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14<sup>th</sup> March 2022

Dear Sir/Madam

**17-23 High Street, Ruislip, HA4 7AU**  
**Non-Material Amendment ('NMA') Application to amend Condition 9 attached to planning permission ref. 72115/APP/2020/2688**

We write to submit a non-material amendment application via the Planning Portal (ref. PP-11114242) to amend the wording of Condition 9 relating to asbestos, as attached to the above planning permission. This application is made following discussion and in principle agreement with officers regarding the proposed revised wording of the condition. In addition to this covering letter, the application submission comprises of:

- Application Form;
- Application Fee for £234 (plus £28 Planning Portal service charge);
- Location Plan (ref. 40); and
- Planning commentary set out in this letter below.

**Proposed changes to the wording of Condition 9 (Asbestos)**

Condition 9 currently reads as follows:

*'Prior to the commencement of the development an Asbestos remediation strategy shall be submitted and approved in writing by the Local Planning Authority. The remediation scheme shall provide an assessment of the extent of any identified contamination at site and include a report of the remedial measures to be taken to avoid risks to the occupants of adjacent properties and to the users of the proposed structures. All works which form part of this remediation scheme shall be completed before any part of the development*

*is put to use (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for the remedial works.*

*Demolition and/or removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive <https://www.hse.gov.uk/asbestos/essentials/>*

#### **REASON**

*To ensure that occupants of adjacent properties and users of the proposed development are not subject to any risks from contamination in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.*

It is proposed under this application to amend the wording of Condition 9 to read as follows:

#### **PART A**

*Prior to the commencement of the development, an Asbestos Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Asbestos Remediation Strategy shall include: i) details of existing asbestos records for the site, ii) any requirement for further asbestos survey(s) to be undertaken at the site in respect of the proposed development, and iii) the identification of any areas of the site where it is considered appropriate for development to commence without the need for any asbestos remediation works or further asbestos survey(s) to be undertaken in those areas.*

#### **PART B**

*Prior to commencing any works on relevant parts of the development which fall outside of the areas identified under Part A iii) of this condition (as detailed within the approved Asbestos Remediation Strategy), an Asbestos Remediation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Asbestos Remediation Plan shall include details of: i) the results of any relevant asbestos survey(s) identified as required under Part A ii) of this condition, ii) an assessment of the extent of any identified asbestos within the relevant part(s) of the development, and iii) a report of any asbestos remediation measures to be taken to avoid risks to the occupants of adjacent properties and to the users of the proposed structures.*

#### **PART C**

*Any asbestos remediation works which form part of the Asbestos Remediation Plan approved under Part B of this condition shall be completed before any part of the development is put to use (unless otherwise agreed in writing by the Local Planning Authority). Prior to occupation, verification information shall be submitted to the Local Planning Authority to demonstrate that any asbestos remediation works have been completed in accordance with the details approved under Part B.*

*Demolition and/or removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive <https://www.hse.gov.uk/asbestos/essentials/>*

#### **REASON**

*To ensure that occupants of adjacent properties and users of the proposed development are not subject to any risks from contamination in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.'*

### **Reasons for the proposed changes to the wording of Condition 9 (Asbestos)**

The current condition wording requires the submission and approval of an asbestos remediation scheme which provides an assessment of the extent of any identified asbestos contamination at

the site and includes a report of the remedial measures to be taken, prior to the commencement of any development.

In order to produce and provide the required assessment and report, the applicant has been advised by a specialist asbestos consultant that an intrusive Asbestos Refurbishment Survey of the existing building fabric will need to be carried out and reported on. An intrusive survey of this nature cannot be undertaken until the existing commercial units have been vacated, whereas the building is currently multi-tenanted and fully occupied.

In addition to the building itself, the Site also includes external and external undercroft hard surfaced areas, where development is proposed and could be commenced without any contact with (or physical impact upon) the existing building fabric. These external areas (and the earth beneath them) fall outside of the scope of the Asbestos Refurbishment Survey that is required to provide the information/assessment needed under this condition. However, under the current condition wording, development is not able to commence in these external/undercroft areas until the intrusive Asbestos Refurbishment Survey on the building has been undertaken and reported on.

This situation created by the current condition wording, as outlined above, unnecessarily prohibits implementation of the planning permission and is not considered to be reasonable or practicable. The condition is therefore proposed to be reworded and restructured into three parts as set out above (and summarised below), with concise requirements at appropriate (but also pragmatic) stages in the construction and occupation processes:

Part A retains a 'pre-commencement' requirement for an Asbestos Remediation Strategy and will formally secure agreement between the applicant and the Local Planning Authority on the additional asbestos survey(s) that are required, and those areas of the Site where development could commence without the submission and approval of additional information under this condition.

Part B requires the submission and approval of an Asbestos Remediation Plan, to include the results of the agreed additional asbestos survey(s), an assessment of any identified asbestos contamination and a report on any proposed remediation measures, prior to works commencing on those relevant parts of the development.

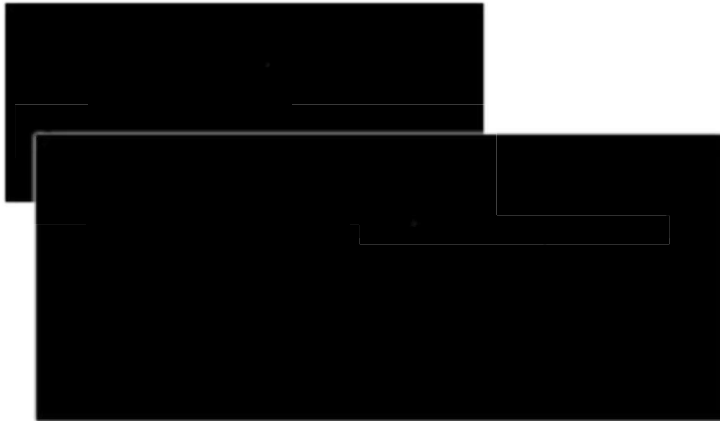
Part C sets out a pre-occupation requirement for verification information for any agreed asbestos remediation works subsequently undertaken, to be submitted and approved.

The proposed rewording and restructuring of the condition is considered necessary in order to make the condition reasonable, practicable and precise, in line with the government's requirements and guidance for conditions attached to planning permissions. The proposed changes still enable the original objectives of the condition to be achieved in an appropriate manner, in line with the original reason given for the condition (which remains unchanged). The nature of the proposed changes to the condition can therefore further be regarded to constitute a non-material amendment to the original planning permission.

The proposed rewording has been discussed with officers and agreed in principle to be acceptable, prior to the submission of this application.

We trust the enclosed documentation will enable the Council to validate and determine this application. Should you have any queries, please do not hesitate to contact myself or Alex Hunt of this office.

Yours sincerely

A large black rectangular redaction box covering the signature and contact information of the sender.