

## **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, Sport and Green Spaces

**Address** UNION HOUSE 23 CLAYTON ROAD HAYES

**Development:** Change of use of offices (Class B1a) to form 46 residential units (Prior Approval)

**LBH Ref Nos:** 35250/APP/2014/3506

**Drawing Nos:** Parking Plan  
SHF.1082.003.D.021.C  
527/01  
527/02  
527/03  
527/04

**Date Plans Received:** 30/09/2014      **Date(s) of Amendment(s):**

**Date Application Valid:** 30/09/2014

### 1. RECOMMENDATIONS

#### 1.1 Recommendations

##### PRIOR APPROVAL GIVEN

##### CONDITIONS

(1) The development shall not be occupied until full details of the pedestrian paths within the site have been provided in a manner to be agreed in writing with the Local Planning Authority; and only the approved details shall be implemented. In addition, the details of the vehicular access shall include details of the pedestrian/vehicle visibility splays of 2.4 metres by 2.4 metres on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access and thereafter permanently retained; no fence, wall or other obstruction to visibility exceeding 0.6 metres in height above the surface of the adjoining highway shall be erected within the area of the pedestrian visibility splays. The pedestrian paths and visibility splays shall thereafter be permanently maintained.

##### REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

(2) (i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance Document on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) 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

(c) 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 details of a watching brief to address undiscovered contamination.

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

(iii) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

(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. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

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 policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **INFORMATIVES**

- 1** The proposed development is located in an area of poor air quality. Future occupiers of the site are likely to be exposed to unacceptable pollutant concentrations, particularly Nitrogen Dioxide, which is above the annual mean EU limit value at the nearest monitoring locations (HD203) to the application site at Blyth Road.

The applicant is advised to undertake an appropriate air quality assessment and/or suitable monitoring to determine air quality at the development and undertake any remedial measures to reduce the exposure of future occupants to poor air quality and the ingress of polluted air in accordance with Approved Document F. Information of air quality can be found at [www.hillingdon-air.info](http://www.hillingdon-air.info).

## **2.0 Planning Considerations**

Site and Surroundings:

This site comprises 'Union House' which is a part five part six storeys in height office

building on the western side of Clayton Road, Hayes. The site also fronts the Grand Union Canal to the north. The site is situated 250 metres across to the north of the Hayes and Harlington Railway Station.

The office building itself comprises 3,012m<sup>2</sup> of office floorspace and external parking area. The car parking area is accessed via an entrance off Clayton Road.

The surrounding area contains a mix of uses including an industrial/office building to the west of the site, a part four storey part five storey residential block of flats to the south and the Grand Union Canal to the north of the site. A row of terraces of two storey dwellings sit opposite the site across Clayton Road to the south. Further to the east is a seven storey building with Hayes and Harlington station to the south. The Hayes and Harlington Goods Yard site redevelopment sits beyond Trident House to the south east of the site.

Although the site lies within the Secondary Shopping Area of the Hayes Town Centre as designated in the UDP there are no listed buildings in the vicinity of the site and the site is not located with a Conservation Area.

#### Details of Proposal:

This application relates to the prior notification to the Council under Class J - Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - to determine whether prior approval is necessary to change the use of the existing Union House into 46 flats (two studio flats, thirty one 1-bedroom flats, ten 2-bedroom flats and three 3-bedroom flats) including provision of cycle storage for 59 bicycles and 48 parking spaces for exclusive use of future residential occupiers.

Under "prior approval" procedures, Class J development is permitted subject to the condition that before beginning the development, the developer shall 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; and
- (c) flood risks on the site.

A Transport Statement (TA) together with a Phase I environmental Report Residential Travel Plan and a Unilateral Undertaking, a Contamination Assessment Report and a Flood Risk Assessment have been submitted in support of this application.

The application has been submitted seeking prior approval in relation to the above matters and an assessment is set out below.

#### MATERIAL PLANNING POLICIES

##### National Planning Policy Framework

#### PLANNING CONSIDERATIONS

Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which came into force on the 30th May 2013 states that the change of use of a building in Class B1 office use to Class C3 residential constitutes permitted development, subject to a successful prior approval process. The change of use from Class B1 office use into Class C3 residential does not constitute permitted development where-

- (a) the building is on article 1 (6A) land.

- (b) the building was not used as a use falling within Class B1 (a) offices of the Schedule to the Use Classes Order immediately before 30th May 2013, or, if the building was not immediately before that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use classes Order was begun after 30th May 2016.
- (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 listed or a scheduled monument.

None of the above criteria applies to the application site and therefore Class J development is permitted subject to the condition that before beginning the development, the developer shall apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to-

- transport and highways impacts of the development;
- contamination risks on the site; and
- flood risks on the site.

### **3.0 CONSULTATIONS**

#### **Traffic Impacts**

The Council's Highway Engineer advises that the scheme is acceptable from a highway point of view.

Although the application would result in the loss of car parking as a result of the development this is considered to be acceptable as 48 car parking spaces will be provided on the basis of 1 parking space per flat for up to 2 bed flats and 1.5 parking spaces for 3 bed flats. Moreover, cycle storage would be provided on the basis of 1 space for up to 2 bed flats and 2 spaces for 3 bed flats. Likewise, the proposed parking provision and the trip generation arising from the development are considered to be acceptable. A condition is recommended to ensure that dedicated pedestrian paths are clearly identified within the site and that the access to the site is provided with 2.4mx2.4m pedestrian visibility splays.

The submitted swept paths demonstrate that the previous concerns with the position of the refuse stores and access for large refuse vehicles, to access and egress within the site, will not be prejudicial to highway and pedestrian safety and free flow of traffic, subject to alterations to the traffic/ parking management order. The applicant has submitted a legally signed and valid S106 to this effect.

In the circumstances, the revised proposal, subject to conditions and the S106, will have satisfactory servicing arrangements and, as such, the proposals are considered to be acceptable in terms of impact on local Highway conditions. The scheme is therefore in accordance with the NPPF and Council policies AM7 of the Local Plan Part 2.

#### **Contamination**

The Council's EPU (Land Contamination) Officer advises that there is insufficient information with regard to land contamination more specifically that no ground investigations were carried out or are proposed to be carried out prior approval is granted.

The possible risks identified by the EPU officer within the Phase I report include gas and vapour intrusion and require further investigation. No information has been provided with regard to the foundation design at the site. Gas and vapour intrusion from a soil and/or groundwater source and a lack of information on the foundation design is of particular

concern as the ground floor is indicated to be occupied by residential flats.

However, the Environmental Protection Officer has indicated that the risks of the site to human health are likely to be low and as the application has been considered acceptable in every other respect a condition is recommended requiring ground investigations be carried out.

### **Flooding**

The Council's Flood and Water Management Officer raises no objections to the proposal on Flood Risk grounds.

### **CONCLUSION**

It is recommended that Prior Approval is GRANTED.

### **Consultee Comments**

Notification letters were delivered to 66 surrounding owners and occupiers on 6 October 2014 and 1 notice has been displayed on site. One responses has been received, which raises the following concerns:

- (i) Entrance and parking space is shared by 23 and 25 Clayton Road which is already limited and proposal will cause issues,
- (ii) The transport and infrastructure proposal is poorly conceived and inaccurate with the marking of the site appears incorrect,
- (iii) Children in the car park is an obvious safety concern, given use by commercial vehicles using the parking and access areas for Units 25 - 31.

Environmental Protection Unit Land Contamination/ Air Quality:

Regarding the prior approval, the phase 1 assessment indicates low risk based on available information which does not appear to include any ground investigation information.

It also goes onto say that vapour protection membranes could be installed as part of the development. It does at no point recommend undertaking any ground investigation.

I do not have any objections in principle to the proposed development, however some ground investigation needs to be undertaken of the existing areas of soft landscaping in the location of ground gas and groundwater assessment boreholes to determine if any remedial actions are necessary to make the site suitable for the proposed use.

As prior approvals can be conditioned the standard contaminated land condition is recommended, which includes the imports condition, for clean soils.

### **Contaminated Land Condition**

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(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) 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

(c) 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 details of a watching brief to address undiscovered contamination.

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

(iii) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

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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 policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

This is a poor air quality area, and not considered suitable for introducing new sensitive receptors without suitable assessments of mitigation. The following air quality informative is advised for inclusion.

#### Air Quality Informative

The proposed development is located in an area of poor air quality. Future occupiers of the site are likely to be exposed to unacceptable pollutant concentrations, particularly Nitrogen Dioxide, which is above the annual mean EU limit value at the nearest monitoring locations (HD203) to the application site at Blyth Road.

REASON: The EU limit value has been set for the protection of human health. The applicant is advised to undertake an appropriate air quality assessment and/or suitable monitoring to determine air quality at the development and undertake any remedial measures to reduce the exposure of future occupants to poor air quality and the ingress of polluted air in accordance with Approved Document F. Information of air quality can be found at [www.hillingdon-air.info](http://www.hillingdon-air.info).

#### Highways

The proposed highway works are considered to be adequately covered within the draft S106 agreement.

Legal services should comment on the acceptance and wording of the agreement. Amendments to TROs and any associated costs in relation to the proposed highways works shall be borne by the applicant.

The internal car parking layout should be amended to provide a dedicated pedestrian path

and the access should have 2.4mx2.4m pedestrian visibility splays.

Subject to the above issues being covered by suitable planning conditions and S106 agreement (as appropriate), there is no objection to this development from the highways viewpoint.

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

The site has an extensive planning history with the most recent and relevant application, with reference 35250/APP/2014/1980 for the Change of use from offices to 46 residential flats (prior approval application) being refused on 4 August 2014 for the following reasons:

(1) The proposal does not incorporate adequate facilities for the servicing of the premises and would therefore either result in the unsatisfactory manoeuvring of vehicles on the adjoining highway and/or indiscriminate parking on the highway, leading to situations prejudicial to highway and pedestrian safety and the free flow of traffic, contrary to the National Planning Policy Framework and Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The current application was submitted under the prior approval procedure and seeks to address the previous reason for refusal.

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