workshop with MOT testing facilities and Pre-Delivery Inspection (PDI) Centre for new and used motor vehicles. The proposals also involve the formation of new openings in the existing external walls to create new vehicle entrance doors, new access ramps, alteration of the existing external parking area to form new and used van display and staff parking and installation of new car wash building and installation of security fencing.

The new facility is proposed to operate 24 hours per day, 7 days a week and employ upto

37 staff, working 3 shifts a day.

A total of 5 new large openings would be created in the front elevation of Units 6 and 7, 2 x 1.81m wide, 2.4m high openings with roller shutter doors and a 2.95m wide, 2.4m high new glazed entrance in Unit 6 and 2 x 2.95m wide, 2.4m high openings with roller shutter doors in Unit 7. In the side elevation, 2 new 3.6m wide, 4.0m high openings are proposed with 'high' lift doors, together with 2 new traditional doors. The new openings would be made accessible to vehicles with new or extended small concrete ramps and some existing air conditioning unit vents would be re-located to make way for the new openings.

The car wash building would have a footprint of 8.55m by 8.0m and a mono-pitched roof with a maximum height of 4.28m sited adjoining the south eastern side elevation of the building.

Parking spaces for 12 cars, 17 vans (4 of which would be served by EVCP), 2 additional 'display' spaces, with 1 accessibility space would be provided at the front and side of units 6 and 7, with 18 staff parking spaces provided on the area to the north of the access road.

A Sheffield Cycle stand is also provided for 6 cycles and provision marked out for refuse storage.

A new section of 2.4m high palisade security fence would be added along the side boundary adjoining Unit 8 to match the existing fencing.

The plans also show a new, 4.3m high 'Renault Pro+' archway advertisement feature and a 6.5m high pylon sign on the frontage of the site which the agent has confirmed do not form part of this application and will require separate advertisement consent.

3.3 Relevant Planning History

Comment on Relevant Planning History

An application (71374/APP/2020/1016 refers) involving the whole of the building (Units 6 to 9) for external alterations, including replacement windows, decorated cladding, new roller shutters, replacement roof with rooflights, replacement fire doors, infilling of side doors and windows, replacement of external hardstanding and erection of 3m high palisade fencing was approved on 3/6/20.

4. Planning Policies and Standards

Development Plan

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

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

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.E1 (2012) Managing the Supply of Employment Land
- PT1.BE1 (2012) Built Environment
- PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- LPP SD1 (2021) Opportunity Areas
- LPP D14 (2021) Noise
- LPP E4 (2021) Land for industry, logistics and services to support London's economic function
- LPP E5 (2021) Strategic Industrial Locations (SIL)
- LPP SI1 (2021) Improving air quality
- LPP SI7 (2021) Reducing waste and supporting the circular economy
- LPP T4 (2021) Assessing and mitigating transport impacts
- LPP T5 (2021) Cycling
- LPP T6 (2021) Car parking
- LPP T7 (2021) Deliveries, servicing and construction
- DME 1 Employment Uses in Designated Sites
- DMHB 11 Design of New Development
- DMEI 14 Air Quality
- DMT 1 Managing Transport Impacts
- DMT 2 Highways Impacts
- DMT 5 Pedestrians and Cyclists
- DMT 6 Vehicle Parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **10th February 2021**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

12 neighbouring commercial properties have been consulted on the original submission, the application has been advertised in the local press on 20/1/21.

2 responses were received to the original consultation, raising the following concerns:-

(i) Proposed use for van repair and MOT centre will result in the smell of petrol, diesel and smoke during repair and testing which will be detrimental to adjoining food supply business,
(ii) Parking will be a problem as food suppliers currently we get around 30 to 40 containers of food products every month,
(iii) Units 4 and 5 Silverdale Industrial Estate operate as a Royal Mail delivery office and although Royal Mail does not object to the proposed change of use, there needs to be appropriate mitigation and management during the demolition, construction and operation of the proposed development to ensure that the use does not place unreasonable constraints upon Royal Mail's operations in accordance with the NPPF and unrestricted access should be maintained at all times. Concern is raised with regard to the impact of the proposed development on the only access to the delivery office which will be shared with the proposal and the potential detrimental effect on Royal Mail's ability to meet statutory and regulatory requirements. We suggest that evidence is provided by the applicant to demonstrate that there will be not be significant and adverse impacts on traffic flows, or that the protection of existing uses can be implemented through management. The impact of proposed development on the existing Royal Mail Delivery Office has not been assessed through a transport assessment.

Two further rounds of neighbour consultation were undertaken on 16/6/21 and 24/8/21 in response to revised plans being received. Two additional responses were received (one from one of the original respondents) mainly re-iterating previous concerns (i) and (ii), but also of raising the following issues:-

(iv) Van repair and MOT Centre could affect the health of food suppliers customers,
(v) Road is already very busy with Royal Mail's vehicles.

Canal & River Trust:

The Trust has no comment to make on the proposal.

Should planning permission be granted we request that the following informative is/ informatives are appended to the decision notice:

1. The applicant / developer is advised to review the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust" and contact the Trust's Works Engineer) PatrickMcElroy@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-propertyandour-code-of-practice>).

Internal Consultees

Policy Officer:

Development Plan

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

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

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

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The London Plan (March 2021)

The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning

decisions, as well as relevant supplementary planning documents and guidance.

Land Use Designations

· Strategic Industrial Location (SIL)

The proposed development involves the change of use of the existing Use Class B2 (General Industrial) units to Sui Generis for use as van sales, external display, van repair workshop and MOT centre, parts storage and distribution centre. A total of 1,600 sq.m of B2 floorspace is proposed for a change of use. It is not clear from the applicants documents the exact nature of the existing use and further information on this will need to be provided to make a more informed assessment. The proposed development site lies within a SIL.

London's SILs are the capital's main reservoir of land for industrial, logistics and related uses. SILs are given strategic protection by the London Plan because they are critical to the effective functioning of London's economy. They can accommodate activities which - by virtue of their scale, noise, odours, dust, emissions, hours of operation and/or vehicular movements - can raise tensions with other land uses, particularly residential development. As such, SILs and the industrial activities they comprise are protected by London Plan policies E4 and E5, and the Hillingdon Local Plan Part Two (LPP2) policy DME 1. SILs are of strategic importance for the location of industrial-type activities and so changes of use to uses other than those listed in Policy E4, Part A of the London Plan (PV) require robust justification. Paragraph 6.5.2 of the Publication Version of the London Plan (2020) states that "to ensure that London can retain an efficient logistics function it is particularly important to secure and enhance strategic provision in SILs in west London, especially at Park Royal...". This site lies within the Park Royal / Heathrow Industrial Property Market Area as defined by the London Plan (Publication Version).

Part C of Policy E5 of the London Plan (PV) states that "Development proposals in SILs should be supported where the uses proposed fall within the industrial-type activities set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function. The use proposed by the applicant is not considered to fall within any of the industrial-type activities set out in Part A of Policy E4. Given the strategic importance of the SIL as outlined in the London Plan, any departure from the industrial-type activities listed in Policy E4 must be appropriately justified. Part D of Policy DME 1 of the LPP2 therefore states that proposals for other uses will be acceptable in SILs only where:

- i. There is no realistic prospect of the land being developed in accordance with Part A of the policy (i.e. in accordance with relevant policies in the London Plan such as Part A of Policy E4);
- ii. The site has been vacant and consistently marketed for a period of 2 years; and
- iii. The proposed alternative use does not conflict with the policies and objectives of this Plan.

With regards to point iii of Policy DME1, part D, this primarily means that new development should not compromise the operation of designated sites. Part D of Policy E5 of the London Plan (PV) states that "development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and their ability to operate on a 24-hour basis. Development that has an adverse impact on access to designated sites will also be resisted.

While the proposed use is not considered to be a wholly incompatible use within the SIL, as it is not one of the industrial-type activities required by the London Plan, the applicant must demonstrate that the requirements of Part D of Policy DME 1 have been met. A positive of the proposed scheme is that it will be an employment generating use and will bring circa 37 full-time jobs according to the applicant. As the proposed use is also not an incompatible use within the SIL it is considered that there is potential for Part D of Policy E5 of the London Plan (PV) and point iii of Policy DME 1 of the LPP2 to be met. It is unlikely that the proposed use will compromise the integrity or effectiveness of the SIL in accommodating industrial-type activities however this should be clearly demonstrated by

the applicant.

Robust marketing evidence which demonstrates that there is no demand for industrial-type activities to locate to the proposed development site is also required before a change of use to a non-industrial-type activity as defined by Part A of Policy E4 is considered acceptable in policy terms. While Policy DME 1 requires marketing for a minimum period of 2 years, the Council will accept lower periods if strong reasons and mitigating circumstances can be demonstrated.

Finally, and related to the above point, further information regarding the current use of the site and whether it is vacant or currently occupied is needed to make a full policy assessment

Policy Officer's further comments:

I've reviewed the agents response and I agree with the agent that the vehicle repair and maintenance use is an acceptable SIL use as stated in paragraph 6.4.1. This acceptability of this particular use was overlooked on my part which I apologise for. The parts storage and distribution hub is also considered to be an acceptable use.

The van sales operation on site is where the main policy objection was however the further detail provided by the applicant indicating that the sales operation is field based and it being limited to the additional parking spaces originally allocated to the units does alleviate some of the concerns. This may raise further issues regarding sufficient parking for the overall operation of the site but that is not within my remit. From a policy point of view the sales proportion of the site is still not an acceptable use of SIL as per London Plan policy E4/E5 however this is a small proportion of the site and you may decide that as a whole it is a relatively positive development. The applicant has indicated that the site has been vacant since October 2019 (although it is not clear if it has been actively marketed) so bringing the site back into use is positive, as are the wider benefits noted by the agent.

Highway Engineer comments:

Planning permission is sought for the Change of Use from B2 to Sui Generis use for van sales and external display, van repair workshop with MOT Facilities, parts storage and distribution centre, new and used vehicle Pre Delivery Inspection Centre and installation of new car wash building, including associated internal and external alterations to front and side elevations to form new vehicle access doors and alterations to the car parking layout. The proposed development would have a gross internal floor area of 1,642sq.m.

The application site is located within a private business estate with vehicle access from two points on the southern side of Silverdale Road, Hayes. The applications site straddles an internal access road, the main site - Units 6 and 7 are situated on the southern side of the access road with some of the car parking that will serve the site on the northern site. In total the site would provide 40no. car parking spaces, comprising:-

- 8no. standard van parking spaces north of Silverdale Road
- 5no. standard van parking spaces south of Silverdale Road
- 4no. van parking spaces provided with electric vehicle charging points south of Silverdale Road
- 6no. staff parking spaces
- 14no. general parking spaces
- 2no. vehicle display parking spaces
- 1no. blue badge/wheelchair accessible space

In addition to the above the applicant reports the occupiers would have available for use a further 20no. spaces, however these spaces are beyond the application site's red line boundary. From the plans submitted there does not appear to be any cycle parking provided.

Transport for London use a 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.

The site is within a PTAL zone 0 indicating that access to public transport is poor compared to London as a whole. This indicates that there will be reliance on the private car for trip making to and from the site.

The site would employ 37no. full time members of staff and be operational 24/7 to provide a repair and service facility. The applicant reports that vehicle component deliveries to the site will take place between 01:00h and 04:00h. Any vehicles being transported to the site would arrive on a trailer.

The published London Plan (2021) does not provide a parking standard for this type of development stating that the 'level of parking should be determined on a case-by-case basis taking account of Policy T6 Car Parking'. Policy T6 advises that access to public transport should be a key determinant when considering parking provision. As the London Plan (2021) is non-prescriptive on car parking numbers, the Highway Authority has referred to the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle Parking. For a development of this type the maximum number of parking spaces permitted would be between 34no. and 18no. The Local Plan also required that the development provides between 7no. and 3no. cycle parking spaces. The Highway Authority notes that of the 39no. car parking spaces proposed, 6no. would be for use by members of staff with remainder being 'operational' spaces associated with business activity. Taking into account that the site would employ up to 37no. members of staff and that the site has a low PTAL ranking the Highway Authority is concerned that the 6no. car parking spaces allocated to members of staff will be insufficient to cater for parking demand. The Highway Authority considers that employees will drive to work taking into account that the site is not genuinely accessible by public transport. This could result in members of staff parking injudiciously on-street which would present a risk to road safety, hinder the free flow of traffic and lead to parking stress. There are also concerns that operational parking will operate in on an informal basis resulting again leading to cars parking injudiciously. Furthermore the development fails to provide any cycle parking spaces which is contrary to the Local Plan (2020) Policy DMT 6: Vehicle Parking. It is therefore not in accordance with the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts, Policy DMT 2: Highway Impacts and Policy DMT 6: Vehicle Parking. There are highway objections to this proposal.

Highway Engineer further comments:

Further to the information provided in the supporting letter dated 10 December 2021 attached with the amended car parking layout (drawing no. V27-01 Rev. L dated 06.12.21), in response to highway officers concern in respect of the proposed level of parking for staff, I have the following comments to make:

The car parking layout has been rationalised to provide 18 car parking spaces for staff. To support the level of car parking for staff the applicant has clarified that the 24/7 operational model, the anticipated number of staff on site at any one time will be 22. This has been verified by survey of existing staff at their London West Park Royal that of the 18 staff to be relocated 5 staff use PT/car share/walk/etc. therefore the allocation of 18 spaces will be adequate. The applicant also states the site is well served by public transport contrary to its PTAL rating of zero, the HA understands the rationale used but for consistency of approach the HA considers the site to have a PTAL rating of zero.

In view of the information provided by the applicant, the HA views the increase of on-site staff car parking from 6 to 18 spaces sufficient to address the HA's concerns of overspill of parking onto the

public highway.

Consequently the HA has no objection subject to the amended car parking layout as shown in rev L drawing.

Officer comment:

Drawing no. V27-01 Rev. L has now been superseded by Rev. O, but the only change made was to include the private access road within the red line boundary.

Highway Engineer Final comments:

The applicants have provided everything that has been asked for and there are no highway objections subject to planning conditions to secure active electric vehicle charging points for all operational car parking spaces and 4no. of the staff parking spaces, a Car Parking Management Plan and a Service and Delivery Plan for approval.

Access Officer:

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

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

Air Quality Officer:

Summary of Comments

The proposed change of use is located within the LBH Air Quality Management Area and the Hayes Focus Area. The current land use is B2 General industrial which grants use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste).

The development site is located on the Silverdale Industrial Estate off Silverdale Road. The area around the development site is made up of a range of different uses which include light industrial, Royal Mail Depot, motor vehicle body repair workshop and other commercial uses. The proposed Change of Use of existing light industrial building with ancillary offices to light commercial van dealership incorporating new and used van sales, parts storage, and motor vehicle repair workshop with MOT testing facilities and PDI Centre for new and used motor vehicles will have to be considered in the scope of impact on local air quality.

Given the sensitive location in terms of air quality, and the location within Hayes Focus Area, the proposed development will have to be both air quality neutral and air quality positive. Given that there is no Transport Assessment to ascertain the likely vehicle generation associated with the proposed change of use, it was assumed that the proposal is air quality neutral, which equates to 25 vehicle movements per day. However, the proposal is not air quality positive and the vehicle emissions generated by the proposal will have to be mitigated.

Damage Cost and Mitigation Measures

The level of mitigation required to the proposed development for traffic emissions is £11,380. Should a Travel Plan be provided by the applicant, a 5% flat rate reduction can be applied. Should any other contribution to improve air quality be made, further reductions can be considered.

Assuming no mitigation is offered, the total amount is due, and a section 106 agreement with the LAP of £11,380 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduces human exposure to nitrogen dioxide levels. A condition is required to secure definition of routes to be allowed and vehicles being Euro6/VI or cleaner.

Observations

An Quality condition is required to develop and implement a Low Emission Strategy and manage construction emissions as required by the Mayor of London. This can be part of a Travel Plan to be secured by a bond. See text below.

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) secure compliance with the London Plan requirements;
- 2) the implementation of an electric vehicle charging bay. This is to be implemented in line with the minimum number of charging points required in the London Plan.
- 3) a clear and effective strategy to encourage staff / users to
 - a) use public transport;
 - b) cycle / walk to work where practicable;
 - c) enter car share schemes;
 - d) purchase and drive to work zero emission vehicles.

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

Reason

As the application site is within an Air Quality Management Area, and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

Context

The proposed development is within an Air Quality Management Area and will affect identified Air Quality Focus Areas. Air Quality Focus Areas are defined by the GLA as areas already suffering from poor air quality where prioritisation of improvements is required. This is supported by:

Local Plan Part 2 Policy DME1 14

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

- i) be at least "air quality neutral";
- ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
- iii) actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

Economic Development Officer:

From an economic development perspective, the application from the Renault Group to create a commercial van sales, repair and MOT centre is welcomed and supported.

The application to create a multi-purpose commercial centre in this area is particularly welcomed as recent Hayes town developments have seen facilities of this nature displaced in favour of residential

and mixed use retail /office units.

The proposal from Renault, one of the UK's leading commercial vehicle specialists serves to support the type of services that have traditionally been the bedrock of commerce within most small town centres including Hayes. It is noted that the range of services the proposed facility will provide includes sales, vehicle servicing, an MOT facility and parts distribution. It is this range of facilities that is important in terms of the employment provision this development will provide.

The applicant advises that the £2m investment will create some 37 full time jobs and there is every likelihood that the employment created will match the diverse range of facilities this centre will provide. The jobs created will range from sales, vehicle mechanics, MOT testers and the range of other trades normally associated with a facility of this sort. Being a distribution centre for Renault parts, the centre will no doubt support servicing and repair facilities in other local garages and repair centres. This development will therefore benefit local courier and distribution services too.

The centre will also offer a pre delivery inspection facility for new vehicles. The range of facilities this centre will offer will significantly contribute to the overall viability of the centre.

Given the centres operating times, the salary levels and the nature of the jobs available it is anticipated that the majority of the jobs created at the Renault centre will be taken by local residents who will have the skills and experience required. The development also potentially provides apprenticeship and work experience opportunities with Uxbridge College who provide a range of motor vehicle apprenticeship courses. This potential will be explored with the applicant.

The investment in Hayes and the jobs this development will create is timely, given the continued negative impact of Covid on the areas economy. The investment in the centre is of the scale that the centre is likely to be a permanent feature in Hayes town.

Land Contamination Officer:

The proposed works do not involve the creation of any additional floor space.

Therefore, there are no objections and no comment.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 81 of the NPPF (2021) notes planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policy E5 of the London Plan (2021) outlines that development proposals should be restricted to the uses within the industrial-type activities set out in Part A of Policy E4.

Policy E1 of the Local Plan: Part One (November 2012) states that the Council will accommodate growth by protecting Strategic Industrial Locations and designation of Locally Significant Industrial Sites (LSIS) and Locally Significant Employment Locations (LSEL). Under Policy E2 the Council are also seeking to accommodate 9,000 new jobs over the plan period. Most of this will be directed towards such strategic sites. The development is located on a Locally Significant Industrial Site this is a local plan designation.

Policy E6 of the Local Plan: Part One (November 2012) encourages the development of affordable accommodation for small and medium-sized businesses in appropriate

locations.

Policy DME 1 of the Local Plan: Part Two (2020) notes the Council will support employment proposals in Strategic Industrial Locations (SILs) - Preferred Industrial Locations (PIL) or Industrial Business Parks (IBP) - in accordance with relevant policies in the London Plan.

The Council's Policy Officer has reviewed the submission and sought additional clarification and advises that the vehicle repair and maintenance use is an acceptable SIL use as stated in paragraph 6.4.1 of the London Plan (2021) and that the parts storage and distribution hub is also considered to be an acceptable use and to be in accordance with policy.

It is the van sales part of the operation where there is some policy conflict, but the policy officer considers that as the sales operation is field based and it is limited to the additional parking spaces originally allocated to the units it does alleviate some of the concerns. From a policy point of view the sales proportion of the site is still not an acceptable use of a SIL site as per London Plan Policies E4 and E5, however this is a small proportion of the site and it is considered that as a whole, it is a relatively positive development which is fully supported by the Council's Economic Development Officer. The applicant has indicated that the site has been vacant since October 2019 (although it is not clear if it has been actively marketed) so bringing the site back into use would be positive in land use terms with up to 37 full time posts being created.

The proposed development is also strongly supported by the Council's Economic Development Officer.

Blight/Adjoining Site Allocation

The application site is located to the south of Site Allocation SA24; Benlow Works, Silverdale Road. Benlow Works is a Listed Building which has fallen into disrepair in recent years. As a result, the site was allocated for a mixed use development in order to secure the long term future of the site. Whilst there are no current planning applications on this site, it is of note that the site allocation specifically stated that:

"...Development proposals should integrate with surrounding industrial uses and including suitable mitigation from neighbouring uses where required."

At the time the site was allocated, it was acknowledged that it sat within an established SIL, therefore the future uses as part of any redevelopment of Benlow Works should not prejudice the operation of the remaining SIL.

The proposed change of use of Unit 6 and Unit 7 which are the subject of this current planning application are deemed to be acceptable within the SIL and would not prejudice the future redevelopment of the adjoining Benlow Works site.

7.02 Density of the proposed development

Not applicable to this commercial application which mainly involves a change of use of existing buildings.

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

The nearest heritage asset to the application site is the Grade II Listed Benbow Works. Accordingly, the following planning policies are considered:

Policy DMHB 1 and DMHB2 of the Hillingdon Local Plan: Part 2 (2020) which expect

development proposals to avoid harm to the historic environment. This is supported by Policy HC1 of the London Plan (2021).

Given the nature of the proposal, which mainly involves the change of use of the building from industrial to sui generis with the proposed associated external works being relatively minor in nature, it is considered that the impact on the 4 storey listed Benbow Works building would not result in any material harm to that heritage asset. Accordingly, the proposal is not considered to be contrary to Policies DMHB 1, DMHB 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy HC1 of the London Plan (2021).

7.04 Airport safeguarding

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) The Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

B) In consultation with the Airport Operator, the Council will ensure that:

- i) areas included in Airport Public Safety zones are protected from development which may lead to an increase in people residing, working or congregating in these zones; and
- ii) sensitive uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

Given the nature of the proposals which involve a change of use with minor external alterations, no airport safeguarding issues are raised by this application.

7.05 Impact on the green belt

The application site is not located within nor is it adjacent to Green Belt land.

7.07 Impact on the character & appearance of the area

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

The external alterations to the building elevations are relatively minor in scale and would not have a detrimental impact on the character and appearance of the building. The proposed new openings are of a general size that are compatible with the scale of the existing building and would not appear out of keeping with the existing commercial character of the surrounding industrial estate. The new vehicle wash building, with a footprint of some 68sqm and maximum height of 4.28m is also relatively small scale and would be sited adjacent to the flank elevation of the existing building where it would not appear unduly dominant and appear subordinate against the bulk of the existing building. The proposed fencing would match the existing fencing and is also considered to be acceptable and would not appear out of character with the surrounding area.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan, Part 2 states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties.

The application site forms part of a designated industrial estate, surrounded by other commercial occupiers, with the nearest residential property being located on Chalfont Road, some 100m to the north west and largely screened from the application site by the 4 storey Benbow Works. Given the nature and location of the proposal, it is considered that there would be no adverse impacts on the amenity and/or the sunlight / daylight of any adjoining property. As set out in Section 7.01, there is also no detriment to the proposed site allocation at Benlow Works and any future redevelopment proposals on that site.

Noise, air quality and traffic issues are considered within the relevant sections of this report.

7.09 Living conditions for future occupiers

Not applicable to this application for commercial development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The NPPF says that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. The NPPF also says that developments should be located and designed where practical to give priority to pedestrian and cycle movements; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner and to be acceptable, schemes are required to i) be accessible by public transport, walking and cycling; ii) maximise safe, convenient and inclusive accessibility; iii) provide equal access for all people; iv) adequately address servicing requirements and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment. Policy DMT 2 seeks to minimise the impact of development on the surrounding highway with regards to traffic, air quality, noise, local amenity and safety.

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Plan Policies considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 sets maximum parking standards for new development as outlined in Appendix C Table 1 to facilitate sustainable development. A variation of these requirements may be acceptable when:-

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendation.

The policy also states that all car parks provided for new development will be required to provide conveniently located parking spaces for wheelchair users and those with restricted mobility.

The site would employ 37no. full time members of staff and be operational 24/7, to provide a repair and service facility. The Council's Highway Officer reviewed the initial submission and did raise concerns regarding the number of staff parking spaces and the operational car parking spaces being operated on an informal basis, which may result in cars parking

injudiciously on the road and a lack of cycle parking.

Further clarification and revised plans have been provided. The agent in their email of 24/6/21 reports that vehicle component deliveries to the site will take place between 01:00h and 04:00h. Any vehicles being transported to the site would arrive from a central depot on a just in time basis and on a trailer, not a car transporter as van deliveries by transporter can be problematic due to low bridges, trees etc. As regards staff parking, the Highway Engineer advises that the car parking layout has been rationalised to provide 18 car parking spaces for staff. To support the level of car parking for staff the applicant has clarified the 24/7 operational model and the anticipated number of staff on site at any one time will be 22. This has been verified by a survey of existing staff at their London West Park Royal that of the 18 staff to be relocated, 5 staff use public transport/car share/walk/etc. therefore the allocation of 18 spaces will be adequate. The applicant also states the site is well served by public transport contrary to its PTAL rating of zero. Although the Council's Highway Engineer understands the rational used, the site being close to Hayes Town Centre, for consistency of approach, the site is considered to have a PTAL rating of zero.

In view of the information provided by the applicant, the HA views the increase of on-site staff car parking from 6 to 18 spaces sufficient to address the HA's concerns of overspill parking and consequently no objections are raised subject to the amended car parking layout and conditions to secure active electric vehicle charging points for all operational car parking spaces and 4no. of the staff parking spaces and the submission of a Vehicle Parking Management Plan and a Service and Delivery Plan. These form part of the officer's recommendation, together with the need for a S106 Agreement which will also secure a Travel Plan.

7.11 Urban design, access and security

Relevant considerations are discussed within the other relevant sections of this report.

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. They should:

- 1) be designed taking into account London's diverse population;
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion;
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment;
- 4) be able to be entered, used and exited safely, easily and with dignity for all; and
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

The Council's Access Officer has reviewed the application and advises that no accessibility issues are raised by the proposal, although an informative should be attached advising of the requirements of the Equality Act 2010. This forms part of the officer's recommendation.

7.13 Provision of affordable & special needs housing

Not applicable to this commercial proposal.

7.14 Trees, landscaping and Ecology

Policy DMHB 14 (Trees and Landscaping) of the Local Plan Part 2 requires developments to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. The policy further requires developments to provide a landscape scheme that

includes both hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity.

The proposal mainly seeks permission for a change of use of the existing premises and no change is proposed to the existing character of the site which entirely comprises of buildings and hardstanding with no trees or other vegetation present. Adjoining industrial sites are also devoid of vegetation, so that in this instance, given that the proposal mainly involves the change of use of the building, it is not considered appropriate to seek a landscaping scheme as part of the proposal, in accordance with Policy DMHB 14 and no objection is raised.

7.15 Sustainable waste management

Policy EM11 of the Local Plan: Part 1 (2012) requires all new development to address waste management at all stages of a development's life from design and construction through to the end use and activity on site, ensuring that all waste is managed towards the upper end of the waste hierarchy.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

As a commercial operator, the occupier of the site would make its own arrangements for waste disposal / recycling and the site affords ample space for any required refuse / recycling storage.

7.16 Renewable energy / Sustainability

Not applicable to this application which mainly proposes a change of use of existing buildings.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) requires that development proposals ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) also requires that development proposals 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. This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). Notably, proposals that fail to make appropriate provision of flood risk and surface water flooding mitigation will be refused.

The application site is not located within an area prone to flooding and the proposal does not involve any material change to the existing hardsurfacing on site so that no flooding issues are raised by this application.

7.18 Noise or Air Quality Issues

NOISE

The NPPF requires developments to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy D14 (Noise) of the London Plan states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development

proposals should manage noise by avoiding significant adverse impacts on health and quality of life, reflect the Agent of Change principle, mitigate and minimise the existing and potential adverse impacts of noise and improve and enhance acoustic environments.

At a local level, Policy EM 8 (Land, Water, Air and Noise) of the Local Plan Part 1 states that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

The application site forms part of a SIL where commercial and industrial operations such as vehicle repairs and MOT testing are encouraged to locate and the use would be surrounded by similar commercial/ industrial activities so that the proposal does not give rise to any significant noise concerns.

AIR QUALITY

The NPPF supports opportunities to improve air quality or mitigate impacts where necessary.

London Plan Policy SI 1 (Improving Air Quality) states that development proposals should not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits or delay the date at which compliance will be achieved or create unacceptable high levels of exposure to poor air quality. In order to achieve this, the Mayor will require development proposals to be at least Air Quality Neutral and be designed to prevent and minimise increasing exposure.

Policy EM 8 (Land, Water, Air and Noise) of the Local Plan Part 1 outlines that all developments should not cause deterioration in local air quality levels and should ensure the protection of both existing and new sensitive receptors. The Policy further states that all major developments within Air Quality Management Areas should demonstrate how air quality neutrality is achieved where appropriate.

Policy DMEI 14 (Air Quality) of the Local Plan Part 2 further states that development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. The Policy further requires that development proposals as a minimum should be at least air quality neutral and ensure there is no unacceptable risk from air pollution to sensitive receptors, and actively contribute towards the improvement of air quality, especially within Air Quality Management Area.

The Council's Air Quality Officer has reviewed the proposal and advises that the proposal for a change of use is located within the LBH Air Quality Management Area and the Hayes Focus Area and given the sensitive location in terms of air quality, the proposed development will have to be both air quality neutral and air quality positive. Given that there is no Transport Assessment to ascertain the likely vehicle generation associated with the proposed change of use, it has been assumed that the proposal is air quality neutral, which equates to 25 vehicle movements per day. However, the proposal is not air quality positive and the vehicle emissions generated by the proposal will have to be mitigated.

To this end, the officer calculates the need for an air quality contribution of £11,380 to help deliver the Council's air quality local action plan and / or implement specific measures

on/along the road network affected by the proposal that will reduce vehicle emissions and / or reduces human exposure to nitrogen dioxide levels. This requires a condition to secure the definition of routes and vehicles being Euro6/VI or cleaner. Also a Travel Plan should be secured, which together with other mitigation, could reduce the overall amount of contribution sought.

These two measures form Heads of Term within the recommended S106 Agreement and the officer also advises of the need for a Low Emission Strategy which forms part of the officer's recommendation.

7.19 Comments on Public Consultations

As regards points (i) and (iv), the London Plan advises that SIL locations such as this site are appropriate for vehicle repair and servicing operations. Point (ii), (iii) and (v) are dealt with in the officer's report and in terms of point (iii), it is noted that access to the Royal Mail delivery office can be gained from either end of the private access road from Silverdale Road.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) 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. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

i) to secure the provision of affordable housing in relation to residential development schemes;

ii) where a development has infrastructure needs that are not addressed through CIL; and

iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

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.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request planning obligations relating to the following:

i) Air quality contribution of up to £11,380

ii) Travel Plan and £20,000 Travel Plan bond

iii) Project Management & Monitoring Fee

Community Infrastructure Levy

The Mayor of London's Community Infrastructure Levy (CIL) has introduced a charging system within Hillingdon of £60 per square metre of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail. This application is CIL liable.

7.21 Expediency of enforcement action

The proposal / site does not give rise to any enforcement issues.

7.22 Other Issues

CONTAMINATED LAND

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

B) 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.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The Council's Contamination Officer considers that the proposal raises no land contamination issues.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal.

Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

This application is for the change of use of Units 6 and 7 from general industrial use (Class B2) to sui generis for van sales and external display, van repair workshop with MOT Facilities, parts storage and distribution centre, new and used vehicle PDI Centre and installation of new car wash building, including associated internal and external alterations to front and side elevations to form new vehicle access doors and alterations to the car parking layout, access ramps and new 3m high security fencing.

The proposed change of use is considered acceptable in principle, and represents an appropriate use within this designated Strategic Industrial Location as confirmed by the Council's Policy Officer, following further clarification of the uses involved. The proposed use would not be detrimental to the amenities of surrounding residential occupiers, given the separation distances and screening afforded to the application site by adjoining commercial buildings and also as a result of Silverdale Industrial Estate having its own

separate access onto Pump Lane.

The proposed internal and external works are relatively minor in nature and will not adversely affect the amenities of adjoining occupiers or the setting of the adjoining Grade II Listed Benlow Works.

Following protracted discussions with the applicant and the Council's Highway Engineer, revised plans have been received and highways are now satisfied that the scheme makes suitable provision for staff parking and servicing arrangements. A Travel Plan is recommended, controlled by condition which will hopefully reduce reliance on the private car in the future.

The scheme is recommended for approval, subject to conditions and a S106 legal agreement.

11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

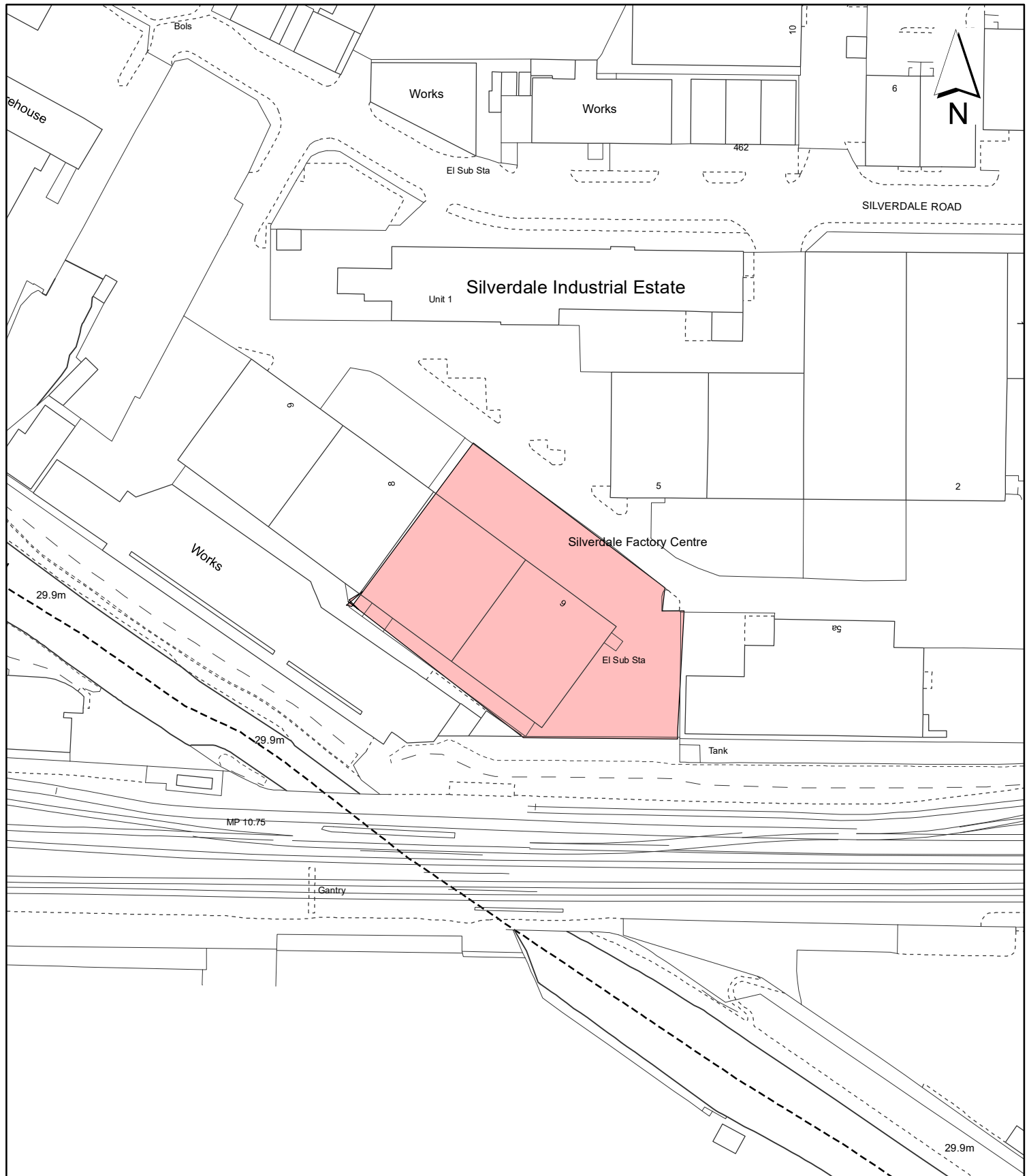
Hillingdon Local Plan: Part 2 - Site Allocations and Designations (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Richard Phillips

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Notes:



Site boundary

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Site Address:

**Units 6 and 7
Silverdale Industrial Estate**

Planning Application Ref:

28877/APP/2020/3991

Planning Committee:

Major

Scale:

1:1,250

Date:

February 2022

**LONDON BOROUGH
OF HILLINGDON**
**Residents Services
Planning Section**

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