

Trade City Business Park Cowley Mill Road Uxbridge UB8 2DB

Section 73 (Minor Material Amendment)
prepared on behalf of DTZI

November 2019

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1. Introduction

On behalf of our client, DTZi, Cushman and Wakefield have been requested to submit a section 73 to remove Condition 6 of decision 3114/APP/2012/2881, in order to remove the restriction on the hours of operation currently imposed at Trade City Business Park, Cowley Mill Road, Uxbridge, UB8 2DB.

Accordingly, we enclose the following documents which form part of our pre-application request:

- i. Site Plan - prepared by DTZi
- ii. Noise Assessment – prepared by WSP;
- iii. Noise Assessment Pre-app Summary – prepared by WSP;
- iv. Travel Plan – prepared Robert West;
- v. Transport Statement – prepared by Robert West;
- vi. Marketing Information – prepared by DTZi

This supporting planning statement contains 6 sections:

- Section 2 provides a summary of the site and the surrounding area and relevant planning history;
- Section 3 describes the proposal and varied condition;
- Section 4 reviews the relevant national and local planning policy;
- Section 5 assesses the key planning considerations; and
- Section 6 provides a conclusion to the Statement.

2. Site and Surrounding Area

The Uxbridge Trade Park comprises of 25 industrial and commercial units, offering in total circa 79,057 sq m of B1, B2 and B8 space. Phase 1 consists of 14 units providing 868 sq m employment floorspace, comprising of B1(c), B2 and B8 land-use, a multi-purpose test centre, including a 200 sq m test centre building and associated infrastructure, roads and landscaping. Phase 2 provides a further 11 units providing another 11,285 sq. m employment floorspace. The application only relates to unit A and B of Phase 2.

The main access to the site is off the south side of Cowley Mill Road adjacent to the Royal Mail Sorting Office. The access leads to an internal roundabout of three arms, two of the arms form the internal roads providing access for vehicles, motorcycles and bicycles to the units whilst the third provides an access into the southern part of the Royal Mail property.

The site has footways of a good width (approximately 2m) on the eastern edge of the internal roads and on-site car parking space is provided in front of the main entrance into each unit. Residential properties line both sides of Cowley Mill Road between its junction with Cowley Road and the existing access road to the application site. Cowley Mill Road is subject to a 30mph speed limit and a 17-ton weight restriction over the single lane bridge over the Grand Union Canal, situated just west of the site access junction.

The key roads which form the local highway network around the proposed site for development consist of Cowley Mill Road to the north of the site, Cowley Road to the east and Wallingford Road to the west. The site is bound by Cowley Mill Road to the north, where the main access for vehicles and pedestrians is located, Fray's River to the east and Grand Union Canal to the west.

The surrounding area is predominantly characterised by low-rise residential units, with a number of local retailers scattered within the area that surrounds the site. The Royal Mail Uxbridge Sorting and Delivery Office is situated on the northern-end of Cowley Mill Road. Both Royal Mail and the trade park share the same access point for site. Several other business and industrial parks are located within close proximity of the development site; West London Industrial park is located approximately 1km south-west of Uxbridge Trading Park and approximately 5.6km south-east of Stockley Park. However, the main cluster of business and industrial trading units are situated to the west of Wallingford Road, approximately a five minutes' walk of the site.

Residential properties are located on Ferndale Crescent (0.6 miles to the south), Hogarth Close (0.5 miles to the east) and Cowley Mill Road (0.2 miles to the north). The Lord Hill Public House adjacent to the site's access junction has been converted from ground floor A1 to A5 units and a 5-person HMO.

The ditch located south of the southern boundary, acts as a buffer zone to the mixed woodland trees. The trees within the woodland are under TPO's. Furthermore, the Fray River located to the east is a designated Nature Conservation Site of Borough Grade I Importance. To the site's west lies the Grand Union Canal, which has been designated in the UDP as a Nature Conservation of Metropolitan Importance.

The site is not listed nor of any local importance. The site does not sit within a conservation area and has a flood risk of both 1 (less than 1 in 1,000 annual probability of river or sea flooding) and 2 (between a 1 in 100 and 1 in 1,000 annual probability of river flooding) across the site.

As stated within the Saved UDP policy map and Draft Local Plan Site Allocation list the site lies within the Uxbridge Industrial Business Area (IBA) and forms part of the Uxbridge/ Cowley Economic Support Strategy.

The site can be accessed by both public and private transport. Uxbridge London Underground station is situated within Uxbridge town centre which is an 18 minutes' walking distance (approximately 1.9km) of the site; the station provides access to Metropolitan line and Piccadilly line trains (with services running between Uxbridge and Cockfosters or Heathrow Terminals; and between Uxbridge and Aldgate). There are also a number of bus services routed near the site with stops located on Cowley Road, which provides the site access to public transport services. The site has a PTAL rating of 0 and 1b across the site.

2.1. Planning History

Based on a review of Hillingdon Council's planning portal, we set out below a schedule of previous planning proposals relating to the Trade Park Phase 2. This planning history illustrates the council's supportive attitude towards the development and betterment of Uxbridge Trade Park.

Reference	Description	Decisions	Decision Date
3114/APP/2000/271	Redevelopment of Vacant Gas Works Site to Provide Class B1 (Business), Class B2 (General Industrial) And Class B8 (Storage/Distribution)	Refused Allowed on Appeal under reference: APP/R5510/A/1077460	30-08-02
3114/APP/2005/2021	Variation of condition 2 (to allow an extension of time for the submission of reserved matters) of the Secretary of State's appeal.	Approval	19-07-05
3114/APP/2008/2667	Reserved matters Phase 2 (Details of siting, design, external appearance, access and landscaping) (Employment uses B1(C), B2 and B8), traffic arrangements, parking and small units in part compliance with conditions 1,7,8 and 14 of the Secretary of State's appeal decision.	Approved	08-09-08
3114/APP/2010/2849	Application for Non-material amendment to conditions 1, 4, 6, 8, 10, 15 and 21 of reserved matters approval ref: 3114/APP/2008/2667	Approved	

	dated 02/02/2009 to alter timeframe for details approval.		
3114/APP/2011/15	Application for Non-material amendment to conditions 6, 11, 12 and 19 of outline planning permission ref: 3114/APP/2005/2021 dated 13/09/2005 (which extends the Secretary of State's Appeal decision ref: APP/R5510/A/01/1077460) to alter timeframe for details approval.	Approval	05-01-11
3114/APP/2011/29	Application for Non-material amendment to condition 20 of reserved matters approval ref: 3114/APP/2008/2667 dated 02/02/2009 to alter timeframe for approval.	Approval	07-01-11
3114/APP/2012/2881	Construction of two employment units (to be used within Class B1, B2 or B8 Use Class) with associated car parking, access, boundary treatments and landscaping.	Approval	19-11-12
3114/APP/2013/1077	Amendments to the design and appearance consisting of additional glazing to west elevation of unit A1 of Planning Permission 3114/APP/2012/288.	Approval	29-04-13
3114/APP/2013/1079	Amendments to the design, appearance and layout of units C1 - C5 of Reserved Matters Approval 3114/APP/2008/2667	Approval	29-04-13
70255/APP/2014/3027	Small scale standby electricity generation plant (Unit 23)	Approval	12/12/14

2.2. Appeal

Uxbridge Trade Park is a business and industrial estate located at the former gas works site on Cowley Mill Road, Uxbridge, UB8 2DB. The site is located wholly within the London Borough of Hillingdon (LBH) and is situated about 1-kilometre south-west of Uxbridge town centre and about 2.6 kilometre from junction 1 of the M40 and 5 kilometres from the M4/M25 junction. Heathrow airport is approximately 7km to the south and RAF Northolt is approximately 3.5km to the east so the area is subject to aircraft overflights and associated noise.

The redevelopment of this former British Gas Works site was recommended for approval at committee on the 23 September 2008 subject to the completion of a S106 Agreement and the imposition of 47 conditions. Members did not accept this recommendation, and the application was refused (ref: 3114/APP/2000/271) on the grounds it did not protect the residential amenity of the area, and that the preferred alternative access from Cowley Road had not been

adequately pursued. Planning permission was subsequently approved at appeal (ref: APP/R5510/A/1077460) with the inspector finding that the proposed development would have a negligible impact on the already built-up and busy area.

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The inspector imposed 21 conditions of which three related to noise;

Condition 19: *The development shall not begin until a scheme specifying provisions to be made for control of noise emanating from the site has been submitted to and approved by the local planning authority; the scheme shall include such combination of physical measures, administrative measures, noise limits and other measures as may be approved by the local planning authority, and the approved measures shall be implemented with each phase of the development and thereafter retained unless agreed in writing with the local planning authority.*

Condition 20: *No noise generating activities including loading and unloading operations shall take place outside the buildings, and no goods vehicles shall enter or leave the site between 21:00 hrs and 07:00hrs Monday to Saturday, and at no time on Sunday and Public Holidays, unless agreed in writing by the local planning authority.*

Condition 21: *The rating level of noise emitted from any item of plant or equipment at the site shall be a least 5dB lower than the existing background noise level unless otherwise agreed in writing by the local planning authority. The noise levels shall be determined at the boundary with the nearest residential property, and the measurements and assessment shall be made in accordance with BS 4142 Method for Rating Industrial Noise affecting Mixed Residential and industrial Areas.*

The appeal decision approved the entire trade park which has since been built out in two phases and sold to two separate owners, Kier (Phase 1) and DTZi (Phase2). This enquiry only relates to Phase 2 of the development.

Condition 20 has had a negative impact on the operation and letting of the units at Uxbridge Trade Park. The terms of the condition have led to vacant units within Phase 2, as operators are unwilling to occupy units which restrict the hours they can operate under. DTZi are therefore looking to remove Condition 20.

A separate planning application under planning reference has been submitted and is currently being reviewed.

2.3. Current Application

An application was submitted in 2012 for the Construction of two employment units (to be used within Class B1, B2 or B8 Use Class) with associated car parking, access, boundary treatments and landscaping under planning reference 3114/APP/2012/2881.

The two proposed employment units A & B replaced units; A1, A2, A3, A4, A5, A6, A7 of application APP/R5510/A/1077460. Similar to application APP/R5510/A/1077460 insufficient information was available in terms of noise levels and mitigation measures and a condition was imposed limiting noise levels;

Condition 6: *No noise generating activities, including loading and unloading operations shall take place outside the buildings, and no goods vehicles shall enter or leave the site between 21:00 hours and 07:00 Monday to Saturday, and at no time on Sundays, Bank Holidays and Public Holidays, unless agreed in writing with the local planning authority.*

Condition 6 has had a negative impact on the operation and letting of the units at Uxbridge Trade Park. The terms of the condition have led to vacant units within Phase 2, as operators are unwilling to occupy units which restrict the hours they can operate under. DTZi are therefore looking to remove Condition 6.

2.4. Pre-app

A pre-app meeting was held onsite on 17/10/2018 with the council to establish their views on the proposed variation. The pre-app was conducted with by the applicant's planning and noise consultant and by the council's Environmental Protection Unit officer and case-officer as the case-officer indicated noise being generated by the future occupants was the biggest concern. The pre-app covered by the entire phase 2 boundary and included units; A, B, C, D1, D2, D3, D4, D5, E, F and G.

During the site visit it was confirmed by the council's Environmental Protection Unit consultant that given the distance from the units and residential units and the noise barrier installed at the site's entrance he would have no objection to the proposed development.

The pre-app response from the council is summarized below;

- **Principle of Development** – there are no objections, however possible concerns in relation to the resident living on Cowley Mill Road.
- **Amenity** – the Environmental Protection Unit officer as no in principle issues with the proposed 24-hour use given; there is no line of site to noise sensitive premises from nearby residential units and there is adequate acoustic screening to mitigate against any noise produced.
- **Highways** – no objections were raised against the proposed use

Despite no objections being raised by the Environmental Protection Unit officer or the Highways Officer, the pre-app concludes on a proposed condition which states that no HGV's and LGV's movements shall take place between 22.00 and 06:00.

Whilst the applicant is keen to work with the local authority, given the findings from the reports submitted as part of this application and the views from both officers, the applicant is continuing to vary the condition for 24 hours use.

3. Proposal

Following the physical implementation of the noise mitigation scheme for the past fifteen years, it has now reached a point whereby the condition is impacting the operations and the lettings of the park.

Uxbridge Trading Park has now been marketing for nearly 5 years, longer than expected for units within this location and built to a high specification. As of April 2019, 10 of the 11 units had been let with unit 10 taking over 4 years to let. The last unit was let in June 2019, after 5 years on the market. Whilst there remains strong demand in the Uxbridge area, potential occupiers are deterred from taking space at the trade park due to the restriction on operation hours.

A total of 18 operators in the past 12 month showed interest in remaining unit, however, retracted their offer due to their requirements for 24/7 access. The unit was finally let last month to a non-typical occupier Puttshack – a miniature golf company. For further information regarding marketing please refer to the market report submitted as part of this application.

DTZi are therefore seeking to vary condition 6 of decision 3114/APP/2012/2881, by extending the permitted operating hours of the estate to 24 hours. This will only relate to the units in Phase 2; A and B. As stated above a separate application, which is currently being considered by the council, has been submitted to vary the condition attached to units; C, D1, D2, D3, D4, D5, E, F and G.

4. Planning Policy Context

The PPG states conditions, when used properly, can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.

4.1. National Planning Policy Framework

Paragraph 54 states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 55 further states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 56 states planning obligations must only be sought where they meet all of the following tests

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Paragraph 180 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;
- Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

Paragraph 80 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 81 Planning policies should:

- Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

- Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

4.2. London Plan (2016)

Policy 4.1 Developing London's Economy states the Mayor will work with partners to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors

Policy 4.4 Managing Industrial Land and Premises states the Mayor will work with boroughs and other partners to adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space.

Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment And Promoting Appropriate Soundscapes states development proposals should seek to manage noise by:

- Avoiding significant adverse noise impacts on health and quality of life as a result of new development;
- Mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; Improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);
- Separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation;
- Where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles; Having particular regard to the impact of aviation noise on noise sensitive development; Promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

4.3. Draft London Plan (2019)

Policy D13 states;

- A. In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:
 - avoiding significant adverse noise impacts on health and quality of life
 - mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
 - improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
 - separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation
 - where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
 - promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.
- B. Boroughs, and others with relevant responsibilities, should identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra's Noise Action Plan for Agglomerations.

Policy E5 (Strategic Industrial Locations (SIL)

- A. Strategic Industrial Locations should be managed proactively through a plan-led process to sustain them as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy
- B. Boroughs, in their Development Plans, should:
 - define the detailed boundary of SILs in policies maps having regard to the scope for intensification, co-location and substitution (set out in Policy E7 Industrial intensification, co-location and substitution)
 - develop local policies to protect and intensify the function of SILs and enhance their attractiveness and competitiveness (including improvements to access, public transport, digital connectivity and other related infrastructure) for the functions set out in Policy E4 Part A
 - explore opportunities to intensify and make more efficient use of land in SILs in Development Plan reviews and through Opportunity Area Planning Frameworks in collaboration with the GLA and other planning authorities within and outside London (Policy E7 Industrial intensification, co-location and substitution).
- C. Development proposals in SILs should be supported where the uses proposed fall within the industrial-type activities set out in Policy E4 Part
- D. Development proposals for uses in SILs other than those set out in Policy E4 Part A, (including residential development, retail, places of worship, leisure and assembly uses), should be refused except in areas released through a strategically co-ordinated process of SIL consolidation. This release must be carried out through a planning framework or Development Plan document review process and adopted as policy in a Development Plan or as part of a co-ordinated masterplanning process in collaboration with the GLA and relevant borough.

- E. Development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and their ability to operate on a 24-hour basis. Residential development adjacent to SILs should be designed to ensure that existing or potential industrial activities in SIL are not compromised or curtailed. Particular attention should be given to layouts, access, orientation, servicing, public realm, air quality, soundproofing and other design mitigation in the residential development.

Within the Draft London Plan both the North Uxbridge Industrial Estate and Uxbridge Industrial Estate are identified as Strategic Industrial Locations (SILs). Both are under the jurisdiction of Hillingdon Council. SILs are given strategic protection because they are critical to the effective functioning of London's economy.

4.4. Hillingdon Local Plan (2012)

Policy E1: Managing the Supply of Employment Land states the Council will accommodate growth by protecting Strategic Industrial Locations and the designation of Locally Significant Industrial Sites (LSIS) and Locally Significant Employment Locations (LSEL) including the designation of 13.63 hectares of new employment land.

4.5. Draft Site Allocations and Designation 2015

Uxbridge Industrial Estate is designated as a Preferred Industrial Location. It retains a strong industrial character and is in significant active use. As such, the Council is of the view that the site should be retained in industrial use, with the exception of Cape Boards site north of Iver.

4.6. Draft Development Management Policies (2015)

Hillingdon has four Strategic Industrial Locations (SILs), which are protected by Policy 2.17: Strategic Industrial Locations of the London Plan as being the main reservoirs of industrial land in the Borough.

Policy DME 1(Employment Uses on Designated Employment Sites) states;

- a) The Council will support employment proposals in Strategic Industrial Locations (SILs) - Preferred Industrial Locations (PIL) or Industrial Business Parks (IBP) - in accordance with relevant policies in the London Plan;
- b) The Council will support industrial and warehousing uses (Use Classes B1 (c), B2 and B8) and Sui Generis uses that are appropriate in an industrial area within Locally Significant Industrial Sites (LSIS);
- c) The Council will support light industrial, office and research & development activities (B1 (a) (b) (c) Use Classes) within Locally Significant Employment Locations (LSELs);
- d) Proposals for other uses will be acceptable in SILs LSELs and on LSIS only where:
 - i. There is no realistic prospect of the land being used for industrial or warehousing purposes in the future; and
 - ii. Sites have been vacant and consistently marketed for a period of 2 years; and
 - iii. The proposed alternative use does not conflict with the policies
 - iv. and objectives of this Plan.

- e) Development adjacent to SILs, LSIS and LSELs must be located and/or designed so as to not to compromise the integrity or operation of these employment areas;
- f) Proposals for small scale ancillary development which supports occupiers and the workforce on designated employment sites, such as 'walk to' services including workplace crèches, cafes and small-scale food outlets, will be supported.

5. Planning Assessment

Condition 6 states 'No noise generating activities, including loading and unloading operations shall take place outside the buildings, and no goods vehicles shall enter or leave the site between 21:00 hours and 07:00 Monday to Saturday, and at no time on Sundays, Bank Holidays and Public Holidays, unless agreed in writing with the local planning authority. The current condition placed on the trading park is impacting the operations and letting of the units at the trading park as a majority of the work undertaken by the occupiers at the trade park involve an element of loading and unloading goods, the condition has deterred potential occupiers from letting the units, thereby, impacting the profitability of the Trading Park. Paragraph 80 of the NPPF states planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. It further adds significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development with the intention to allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 81 further adds policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration and seek to address potential barriers to investment and be flexible enough to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances. The London Plan, the draft London Plan and Local Plan further places significant weight on ensuring industrial locations are appropriately managed and meet the needs of occupiers.

The marketing information provided highlights that despite demand for unit space within the area, the condition attached to the scheme discouraged 18 potential occupiers from letting the site. The marketing information states despite surrounding units being inferior to the units at the trade park, both in terms of specifications and location, they were considered more desirable by occupiers due to no limiting or restrictive conditions set in relation to operations and noise. In fact, over the past 12 months a number of transactions have taken place in the surrounding where tenants (Levantine and Woods Foods) have terminated their HOT's with Uxbridge Trade Park and have chosen units with higher rents at Dawley Road, Hayes and Riverside in Uxbridge due to the noise restriction. The condition is therefore impacting the Park's trading and economic profitability and therefore goes against national and local policies.

Furthermore, two planned, speculative developments, of competing size units to the one remaining unit at Uxbridge Trade Park are currently under construction further along the Cowley Mill Road. Neither of these competing schemes have operating hour restrictions similar to Condition 6, despite being located within close proximity to residential areas. SEGRO Park Hayes - a mixed use scheme with Barratt London providing 1,300 new homes is a development which is looking to provide 230,000 sq.ft of modern industrial space within the development. This proves that the council do consider it acceptable for residential developments and industrial space to occur side by side if appropriate mitigations are provided.

Paragraph 56 states planning obligations must only be sought where they meet all of the following tests

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

It is recognised that planning permission was granted when there was still some uncertainty about the detail of the development and potential amenity impacts that might result from the scheme. The nature of the noise condition imposed, therefore, reflects this level of concern and as such the condition is both precautionary and stringent. A noise report has since then been commissioned and submitted as part of this application to evaluate the impact of the removal of condition 6. The report states that the result from the removal of the hour's restriction in Condition 6 of the planning permission would have negligible magnitude and are insignificant. The report considers the predicted noise impacts in accordance with relevant planning policy and has determined that the predicted impacts fall below the LOAEL and so, no planning action would be required. It is concluded that the noise impact would, therefore, not be a reason for refusal. This was further confirmed during the site visit when the Environmental Officer was stated he had no issues with the removal of the condition given the noise barrier erected since the appeal was made.

A Transport Statement is submitted as part of the application which looks at assessing the typical daily trips and how this may potential increase if the condition is removed. The report states based on information collected, the "Phase 2" units of Uxbridge Trade Park generate up to 53 deliveries per day during mainly off-peak day periods. Similarly, these units generate up to 16 servicing trips (refuse and recycling) per week during off-peak periods. These figures indicate that as a worst-case scenario the "Phase 2" units of Uxbridge Trade Park generate up to 111 two-way operational daily trips ($53 \times 2 + (16 \times 2)/7 \text{ days}$). Therefore, the remaining 150 heavy vehicle daily trips are undertaken by customers during day time when the "Phase 2" units are operational.

If the 53 deliveries from the "Phase 2" units were spread out evenly throughout a day, that would equate to approximately two deliveries per hour. Given that the majority of the businesses operating within the trade park are open during day time hour only, it would be reasonable to assume, as a worst-case scenario, if the hours of use restrictions for the "Phase 2" units are removed (Condition 20 of planning permission APP/R5510/A/01/1077460), up to 50% of the deliveries (amounting up to 27 deliveries in total) may occur during the evening period (21:00 – 07:00). This would equate to approximately three deliveries per hour during the 10-hour period (21:00 – 07:00), which is considered negligible.

A travel plan has been commissioned by DTZi to ensure sufficient mitigation will be in place. The specific objectives of the plan are to:

- 1) Increase awareness amongst Uxbridge Trading Park employees and encourage the use of sustainable travel options;
- 2) Promote smart working practices and reduce the overall need to travel;
- 3) Improve services and facilities for sustainable travel.

Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes of the London Plan states development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life as a result of new development and should mitigate and minimize noise where possible separate development from noise sensitive areas. And where this is not possible good acoustic design principles should be incorporated. The site is located in an allocated industrial site where noise and late-night activities is viewed as necessity. Therefore, the site is not located in a noise sensitive area and the negligible additional noise

and trips being made will become part of the background noise of the surrounding allocated area. Furthermore, as stated above the site since appeal has designed a noise mitigating barrier which restricts noise from traveling, thereby fulfilling adhering with local and national policy.

We comment that although the trade park operates with an operating hours restriction in place, the Royal Mail Sorting and Delivery Office (RMSDO) located on the other side of the estate access road has no such restriction. The north yard of the RMSDO is used for parking and access to the vehicle workshop which opens towards the north. There is also a south yard and there are movements of Royal Mail commercial vehicles between the two yards on the estate access road. A significant number of commercial vehicle movements are associated with the RMSDO and these include night time vehicle movements and heavy commercial vehicles seven days a week. The Royal Mail activities and vehicle movements are unrelated to the 2002 permission and the entire operation pre-dates the development of the estate.

Based on both RMG activities and the surrounding business park units to the west, it can be argued that the noise is considered to be part of the established background and ambient noise climate. Given the size, proximity and uncontrolled hours of the Royal Mail operation, its presence greatly reduces the potential for any significance to be attached to similar (and generally lesser) noise impacts from the estate.

6. Conclusion

Cushman and Wakefield have been instructed by DTZI to submit a section 73 to remove Condition 6 of decision 3114/APP/2012/2881, in order to remove the restriction on the hours of operation currently imposed at Trade City Business Park, Cowley Mill Road, Uxbridge, UB8 2DB.

We consider that the construction and operation of the trade park means that its noise impact can be discerned with more certainty that was possible at the time the appeal was approved and that the work now undertaken demonstrates that today, the park can operate satisfactorily without harm to local amenity during the amended operating hours as proposed. This has been further confirmed in the findings highlighted in the supporting documents and the positive response from the pre-app.

We consider the proposed removal of the condition in accordance with national, regional and local planning policy. DTZI would seek to implement the proposed use as soon as possible upon the grant of planning permission

If you have any further queries, please do not hesitate to contact Zainab Arshad on Zainab.arshad@cushwake.com in the first instance.

Cushman and Wakefield, Inc.

November 2019