

DELEGATED DECISION

Prior Approval Application under Part 20,
Class AA of The Town and Country
(General Permitted Development)
(England) (Amendment) (No.2) Order 2020
(as amended)

Class AA

Development consisting of works for the
construction of new dwellinghouses on
detached buildings in commercial or mixed
use

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:

Report of the Head of Planning, Transportation and Regeneration

Address: FRAYS COURT, 71-73 COWLEY ROAD UXBRIDGE

Development: Construction of two additional storeys measuring 6.1 metres maximum height to provide 11 residential units (Application for Prior Approval under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended))

LBH Ref Nos: 13010/APP/2020/2853

Drawing Nos:	Date of Plans
FLU.1192.03.13 Rev. A	09-09-2020
FLU.1192.02.05	09-09-2020
FLU.1192.3.12 Rev. B	09-09-2020
FLU.1192.2.03 Rev. A	09-09-2020
FLU.1192.02.06	09-09-2020
FLU.1192.2.08	09-09-2020
FLU.1192.02.07	09-09-2020
FLU.1192.2.09 Rev. A	09-09-2020
FLU.1192.2.04	09-09-2020
FLU.1192.2.11 Rev. C	09-09-2020
FLU.1192.03.14 Rev. A	09-09-2020
201243/PS/MK/RS/01 Parking Survey (Dated October 2020)	27-10-2020
FLU.1192.2.02	09-09-2020
FLU.1192.2.10 Rev. C	09-09-2020
Prior Approval Planning Statement (Dated September 2020)	14-09-2020

Drawing Nos:	Date of Amended Plans:
201243/FRA/RS/KL/03 Flood Risk Assessment (Dated September 2020)	14-09-2020

Date Application Valid: 14th September 2020

1.0 RECOMMENDATION

PRIOR APPROVAL REFUSED

CONDITIONS

1. **NON2 Reason for Refusal - Planning Obligations**

The applicant has failed to secure parking permit restrictions for future occupiers required to mitigate the highways impacts created by the proposed development. The scheme therefore conflicts with Policies DMCI 7, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the adopted Planning Obligations Supplementary Planning Document (July 2014), Policy 8.2 of the London Plan (March 2016), Policy DF1 of the London Plan - Intend to Publish Version (December 2019) and paragraphs 54-57 of the National Planning Policy Framework (February 2019). Prior approval is refused under Condition AA.2.-(1)(a).

2. **NON2 Reason for Refusal - Class AA.-(1)**

The proposed works are not 'immediately above the topmost storey' as they involve the removal of the whole roof and 2nd floor and the re-building of the second floor alongside the additional two storey extension. The application submission therefore fails to accord with Schedule 2, Part 20, Class AA.-(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. **NON2 Reason for Refusal - Daylight and Sunlight**

Insufficient information has been submitted in order to enable the Local Planning Authority to establish whether the development complies with Condition AA.2.-(1)(g) in respect of daylight and sunlight impacts, such that detrimental impacts to the amenity of neighbouring properties could arise from the proposed development. The application submission is therefore contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and prior approval is refused under Condition AA.2.-(1)(g).

4. **NON2 Reason for Refusal - Impact on the Character of the Area**

The proposed development, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the area. The proposal is therefore contrary to Policies DMHB 10 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy BE 1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), and Policies 7.1, 7.4 and 7.6 of the London Plan (March 2016) and prior approval is refused under Condition AA.2.-(1)(e).

5. **NON2 Reason for Refusal - Class AA.-(2)**

Works have commenced to implement the consented prior approval (application reference 13010/APP/2020/1006) to change the use of the ground, first and second floor from offices to residential use. The application therefore fails to accord with Schedule 2, Part 20, Class AA.-(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the lawful use of the site is not B1(a)/Offices as stated within the applicants

submission.

INFORMATIVES

1. I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

2.0 PLANNING CONSIDERATIONS

2.01 Planning Considerations

SITE AND LOCALITY

The application site consists of a part three storey, part two storey, part single storey office building (with permission for 19 flats as per application reference 13010/APP/2020/1006) with basement parking, situated on the east side of Fray's River and west side of Cowley Road at the junction with Cotswold Close. Residential properties are located to the north, east and south-west of the site, Whitehall Nursery & Infant School is located to the south-east, and the nearest commercial properties are located approximately 45 metres to the north consisting of small scale motor repair shop, a tattoo parlour and takeaway shop. The west part of the site forms part of Flood Zone 3, designated as a functional floodplain. The site is located within a Controlled Parking Zone and has a good Public Transport Accessibility Level (PTAL) of 4. Based on the Council's GIS, the site forms part of the Uxbridge Air Quality Focus Area and Air Quality Management Area.

PROPOSED SCHEME

This application seeks prior approval under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) in order to construct two additional storeys measuring 6.1 metres maximum height to provide 11 no. residential units.

LEGISLATION

Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) states:

Permitted development

AA.-(1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which sub-paragraph (2) applies, together with any or all-

Planning Officer Comment: Based on the submitted plans and drawings, the works are not 'immediately above the topmost storey' as they involve the removal of the whole roof and 2nd floor and the re-building of the second floor alongside the additional 2 storey extension. The proposal fails to accord with this provision of the GPDO.

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Planning Officer Comment: As set out above, the engineering operations involved in the current proposal fail to meet the provisions of Part (a) as they require the removal of the existing second floor in order to accommodate its re-building upwards.

- (2) This sub-paragraph applies to a building which is-
- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the Use Classes Order, or as a betting office, pay day loan shop or launderette;
 - (b) in a mixed use combining-
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with one or more uses within paragraph (a).

Planning Officer Comment: Works have commenced to implement the consented prior approval; ref 13010/APP/2020/1006, therefore the site is not in a lawful use that accords with the provisions of 2(a) or (b).

Development not permitted

AA.1. Development is not permitted by Class AA if-

- (a) above ground level, the building is less than three storeys in height;

Planning Officer Comment: The building is three storeys in height.

- (b) the building was constructed before 1st July 1948 or after 5th March 2018;

Planning Officer Comment: The building was constructed after 1st July 1948 and prior to 5th March 2018.

(c)on 5th March 2018 the building was in a use other than-

(i)a use or mixed use within paragraph AA(2)(a) or (b); or

(ii)a use falling within Class C3 of the Schedule to the Use Classes Order;

Planning Officer Comment: The building was in use as an office (Use Class B1(a)).

(d)the additional storeys are constructed other than on the principal part of the building;

Planning Officer Comment: The additional storeys are constructed on the principal part of the building.

(e)the floor to ceiling height of any additional storey, measured internally, would exceed the lower of-

(i)3 metres; or

(ii)the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

Planning Officer Comment: The Planning Statement submitted states that the floor to ceiling height of the additional stories would match the floor to ceiling height of the stories within the principal part of the building. However, no plans have been submitted to demonstrate that this is the case.

(f)the new dwellinghouses are not flats;

Planning Officer Comment: The proposed residential units would be flats.

(g)the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

Planning Officer Comment: Based on the plans submitted, the proposed development would increase the height of the building by 6.5 metres which is less than the 7 metre threshold.

(h)the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

Planning Officer Comment: Based on the plans submitted, the proposed development would measure no greater than 19.4 metres in height (measured from the lower ground floor level).

(i)development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

Planning Officer Comment: The development would not include visible support structures on or attached to the exterior of the building upon completion of the development.

(j)development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to-

- (i)strengthen existing walls;
- (ii)strengthen existing foundations; or
- (iii)install or replace water, drainage, electricity, gas or other services;

Planning Officer Comment: The development would remove the whole roof and 2nd floor and re-build the second floor alongside the additional 2 storey extension. The proposal therefore fails to accord with Class AA(1)(a).

(k)in the case of Class AA(1)(b) development there is no existing plant on the building;

Planning Officer Comment: The development would not include additional plant.

(l)in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

Planning Officer Comment: The development would not include additional plant.

(m)development under Class AA(1)(c) would extend beyond the curtilage of the existing building;

Planning Officer Comment: The development would not extend beyond the curtilage of the existing building.

(n)development under Class AA(1)(d) would-

- (i)extend beyond the curtilage of the existing building;
- (ii)be situated on land forward of a wall forming the principal elevation of the existing building;
- or
- (iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or

Planning Officer Comment: The development would not extend beyond the curtilage of the existing building, extend beyond the principal elevation of the building or be situated on land forward of a wall fronting a highway.

(o)the land or site on which the building is located, is or forms part of-

- (i)article 2(3) land;
- (ii)a site of special scientific interest;
- (iii)a listed building or land within its curtilage;
- (iv)a scheduled monument or land within its curtilage;
- (v)a safety hazard area;
- (vi)a military explosives storage area; or
- (vii)land within 3 kilometres of the perimeter of an aerodrome.

Planning Officer Comment: The site does not form part of any land designations noted above.

The building also would not be located on land within 3 Kilometres of an aerodrome and permitted development rights have not been removed from the property via planning condition.

Conditions

AA.2.-(1) Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to-

- (a) transport and highways impacts of the development;
 - (b) air traffic and defence asset impacts of the development;
 - (c) contamination risks in relation to the building;
 - (d) flooding risks in relation to the building;
 - (e) the external appearance of the building, including-
 - (i) the design and architectural features of-
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
 - (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
 - (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
 - (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(2) issued by the Secretary of State,
- and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), "commercial premises" means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(3) Any development under Class AA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include-

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

2.02 Transport and Highways

Condition AA.2.-(1)(a) requires the developer to apply to the Local Planning Authority for prior approval as to the transport and highways impacts of the development.

The development is located within a Controlled Parking Zone and has a good Public Transport Accessibility Level (PTAL) of 4. The existing site provides 22 no. off-street car parking spaces and the proposal would provide 20 no. car parking spaces including 2 no. accessible parking bays. It is noted that two existing car parking spaces are proposed to be lost in order to facilitate a bin store. This provision is also accompanied by 3 no. cycle stores with a capacity for 40 no. bicycles.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
- ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
- iii) provide equal access for all people, including inclusive access for disabled people;
- iv) adequately address delivery, servicing and drop-off requirements; and
- v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and roads.

Policy DMT 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals must promote the enhancement of public transport facilities. The Council may require developers to mitigate transport impacts from development proposals by improving local public transport facilities and services.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network and that cycle parking and changing facilities are provided.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) (February 2019) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 6.3 of the London Plan (March 2016) requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed.

Car Parking

In conjunction with Policy DMT 6, Appendix C of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires a maximum of 0.5 car parking spaces per studio unit and a maximum of 1 to 1.5 car parking spaces for 1 and 2 bedroom units. Based on a proposal for 11 additional studio units, the site should provide a maximum of 6 car parking spaces for these units.

In accordance with prior approval reference 13010/APP/2020/1006, 19 residential units have been approved for the ground, first and second floors, comprising 1 x studio flat, 12 x 1-bed flats and 6 x 2-bed flats. Based on the provision of 20 car parking spaces, this equated to 0.95 parking spaces per unit and was considered acceptable subject to a Section 106 planning obligation to restrict occupiers being eligible for parking permits.

The current application would result in a building with 30 residential units (19 prior approval flats plus 11 roof extension flats), totalling 12 x studio flats, 12 x 1-bed flats and 6 x 2-bed flats. Accordingly, the proposed development should provide a maximum of 6 car parking spaces for the studios, between 12 and 18 spaces for the 1-beds and between 6 and 12 spaces for the 2-beds. The range required is therefore a maximum of 24 to 36 car parking spaces.

The proposal would provide 20 car parking spaces, equating to a parking ratio of 0.67 parking spaces per unit. The submitted Parking Survey evidences that there is capacity for further on-street car parking. Given that the site is located within a Controlled Parking Zone, has a good Public Transport Accessibility Level (PTAL) of 4 and is located within close proximity to Uxbridge Town Centre, the parking provision proposed is considered acceptable subject to a Section 106 planning obligation to restrict future occupiers from being eligible for parking permits.

Accessible Parking

Policy DMT 6, Appendix C of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that residential development includes 10% of car parking spaces as suitable for a wheelchair user in accordance with the provisions in the Council's Accessible Hillingdon SPD May 2013.

The proposal would provide two accessible car parking spaces and therefore accords with this requirement.

Electrical Vehicle Charging Points

Policy T6.1 of the draft London Plan - Intend to Publish (December 2019) states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. As such, a total of 4 active and 16 passive electrical vehicle charging points are required.

The proposal does not indicate any provision for such infrastructure. If recommended for approval, a condition would secure policy compliant provision of electrical vehicle charging points.

Motorcycle Parking

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that parking spaces for motorised two wheelers (motorcycles, moped and scooters) must be provided at the rate of 5% of car parking spaces. The proposed development therefore requires 1 motorcycle parking space.

The proposed development does not include such provision. If recommended for approval, a condition would secure policy compliant provision of motorcycle parking.

Cycle Parking

In conjunction with Policy DMT 6, Appendix C of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that a maximum of 1 cycle space is provided per studio, 1 or 2 bed unit and that a maximum of 2 cycle spaces are provided per 3 or more bed units. As such, the proposal should be providing storage for 30 cycle spaces (19 for the units permitted by change of use and 11 for the proposed roof extension units). Based on the submitted plans, capacity for 40 bicycles is provided on the lower ground floor

plan and would be considered sufficient and acceptable.

Vehicle Trip Generation

The proposal would reduce the number of car parking spaces from 22 to 20. Given the existing and proposed uses, it is considered that there would be a limited impact in terms of traffic generation on the local highway network.

Refuse Servicing

In terms of refuse servicing, the building would continue to be serviced from the front of the site, with storage located at the lower ground floor. This would be accessible to residents and to collection vehicles as per the existing arrangements. This arrangement is not considered to raise any transport or highway safety issues.

Summary

In order to prevent further parking stress within the locality, a legal agreement is considered necessary to secure that future occupants will not be eligible for car parking permits. It is also considered necessary that a condition is attached in order to secure a parking allocation plan for adequate availability and management of on-site car parking. Subject to such planning conditions and obligations, the proposed development would not be considered contrary to Policies DMT 1, DMT 2, DMT 4, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy 6.3 of the London Plan (March 2016) and the NPPF (February 2019). In turn, prior approval can be granted under Condition AA.2.-(1)(a).

2.03 Air Traffic and Defence

Condition AA.2.-(1)(b) requires the developer to apply to the Local Planning Authority for prior approval as to the air traffic and defence asset impacts of the development.

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:

A) The Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

B) In consultation with the Airport Operator, the Council will ensure that:

- i) areas included in Airport Public Safety zones are protected from development which may lead to an increase in people residing, working or congregating in these zones; and
- ii) sensitive uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

RAF Northolt, Heathrow Airport Ltd, the National Air Traffic Services and the Ministry of Defence were consulted as part of the application and all confirmed no objection to the proposal. As such, the proposed development is not contrary to Policy DMAV 1 of the

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and prior approval can be granted under Condition AA.2.-(1)(b).

2.04 Contamination

Condition AA.2.-(1)(c) requires the developer to apply to the Local Planning Authority for prior approval as to the contamination risks in relation to the building.

Policy 5.21 of the London Plan (March 2016) states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The Council's Contamination Officer considers that the proposal is acceptable subject to a planning condition requiring details of a remediation strategy. Subject to such a condition, the proposal is considered to accord with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and 5.21 of the London Plan (March 2016). As such, the proposal can be granted prior approval under Condition AA.2.-(1)(c).

2.05 Flooding

Condition AA.2.-(1)(d) requires the developer to apply to the Local Planning Authority for prior approval as to the flooding risks in relation to the building.

Based Environment Agency flood maps, the majority of the site is located within Flood Zone 1 with only a small amount on the western side in Flood Zones 2 and 3.

Policy 5.12 of the London Plan (March 2016) requires that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development.

Policy 5.13 of the London Plan (March 2016) states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water run-off rates will be refused.

The submitted Flood Risk Assessment notes that the development site is located in Flood Zone 1 as the modelled water level for the 1 in 1000 year event remains in the channel of the Frays River, does not surround the development, and is below the finished floor level of the existing development. As such, the site is already at low risk of flooding, satisfying the requirement of a sequential test to consider sites at lower risk of flooding first, if considered applicable.

The Flood Risk Assessment (FRA) states that a safe, dry access will be available to and from the site at all times during a flood event and a flood management and evacuation plan will be issued to all residents. The FRA also concludes that even when the highest climate change allowance is factored in, the site would still be free from flooding.

Cowley Road exhibits surface water issues and the previous prior approval application (to which this application is tied) has secured a financial contribution, amounting to £28,000, to make drainage improvements to the public highway land comprising the grass embankment between the road and river.

This application forms part of wider redevelopment of the building which includes a change of use to residential dwellings which was granted consent through the prior approval process. Flooding was considered as part of the prior approval application and what needs to be considered as part of this proposal is whether the additional 11 units increases the potential for flooding. No additional hard standing or below ground level works are proposed and there were no objections raised when assessing the flood risk assessment. Given the relatively minor addition to the prior approval consent no additional flood mitigation is sought above what has already been secured on site. Subject to an emergency evacuation conditions, the proposal is not considered contrary to Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMEI 9 and DMEI 10 of the Hillingdon Local

Plan: Part 2 - Development Management Policies (January 2020) and Policies 5.12 and 5.13 of the London Plan (March 2016). As such, prior approval can be granted under Condition AA.2.-(1)(d).

2.06 External Appearance

Condition AA.2.-(1)(e) requires the developer to apply to the Local Planning Authority for prior approval as to the external appearance of the building, including-

- (i) the design and architectural features of-
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
- (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA.

The application site is located on Cowley Road Uxbridge. The character of the area is mixed with residential properties located to the north, east and south-west of the site, Whitehall Nursery & Infant School is located to the south-east, and the nearest commercial properties are located approximately 45 metres to the north consisting of small scale motor repair shop, a tattoo parlour and takeaway shop. The design of the built form varies between each of the different uses but mainly the properties are two storey semi-detached/terraced blocks which are constructed of brick with pitched tiled roofs.

Paragraph 5.32 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that "high buildings and structures are those that are substantially taller than their surroundings, causing a significant change to the skyline."

The building subject to the current application is three stories in height and as noted above, the area surrounding the application site is predominantly low-rise. The existing building does not reflect or replicate any of the surrounding properties and the proposal would create a five storey residential building, increasing the building height from approximately 10.5 metres to 17 metres. This would be substantially taller than the surroundings, significantly changing the skyline. Policy DMHB 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) is therefore applicable and states that any proposal for a high building or structure will be required to respond to the local context and satisfy the criteria listed below. It should:

- i) be located in Uxbridge or Hayes town centres or an area identified by the Borough as appropriate for such buildings;
- ii) be located in an area of high public transport accessibility and be fully accessible for all users;
- iii) be of a height, form, massing and footprint proportionate to its location and sensitive to adjacent buildings and the wider townscape context. Consideration should be given to its integration with the local street network, its relationship with public and private open spaces and its impact on local views;
- iv) achieve high architectural quality and include design innovation. Consideration should be given to its silhouette, so that it provides a positive contribution to the skyline, its design at street level, facing materials and finishes, lighting and night time impact;
- v) where residential uses are proposed, include high quality and useable private and

communal amenity space and ensure an innovative approach to the provision of open space;

- vi) not adversely impact on the microclimate (i.e. wind conditions and natural light) of the site and that of the surrounding areas, with particular focus on maintaining useable and suitable comfort levels in public spaces;
- vii) be well managed, provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- viii) comply with aviation and navigation requirements and not adversely impact upon telecommunication, television and radio transmission networks; and
- ix) demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

Notably, the application site is not located within Uxbridge Town Centre, as defined by Appendix D of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020). The site would instead be located approximately 300 metres south of the Uxbridge Town Centre boundary which is considered to remove it from this context, instead sitting within a lower density suburban/urban context. The proposal would be seen to impact on views from surrounding residential roads and the adjoining Rockingham Recreation Ground, which is a designated Green Chain.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) is also relevant and states:

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

In terms of the design of the building itself, it is acknowledged that the proposed materials and roof design would broadly match that of the existing building, replicating the roof form and dormer window insertions. This approach is considered to maintain the same general character of the building.

The existing property comprises 12 dormer windows at 2nd floor level. A total of 15 dormer windows are proposed at roof level, with two on the north elevation, six on the north-east elevation, two on the south-east elevation and five on the south-west elevation. This results in a net addition of three dormer windows at roof level, although it would harmonise with the

existing character and detailing of the building.

Notwithstanding this, the proposed rooftop extension is considered to create a significant bulk and mass at the fifth storey level. Based on the plans submitted, the addition would measure 22.5 metres in length, 14.5 metres in width and 6.5 metres in height, adding over 2000m³ of built volume at a notable height without any precedent.

The resulting form of development would also appear disproportionate to the existing one and two storey elements of the building. The existing three storey building has a comfortable relationship with the built forms located on-site as well as the neighbouring properties where there is a gradual stepping-up in height. The proposed development would fail to respect this design relationship and would be considered an incongruous addition. At the height proposed, the development would be visible within the wider area and any existing boundary treatment would not be considered sufficient for screening its mass.

Given the considerations above, the proposed development would fail to accord with Policies DMHB 10 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020). As such, prior approval is refused under Condition AA.2.-(1)(e).

2.07 Provision of Natural Light

Condition AA.2.-(1)(f) requires the developer to apply to the Local Planning Authority for prior approval as to the provision of adequate natural light in all habitable rooms of the new dwellinghouses.

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all housing development should provide an appropriate living environment.

Based on the elevations and floorplans submitted, the development would provide 6 no. units on the third floor (numbers 20, 21, 22, 23, 24 and 25) and 5 no. units on the fourth floor (numbers 26, 27, 28, 29 and 30). Unit numbers 20, 21, 26 and 27 would be dual aspect and have access to south-east facing windows. These are considered likely to achieve adequate natural light in the habitable rooms.

The remainder of units proposed are summarised as follows:

- Unit 22 would be a single aspect unit with two south-west facing windows.
- Unit 23 would be a single aspect unit (as the north-west facing windows are narrow, high level, non-opening and obscure glazed) with two south-west facing windows.
- Unit 24 would be a single aspect unit (as the north-west facing windows are narrow, high level, non-opening and obscure glazed) with two north-east facing windows.
- Unit 25 would be a single aspect unit with three north-east facing windows.
- Unit 28 would be a single aspect unit (as the north-west facing windows are non-opening and obscure glazed) with three south-west facing windows.
- Unit 29 would be a single aspect unit (as the north-west facing windows are non-opening and obscure glazed) with three north-east facing windows.

- Unit 30 would be a single aspect units with two north-east facing windows.

Although the natural light received by these units would be relatively limited, the number of windows and orientation of the windows are considered sufficient to provide adequate natural light. It is also noted that planning permission reference 13010/APP/2020/1790 granted permission for a similar arrangement of windows and it is not considered that a reason for refusal on this basis would be considered reasonable and robust at an appeal. As such, prior approval can be granted under Condition AA.2.-(1)(f).

2.08 Impact on Amenity

Condition AA.2.-(1)(g) requires the developer to apply to the Local Planning Authority for prior approval as to the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice".

The existing building is located over 30 metres to the east of nos. 13 to 22 Austin Way, over

30 metres to the west of nos. 66 to 76 Cowley Road, and over 35 metres north-west of Whitehall Nursery & Infant School. As such, it is not considered that the proposal would have a detrimental impact in terms of overlooking or loss of outlook from these neighbouring properties.

The building is sited approximately 9 metres south of no. 69 Cowley Road, with two windows proposed at third floor level and two dormer windows proposed at fourth floor level to face this property. These are proposed as obscured glazed and non-opening below 1.7 metres, and are not considered to compromise the privacy of such neighbours. If recommended for approval, this would be secured by condition.

Given the location of the proposed roof extension to the side elevation of no.69 Cowley Road, it is also considered that the proposal would not result in a detrimental loss of neighbour outlook.

In terms of daylight and sunlight, it is noted that the proposed development would measure 22.5 metres in length, 14.5 metres in width and 6.5 metres in height, adding over 2000m³ of built volume at the fourth and fifth storey level combined. This would be located directly to the south of no.69 Cowley Road and could adversely compromise the daylight and sunlight received by this property. The significance of this impact is unknown as the application submission does not include a Daylight and Sunlight Assessment.

It is noted that Condition AA.3.-(3) states that the Local Planning Authority (LPA) may refuse an application where, in its opinion-

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

In this instance, it is considered that insufficient information has been submitted to enable the LPA to establish whether the development complies with Condition AA.2.-(1)(g) in respect of daylight and sunlight impacts. As such, the application submission is considered contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and prior approval is refused under Condition AA.2.-(1)(g).

2.09 Impacts of Noise

Condition AA.2.-(1)(h) requires the developer to apply to the Local Planning Authority for prior approval as to the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) seeks to protect residential amenity.

The area surrounding the application site comprises primarily residential properties which are located to the north, east and south-west of the site. Whitehall Nursery & Infant School is also

located to the south-east and the nearest commercial properties are located approximately 45 metres to the north consisting of a small scale motor repair shop, a tattoo parlour and a takeaway shop. The development would also need to comply with Approved Document E 'Resistance to the passage of sound' of Building Regulations (2015 Edition) which would safeguard future occupiers from adverse levels of noise. Subject to a planning condition securing a satisfactory internal living environment, it is not considered that noise from commercial premises pose a detrimental impact to the intended occupiers of the development.

A further consideration is the noise impact of the existing offices on the proposed residential units. In order to avoid conflict in this regard, a planning condition would be attached requiring that development does not commence on the rooftop extension unless it is carried out in parallel with the conversion of the existing office building to residential use as consented by prior approval Ref: 13010/APP/2020/1006 dated 28.05.20.

Subject to the above conditions, the proposal would not be considered contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and prior approval can be granted under Condition AA.2.-(1)(h).

2.10 Impacts on Trade and Business

Condition AA.2.-(1)(i) requires the developer to apply to the Local Planning Authority for prior approval as to the impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area.

The existing building is vacant and has prior approval consent for conversion to residential under application reference 13010/APP/2020/1006. The principle of a residential use is therefore already established. In terms of the proposed increase in residential units, it is not anticipated that any trade, business or other use of land in the area would be adversely impacted to such an extent that a reason for refusal would be reasonable and robust. As noted in Section 2.02 of the report, subject to planning conditions and a Section 106 legal agreement, the proposed development would not have a detrimental impact on the local highway network which could have otherwise prejudiced trade and business in the area. As such, prior approval can be granted under Condition AA.2.-(1)(i).

2.11 Impact on Protected View

Condition AA.2.-(1)(j) requires the developer to apply to the Local Planning Authority for prior approval as to whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(2) issued by the Secretary of State.

The development will not impact any protected views identified in the Directions Relating to

Protected Vistas dated 15th March 2012 issued by the Secretary of State. Prior approval can therefore be granted under Condition AA.2.-(1)(j).

3.0 COMMENTS ON PUBLIC CONSULTATION

3.01 Consultee Comments

EXTERNAL CONSULTATION

Letters were sent to neighbouring properties and an advert was post in the local paper. All forms of consultation expired on 13th October 2020. A total of five objections have been received and are summarised as follows:

- The proposal would block out the skyline and sun.
- The proposal would overlook neighbouring gardens 24/7 due to the changed in use from offices to residential.
- There is inadequate parking proposed for the 30 flats and any visitors.
- Parking is already displaced onto Cotswold Close.
- There will be increased traffic caused by lorry's delivering materials and removal off waste containers.
- There are no plans to change any additional sewage and waste water services which will impact the current surrounding occupants of Cowley road.
- The addition of 30 new occupants will increase noise and disturbance to neighbours.
- The value of neighbouring properties will be compromised.
- The proposed building is out of scale compared with the surrounding area, creating a negative visual impact.

Heathrow Airport Ltd:

We have now assessed the below application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development. However, we would like to make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the guidance contained within the UK Civil Aviation Authority document CAP1096 on Guidance to crane users on the crane notification process and obstacle lighting and marking (available at <http://publicapps.caa.co.uk/docs/33/CAP1096%20Crane%20user%20guidance%20Edition%2002.pdf>).

Thames Water:

Waste Comments

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

National Air Traffic Services:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Ministry of Defence:

The application site is approximately 4.36km from the centre of the runway at RAF Northolt and occupies the statutory height, technical and birdstrike safeguarding zone surrounding the aerodrome.

I can confirm the MOD has no safeguarding objections to this proposal.

Environment Agency:

Thank you for consulting us on the above application on 16 September 2020. We have no objection to the proposed development. As part of this consultation we have reviewed the submitted Flood Risk Assessment (FRA), reference: 201243/FRA/RS/KL/03, dated September 2020, prepared by Landmor Consulting. We note that the finished ground floor levels are set above the 1 in 100 plus climate change level and there is no increase in built footprint.

Informative

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA

Sequential Test

In accordance with paragraph 158 of the National Planning Policy Framework (NPPF) development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Flood Risk - Safe Access and Egress

In accordance with paragraph 163 of the NPPF, you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test. Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable. Please note we have not assessed the proposed access and egress route.

Advice to applicant

Risks from Floating Vehicles during Flood Event

This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm - less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles

Flood Proofing and Resilience Measures

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

Residential developments

All new residential development are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Secure By Design Officer:

No comment.

INTERNAL CONSULTATION

Planning Policy Officer:

The regs cover: 'The development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building'. The proposal would actually be to take the top storey off, and then replace it with three storeys according to the drawings. The regs also state that 'engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses' can be included, but I would say that the rebuilding of an entire floor is not engineering operations.

Highways Officer:

Site Characteristics & Background

The application site received Prior Approval consent in May this year (13010/APP/2020/1006) for 19 flatted units with 20 on-plot parking spaces (including 2 disabled compliant). In order to discourage car ownership/usage, a restriction of parking permit issue for use within the surrounding Controlled Parking Zone (CPZ) by new occupiers was thereafter secured by way of a Unilateral Undertaking (s106).

The application site exhibits a public transport accessibility level (PTAL) of 4 which is considered as good and further assists in discouraging dependency on the private motor car.

It is now proposed to add 11 additional units to the above consent with no change to the level of secured on-plot parking provisions (20).

Parking Provision

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The previous consent for 19 flats was based on an on-plot provision of 20 spaces inclusive of 2 disabled compliant bays & electric vehicle charging points (16 'passive' & 4 'active') secured by planning condition. 20 cycle spaces & 1 motor/cycle space were also secured via the same mechanism. This new application proposes 11 additional units with the above quantum remaining unchanged with the exception of cycle provision which would be uplifted from 20 to 30 spaces to reflect the increase in unit numbers.

20 on-plot parking spaces would therefore serve the revised total of 30 units (19 consented +11 proposed) equating to a reduced 0.67 per unit parking ratio as compared to the agreed 1:1 ratio for the 19 units.

Determination of the acceptability (or otherwise) of a lower parking ratio is reliant on a number of extraneous factors to the site itself. The local characteristics of the surrounding road network is one of the main factors that needs to be taken into consideration as this can significantly influence the need (or otherwise) for new residential occupiers owning private motor transport.

With this particular site, it is apparent that the vast majority of the surrounding road network acts as a natural deterrent to an alternative parking facility for 'would be residents' of the development. This deterrent is realised by virtue of the extensive local parking restrictions (incorporated within a CPZ) that surround the location which inherently assist in discouraging the likelihood of untoward parking displacement onto the public domain by a new development.

This relative lack of freely available on-street parking availability therefore acts as a deterrent to multiple or even single car ownership by a prospective occupier of a new residential unit within the proposal site. This is especially true when potential occupiers first view a property prior to purchase or rental and observe non-existent on-plot parking provisions and relatively non-existent on-street parking availability in proximity of the address. This is a factor that is very likely to be high on the list of considerations prior to occupation which allows for an informed decision to be made on whether the address suits the life demands of the potential occupier. Some occupiers may decide to proceed with property acquisition on a potentially 'car free' basis which would then help to conform to the sustainable travel agenda by way of eliminating new parking demand.

Further to supporting the principle of promoting parking restraint and safeguarding the local highway network from notable harm related to undue parking displacement, it is recommended that the site address be made 'Resident Permit Restricted' in order to prevent future occupiers from obtaining parking permits for the local CPZ which encompasses the site. The applicant has already agreed to this mechanism as part of a Unilateral Undertaking (UU) for the consented 19 units and this application should be incorporated within a modified version of the existing UU which would require variation by a 'Deed of Modification'. On the basis of the above reasoning, the overall on-plot parking provision as presented is therefore considered acceptable.

Cycling Provision

A provision of 10 additional secure and accessible cycle parking spaces (1 for each unit) totalling 30 spaces is welcomed and therefore considered acceptable.

Conclusion

Transport and Highway Impact Terms

In accord with the Town and Country Planning General Permitted Development (GPD) Order 2015 (Class AA - part 20 of schedule 2) (as amended) there is broadly no specific objection to the proposal. To expand - the provision of 11 additional residential units is unlikely to measurably affect overall traffic generation to and from the site or indeed create undue on-street parking demand given the sustainability and extensive parking controls of the local area.

Hence, on balance, in 'highway/transport' terms the proposal does not demand a requirement for Prior Approval under condition AA.2 (1) (a) (transport and highway impacts of the development) of the Class AA GPD Order 2015 (as amended)."

Planning Officer Comment:

The Highways Officer comments should state that prior approval is required but can be granted subject to conditions and a Section 106 legal agreement.

Contaminated Land Officer:

1 Summary of Comments:

The submitted document titled "Prior Approval Planning Statement" dated June 2020 states "The existing building was constructed in the 1980s and is currently used as an office building." It is also noted that the structure includes an undercroft parking facility.

The Council's records do not contain details of land conditions at the property.

As the application involves a change of land use criteria, from commercial to residential property, it is recommended that a phased approach is adopted to identify and assess the current land conditions and to further characterise the site in terms of the proposed change of use.

It is therefore, recommended that the following standard condition is imposed within any planning permission that may be agreed:

Proposed standard condition for land affected by contamination.

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. 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 for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

(ii) If during remedial or development works contamination not addressed in the submitted

remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(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 Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

2Reason for Refusal (if objecting):

N/A

3Observations (including but not limited to):

1. Mapping shows the site to be underlain by sand and gravel which represent superficial deposits of the Taplow Gravel Member. DeFRA's MAGIC mapping further indicates the strata are designated as a Principal Aquifer. Early mapping shows a pump was present at the centre of the site, which infers groundwater was sufficiently accessible for water to be drawn from a well supply. The site is also situated directly adjacent to the eastern bank of Fray's River. The Principal Aquifer and surface waters of Fray's River each represent controlled waters which are required to be protected accordingly.

2. It is likely the building was constructed upon Made Ground (of unspecified depth/s) and therefore it is advisable that materials which constitute the made ground should be assessed in terms of any contaminants that may likely be present, and their ability to produce ground gases including VOC's.

3. "Asbestos can be found in any industrial or residential building built or refurbished before the year 2000 (houses, factories, offices, schools, hospitals etc)" (Source: <https://www.hse.gov.uk/asbestos/index.htm>)

Historic mapping shows buildings were present on the site since the 1800's; it is therefore advisable that demolition and removal of any material containing asbestos should be conducted in accordance with guidance from the Health and Safety Executive. (For advice and information contact: the Health and Safety Executive, Rose Court, 2 Southwark Bridge

Road, London, SE1 9HS).

Conservation and Urban Design Officer:

The application seeks permission to construct two additional storeys measuring 6.1 metres maximum height to provide 11 no. residential units (Application for Prior Approval under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

The existing prior approval office conversion development already benefits from permission to erect an additional storey creating a four-storey building with undercroft car parking. This will already make the building significantly taller than the surrounding modest buildings and its visual impact will be even more apparent given the building's offset angle and closer set back to the street which already jars with the street scene.

The established building heights in this part of the townscape are modest at 2-3 storeys and reflect the out of town centre location which has a much more suburban character. The addition of one floor, as per the previous consent, along with the added increase in bulk and mass already creates a dominant building at odds with the street.

The addition of a further floor would exacerbate this harm and would, in my view, create an incongruous and overly dominant building that would attract undue attention and detract from the street scene. The proposed development is, therefore, contrary to policy DMHB 11.

4.0 RELEVANT PLANNING HISTORY

13010/APP/2020/1790 FRAYS COURT,
71-73 COWLEY
ROAD

Erection of roof extension to provide 4 residential units with associated external alterations

Decision: 19-08-20 Approval

13010/APP/2020/1006 FRAYS COURT,
71-73 COWLEY
ROAD

Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 19 residential units (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended))

Decision: 07-05-20 Approval

13010/K/88/1325 71-73 COWLEY
ROAD

Erection of part three storey, part two storey, part single storey office building with basement parking

4.01 Comment on Planning History

Planning application reference 13010/K/88/1325 granted permission (dated 16/09/1988) for the erection of part three storey, part two storey, part single storey office building with basement parking.

Planning application reference 13010/APP/2020/1006 granted prior approval (dated 28/05/2020) for the change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 19 residential units, comprising 1 x studio flat, 12 x 1-bed flats and 6 x 2-bed flats (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

5.0 ADVERTISEMENT AND SITE NOTICE

5.1 Advertisement Expiry Date: 09-10-20

5.2 Site Notice Expiry Date: Not
Applicable

6.0 PLANNING POLICES AND STANDARDS

The following Policies are considered relevant to the application:-

Part 1 Policies:

1. **PT1.BE1 (2012) Built Environment**

(2012) Built Environment

2. **PT1.EM6 (2012) Flood Risk Management**

(2012) Flood Risk Management

Part 2 Policies:

1. **DMAV 1 Safe Operation of Airports**

Safe Operation of Airports

2. **DMEI 10 Water Management, Efficiency and Quality**

Water Management, Efficiency and Quality

3. DMEI 12 Development of Land Affected by Contamination

Development of Land Affected by Contamination

4. DMEI 9 Management of Flood Risk

Management of Flood Risk

5. DMHB 10 High Buildings and Structures

High Buildings and Structures

6. DMHB 11 Design of New Development

Design of New Development

7. DMHB 16 Housing Standards

Housing Standards

8. DMT 1 Managing Transport Impacts

Managing Transport Impacts

9. DMT 2 Highways Impacts

Highways Impacts

10. DMT 4 Public Transport

Public Transport

11. DMT 5 Pedestrians and Cyclists

Pedestrians and Cyclists

12. DMT 6 Vehicle Parking

Vehicle Parking

13. LPP 5.12 (2016) Flood risk management

(2016) Flood risk management

14. LPP 5.13 (2016) Sustainable drainage

(2016) Sustainable drainage

15. LPP 5.21 (2016) Contaminated land

(2016) Contaminated land

16. LPP 7.1 (2016) Lifetime Neighbourhoods

(2016) Lifetime Neighbourhoods

17. LPP 7.4 (2016) Local character

(2016) Local character

18. LPP 7.6 (2016) Architecture

(2016) Architecture

19. NPPF- 12 NPPF 2018 - Achieving well-designed places

NPPF-12 2018 - Achieving well-designed places

20. NPPF- 9 NPPF 2018 - Promoting sustainable transport

NPPF-9 2018 - Promoting sustainable transport

7.0 REFERENCE DOCUMENTS

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

National Planning Policy Framework (February 2019)

Technical Housing Standards - Nationally Described Space Standard (May 2016)

The draft London Plan - Intend to Publish (December 2019)

The London Plan (March 2016)

The Housing Standards Minor Alterations to The London Plan (March 2016)

Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)

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