

DELEGATED DECISION

Prior Approval Application under Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Class MA

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (Dwelling-houses) of Schedule 1 to that Order.

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 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:

Report of the Head of Development Management and Building Control

Address: BUILDING HPH1 HYDE PARK HAYES

Development: Change of use from offices (Use Class E) to residential (Use Class C3) to create 75no. self-contained flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

LBH Ref Nos: 67351/APP/2024/2746

Drawing Nos:	Date of Plans
A12425 TPB B1 L00 DR A 041100 S5 P02	17-10-2024
A12425 TPB B1 L00 DR A 061100 S5 P02	17-10-2024
A12425 TPB B1 XXXDR A 041001 S5 P03	17-10-2024
A12425 TPB B1 XXXDR A 041500 S5 P02	17-10-2024
A12425 TPB B1 XXXDR A 061101 S5 P02	17-10-2024
Flood Risk Assessment - September 2024 - SL/CTIHAYES.23	17-10-2024
Ground Conditions Assessment - L1700000706- 004_HPH1_EGCS_3 PD15401	17-10-2024
Noise Impact Assessment - 2422542	17-11-2024

Drawing Nos:	Date of Amended Plans:
A12425 TPB B1 L01 DR A 041101 S5 P03	18-12-2024
A12425 TPB B1 L02 DR A 041102 S5 P03	18-12-2024
A12425 TPB B1 L03 DR A 041103 S5 P03	18-12-2024
A12425 TPB B1 R01 DR A 041104 S5 P03	18-12-2024
A12425 TPB B1 R01 DR A 061104 S5 P02	18-12-2024
A12425 TPB B1 XXXDR A 042021 S5 P02	18-12-2024
A12425 TPB B1 XXXDR A 042022 S5 P01	18-12-2024
A12425 TPB B1 XXXDR A 042023 S5 P01	18-12-2024
A12425 TPB B1 XXXDR A 042024 S5 P01	18-12-2024
Daylight and Sunlight Report - RC/HS/ROL01412	18-12-2024

Date Application Valid: 14th October 2024

1.0 RECOMMENDATION

PRIOR APPROVAL GIVEN

REASONS FOR APPROVAL

The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the Council has assessed the impacts of the proposal and considers that there would be no unacceptable impacts, subject to the stated planning conditions, with regard to:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) the loss of services; and
- (i) fire safety impacts on the intended occupants of the building.

CONDITIONS

1. 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 MA.2. (5), Class MA, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

A12425 TPB B1 XXXDR A 041001 S5 P03
A12425 TPB B1 L00 DR A 061100 S5 P02
A12425 TPB B1 L00 DR A 041100 S5 P02
A12425 TPB B1 XXXDR A 061101 S5 P02
A12425 TPB B1 XXXDR A 041500 S5 P02
A12425 TPB B1 L01 DR A 041101 S5 P03
A12425 TPB B1 L02 DR A 041102 S5 P03
A12425 TPB B1 L03 DR A 041103 S5 P03
A12425 TPB B1 R01 DR A 041104 S5 P03

A12425 TPB B1 XXXDR A 042021 S5 P02
A12425 TPB B1 XXXDR A 042022 S5 P01
A12425 TPB B1 XXXDR A 042023 S5 P01
A12425 TPB B1 XXXDR A 042024 S5 P01

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3. **NONSC** **Use Class**

The building hereby permitted to be used as dwellinghouses by virtue of Class MA is to remain in use as dwellinghouses within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

REASON

To comply with Condition MA.2. (6), Class MA, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. **NONSC** **No Additional Windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows shall be altered or replaced in any way without the prior written approval of the Local Planning Authority.

REASON

To ensure that the amenity of occupiers of the development site are not adversely affected by noise from external noise sources from adjacent commercial premises in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies D13 and 14 of the London Plan (2021).

5. **NONSC** **Non Standard Condition**

The use as residential apartments (Class C3) shall not commence until the external elevation works have been completed in accordance with the terms and conditions of planning permission 67351/APP/2024/2617 dated 10th January 2025 including the relevant approved plans:

A12425 TPB B1 XXXDR A 041001 S5 P02
A12425 TPB B1 XXXDR A 042012 S5 P02
A12425 TPB B1 XXXDR A 042013 S5 P02
A12425 TPB B1 XXXDR A 042014 S5 P02
A12425 TPB B1 R01 DR A 041011 S5 P02
A12425 TPB B1 R01 DR A 041021 S5 P02
A12425 TPB B1 XXXDR A 042011 S5 P02

REASON:

To ensure that the amenity of occupiers of the development site are provided with appropriate standards of daylight/sunlight and outlook and therefore benefit from appropriate standards of amenity of internal living accommodation in accordance with Policy DMHB 11 and DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy D6 of the London Plan (2021).

6. NONSC Construction Management and Logistics Plan

Prior to commencement of development, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail:

- (a) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (b) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (c) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (d) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (e) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the development process.

REASON

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 and local air quality, in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021).

7. NONSC Contaminated Land

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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 Policy DMEI 12 of the Hillingdon Local Plan: Part Two

8. NONSC Delivery and Servicing Plan

Prior to the first operation of the development, details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This should accord with Transport for London's Delivery and Servicing Plan Guidance. Thereafter the development shall be operated in full accordance with the approved details.

REASON

To ensure appropriate servicing of the site, to safeguard highway safety and to safeguard the free flow of traffic, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy T7 of the London Plan (2021).

9. NONSC Noise Attenuation Measures

For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0700, measured inside any room of any permitted dwelling whilst achieving acceptable internal living conditions with respect to ventilation and temperature.

Reason:

To ensure that occupants of the permitted development would not be exposed to noise that would be likely to cause an adverse effect on their health and quality of life. This has regard to the guidance set out in 'Guidance on Sound Insulation and Noise Reduction for Buildings' British Standard Institution BS8233: 2014.'

10. NONSC Non Standard Condition

Prior to the occupation of the development hereby approved, a Parking Design and Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. It shall include the following:

- (i) The arrangements for all on-site parking and include provisions for managing, monitoring, enforcement and review. All on-site parking spaces shall be solely for use by the development hereby approved (e.g. staff, visitors, residents) and shall not be used for any other purpose or leased/sub-let.
- (ii) Details of 2 wheelchair accessible space, to be permanently retained
- (iii) Details of electric vehicle charging points and infrastructure.

The vehicle parking provision shall be fully implemented as approved prior to the first occupation of the development, and so maintained in good working order, and shall not be used for any other purpose for the lifetime of the development.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy T6 of the London Plan (2021).

11. NONSC Non Standard Condition

No works shall commence on site until a scheme for the parking of up to 24no. cars including 2no. designated disabled spaces and 5no. spaces capable of being enlarged for the proposed development has been submitted to and approved in writing by the LPA. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To be in accordance with the London Plan 2021 Policy T6 Car Parking

12. NONSC Non Standard Condition

Prior to occupation of the development, details of covered and secure cycle storage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Part 2 Development Management Policies (2020) - Policy DMT 1, DMT 2 & DMT 6 and Policies T4 and T6 of the London Plan (2021).

13. NONSC Non Standard Condition

Prior to the commencement of construction works, details of 5no. 7Kw active EVCP and 19no. has been submitted to and approved in writing by the LPA. The works shall be installed in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details.

Reason: To be in accordance with the London Plan 2021 Policy T6.1 Residential Parking.

INFORMATIVES

1. I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice

Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

2. I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).

2.0 PLANNING CONSIDERATIONS

2.1 Planning Considerations

SITE AND SURROUNDINGS

The site comprises Building HPH1, a four storey office building located on the Hyde Park site in Hayes, the red line plan for the site also includes a multi-storey car park. It was initially proposed that this would be used for parking associated with the proposed residential development, however this is no longer the case.

The building contains approximately 10,270sqm (GIA) of office floorspace. The ground floor of the building remains in use as office space, whilst the remainder of the building is vacant. To the north of the building is a surfaced car park with parking for 24 cars with 4 spaces reserved for Blue Badge Holders. The is accessed via Millington Road which passes the northern, eastern and southern perimeter of the site, whilst a spur road separates the Building HPH1 and the MSCP.

The two buildings to the south west and north west of the application site are in use as office space. The Premier Inn Hotel is located to the north east of the site. The building to the east of HPH1 is used by a coach hire company as office space and for coach parking. The building to the south east of HPH1 and east of the MSCP is used by a building supply company. To the south of the MSCP is an industrial and a storage and distribution building used by a

logistics company.

PERMITTED DEVELOPMENT LEGISLATION AND ASSESSMENT

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) outlines the permitted development requirements for changes of use from commercial, business and service uses to dwellinghouses. The legislation is copied below alongside a corresponding assessment of each point:

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.-(1)Development is not permitted by Class MA-

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

OFFICER COMMENT: The building has been used as offices (Use Class E(g)(i)) for a continuous period of at least 2 years prior to the date of the application for prior approval.

(d) if land covered by, or within the curtilage of, the building-

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

OFFICER COMMENT: The site does not form part of a site of special scientific interest. The building is not listed or within the curtilage of a listed building and does not contain a scheduled monument. The site does not form part of a safety hazard area or a military explosives storage area.

(e) if the building is within-

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

OFFICER COMMENT: The building is not within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and

Countryside Act 198156, the Broads, a National Park or a World Heritage Site.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

OFFICER COMMENT: The site is not occupied under an agricultural tenancy.

(g) before 1 August 2022, if-

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

OFFICER COMMENT: Not applicable.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order-

(a) the following classes of the Schedule as it had effect before 1st September 2020-

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions - medical or health services);

(vi) Class D1(b) (non-residential institutions - creche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure - indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

OFFICER COMMENT: The site is used as an office which falls under use Class E.

Conditions

MA.2.-(1)Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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 impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where-

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the

- impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by-
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006⁵⁷, the impact on the local provision of the type of services lost; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

OFFICER COMMENT: The assessment of the development against Conditions MA.2 is set out within the main body of the report.

- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

OFFICER COMMENT: The application was made after the 1st August 2021.

- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if-
 - (a) for paragraph (e) of sub-paragraph (2) there were substituted-
"(e) where-
 - (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
 - (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";
 - (b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";
 - (c) after sub-paragraph (6) there were inserted-
"(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";
 - (d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5), (6) and (6A)";
- (5) Development must be completed within a period of 3 years starting with the prior approval date.
- (6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

OFFICER COMMENT: No comment.

- (5) Development must be completed within a period of 3 years starting with the prior approval date.

OFFICER COMMENT: If recommended for approval, this would be secured by planning condition.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

OFFICER COMMENT: If recommended for approval, this would be secured by planning condition.

PERMITTED DEVELOPMENT RIGHTS

The planning history for the site has been reviewed and permitted development rights have not been removed from the property.

MINIMUM SPACE STANDARDS

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-

- (a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

The submitted floor plans demonstrate that each of the proposed apartments exceed 37sqm in area as a minimum and all apartments comply with the relevant nationally described space standards applicable to the size of the apartments.

CONCLUSION

Subject to the necessary planning conditions, the proposed development would be considered to accord with the requirements outlined under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It is recommended that prior approval is required and granted.

3.0 CONSULTATIONS

3.1 Comments on Consultation

PUBLIC COMMENTS

A total of 5 adjoining properties were directly consulted regarding the proposed development.

The application was advertised by site notice on the 27th November 2024.

No public comments have been received in relation to the proposed development.

INTERNAL COMMENTS

Environmental Services - Noise

Sufficient information has been provided by the Applicant to make a recommendation on noise. It is recommended that no objection is made on noise grounds subject to the inclusion of suitable conditions which should be reasonably achievable based on the design information provided and considering measurement and prediction uncertainty.

Regarding the impact of the existing environment on the proposed development:

'For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0700, measured inside any room of any permitted dwelling whilst achieving acceptable internal living conditions with respect to ventilation and temperature.'

Reason:

To ensure that occupants of the permitted development would not be exposed to noise that would be likely to cause an adverse effect on their health and quality of life. This has regard to the guidance set out in 'Guidance on Sound Insulation and Noise Reduction for Buildings' British Standard Institution BS8233: 2014.'

Environmental Health - Contaminated Land

We have no objection in relation to the application on land contamination should the change of use planning application be approved. However, with this assessment undertaken with the assumption that the site will be repurposed from its current commercial use to residential use (or combined commercial / residential use), broadly maintaining the existing building configuration, If the site were to be demolished (partly or completely) and redeveloped, or the configuration significantly changed, further action (such as an intrusive investigation) will be required and at which point we would have to recommend a full standard contaminated land condition for the site.

Highways

The application site is located on the northern side of Millington Road an unadopted commercial access road with a 30mph speed limit which is subject to double yellow line waiting restricts preventing indiscriminate, injudicious parking, with access to the wider highway network being gained onto A437 North Hyde Road, a classified road which is also subject to a 30mph speed limit to the north of the site.

General Permitted Development Orders do not apply a test in relation to sustainability of location, however, the application site is in a location with a PTAL ranking of 4/5 indicating that the proposal would be located in an area with good access to public transport that would concur with The Mayor's Transport Strategy (2022) which aims to encourage more people to walk, cycle and use public transport and NPPF 9: Promoting Sustainable Transport (2021).

Access to the application site would be gained over the existing vehicular access which would remain acceptable.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The London Plan 2021 Table 10.3 - Maximum Residential Parking Standard allows a maximum of up to 0.5no. to 0.75no. spaces per dwelling locations with a PTAL ranking of 4 and would require car-free development for development within locations with a PTAL ranking of 5 therefore for a PTAL ranking of 4 the application should provide 38no - 57no. car parking spaces, however, locations with a PTAL ranking of 5 should be car-free therefore the level of car parking would be likely to be acceptable in this sustainable location.

The Application Form States that the site provides 719no. existing parking and that the proposed development would retain 719no. car parking spaces, however, the Covering Letter ref PD15401 EL/CS/TJ states that 696no. parking spaces would be available within the adjacent Multi-Storey Car Park which is not within the red line of the site which would not be acceptable, however, the proposed level of parking as shown on Drawing A12425-TPB-B1-L00-DR-A- 041100-S5 P02 titled Level 00 Proposed General Arrangement Plan which shows 10no. disabled spaces would require amendment.

The London Plan (2021) Policy T6.1 Residential Parking requires that developments should provide 3% of the number of dwellings as designated disabled persons parking bays with an additional 7% of the number dwellings being enlarged spaces capable of being marked as disabled if required in the future, therefore Drawing A12425-TPB-B1-L00-DR-A- 041100-S5 P02 titled Level 00 Proposed General Arrangement Plan should be amended to show 2no. designated disabled spaces and 5no. spaces capable of being enlarged.

The London Plan Policy T6: Car Parking - Paragraph J states that a Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking would be designed and managed, with reference to Transport for London guidance on parking management and parking design. A Parking Design and Management Plan would therefore be required that should ensure that all car parking spaces are allocated and leased, not sold, to the dwellings to which they serve which should be secured by condition.

The London Plan (2021) requires that 20% car parking spaces have active EVCPs and 80% of spaces have passive EVCPs. 5no. active 7kW EVCPs and 19no. passive EVCPs would therefore be required which should be conditioned.

The application site should therefore provide 92no. secure and undercover long stay cycle parking spaces and 3no. short stay cycle parking spaces which should be located close to the entrance of the proposed development in a location providing good natural surveillance. The Transport Statement paragraph 4.11 states that a total of 108no. spaces would be provided comprising 11no. Sheffield Stands, 6no. wider spaces for adaptable bicycles and 80no. spaces provided in two tier cycle storage spaces which would be acceptable.

The Highway Authority would therefore offer no highway objections to this application to

determine if prior approval is required pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) due to the traffic and highways impacts.

4.0 RELEVANT PLANNING HISTORY

67351/APP/2024/2617 Building HPH1
Hyde Park Road

Removal of external metal framework system from existing office facade and associated works

Decision: 10-01-25 Approval

67351/APP/2018/610 HPH1 HYDE PARK
HAYES, UNIT 5
MILLINGTON
ROAD

New entrance enclosure to north elevation, installation of ramp and associated alterations to south elevation, roof terrace and alterations to building facade

Decision: 13-04-18 Approval

4.1 Comments on Planning History

Planning permission 67351/APP/2024/2617 which relates to the removal of the external metal framework system from existing office facade is of material relevance to the proposed change of use of the building as these works are necessary to provide adequate daylight and sunlight to the proposed apartments. This is discussed further below in relation to the relevant section of the report relating to provision of natural light.

5.0 PRIOR APPROVAL MATTERS

5.1 Transport Impacts

Condition MA.2.-(2)(a) requires prior approval and consideration for the following:

(a) transport impacts of the development, particularly to ensure safe site access.

The site has a PTAL rating of 4 and is considered to fall within a relatively accessible location in terms of access to public transport. The site is within 550 metres of Hayes and Harlington Station. The site is within close walking distance of bus stops at North Hyde Road (100 metres) and Station Road (400 metres) providing links to various locations in West London including Uxbridge, Greenford, Ruislip, Harrow and Heathrow.

The London Plan 2021 Policy T6.1 sets maximum parking standards for residential dwellings. For outer London sites falling within PTAL 4 the maximum permitted parking for dwellings of all sizes is between 0.5 and 0.75 spaces. The London Plan also makes clear that when considering development proposals that are higher density or in more accessible locations, the lower standard shown here should be applied as a maximum. Where applying the lower figure of 0.5 spaces, this would allow for a maximum of 37 spaces to be provided.

The site is served by surface level parking to the front of HPH1 with parking for 24 cars with 4 spaces reserved for Blue Badge Holders. The application red line site boundary includes the multi-storey car park to the south of HPH1 which contains 696 car parking spaces. It is proposed that only the 24 parking spaces to the front of HPH1 would be used by the residential occupiers.

The submitted transport statement initially proposed that the MSCP would also be used to accommodate parking for the development, however this is no longer proposed and occupiers would be restricted to use of the car park to the north. The provision of 24 parking spaces is considered acceptable accounting for the existing level of public transport access, including the proximity to Hayes and Harlington Station. Surrounding streets are subject to residential permit based restrictions and a unilateral undertaking has been agreed to prevent future occupiers from obtaining access to parking permits within the surrounding streets, therefore preventing overspill parking from occurring. Particularly where accounting for the level of car parking proposed, the proposed use is likely to generate a significantly lower number of vehicle movements compared with the existing office use and therefore the proposals would not result in significant harm to highway safety or amenity.

The London Plan (2021) requires that 20% car parking spaces have active EVCPs and 80% of spaces have passive EVCPs. 5no. active 7kW EVCPs and 19no. passive EVCPs would therefore be required. Details would be secured by planning condition.

Policy T5 of the London Plan sets out minimum standards required for cycle parking. Existing cycle parking for the building for up to 64 bicycles is provided in secure compounds to the south of the building adjacent to the MSCP. A total of 92no. secure and undercover long stay cycle parking spaces and 3no. short stay cycle parking spaces are required accounting for the quantum of development and mix of units proposed. This should be located close to the entrance of the proposed development in a location providing good natural surveillance. The Transport Statement paragraph 4.11 states that a total of 108no. spaces would be provided comprising 11no. Sheffield Stands, 6no. wider spaces for adaptable bicycles and 80no. spaces provided in two tier cycle storage spaces which would be acceptable. Details showing the location and specification of the cycle parking storage are required by planning condition.

It is therefore concluded that prior approval can be granted under Condition MA.2.-(2)(a) of Class MA of the General Permitted Development Order 2015 (as amended).

5.2 Contamination Risks

Condition MA.2.-(2)(b) requires prior approval and consideration for the following:

(b) contamination risks in relation to the building.

An Environmental Ground Conditions Statement has been submitted in support of the planning application. The statement outlines that previous investigations at the wider HPH office park indicated that a source of chlorinated solvents historically existed, centred on Building HPH5 (off-site 20m to the south-west of the site). Soil excavation and dewatering activities associated with the construction of Building 5 are understood to have removed a significant proportion of the contaminant mass from the dissolved phase in groundwater.

No intrusive ground works are proposed and the proposals involve the conversion of the upper floors of the building with the ground level remaining within an office. The building itself was extensively refurbished in 2018 and has been used as an office therefore it is considered that the use of does not present any significant risks. On this basis officers consider that the change of use does not present significant risks in terms of contamination. It is therefore concluded that prior approval can be granted under Condition MA.2.-(2)(b) of Class MA of the General Permitted Development Order 2015 (as amended).

5.3 Flooding Risks

Condition MA.2.-(2)(c) requires prior approval and consideration for the following:

(c) flooding risks in relation to the building.

The application site is located within Flood Zone 1 and is at a low risk of flooding. Surrounding areas are also at a low risk of flooding and it is therefore considered that future occupiers are unlikely to be at any significant risk of flooding and prior approval is not required with regard to flood risk. It is therefore concluded that prior approval can be granted under Condition MA.2.-(2)(c) of Class MA of the General Permitted Development Order 2015 (as amended).

5.4 Impacts on Noise

Condition MA.2.-(2)(d) requires prior approval and consideration for the following:

(d) impacts of noise from commercial premises on the intended occupiers of the development:

There are existing sources of noise from surrounding commercial premises, in particular the adjoining coach park facility and building supply store, although operations at these premises are primarily during daytime hours. To the south are an industrial unit and a building used by a logistics company, although these premises are located 117 and 140 metres from the site. Vehicles using the logistics centre are unlikely to pass the site given the buildings access arrangements. The surrounding roads, in particular the A437, as well as the railway line are

identified as the primary sources of noise, although as condition MA.2.-(2)(d) requires consideration of impacts of noise from commercial premises this should not be taken into account under the Class MA process.

The application is accompanied by a Noise Impact Assessment which includes assessments in relation to the above sources of noise. The conclusion is that commercial sources of sound in the vicinity will be very unlikely to give rise to adverse noise impacts on the use of the proposal for residential purposes. Officers agree with this assessment. The conclusion is that the existing building is of a sufficient design standard that mitigation would not be required to improve acoustic performance.

The Councils Environmental Health Officer has reviewed the application and has recommended that no objection is made on noise grounds subject to a condition requiring that for the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0700, measured inside any room of any permitted dwellings.

Prior approval can be granted under Condition MA.2.-(2)(d) of Class MA of the General Permitted Development Order 2015 (as amended).

5.5 Location

(e) where -

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area:

The application site is not within a Conservation Area and this condition is not applicable to the proposed development.

5.6 Provision of Natural light

Condition MA.2.-(2)(f) requires prior approval and consideration for the following:

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

There is an existing brise soleil across all levels of the existing building which provides solar shading for the office space within the building. The application is accompanied by a Daylight and Sunlight Assessment, this has been prepared on the basis that the brise soleil would be removed as retention is likely to significantly inhibit daylight and sunlight to the proposed apartments. To facilitate this, a planning application (67351/APP/2024/2617) was submitted to

remove the brise soleil which has since been granted approval. Given that external works are not permitted under the Class MA procedure, the applicants have proposed that a condition be applied under the Class MA application requiring that the works permitted under planning application 67351/APP/2024/2617 must be carried out before first occupation of the apartments. Revised plans have been submitted showing the removal of the brise soleil with reference to this planning application.

The Daylight and Sunlight Assessment indicates that the vast majority of the apartments would perform well where assessed against one or both of the BRE measures (Illuminance and Daylight Factor Method). There are four flats, each of which are located along the northern section of the west facing elevation which underperform against both BRE tests and are single aspect studio flats. Whilst the flats do not fully comply with the recommended levels of daylight and sunlight, it is noted that the primary living spaces (kitchen/dining spaces and sleeping areas) are located within parts of the unit that perform well against the BRE illuminance test. Considered on balance, officers consider that the flats would benefit from adequate standards of natural light, subject to the removal of the brise soleil, which would be required by condition and prior approval can be granted under Condition MA.2.-(2)(f) of Class MA of the General Permitted Development Order 2015 (as amended).

5.7 Impact on Intended Occupiers

c requires prior approval and consideration for the following:

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

The site is not contained within and does not adjoin an area that is identified as being of strategic importance for industrial uses or any of the other uses highlighted under Condition MA.2.-(2)(f). As noted in the section above that relates to noise impacts there are noise generating uses surrounding the site which include industrial and storage and distribution uses, however as also noted it is considered that noise can be appropriately mitigated such that the introduction of the use would not prejudice the retention of adjoining commercial and industrial and industrial uses.

5.8 Loss of Services

Condition MA.2.-(2)(h) requires prior approval and consideration for the following:

(h) where the development involves the loss of services provided by -

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

The use of the building falls under neither of the above categories.

5.9 Fire Safety

Condition MA.2.-(2)(i) requires prior approval and consideration for the following:

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Development meets the fire risk condition referred to in paragraph MA.2-(2)(i) if the development relates to a building which will-

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 states:

9A - (3) The height condition is that-

- (a) the building is 18 metres or more in height; or
- (b) the building contains 7 or more storeys.

.....

(7) For the purpose of paragraph (3)-

- (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);
- (b) when determining the number of storeys a building has-
 - (i) any storey which is below ground level is to be ignored; and
 - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

The building measures 16.7 metres in height to the top of the fourth floor, therefore this condition would not be applicable to the proposed change of use.

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