

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	<input type="checkbox"/>
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	<input type="checkbox"/>
3.	There is no Committee resolution for the enforcement action	<input type="checkbox"/>
4.	There is no effect on listed buildings or their settings	<input type="checkbox"/>
5.	The site is not in the Green Belt (but see 11 below)	<input type="checkbox"/>

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	<input type="checkbox"/>
7.	No petition of 20 or more signatures has been received	<input type="checkbox"/>
8.	Application has not been supported independently by a person/s	<input type="checkbox"/>
9.	The site is not in Green Belt (but see 11 below)	<input type="checkbox"/>

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	<input type="checkbox"/>
11.	Householder application in the Green Belt	<input type="checkbox"/>

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	<input type="checkbox"/>
13.	Refusal of change of use from retail class A1 to any other use	<input type="checkbox"/>
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	<input type="checkbox"/>
16.	Certificate of Lawfulness (for existing use or Development)	<input type="checkbox"/>
17.	Certificate of Appropriate Alternative Development	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

18.	ADVERTISEMENT CONSENT (excluding Hoardings)	<input type="checkbox"/>
19.	PRIOR APPROVAL APPLICATION	<input type="checkbox"/>
20.	OUT-OF-BOROUGH OBSERVATIONS	<input type="checkbox"/>
21.	CIRCULAR 18/84 APPLICATION	<input type="checkbox"/>
22.	CORPSEWOOD COVENANT APPLICATION	<input type="checkbox"/>
23.	APPROVAL OF DETAILS	<input type="checkbox"/>
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	<input type="checkbox"/>
25.	WORKS TO TREES	<input type="checkbox"/>
26.	OTHER (please specify)	<input type="checkbox"/>

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's 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 DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

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1. SUMMARY

This application seeks permission under Section 73 in order to vary Appeal ref. APP/R5510/W/21/3280015, dated 23/06/2022, (Application ref. 12853/APP/2021/2202, dated 26/07/2021) for the change of use of offices (Use Class E(g)) to residential use (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015). The application would add 6 additional units, amend the unit mix, make internal layout changes and convert Condition 2 (Construction Management) into a compliance condition. The amendments proposed are permitted under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the application is considered to be acceptable.

2. RECOMMENDATION

APPROVAL subject to the following:

1. NONSC Prior Approval Required and Granted

The Council of the London Borough of Hillingdon as the Local Planning Authority hereby confirm that their PRIOR APPROVAL IS REQUIRED AND IS GRANTED. The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to compliance with the stated planning conditions.

2. NONSC Time Limit

The development hereby permitted must be completed within a period of 3 years starting with the prior approval date.

REASON

To comply with Condition O.2.(2), Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. NONSC 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, references:-

0447-SEW-ZZ-ZZ-DR-A-PL0000 Rev. T3 - Site Location Plan;
0447-SEW-ZZ-B1-DR-A-PL1190 Rev. 00 Proposed Basement Plan;
0447-SEW-ZZ-00-DR-A-PL1100 Rev. P1 Proposed Ground Floor Plan;
0447-SEW-ZZ-01-DR-A-PL1110 Rev. P1 Proposed First Floor Plan;
0447-SEW-ZZ-02-DR-A-PL1120 Rev. P1 Proposed Second Floor Plan;
22519LH 1 of 3 - Existing and Proposed North Building Elevations;
22519LH 2 of 3 - Existing and Proposed North Building Elevations; and
22519LH 3 of 3 - Existing and Proposed North Building Elevations.

Thereafter the development hereby permitted shall be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. NONSC Car and Cycling Parking and Refuse and Recycling Details

Prior to the occupation of the development, details of the following shall be submitted to, and approved in writing by the Local Planning Authority:

- 1) The layout of a cycle parking area able to accommodate 92 no. bicycles;
- 2) The layout of a motorcycle parking area able to accommodate 4 no. motorcycles;
- 3) Active electric vehicle charging points at 20% of all parking spaces with all the remainder having passive provision;
- 4) A car parking management plan including the requirement that all car parking spaces are leased and not sold;
- 5) Details of a refuse and recycling management scheme, including details of storage facilities which should be located within/close to the building entrances and also a collection day storage area close to the site access, together with appropriate management arrangements in order to aid collection.

Thereafter, these shall be implemented as approved and permanently retained and used for no other purpose.

REASON

To comply with Condition O.2.-(1), Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Also, to ensure that the development does not compromise the safe and efficient operation of the local highway network, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy T4 of the London Plan (2021).

5. NONSC Construction Management Plan

The development hereby permitted shall be completed in full accordance with the Construction Management Plan (Dated April 2024).

REASON

To comply with Condition O.2.-(1), Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Also, to safeguard the amenity of surrounding areas and to ensure that the construction works include appropriate efficiency and sustainability measures so as not to compromise the safe and efficient operation of the local highway network, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policies D14, T4 and T7 of the London Plan (2021).

INFORMATIVES

1. I99 Class O Informatives

It is important that you read and understand the following informatives:

1. Please note that pursuant to paragraph O.2.-(1) of Schedule 2, Part 3 of the GPDO 2015 (as amended), development permitted under Class O is subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.
2. Please note that pursuant to paragraph W(12)(a) of Schedule 2, Part 3 of the GPDO 2015 (as amended), development permitted under Class O is subject to the condition that it must be carried out in accordance with the details approved by the local planning authority.

2. I99 Plans Informative

The permission hereby granted SUPERSEDES the following plans:

- 21-T066 01 - Site Location Plan
- 21-T066 02 - Site Location Plan
- 21-M011-D00-001 - Proposed Basement Floor Plan
- 21-M011-D00-002 - Proposed Ground Floor Plan
- 21-M011-D00-003 - Proposed First Floor Plan
- 21-M011-D00-004 - Proposed Second Floor Plan

The permission hereby granted APPROVES the following plans:

- 0447-SEW-ZZ-ZZ-DR-A-PL0000 Rev. T3 - Site Location Plan
- 0447-SEW-ZZ-B1-DR-A-PL1190 Rev. 00 Proposed Basement Plan
- 0447-SEW-ZZ-00-DR-A-PL1100 Rev. P1 Proposed Ground Floor Plan
- 0447-SEW-ZZ-01-DR-A-PL1110 Rev. P1 Proposed First Floor Plan
- 0447-SEW-ZZ-02-DR-A-PL1120 Rev. P1 Proposed Second Floor Plan

3. CONSIDERATIONS

3.1 Site and Locality

Hayes Park North 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 1965 and are Grade II* Listed. Both are currently vacant but were previously occupied by Heinz and Fujitsu.

3.2 Proposed Scheme

This application seeks permission under Section 73 to vary Appeal ref. APP/R5510/W/21/3280015, dated 23/06/2022, (Application ref. 12853/APP/2021/2202, dated 26/07/2021) (Change of use of offices (Use Class E(g)) to residential use (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015).) (amended under Section 96a NMA ref. 12853/APP/2024/1375). The amendments sought for permission would add 6 additional units, amend the unit mix, make internal layout changes and convert the Construction Management condition into a compliance condition.

3.3 Relevant Planning History

12853/APP/2021/2202 HAYES PARK NORTH, HAYES PARK HAYES END ROAD HAYES

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).

Decision: 26-07-2021 Refusal **Appeal:** 23-06-22 Allowed

12853/APP/2024/1375 HAYES PARK NORTH, HAYES PARK HAYES END ROAD HAYES

Remove the specified home numbers and change the approved description of development to:

Change of use of offices (Use Class E(g)) to residential use (Use Class C3) (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015).)

Add a new condition which specifies the approved drawing list.

Comment on Planning History

Planning application reference 12853/APP/2021/2202 sought 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 Hayes Park North, an office building (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 application was refused on 26th July 2021 for the following reasons:

1) The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O.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 application was subsequently appealed on 30th July 2021 and allowed on 23rd June 2022 under appeal reference APP/R5510/W/21/3280015.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: **17th July 2024**

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consultation

One comment from a resident has been received and is summarised as follows:

- The plans are not clear.
- The footprint of the building should not be altered.
- Hayes Park is not open to the park.
- It is not clear why there is reference to Hayes End Recreation Ground.
- The number of cars will increase and use of public transport will not happen.
- There is significant flooding risk to Charville and any enlargement of the footprint should be avoided.
- Hayes End Road is not suitable/wide enough for lorries
- The proposal provides no infrastructure for the new residents.

OFFICER COMMENT:

The considerations for this application are limited by the scope listed under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015). The plans submitted are considered to be clear and there would be no change in the footprint of the building. The impact on the local highway network and flood risk are considered in the main body of the report.

EXTERNAL CONSULTATION

HISTORIC ENGLAND:

No comment.

INTERNAL CONSULTATION

URBAN DESIGN AND CONSERVATION OFFICER:

Broadly supported, notwithstanding the two minor comments below. The removal of an emergency exit on the ground floor may reduce light and break up the corridor less. However, given this is an office conversion, similar corridor lengths across the scheme, and that it is an approved appeal, this is minor and not a valid objection. Cycle racks cluttering the entrance lobby could be better placed

in the basement or residential lobbies. Desirable, but not essential.

PLANNING OFFICER COMMENT:

Regarding the placement of the cycle racks in the lobby, the Applicant has explained that the uplift in homes required a proportionate increase cycle parking spaces and that there is no space for them elsewhere.

HIGHWAYS OFFICER:

The Highway Authority has reviewed this planning application and raises no objection to the proposal.

6. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

DMHB 11	Design of New Development
DMEI 12	Development of Land Affected by Contamination
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D14	(2021) Noise
LPP SI12	(2021) Flood risk management
DMEI 9	Management of Flood Risk
NPPF2 -23	NPPF2 2023 - Achieving sustainable development
NPPF4 -23	NPPF4 23 - Decision making
NPPF9 -23	NPPF9 23 - Promoting sustainable transport
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places

NPPF14 -23	NPPF14 23 - Meeting the challenge of climate change, flooding and coastal change
NPPF16 -23	NPPF16 23 - Conserving and enhancing the historic environment

In addition: Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) outlines the permitted development requirements for changes of use from offices to dwellinghouses. The legislation is copied below with commentary provided:

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 buildings use is established as offices. As the application is an amendment of an existing prior approval permission allowed at appeal, Class O is applicable and Class B1(a) (offices) is considered to be applicable in this case.

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.

OFFICER COMMENT: Please see the main body of the report for consideration of all the relevant matters listed under the conditions above.

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

(2) Development under Class O is permitted subject to the following conditions-

- (a) the development must be completed within a period of 3 years starting with the prior approval date; and
- (b) the developer must apply for a determination under sub-paragraph (1) on or before 31st July 2021.

OFFICER COMMENT: In the event of an approval, these prior approval conditions would be secured by condition.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

NOISE IMPACTS

Condition O.2.-(1)(d) of Class O requires consideration of the impacts of noise from commercial premises on the intended occupiers of the development. The same Noise Impact Assessment has been submitted under the current application as that submitted under the original application. This assessment was considered to be acceptable and there is no material change in circumstance or context that would change this conclusion. The appeal permission was permitted without securement of any further noise details. Accordingly, the proposal is considered acceptable with respect to noise and no further details are deemed to be necessary.

7.2 Impact on Street Scene

Not applicable to the consideration of the application.

7.3 Traffic Impact / Pedestrian Safety

TRANSPORT AND HIGHWAYS IMPACTS

Condition O.2.-(1)(a) of Class O requires consideration of the transport and highways impacts of the development.

The Transport Note submitted as part of the original application concluded that the change of use to residential would generate a lower number of vehicle trips compared to the existing office use. As such the proposed development would have a lower impact than the existing use of the site on the surrounding transport infrastructure and existing highway network.

The current application proposes a total of 6 additional units and is addressed by the S73 Transport Note submitted. This concludes that the number of trips anticipated to and from the site is still less than previously generated by the office use. The additional units require an uplift in cycle parking and a total of four additional spaces are proposed. This is considered to be acceptable subject to a condition which secures the details of the car and cycle parking.

The original application was allowed at appeal subject to a condition which the submission of a detailed Construction Management Plan. A Construction Management Plan (CMP) has been submitted under the current application in order to convert the condition into a compliance

condition. The CMP details hours of operation for construction works and how the storage of construction materials will be managed on site, as per the requirements of the condition. The details are considered to be acceptable.

Subject to the necessary planning conditions, the proposal is considered to be acceptable with regards to transport and highways and prior approval is granted under under condition O.2.-(1)(a) (transport and highways impacts of the development) of Class O of the General Permitted Development Order 2015 (as amended).

7.4 Carparking & Layout

Please refer to section 7.3 of the report.

7.5 Urban Design, Access and Security Considerations

PROVISION OF NATURAL LIGHT INTO HABITABLE ROOMS

Condition O.2.-(1)(e) of Class O requires consideration of the provision of adequate natural light in all habitable rooms of the dwellinghouses.

A Daylight, Sunlight and Overshadowing Assessment was submitted under the original application and concluded that the habitable rooms proposed would achieve good levels of daylight and sunlight in line with BRE guidance. The current application introduces additional units and alters the layout of previously approved dwellings. An updated Assessment has been submitted and states:

- All 54 of the habitable spaces tested within the proposed development will achieve levels of daylight required for their respective uses, in line with the recommended BRE daylight criteria.
- A total of 47 of the assessed dwellings are projected to achieve the recommended BRE targets for sunlight access.
- The remaining seven dwellings were found to contain habitable spaces that achieve levels of sunlight below the recommended criteria.

With respect to the non-compliance, it is noted that Appendix F of the BRE guidance states that acceptable daylight and sunlight levels may vary significantly depending on site context, with more dense areas likely to experience a greater constraint on natural lighting available when compared with suburban and rural locations. In addition, as the sample of dwellings tested as part of this assessment represent the worst-case scenario with respect to sunlight, it is considered that the results presented here may be applied across the development. With 87% of the tested dwellings demonstrated to achieve the recommended level of sunlight.

Within the context of a scheme which is materially similar to the scheme already allowed at appeal, it is considered that the daylight and sunlight principles are largely established already as acceptable. Whilst the reported non-compliance is not supported, it is relatively commonplace in such schemes and it would not be reasonable or robust to refuse the application for such reasons. The proposal is considered acceptable with regards to the provision of adequate natural light in all habitable rooms and prior approval is granted under under condition O.2.-(1)(e) (provision of adequate natural light in all habitable rooms) of Class O of the General Permitted Development Order 2015 (as amended).

7.6 Other Issues

CONTAMINATED LAND

Condition O.2.-(1)(b) of Class O requires consideration of the contamination risks on the site.

The submitted Phase 1 Report concludes that there is no visual evidence of significant ground

contamination and / or hazardous processes on any part of the site. Prior approval is sought for change of use only and no alterations to existing ground surfaces are proposed. The permission granted at appeal did not secure an conditions with respect to contaminated land and there is no material change in circumstance or context that would change this conclusion. The proposal is considered acceptable with regards to contaminated land and prior approval is granted under under condition O.2.-(1)(b) (contamination risks on the site) of Class O of the General Permitted Development Order 2015 (as amended).

FLOOD RISK

Condition O.2.-(1)(c) of Class O requires consideration of the flooding risks on the site.

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 are proposed. The proposal is considered acceptable with regards to flood risk and prior approval is granted under under condition O.2.-(1)(c) (flooding risks on the site) of Class O of the General Permitted Development Order 2015 (as amended).

LISTED BUILDING

Point O.1(f) of Class O states that development is not permitted if the building listed or is within the curtilage of a listed building. Appeal ref. APP/R5510/W/21/3280015, dated 23/06/2022, establishes that Hayes Park North is neither a listed building or curtilage listed building. Accordingly, this provision within the legislation does not prohibit the change of use of the building from offices to dwellinghouses.

CONCLUSION

The amendments proposed under Section 73 to vary Appeal ref. APP/R5510/W/21/3280015, dated 23/06/2022, (Application ref. 12853/APP/2021/2202, dated 26/07/2021) are permitted under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the application is considered to be acceptable. It is recommended that prior approval is required and approved, subject to planning conditions.

8. Reference Documents

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

Contact Officer: Michael Briginshaw **Telephone No:** 01895 250230