

DELEGATED DECISION

Prior Approval Application under Part 4, Class J of Part 4 of The Town and Country (General Permitted Development) (England) Order 2013

Class J

Development consisting of a change of use of a building and any land within its curtilage to use a falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Transportation and Regeneration

Address HAYES PARK NORTH, HAYES PARK HAYES END ROAD HAYES

Development: Change of use of offices (Use Class E(g)) to residential use (Use Class C3) to include 64 residential units comprising 6 x studio units, 33 x one-bedroom units, 19 x two-bedroom units and 6 x three-bedroom units (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015).

LBH Ref Nos: 12853/APP/2021/2202

Drawing Nos: basement plan 21-M011-D00-001
ground floor plan 21-M011-D00-002
first floor plan 21-M011-D00-003
second floor plan 21-M011-D00-004
typical unit plan 21-M011-D00-0100
Transport Note I June 2021
Noise Impact assessment May 2021
Daylight, Sunlight, Overshadowing Assessment May 2021
Phase 1 Environmental Report May 2021
22519LH_NorthBuilding_Basement.
22519LH__NorthBuilding_Ground
22519LH_NorthBuilding_First.
21-T066_SITE LOCATION PLAN(1)
21-T066_02 - SITE LOCATION PLAN.
22519LH_NORTH-BUILDING-SECOND-F0
210601_Hayes Park North_PDR_Cover Letter_FINAL.

Date Plans Received: 02/06/2021

Date(s) of Amendment(s):

Date Application Valid: 02/06/2021

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL REFUSED

REASONS FOR REFUSAL

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O.1(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) because the Hayes Park North building is within the curtilage of a listed building, namely Hayes Park Central and Hayes Park South.

The applicant has failed to secure financial and non financial contributions required to mitigate the highways impacts created by the proposed development. The scheme therefore conflicts with Policies DMCI 7, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the adopted Planning Obligations Supplementary Planning Document (July 2014), Policy DF1 of the London Plan (2021) and paragraphs 55-58 of the National Planning Policy Framework (2021).

Prior approval is refused under Condition AA.2.-(1)(a).

INFORMATIVES

- 1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 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. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.
For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

2.0 Planning Considerations

SITE DESCRIPTION

Hayes Park North (HPN) is a three storey office building with a basement level for servicing and deliveries. The site forms part of the Hayes Park business park, a landscaped parkland setting of approximately 5.22 hectares. The wider site comprises three office buildings including Hayes Park Central and Hayes Park South to the south of the application site.. Both these buildings were constructed in the 1960's and are Grade II* Listed. Both have now fallen vacant but were previously occupied by Heinz and Fujitsu.

PROPOSAL

This application seeks Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015) for the change of use of offices (Use Class E(g)) to residential use (Use Class C3) to include 64 residential units comprising 6 x studio units, 33 x one-bedroom units, 19 x two-bedroom units and 6 x three-bedroom units. The new apartments would be accompanied by 68 cycle parking spaces located within the existing basement and 76 car parking spaces located in the existing area of car parking to the west of the building. Refuse and recycling storage would be located at in the basement.

SCHEDULE 2, PART 3, CLASS O OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015 (AS AMENDED)

Permitted development

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes

Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

O.1 Development is not permitted by Class O if-

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order-

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.

Officer Comment:

The history of the site has been reviewed and it is considered that there is no reason to doubt that the building was in use as a Use Class B1a office before 29th May 2013. No part of the site is a safety hazard area or a military explosives storage area. No part of the site is a scheduled monument. However, following advice from the council's legal and conservation officers it is considered that Hayes Park North and associated land is located within the curtilage of the Grade II* Former Heinz Administrative Buildings and Research Laboratories.

The applicant submitted a Heritage Note on Building Curtilage, along with Counsel's Opinion setting out case law and factors that apply in curtilage cases, which have been carefully considered. However, it is also noted that other cases such as Hampshire County Council v Secretary of State (2020) EWHC 959, which is authority for the proposition that additional considerations apply to the curtilage of listed buildings, recognise that listed buildings are afforded greater protection under planning law, and that "the wider approach to curtilage in Calderdale is justified for listed building control, which is concerned to bring within its ambit structures or objects which are closely related to the building which has been listed such that their removal or alteration could adversely affect its interest".

In Attorney General ex rel Sutcliffe v Calderdale MBC (1983) JPL 310, the Court of Appeal concluded that the following factors should be taken into account in determining whether or not a structure or object was within the curtilage of the principal listed building:

- The physical layout of the listed building and the structure or object.
- The ownership of the listed building and the structure or object, both past and present.
- The use or function of the listed building and the structure or object, both past and present.

Regarding the physical layout, while it is stated within the heritage note that the HPN building was erected with no reference to the Heinz building, the application report for the refurbishment of the Listed Building and the proposed new building (12853W/96/1667) sets out that the general approach of the scheme was to enable the new building to be of a similar height and mass to the existing two Listed Buildings to be read as a group set within a landscaped park. At the time of listing (1995), the site associated to Hayes Park North formed part of the landscaped parkland of the listed 1960s office buildings. The list entry also recognises the importance of the building's surroundings, contributing to its historic interest as 'the most important early example in Britain of a headquarters complex on a greenfield site'. Historically the land in question was occupied by a historic walled garden, which was retained as part of the Heinz Office building development, when

constructed and at the time of listing. Remnants of part of the walls are still extant on site. The application report also contains other comments indicating a connection/reference between the buildings.

In terms of ownership, past and present, it is noted that the original site was under one ownership at the time of listing and that appears to remain the case today.

In terms of their use and function, past and present, the office use of the HPN building is in keeping with the wider use of the Hayes Park and the listed buildings. While the question of the building being ancillary will be a relevant consideration, it is not a legal requirement that the claimed curtilage should be ancillary (see *Challenge Fencing Limited v Secretary of State for Communities and Local Government* (2019) EWHC 53 (Admin)).

Given the above it is the local planning authority's judgement that the building sits within the curtilage of the listed buildings.

Given this, as specified by Class O.1(f) above the development is not permitted by Class O and prior approval for the scheme cannot be granted.

For completeness the prior approval matters specified in Class O.2 below are assessed below.

Conditions

O.2.-(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development, and
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

NOISE IMPACTS

An acoustic assessment has been prepared by Icen Projects and independently reviewed. The review concludes as follows that the proposal would be acceptable subject to a condition requiring further detail to be reserved for approval.

Officer comment:

Subject to further detail being secured by condition, the proposal is considered acceptable with regards to the impacts of noise from commercial premises on the intended occupiers of the development. Prior approval could be granted under condition O.2 (1) (d) (impacts of noise from commercial premises on the intended occupiers of the development) of Class O of the General Permitted Development Order 2015 (as amended), subject to a proposed noise condition reserving further details.

PROVISION OF NATURAL LIGHT INTO HABITABLE ROOMS

A Daylight, Sunlight and Overshadowing Assessment has been prepared by Iceni Projects which has been independently reviewed. The following advice is given:

In overall terms we would conclude that the report is robust in terms of scope and general approach. The ADF results based on sample/ notional layouts are very good, however we would recommend an update once the actual layouts are available.

We would recommend seeking NSL assessments and commentary to demonstrate the distribution of daylight within the proposed habitable rooms, as this has been omitted.

With respect to sunlight, as set out in the BRE guidance it is often not possible to have all proposed living areas featuring a southerly aspect and therefore it is very often the case that some dwellings will have lowered sunlight access in a development of this nature.

Overall sunlight provision is very good. The applicant's report has offered mitigation by design for the

smaller number of constrained areas where sunlight access would be more limited due to orientation

and the design of the host building.

Similar to daylight, we would recommend updated sunlight assessments are submitted when the actual layouts are available/ the proposed design mitigation measures have been implemented.

Officer comment:

Subject to further detail being secured by condition, the proposal is considered acceptable with regards to the provision of adequate natural light into all habitable rooms. Prior approval could be granted under condition O.2 (1)(e) (the provision of adequate natural light in all habitable rooms of the dwellinghouses) of Class O of the General Permitted Development Order 2015 (as amended), subject to a condition reserving further details for approval.

3.0 CONSULTATIONS

Traffic Impacts

The application was accompanied by a Transport Assessment which has been reviewed by Highways.

Highways Officer comments -

Planning permission is sought for the change of use of c.6,500sq.m B1a offices to C3 residential use at a site within the Hayes Park Business Park. The proposal would include 64no. residential units comprising 6no. studio units, 33no. one-bedroom units, 19no. two-bedroom units and 6no. three-bedroom units. The development would provide 76no. car parking spaces of which 20no. would be blue badge/wheelchair accessible. The applicant mentions that some of these blue badge/wheelchair accessible spaces may be converted to standard spaces but revert in response to demand. Twenty per cent of all spaces would be provided with active electric vehicle charging points, the application does not include mention of any passive provision. The development would provide 70no. cycle parking spaces, the plans provided show where these cycle parking spaces would be located but not how the spaces would be laid out. From the information provided there does not appear to be any motorcycle parking.

The application site is characterised by its greenbelt setting and being accessible by two unadopted driveways leading off Hayes End Road and Park Lane, Hayes End. The distance from Hayes End Road to the site is c.650 meters and from Park Lane c.500 meters. The driveway leading off Hayes End Road benefits from two-lane working with centre line, a 10mph speed limit and speed bumps. This driveway has wide grass verges but no footways or street lighting, however illuminated bollards are provided. Access to

this driveway is controlled by a barrier.

The driveway leading off Park Lane also benefits from two-way working - though no centre line is provided, a 10mph speed limit and speed bumps. This section of driveway does however provide a length of footway on the southern side and street lighting. Access to this driveway from Park Road is also controlled by a barrier.

According to the Transport for London WebCAT service the application site has a PTAL ranking of 0 indicating access to public transport is very poor compared to London as a whole suggesting that there will be a strong reliance on the private car for trip making.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The published London Plan 2021 Policy T6.1 Residential Parking requires that development proposals must comply with the relevant parking standards. For a development of this type the maximum number of car parking spaces permitted would be 96no. As mentioned above the development would provide 76no. car parking spaces - a ratio of 1.2 spaces per dwelling, this is in accordance with the published London Plan 2021 and accepted.

The London Plan 2021 would require that this development provides a minimum of 89no. cycle parking space, as mentioned above the development would provide 70no. a shortfall of 19no.

The London Plan 2021 mentions that where provided, motorcycle parking should count towards the maximum for car parking spaces, but it is silent on the numbers to be provided. The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle Parking requires that development proposals provide spaces for motorcycles, mopeds and scooters at the rate of 5% of car parking spaces. Based on the number of car parking spaces proposed and the Local Plan standard the Highway Authority requires that the development provides 4no. motorcycle parking spaces, these should have an anchor point to help prevent the motorcycle from being stolen.

To determine the impact that the development would have on the surrounding transport network the applicant has referred to the TRICS database to calculate the number of trips the development would generate in its existing B1a use and the proposed C3 residential use. The survey data used to derive the number of vehicle trips for the extant business use is considered unreliable by way of the sample size - number of sites on which trip generation is based and quality of the data - suitability of the sample sites as a comparison. The applicant reports the extant use would generate 41no. vehicle arrivals in the AM Peak 08:00h to 09:00h and 6no. departures and in the PM Peak 17:00h to 18:00h 5no. arrivals and 44no. departures. The proposed development of 68no. residential units would generate 5no. vehicle arrivals in the AM Peak and 15no. departures and in the PM Peak 10no. arrivals and 6no. departures. The analysis carried out by the applicant suggests the proposed use would generate 27no. fewer trips in the AM Peak and 34no. fewer in the PM Peak. Whilst the trip generation rates for the existing use are considered unreliable, the Highway Authority accepts that the development is likely to generate fewer vehicle trips than the extant use. Even in a worst-case scenario the impact of the proposed development on the surrounding road and public transport network would be insignificant.

As mentioned above the application site has poor accessibility to public transport compared to London most of London, indicating that the occupants of the new dwellings will be reliant on the private car for trip making. As such the development would not be in accordance with the published London Plan 2021 Policy T1 which requires that development proposals should facilitate 'the delivery of the Mayor's strategic transport target of 80 per cent of all trips in London to be made foot, cycle or public transport by 2041'. The development as present would also be contrary to Policy T2 Healthy Streets, this requires that 'Development proposals and Development Plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling'.

To help reduce the number of car trips the development generates and the harm this has on the environment, public health and the economy a developer contribution is required for investment in measures to improve the safety and convenience of trip making by walking and cycling. This investment would change a proposal that is contrary to Policy T1 and T2 to a development that is compliant. The Highway Authority requires that the applicant enters into a s.106 agreement with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) to provide a shared use pedestrian/cycle footway linking the application site to both Hayes End Road and Park Lane. This s.106 agreement should also oblige the developer to enter a s.278 with London Borough Hillingdon under Highways Act 1980 to enhance the facilities for pedestrians and cyclists using Hayes End Road between the internal driveway and the A4020 Uxbridge Road. To further help encourage and enable cycling between the application site the Uxbridge Road a contribution is required for investment in the Santander Cycle Hire Scheme. This includes the provision of bicycles and docking stations at both the application site and Uxbridge Road. A further contribution is required towards the management of the Santander Cycle Hire Scheme itself. This would help fund repairing and maintaining both bicycles and docking stations as well as back office support.

Subject to the following planning conditions and the above s.106 contributions there would be no highway objections to this application

Planning Conditions

- A planning condition requiring the applicant to submit for approval plans showing the layout of a cycle parking area able to accommodate 89no. bicycles
 - A planning condition requiring the applicant to submit for approval plans showing the layout of a motorcycle parking area able to accommodate 4no. bicycles
 - A planning condition requiring the applicant to provide active electric vehicle charging points at 20% of all parking spaces with all the remainder having passive provision.
 - A planning condition requiring that a car parking management plan is provided and that all car parking spaces are leased and not sold
 - A planning condition requiring the submission for approval of a Construction Logistics Plan
 - A planning condition requiring the submission for approval of a Service and Delivery Plan
- s.106 Developer Contribution's
- A requirement that the applicant enters a s.106 Legal Agreement to provide a shared use footway linking the development site with Hayes End Road and Park Lane
 - The enhancement of the facilities for pedestrians and cyclists along Hayes End Road between the internal access driveway and the Uxbridge Road. This would include provision of an advisory on-street cycle lane and localised footway resurfacing
 - A contribution £30,000 towards the provision of Santander docking station, bicycles, and the management of the Santander Cycle Hire scheme

Officer comment.

Subject to further detail being secured by condition and completion of a legal obligation to address the issues and requirements above, the proposal is considered acceptable with regards to transport and highway impacts. Prior approval could therefore be granted subject to conditions and a legal agreement on highways grounds.

On balance and subject to removal of permits for future residents, in 'highway' terms the proposal does not demand a requirement for Prior Approval under condition O.2 (1) (a) (transport and highway impacts of the development) of the Class O GPD (Amendment) Order 2015 (as amended). However in light of the absence of a legal agreement securing such restrictions, this matter forms a reason for refusal.

Contamination

The application was accompanied by a Phase 1 Environmental Report which has been reviewed by the contamination officer.

Contamination Officer comments:

The applicant's report concludes the site is considered to represent a low environmental risk based on findings from the abovementioned phase 1 report.

However, in terms of land contamination issues, and the proposed change of use to residential property, the LPA will require the following observations to be considered in further detail, including but not limited to the provision of a phase 2 intrusive investigation and associated risk assessment, because:

- The site was previously established to have a mantle of made ground materials present (approx. 2.5 metres thickness), which will require further investigation, because there is a possibility that unacceptable contamination may have been introduced and/or ground gases may be present, from made ground materials introduced at the location during development of the site.
- Earlier development of the existing building/s may have involved introduction of asbestos materials which shall require investigation/testing.
- There is evidence of above ground and possibly underground storage tanks at the site. These shall require further investigation works.

Therefore, the Local Planning Authority shall require the following conditions to be imposed to any award of planning permission:

(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 a remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

(b) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, 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 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

Officer comment:

Subject to further detail being secured by the proposed condition, the proposal is considered acceptable with regards to contamination risks on site. Prior approval could therefore be granted under under condition O.2 (1)(c) (contamination risks on the site) of Class O of the General Permitted Development Order 2015 (as amended), subject to the proposed condition reserving further details.

Flooding

The application was accompanied by a Phase 1 Environmental Report.

Officer comments:

The site falls within Flood Zone 1, the lowest risk category. The submitted Phase 1 Report concludes that the site "represents a Low Environmental Risk for future use from a...flood risk perspective".

Prior approval is sought for change of use only and no alterations to existing ground surfaces would be approved as were prior approval to be granted.

The proposal is considered acceptable with regards to flood risk. Prior approval could therefore be granted under under condition O.2 (1)(c) (contamination risks on the site) of Class O of the General Permitted Development Order 2015 (as amended).

Consultee Comments

CONSERVATION AND DESIGN OFFICER:

1. Summary of comments: The building and land in question forms part of the curtilage of the Grade II* listed buildings

2. Historic Environment Designation (s)

· Curtilage and setting of Grade II* Listed Building - Heinz Administrative Headquarters and Former Research Laboratories (NHLE number: 1242724)

3. Assessment - background/significance/curtilage

Hayes Park North

3.1. The modern office appears to date from the late 1990s, c.1998. It has a very standard nondescript external appearance. The building is three-storeys in height, predominantly with a buff coloured exterior and flat roof form. It is boxy in appearance. There is access to the lower ground parking area, associated to Hayes Park.

3.2. The building was built on land which historically formed part of the walled garden, associated to the former historic property known as Hayes Park. Remnants of the historic wall are evident to the north and east of the building.

3.3. The development of the office building has somewhat degraded the original setting of the listed buildings.

Grade II* Listed Buildings

3.4. The existing office buildings were commissioned by HJ Heinz II, grandson of the company's founder in the 1950s. The building was designed by Gordon Bunshaft and is the only example of his work in the UK. They were designed as the company's headquarters set within an open landscape on a Greenfield site, contributing to the historic interest of the listed buildings.

3.5. The setting of the 20th century buildings is defined by the principles of an English country house, comprising of restored open parkland and historic brick walls. It is a poetic combination of modern American design within a historic English landscape.

3.6. The buildings are of a Brutalist style, constructed of a reinforced concrete frame. The glazed elevations are recessed under the projecting roof and floor slabs. The external appearance of the buildings are defined by the projecting frame, which is made up of columns split into two tapered sections. They are pre-cast with a granite aggregate finish. Both buildings are three storeys in height and rectangular in plan, contributing to their simple block forms. The buildings were designed to be integrated within the surrounding landscape. They were sunk into the ground with earth built up around the ground floor elevations up to clerestory height except for the areas around the entrances to the buildings. Over time the original cutbacks allowing access and egress from the buildings have been altered and widened.

3.7. The North building is the smaller of the two and had been used as the former Research Laboratories for Heinz. The building is six by five bays in plan with its main access located to the north.

3.8. The South building formed the Administrative headquarters for Heinz. It is six by 9 bays in plan with an open internal courtyard space which once included a reflecting pool (currently in-filled with pebbles). The main entrance is located along the eastern elevation and highlighted by the curved retaining walls exposing the ground floor of the building. Originally this had been much more subtle in appearance with only an opening one bay in length and a double door reveal. The alteration has allowed for a larger glazed reception lobby area. Notably it has retained views through the building across the courtyard and former canteen space through to the landscape beyond at ground floor. This is an important view through, connecting the building to its landscaped surroundings.

3

3.9. Along the northern elevation there is a tunnelled passage which connects the North and South buildings however, it is understood that access has now been blocked.

Hayes Park

3.10. Hayes Park relates to an earlier house which had been used as a private asylum during the 19th century. It comprised of a substantial 2 storey house set within extensive, landscaped grounds which included a walled garden to the north of the main house. Some remnants of the walled garden and other historic walls are evident today. Home Farm located to the west of the site, most likely, originally formed part of the wider estate associated to Hayes Park. In 1959 HJ Heinz Ltd bought the house and grounds resulting in the subsequent demolition of the original house for the listed office buildings we see today.

Curtilage

3.11. From a historic environment perspective, Hayes Park North and associated land is located within the curtilage of the Grade II* Former Heinz Administrative Buildings and Research Laboratories.

3.12. This was determined by considering the historic and current layout of the site and grounds associated to Listed Buildings, its use/function and ownership, from the time of listing (1995), and the date in which Hayes Park North building was constructed.

3.13. At the time of listing (1995), the site associated to Hayes Park North formed part of the landscaped parkland of the listed 1960s office buildings. Reference to the landscaped parkland setting is also duly noted by the heritage consultant. The list entry also recognises the importance of the building's surroundings, contributing to its historic interest as 'the most important early example in Britain of a headquarters complex on a greenfield site'.

3.14. Historically the land in question was occupied by a historic walled garden, which was retained as part of the Heinz Office building development, when constructed and at the time

of listing. The space had been used as car parking, ancillary to the Heinz Office Buildings. Remnants of part of the walls are still extant on site.

3.15. The Hayes Park North office building was granted permission and erected c.1998, after the statutory listing of the Heinz Office buildings, in November 1995.

4

3.16. At the time of listing, the land ownership was the same, as appears to be the case today.

3.17. The office use of Hayes Park North is in keeping with the wider use of Hayes Park and the original development and establishment of the Heinz Office buildings.

4. Conclusion: Hayes Park North is considered to be located within the curtilage of the former Heinz Administrative Buildings and Research Laboratories. To be clear, the building itself is not considered to be curtilage listed.

HIGHWAYS AND CONTAMINATED LAND COMMENTS SET OUT ABOVE.

THAMES WATER:

Waste Comments

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. 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.

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.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Relevant conditions/ informatives could address the issues raised were prior approval to be granted.

PUBLIC CONSULTATION

A press notice, site notice and neighbour letters were sent as part of the public consultation on this application. In response, the Council received 5 individual objections and 1 petition in objection which are summarised below.

Petition:

A petition with 52 signatures was received objecting as follows:

- a thorough Flood Risk Assessment needed
- a comprehensive asbestos survey needed
- unexploded ordnance assessment needed
- potential impact on TPO trees and priority habitat woodland needed

Five individual comments received:

So is this to currently replace and convert the existing building into this development or will it be a larger expansion that takes up most of this area? My house is located behind this park and don't want to have larger taller buildings being able to look into the back our garden space and the extra construction noise for months on end. Any additional information will be greatly appreciated.

This is a residential area that already has a lot of traffic passing from uxbridge road to yeading lane, the property development will cause extensive noise pollution, environmental pollution and not to mention the effect it will have on hayes park itself and the amount of litre increase in the park.

This will create extra traffic in the area. We will lose the privacy we have in our back garden and create public access and possible break ins from the rear of our house. Currently the park / area is security controlled and was one of the deciding factors to purchase the house.

This application does not meet the housing needs of the area. It does not have any social / affordable housing or properly reflect the need for family accommodation. My constituents' have raised concerns about access to the site as some of the surrounding roads cannot take additional traffic. They have also raised concerns that this could be the start of development of the site which will be detrimental to the site and its bio diversity and green space.

I feel that this would result in a high density of dwellings in an area that has until now been park land. The drawings submitted are very sketchy and do not fully represent what is proposed. At present access onto the site is via strict security check points. There is no indication of how the inhabitants of 64 dwellings would get on and off the site. Hayes End drive is a very narrow road with a lot of new development using it already. In addition, the proposed dwellings look as if they will be very small with lots of individual units in very close proximity

Officer comment:

Traffic, noise, flood and contamination (including asbestos) issues are addressed in the assessment above and would be the subject of conditions were permission to be granted. An informative could would address the unexploded ordnance issue.

Privacy, security issues, green space, unit sizes, affordable housing and housing mix, and impact on trees and habitats are not prior approval matters and so cannot be addressed in the assessment of the proposal.

CONCLUSION

It is recommended that prior approval be refused due to conflict with Part O.1(f) of Class 3 of Part 1 of the General Permitted Development Order 2015 as amended.

REASON FOR REFUSAL

1. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O.1(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) because the Hayes Park North building is within the curtilage of a listed building, namely Hayes Park Central and Hayes Park South.

2. The applicant has failed to secure financial and non financial contributions required to mitigate the highways impacts created by the proposed development. The scheme therefore conflicts with Policies DMCI 7, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the adopted Planning Obligations Supplementary Planning Document (July 2014), Policy DF1 of the London Plan (2021) and paragraphs 55-58 of the National Planning Policy Framework (2021). Prior approval is refused under Condition AA.2.-(1)(a).

The proposed development is not therefore permitted by the Order and planning permission is required.

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