

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 Option

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

REFUSAL RECOMMENDED: GENERAL

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

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

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 ☐
13. Refusal of change of use from retail class A1 to any other use ☐
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. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

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

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

Item No. **Report of the Head of Planning, Building Control, Sport & Green Spaces**

Address UNIT 5, CAXTON TRADING ESTATE PRINTING HOUSE LANE HAYES

Development: Sub-division and change of use from industrial/warehouse (Class B8) to create up to 14 industrial units for Use Class B1(c) and Class B8 with associated works.

LBH Ref Nos: **49505/APP/2013/3842**

Drawing Nos: Design and Access Statement - 24/01/2014
 Bollard Specification - Classique AL1000
 Floodlight Specification - Mura AL5320
 Isolux Diagram - Bollard Classique
 Roller Door Specification - Crawford
 Noise Impact Assessment Report - 24/01/2014
 Cover Letter - 23/12/13
 13-0244 E05
 13-0244 P01
 13-0244 P02
 13-0244 P03
 13-0244 P04
 13-0244 P05
 Site Location Plan - January 2014
 13-0244 S01
 13-0244 S02
 13-0244 S03
 13-0244 G04
 13-0244 G05
 13-0244 E01
 13-0244 E02
 13-0244 E03
 13-0244 E04

Date Plans received : 24/01/2014

Date(s) of Amendment(s):

Date Application Valid: 24/01/2014

1. **SUMMARY**

The proposal seeks permission for the sub-division and change of use from industrial warehouse (class B8) to create up to 14 industrial units for use class B1(c) and class B8 with associated works.

For the reasons outlined below, the proposal would be contrary to the policies of the adopted Hillingdon Local Plan, as such this application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Noise Impact

In the absence of acceptable screening or mitigation measures regarding the control of noise from the site in relation to the nearby residential properties, especially in relation to

the rear access to the proposed units, the application has failed to demonstrate that the development will safeguard the amenities of those properties. The proposal is therefore contrary to policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and policy 7.15 of the London Plan (2011).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE32	Development proposals adjacent to or affecting the Grand Union Canal
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE3	Provision of small units in designated Industrial and Business Areas

OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
LPP 2.6	(2011) Outer London: vision and strategy
LPP 2.7	(2011) Outer London: economy
LPP 2.8	(2011) Outer London: Transport
LPP 4.1	(2011) Developing London's economy
LPP 4.3	(2011) Mixed use development and offices
LPP 4.4	(2011) Managing Industrial Land & Premises
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 5.13	(2011) Sustainable drainage
LPP 6.1	(2011) Strategic Approach
LPP 6.9	(2011) Cycling
LPP 6.10	(2011) Walking
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.15	(2011) Reducing noise and enhancing soundscapes

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

NPPF:

In this case the Local Planning Authority has worked proactively with the applicants to try and secure sustainable economic development at the site. The Local Authority has liaised with the applicant regarding the issues and provided reasonable opportunity for amendments which might address these. However, amendments which would address the substantive concern relating to residential amenity have not been made. The development is therefore contrary to adopted planning policy and should be refused.

3. CONSIDERATIONS

3.1 Site and Locality

The site is a part single, part two-storey warehouse building to the rear of the Caxton Trading Estate, which is a commercial estate located on the eastern side of Printinghouse Lane. The estate is comprised of a number of various commercial units, ranging from office use to warehousing.

As such, commercial properties lie directly adjacent to the north, south and west. Residential properties adjoin the site to the east. Further to the west across Printinghouse Lane is a community hall and associated car parking, and then green belt land leading to Lake Farm County Park. Further to the south are further large commercial/industrial buildings leading into Hayes.

The access to the site is along the southern boundary of the trading estate, turning along the eastern boundary behind the building on the site. Car parking is currently situated along this access road.

3.2 Proposed Scheme

The proposal seeks permission for the sub-division and change of use from industrial warehouse (class B8) to create up to 14 industrial units for use class B1(c) and class B8 with associated works.

The proposal is for the change of use and subdivision of the existing industrial building, with some associated external alterations. These include the re-roofing of the building including new roof lights, changes to the external cladding of the building, and the installation of roller shutter doors and wall mounted lighting. No extensions are proposed and no change to the existing footprint will occur. Internal alterations would include the removal of the existing mezzanine floor.

The parking on the site is to be reconfigured to provide better access and turning space within the site, and this will reduce the car parking from 65 currently, to 51. Cycle parking is also proposed within the site for 64 cycles that will be allocated for the use of staff and visitors. There are no proposals to alter the way in which the site is serviced and this will be continued to be undertaken along the internal access road within the site.

3.3 Relevant Planning History **Comment on Planning History**

There is no planning history relevant to this application.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 27th February 2014

4.2 Site Notice Expiry Date:- 27th February 2014

5. Comments on Public Consultation

Consultation letters were sent to 41 local owner/occupiers on 04/02/2014. The application was also advertised by way of site and press notices. Three letters of objection have been received which raise the following concerns:

i) Increased traffic and congestion on the site

- ii) Lack of maintenance and management on site
- iii) Noise, increased activity and traffic
- iv) Security

HIGHWAYS:

The development is for the sub-division of the existing warehouse building (class B8) to provide 14 individual units that will be used under the B1 (c) and B8 Use Classes. As part of the proposals, the existing mezzanine floor within the building will be removed and there will be a reduction in the existing car parking provision, from 65 to 51 car parking spaces.

Cycle parking will be provided within the site for 64 cycles that will be allocated for the use of staff and visitors. There are no proposals to alter the way in which the site is serviced and this will be continued to be undertaken along the internal access road within the site.

When undertaken assessment of the proposals, it is noted that the existing car parking provision is above (14 parking spaces) the maximum standard as stated within the adopted Hillingdon Local Plan - 2012, (Part 2). Therefore, while mindful of the reduction of the existing floor area within the existing building (removal of the mezzanine floor), the proposed car parking provision of 51 car parking spaces is considered acceptable. In addition, the proposed number cycle parking spaces are in accordance with the Council's requirements.

As a result, it is considered that the development would not be contrary to Policies of the adopted Hillingdon Local Plan - 2012, (Part 2) and an objection is not raised in relation to the highway and transportation aspect of the proposals, provided that the details listed below are made conditional to the planning consent. In addition, an informative should be imposed on the planning consent to advise the applicant that the internal access road within the site should be designated and operated as one way working.

Condition:

Before occupation of the development, details of proposed cycle storage facilities shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the proposal cycle parking facilities shall be maintained and retained for the use of the development at all times.

ENVIRONMENTAL PROTECTION:

We do not currently have sufficient information to determine this application.

The noise report assumes hours of operation of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays. Even with these limited hours it still recommends a noise limit of 34dBA at the nearest residential premises. They do not say how they are going to achieve this.

The applicant does not appear to be proposing to restrict the hours of operation of the units so the noise report submitted does not cover the proposed operating periods.

The noise report does not address delivery noise which could be quite intrusive given the row of delivery doors proposed facing the rear of the residential properties.

We therefore request a revised noise report which covers the proposed hours and addresses delivery noise, plant noise and other noise break out from the building. We also request a noise management plan which details how noise levels will be controlled

With regards to the lighting the applicant is proposing to shield the lights close the boundary to stop the light spilling to the neighbouring gardens. As long as the lighting is installed and remains as per the plans it will be acceptable.

ACCESS OFFICER:

The proposal seeks a change of use of from an industrial warehouse that involves internal and external alterations to provide up to 14 industrial units within this listed building.

The internal alterations would include removal of the mezzanine floor. Installation of roof lights, cladding, electric roller shutters and wall mounted lights would be added to the external elements. In addition, the proposals include positioning 900mm high bollards around the periphery of the site.

With the exception of the following comment, the proposal raises no concern from an accessibility standpoint:

1. The bollards proposed around the site should be mounted such that their final height is 1000 mm from the finished ground level.

Conclusion: acceptable subject to a revision of the bollards height.

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995, with regard to employment and service provision. Whilst an employer's duty to make reasonable adjustment is owed to an individual employee or job applicant, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. The failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider, if/when challenged by a disabled person. It is therefore recommended that the applicant takes full advantage of the opportunity that this development offers, to improve the accessibility of the premises to people with mobility and sensory impairments.

6. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.E1	(2012) Managing the Supply of Employment Land
PT1.E6	(2012) Small and Medium-Sized Enterprises (SME)
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM11	(2012) Sustainable Waste Management
PT1.T1	(2012) Accessible Local Destinations

Part 2 Policies:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
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LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment

- LPP 7.3 (2011) Designing out crime
- LPP 7.4 (2011) Local character
- LPP 7.15 (2011) Reducing noise and enhancing soundscapes

In addition: National Planning Policy Framework
 Hillingdon Supplementary Planning Document - Accessible Hillingdon
 Hillingdon Supplementary Planning Document - Noise
 Hillingdon Supplementary Planning Document - Planning Obligations
 Hillingdon Supplementary Planning Guidance - Air Quality
 Hillingdon Supplementary Planning Guidance - Community Safety by Design
 Hillingdon Supplementary Planning Guidance - Land Contamination

7. MAIN PLANNING ISSUES

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

NOISE:

Proposed units 2-9 are situated in the eastern portion of the building, with the eastern elevation facing onto the rear of properties in Nield Road to the east. The front of the units serve as the accessing and servicing points for these units through roller shutter doors. There are currently only two roller shutter doors in this elevation, which serve as access points for the two existing units, with eight doors proposed to access the new units. Given the industrial use proposed within an Industrial and Business Area, it is considered that it would be inappropriate to control the use of the units (in terms of hours, and servicing, etc.) by way of condition in order to attempt to control any noise impacts. Such an approach might place unreasonable restrictions on the land reaching its full potential with regards to economic activity and job creation which could be avoided through proper design consideration, further given the number of occupiers such a condition is likely to be overly onerous in respect of some potential occupiers and would in practical terms be impractical/unenforceable across such a variety of separate occupiers.

As such, it is considered that there is a significant intensification of the use of the site from its current use, which is likely to create increased levels of noise and disturbance experienced by neighbouring properties, for which no adequate information or mitigation measures have been provided and cannot be addressed by way of planning conditions. As such, the noise impact from the site is considered to result in a noise impact on the adjacent properties, and impact on the amenity of these properties. As such it is considered that the development would be contrary to policy OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

DAYLIGHT/SUNLIGHT/PRIVACY:

Policies BE20 and BE24 seek to ensure that new development does not generate adverse impacts in respect to sunlight and privacy. In relation to outlook, policy BE21 requires new residential developments to be designed to protect the outlook of adjoining residents.

Given that there are no extensions or enlargements proposed, and no material changes are proposed to the exterior of the building, it is not considered that there would be any material impacts on the neighbouring residential properties. As such, the proposed development is considered to be consistent with policies BE20, BE21 and BE24 of the Local Plan.

New external lighting is proposed, and light shields are proposed to ensure light spill does

not impact on the neighbouring properties. This aspect of the proposal has been assessed by the Council's EPU, who considers the details are acceptable.

7.2 Impact on Street Scene

The proposal is for the change of use and subdivision of the existing industrial building, with some associated external alterations. These include the re-roofing of the building including new roof lights, changes to the external cladding of the building, and the installation of roller shutter doors and wall mounted lighting. No extensions are proposed and no change to the existing footprint will occur.

Given the minimal nature of the proposed external changes, the proposal is not considered to result in any impact on the character and appearance of the area.

7.3 Traffic Impact / Pedestrian Safety

The development is for the sub-division of the existing warehouse building (class B8) to provide 14 individual units that will be used under the B1 (c) and B8 Use Classes. As part of the proposals, the existing mezzanine floor within the building will be removed and there will be a reduction in the existing car parking provision, from 65 to 51 car parking spaces. Cycle parking is proposed within the site for 64 cycles that will be allocated for the use of staff and visitors. There are no proposals to alter the way in which the site is serviced and this will be continued to be undertaken along the internal access road within the site.

As a result, it is considered that the development would not be contrary to Policies of the adopted Hillingdon Local Plan - 2012, (Part 2) and an objection is not raised in relation to the highway and transportation aspect of the proposals.

7.4 Carparking & Layout

It is noted that the existing car parking provision is already above the maximum standard as stated within the adopted Hillingdon Local Plan - 2012, (Part 2). The proposal would result in a reduction in the number of car parking spaces provided on the site, which is welcomed. Therefore, while mindful of the reduction of the existing floor area within the existing building (removal of the mezzanine floor), the proposed car parking provision of 51 car parking spaces is considered acceptable. In addition, the proposed number cycle parking spaces would be in accordance with the Council's requirements.

As a result, it is considered that the development would not be contrary to Policies of the adopted Hillingdon Local Plan - 2012, (Part 2) and an objection is not raised in relation to the highway and transportation aspect of the proposals.

7.5 Urban Design, Access and Security Considerations

It is considered that there are no urban design or security issues arising from the proposal. Access is considered in other sections of the report.

7.6 Other Issues

THE PRINCIPLE OF THE DEVELOPMENT

The site is located within an IBA, an area where Council policies seek to ensure that B1-B8 use classes are retained. This application is for a change of use to B1 and B8 from B8, which will ensure the site remains in appropriate employment use. As such, there is no objection to the principle of the proposal.

AIRPORT SAFEGUARDING

Given the location of the site, and only minor changes are proposed to the exterior of the building, it is not considered that the proposal would impact on the safe operation of any airport.

DISABLED ACCESS

Policies R16 and AM13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) seek to ensure that developments of this type incorporate inclusive design, as do Policies 7.1 and 7.2 of the London Plan. Further detailed guidance is provided within the Accessible Hillingdon SPD.

Given the single level of the proposed building, it is considered that level access should be achievable throughout the proposal. Subject to an appropriate condition it is considered that the proposal would provide an inclusive environment for future users in accordance with Policies R16 and AM13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 7.1 and 7.2 of the London Plan.

TREES AND LANDSCAPING

No trees or other significant landscape features will be affected by the development proposal. The area is built-up and urban in character, with little in the way of landscape enhancement nearby. The development provides minimal opportunity for the provision improved landscaping to the site. However, there are trees located around the boundary of the site that should be retained to maintain the visual amenity of the site, and a condition to maintain these is recommended.

SUSTAINABLE WASTE MANAGEMENT

As the application is for a commercial development, the future occupier ultimately has discretion over which waste management methods are used. Bin stores have not been indicated on the drawings however it is considered that there is ample space on site for such a facility. Full details of waste and recycling facilities would be required by way of condition should approval be granted.

RENEWABLE ENERGY / SUSTAINABILITY

Policy 5.2 of the London Plan (2011) advises that boroughs should ensure that developments will achieve a reduction in carbon dioxide emissions of 40% from on site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible. Policy 5.4 of the London Plan requires submission of an assessment of the energy demand and carbon dioxide emissions from proposed major developments, which should demonstrate the expected energy and carbon dioxide emission savings from the energy efficiency and renewable energy measures incorporated in the development.

Given the building is existing, and no material change to the building fabric is proposed, condition is recommended requiring an energy assessment to be submitted by the applicant to demonstrate that best endeavours will be used to reduce the CO2 emissions by a minimum of 40% from 2010 Building Regulations (Part L).

Subject to conditions to secure the installation of measures in accordance with the London Plan requirements the scheme would comply with London Plan Policies 5.2.

FLOODING AND DRAINAGE

The site is located within Flood Zone 1 and is less than 1ha in size such that no Flood Risk Assessment is required.

London Plan policies 5.12 and 5.13 require that development proposals should use sustainable urban drainage systems (SUDS) unless there are good reasons for not doing so. Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) requires that surface water run off is controlled to ensure the development does not increase the risk of flooding. The scheme would undertake rainwater harvesting including the provision of a ground storage tank and permeable paving to replace the existing large expanse of non permeable hard standing.

Subject to conditions, the proposal would comply with the intentions of the Hillingdon Local Plan: Part One and Part Two Saved UDP Policies (November 2012) in respect to water management and London Plan policies 5.12 and 5.13.

8. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (July 2011)
National Planning Policy Framework
Hillingdon Supplementary Planning Document - Accessible Hillingdon
Hillingdon Supplementary Planning Document - Noise
Hillingdon Supplementary Planning Document - Planning Obligations
Hillingdon Supplementary Planning Guidance - Air Quality
Hillingdon Supplementary Planning Guidance - Community Safety by Design
Hillingdon Supplementary Planning Guidance - Land Contamination

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