



Prior Approval Notification for
Change of Use from B1(a) to C3 Use
Try House, Cowley Business Park, Uxbridge
Supporting Statement

June 2020

Quality Control

Job No	P&DG/20.028	Doc No.	P&DG/20.028 SS
Title	Prior Approval Notification for Change of Use from B1(a) to C3 Use		
Location	Try House, Cowley Business Park, Uxbridge		
Document Ref	Supporting Statement		
File reference	P&DG/20.028		
Date	June 2020		
	Prepared by	Checked by	Authorised by
	CA	BW	BW

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1 Introduction

- 1.1 This Prior Approval Notification is submitted to the London Borough of Hillingdon on behalf of the applicant, Threadneedle Property Unit Trust, who are seeking the change of use of Try House, Cowley Business Park from Office to Residential. The development is permitted in accordance with Schedule 2 Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, subject to the condition that before beginning development, a developer must apply to the Local Planning Authority for determination as to whether prior approval is required in respect of (a) transport and highways impacts of the development; (b) contamination risks on site; (c) flooding risks on site and (d) impacts of noise from commercial premises on the intended occupiers of the development.
- 1.2 Accordingly, we are pleased to submit a Notification for Prior Approval for the Proposed Change of Use of a Building from Office Use (Class B1a) to Residential Use (Class C3), in connection with the abovementioned site. Up to 20 residential units are proposed.
- 1.3 The provisions of the permitted development order are met and the proposals will provide much needed new residential development, in accordance with the Government's unequivocal intention to 'boost significantly the supply of housing'.

2 Background

- 2.1 It is recognised by the Government that there is an urgent need to increase the rate of house building in England and make housing supply more responsive to changes and demand.
- 2.2 As part of a range of measures and reforms designed to address the lack of supply of housing; allowing the Change of Use from offices to residential to take place more easily provides a timely opportunity to contribute to meeting pressing housing need.
- 2.3 This approach provides the joint benefits of encouraging and supporting the increase in housing supply, encouraging the regeneration of offices, and bringing empty properties into productive use, will which in turn ultimately reduce pressure on green field sites.
- 2.4 Removing the requirement to submit a planning application for a Change of Use – and the associated costs and delays – is intended to encourage developers to bring forward underused and vacant land and buildings.

3 Site Context

- 3.1 Try House is a three storey office premises, traditional in appearance and situated on the entrance road to Cowley Business Park, to the south of the internal link road of the same name. Car parking is provided on areas of hardstanding to the south and west of the premises benefitting from a formalised arrangement and accessed from Cowley Business Park.
- 3.2 The site is not Article 2(5) land as defined within the above Order. The site is subject to an Article 4 direction preventing the proposed change of use from light industrial uses to residential under permitted development rights. This does not apply to Try House as they are offices.
- 3.3 The site is not subject to any statutory or other (non-planning) designations, which may otherwise require special consideration.
- 3.4 The surrounding character of the area comprises a mix of residential and employment uses. The site to the east has an approved Prior Notification for conversion from office to residential use. To the north and south east are further residential developments. To the south west are commercial uses however these are situated far enough away not to cause any noise or visual impact. To the north west is an office building.

4 Proposed Development

- 4.1 This submission seeks confirmation that prior approval is not required for the conversion of Try House to residential use. The conversion will provide up to 20 flats in total with a range of sizes.
- 4.2 There is no requirement within the legislation to provide detailed internal floorplans for the proposed development, therefore as the proposed conversion is permitted development under Class O, the internal changes do not require planning permission and no external changes are proposed, floor plans have not been prepared for this submission not being relevant to determine whether prior approval is require. The intention of the landowner would be to dispose of the building to a residential developer who would prepare their own plans for the subdivision of the building. The internal changes will of course be subject to building regulations approval and fire safety standards.
- 4.3 The existing car park to the rear and side of the building will be utilised for the residential units.

5 Relevant Legislation

- 5.1 The Town and Country Planning General Permitted Order (GPDO) is effectively a national granting of planning permission which operates by giving deemed permission for certain developments, without the operator having to make a full application to the Local Planning Authority for planning permission.
- 5.2 Schedule 2 of the GPDO grants permission for classes of development described as “permitted development”. The principle therefore is that permission is granted unless that are significant and compelling constraints.
- 5.3 On the 6th April 2016, the GPDO was amended and Part 3 of Schedule 2 includes Class O making this permitted development right permanent and expanding the qualifying criteria to include impacts of noise from commercial premises.
- 5.4 Development permitted by the above Class is conditional on the applicant making a Prior Approval application to the Local Authority and subject to a number of exceptions and conditions.

Exceptions

- 5.5 Development is **not** permitted by Class O where any of the following exceptions apply:
 - a) The building is on Article 2(5) Land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019.
 - b) The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order, immediately before 29th May 2013 or, if the building was not in use immediately before that date, when it was last in use.
 - c) The site is located in a safety hazard area.
 - d) The site is, or forms part of, a military explosives storage area.
 - e) The building is a listed building or within the curtilage of a listed building.
 - f) The building is a, or contains, a scheduled monument.

Conditions

- 5.6 Development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the following:

- (a) transport and highways impacts of the development
- (b) contamination risks on the site
- (c) flooding risks on the site
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

- 5.7 The principle of development cannot be a consideration as the development is permitted by the GPDO.
- 5.8 The Local Planning Authority has 56 days from the date of receipt to advise the applicant as to whether Prior Approval is required, or whether the application for Prior Approval has been granted or refused.
- 5.9 The Local Planning Authority is able to publicise the application or consult interested parties giving 21 days for comment.
- 5.10 If the Change of Use is likely to result in a material increase or a material change in the character of traffic locally the Council will consult the highway authority for a view.
- 5.11 Similarly where the Prior Approval application relates to areas at risk of flood, at risk of contamination or impacted by noise the Environment Agency and/or the Environmental Health department will be consulted.
- 5.12 If Prior Approval is not required the applicant can proceed once it receives written notice to this effect, or once the 56 day period has expired. If Prior Approval is required, the Local Planning Authority has the ability to either approve or refuse the proposed Change of Use on the basis of highway, flooding, noise or contamination matters only.

6 Planning Considerations

- 6.1 The provisions set out within Class O of Part 3 of the second Schedule of the GPDO indicate that the Change of Use is not deemed to be permitted where the following conditions are met.
- 6.2
1. The building is on Article 2(5) Land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019. - *Article 2(5) land ceased to exist after 31st May 2019 and has been replaced by Article 4 directions. An Article 4 Direction covers the site however this applies to light industrial uses only.*
 2. The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order, immediately before 29th May 2013 or, if the building was not in use immediately before that date, when it was last in use. - *The building is understood to have operated lawfully as a B1(a) use immediately before 29th May 2013 and as such is not exempted from the permitted change of use on this basis.*
 3. The site is located in a safety hazard area. - *The premises are not located in such an area.*
 4. The site is, or forms part of, a military explosives storage area. - *The premises are not located in such an area.*
 5. The building is a listed building or within the curtilage of a listed building. - *The premises are not a listed building or within the curtilage of a listed building.*
 6. The building is a, or contains, a scheduled monument. - *The premises are not, and do not contain, a scheduled monument.*
- 6.3 On this basis the provisions of Class O apply to the premises and the authority are required to determine whether Prior Approval is required solely in terms of;
- (a) transport and highways impacts of the development
 - (b) contamination risks on the site
 - (c) flooding risks on the site
 - (d) impacts of noise from commercial premises on the intended occupiers of the development.

Transport and Highways

- 6.4 The Government recognises that the external impacts of residential development are likely to be equal to or less than these associated with office use.
- 6.5 The Government acknowledge that there is risk that the new permitted development provisions may be perceived by some as a loss of control for local authorities, and their ability to consider the wider external costs and benefits of development in coming to a decision.
- 6.6 However, in the DCLG publication entitled “Relaxation of Planning Rules for Changes of Use from Offices to Residential – Impact Assessment May 2013”, it states that as the permitted development right would be extended to business use Class (a) only, it is likely that such impacts will be similar to housing developments; particularly in terms of footfall, traffic and parking. Furthermore, the report states that if the impacts are broadly similar it is unlikely to have any potential costs in terms of additional infrastructure requirements.
- 6.7 The site benefits from an existing access onto Cowley Business Park, close to its junction with Cowley Road and High Street. Bus stops are located along Cowley Road and High Street leading to Uxbridge Underground Station in the north and Yiewsley Railway Station in the south, connecting other parts of the region and country. The site is proximate to local services and amenities to meet both daily and occasional needs.
- 6.8 Anticipated trip generation will not have a material impact upon the surrounding highway network or give rise to highway safety concerns
- 6.9 The site benefits from existing surfaced car parking for 112 cars including spaces for disabled users. This provision is more than sufficient to accommodate future residential occupiers and visitors of the building.
- 6.10 The residual cumulative impact of the development in regard to highways and access will not be severe in the context of the NPPF. As such, the proposal is considered to be acceptable in highways terms.

Site Contamination

- 6.11 The site was historically related to Cowley House and in the 1930's had a tennis court presence. In the 1960's the land appears to have been sold to the builders yard located to the south of Cowley House which was extended onto the site.

- 6.12 The site was subsequently redeveloped to form the Cowley Business Park and the site itself hosting the existing office building that is there now.
- 6.13 Accordingly, the risks from historic ground conditions would not be considered significant to preclude use for residential occupation.

Flood Risk

- 6.14 Fray's River follows the sites eastern boundary and the Union Canal on the western boundary however, the premises and car park lie outside of Flood Zones 2 and 3. The site is located within Flood Zone 1 meaning it is not subject to any elevated risk of flooding. There are no known critical drainage problems giving rise to surface water flood risk. The residential development will be safe from flooding over its lifetime and will not exacerbate the risk of flooding elsewhere. Consultation with the Environment Agency is not therefore required and the development is considered to be acceptable in respect of flood risk.

Impacts of Noise from Commercial Premises

- 6.15 The adjoining commercial premises are primarily offices and are all entirely compatible with a residential use. The commercial uses to the south west of the site are considered sufficiently distant to cause any significant noise impacts. Other uses comprise of residential development. As such, it is not considered that the impact of noise would be a significant issues in considering a permitted change.

Summary

- 6.16 On the basis the available evidence demonstrates issues relating to transport, contamination, flood risk and noise, are not identified as substantive issues arising from the conversion of the building under Class O, it is considered that prior approval is not required in this instance.

7 Summary

- 7.1 As part of the determination process the Local Planning Authority are required to assess;
1. Transport and Highway impacts;
 2. Contamination risks;
 3. Flooding risks;
 4. Impacts of Noise from Commercial Premises.
- 7.2 The information provided within this statement is sufficient in all respects to allow the Council to make a judgement that the proposed Change of Use to residential would have no significant adverse impacts in relation to the above. As such permitted rights are not constrained by the specific circumstances of the site.
- 7.3 Accordingly, it is the applicant's contention that in this case Prior Approval is not required; or should the Council determine that Prior Approval is required – it should be given.



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