

1st April 2021

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Dear Sir/Madam

Re: Application for determination as to whether prior approval of the Council is required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2020 (as amended) for the proposed change of use from B1a Office to C3 Dwellinghouses at Waterside House, No 4 Cowley Business Park, High Street, Cowley, Uxbridge, UB8 2AN

Background

We enclose an application for determination as to whether the prior approval of the London Borough of Hillingdon is required for the proposed change of use of self-contained office floorspace (Use Class B1a) situated at ground, first and second floor level of the above site to residential falling within Use Class C3 consisting of 51 studio apartments. The location of the existing office floorspace is also shown on the enclosed plans.

The application is accompanied by the following documentation:

- Notification for Prior Approval Form;
- Site Location Plan;
- Proposed Ground Floor Plan (Ref: 21-1393-10C) prepared by Sub Rosa Architecture;
- Proposed First Floor Plan (Ref: 21-1393-11C) prepared by Sub Rosa Architecture;
- Proposed Second Floor Plan (Ref: 21-1393-12B) prepared by Sub Rosa Architecture;
- Existing (Survey) Ground Floor Plan (Ref: DAT/9.1) prepared by ATUM Survey Services;
- Existing (Survey) First Floor Plan (Ref: DAT/9.1) prepared by ATUM Survey Services;
- Existing Survey Second Floor Plan (Ref: DAT/9.1) prepared by ATUM Survey Services; and
- Supporting evidence comprising:
 - **Appendix 1:** Delegated Report for application Ref: 53180/APP/2020/518

Application Site

The site relates to an existing purpose built office building with office space (use Class B1a) at ground, first and second floor levels which is subject to this prior approval application.

The proposed dwellings will benefit from existing pedestrian access in the principal eastern elevation of the building off Cowley Business Park.

The site benefits from a large number of existing parking spaces of which 51 will be retained to serve the development. The floorspace subject to this application was most recently occupied as office space (Use Class B1a) as confirmed by the Council's recent assessment of application 53180/APP/2020/518 attached at **Appendix 1**.

Please refer to the images below.



Image 1 – View of front elevation of Waterside House fronting onto Cowley Business Park Road



Image 2 – Principal elevation of Waterside House including large car park to the left

Relevant Planning History

A review of the Council's online planning records reveals the site has been subject to a number of previous applications those of relevance are summarised below:

- An application (**Ref: 53180/APP/2020/518**) was made for the Change of use from offices (Use Class B1a) to 29 (8 x 3 bed, 14 x 2 bed and 7 x 1 bed) residential flats (C3 use Class) – Approved 1st May 2020.

General Permitted Development Order (GPDO) 2015 (as amended)

Part 3, Schedule 2, Class O of the GPDO 2020 (as amended) confirms that the following change of use qualifies as permitted development:

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1a (office) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development is not permitted by Class O if—

- A. The building was not used solely for a use falling within office (B1a) use on 29th May 2013 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- B. The site is, or forms part of, a safety hazard area;
- C. The site is, or forms part of, a military explosives storage area;
- D. The building is a listed building or is within the curtilage of a listed building; or
- E. The site is, or contains, a scheduled monument.

Conditions

Development is permitted by Class O subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- a) Transport 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, and
- e) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

the provisions of paragraph W (prior approval) apply in relation to that application.

Request for Confirmation that Prior Approval is Not Required

In accordance with the above provisions, the following details are confirmed in respect of the proposed change of use:

- The floorspace was solely used for office purposes (Use Class B1a) on 29th May 2013, or if not in use on this date than when last in use as demonstrated by the following evidence:
 - Business Rates Valuation records for the property which show the site in use as offices between 21st June 2011-19th June 2016. Please refer to the link below:
<https://www.tax.service.gov.uk/business-rates-find/valuations/15130002000>
 - An acknowledgement from the Council within the delegated report associated with the recently assessed prior approval application that the site complies with Class O permitted development and was last in use as offices (Use Class B1a) (please see **Appendix 1**).
- The site is not, and does not form part of –
 - a) A safety hazard area;
 - b) A military explosives storage area.

- The building is not a listed building, nor is it located within the curtilage of a listed building; and
- The site is not, and does not contain, a scheduled monument.

As set out above, development under Class O is permitted subject to the condition that the developer seek confirmation from the local planning authority prior to starting development as to whether prior approval of the authority will be required in relation to transportation and highways impacts, contamination risks in relation to the building, the impact of noise from commercial premises on the intended occupiers of the development, flood risk on site and the provision of adequate natural light in all habitable rooms of the dwellinghouse.

Accordingly, the application is accompanied by supporting documentation that confirms these considerations can be satisfactorily addressed. Confirmation that prior approval is not required is therefore sought.

In accordance with the requirements of Class O, the following information has been prepared in support of this request for confirmation that prior approval is not required for the proposed change of use.

1. Transport and Highways

As demonstrated on the enclosed block plan, the existing site includes 106 spaces with cycle and refuse provision.

In a similar manner to the previously approved scheme, this application proposes a total of 51 on site car parking spaces (including 4 disabled) to serve the 51 new flats, as well as four additional spaces allocated for visitor parking.

Given the generous on-site availability of car parking spaces, our view is that the increase from the previously approved total of 29 to 51 dwellings will not result in any adverse impacts on highway safety or severe impact upon the surrounding road network in accordance with the requirements of Paragraph 109 of the NPPF.

2. Contamination Risks

The proposal would not involve any ground breaking operations and the wider site is not subject to any known contamination risks as confirmed by the Council in its assessment of the previous application.

Accordingly, the proposal is considered acceptable in relation to contamination.

3. Flood Risk

The site is located within Flood Zone 1 and the proposed change of use will not increase flood risk elsewhere as confirmed by the Council's assessment of the previous application.

Therefore, the proposal is considered to be acceptable in terms of flood risk.

4. Noise

The application site forms part of an urban business park. As such there are a variety of surrounding buildings with predominantly B1a uses, as such there is not expected to be any impact on noise outside of traditional working hours.

This is demonstrated by the Council's approval of the previous application at the site.

5. Provision of adequate natural light in all habitable rooms of the dwellinghouses

As demonstrated on the enclosed plans and images, the site benefits from a generous amount of outlook with large windows serving all habitable rooms at ground, first and second floor level.

All new flats will benefit from good levels of natural light within all habitable rooms.

Developer Contact Details

Please note the following contact details for reference:

Mialex (attention Harry Johnson)
4th Floor Churchgate House
56 Oxford Street
Manchester
M1 6EU
Email: harry@mialex.co.uk
Phone: 07896975355

We trust that this application provides the Council with all the necessary information required to confirm that the proposed change of use from B1a office to C3 dwellinghouses is considered lawful under the provisions of Class O.

Accordingly, we look forward to receiving confirmation from the Council that prior approval is not required in respect of highways, contamination, flood risk, noise or the provision of adequate natural light in all habitable rooms.

If you have any queries, or require any further information please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to be 'H. Johnson', with a stylized, flowing script.

Harry Johnson
M.Sc. B.Sc. (Hons)
Planner
harry@mialex.co.uk
07896975355

Appendix 1

DELEGATED DECISION

Prior Approval Application under Part 4, Class J of Part 4 of The Town and Country (General Permitted Development) (England) Order 2013

Class J

Development consisting of a change of use of a building and any land within its curtilage to use a falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

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:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Transportation and Regeneration

Address WATERSIDE HOUSE, COWLEY BUSINESS PARK HIGH STREET
COWLEY UXBRIDGE

Development: Change of use from offices (B1) to 29 (8 x 3-bedroom, 14 x 2-bedroom and 7 x 1 bedroom) residential flats (C3) (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))

LBH Ref Nos: **53180/APP/2020/518**

Drawing Nos: Accommodation Schedule
Groundsure Review - Contaminated Land, Flood Risk and Transportation Summary
LHRS.09.L.P
WHCP.04.PR.BP
10445.03 Rev. A
10445.02 Rev. A
10445.04 Rev. A
Noise Impact Assessment, March 2020
WHCB.04.PR.FP.02
WHCB.04.PR.FP.01
WHCB.04.PR.FP.03
Valuation Summary

Date Plans Received: 13/02/2020

Date(s) of Amendment(s):

Date Application Valid: 09/03/2020

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL GIVEN

CONDITIONS

The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the Council has assessed the impacts of the proposal and considers that there would be no unacceptable impacts with regard to (a) transport and highways impacts of the development, (b) contamination risks on the site, (c) flooding risks on the site, and (d) impacts of noise from commercial premises on the intended occupiers of the development, subject to compliance with the stated planning conditions and obligations.

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

LHRS.09.LP

WHCP.04.PR.BP

WHCB.04.PR.FP.02

WHCB.04.PR.FP.01

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

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2016).

Prior to the occupation of the development, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. 47 residential car parking spaces with markings, including allocated spaces for visitor parking,
2. 4 parking spaces to be assigned for use by disabled persons,
3. 9 parking spaces to be supplied with active Electric Vehicle Charging points,
4. 38 parking spaces to be supplied with passive Electric Vehicle Charging points,
5. 3 motorcycle parking spaces,
6. Secure and covered cycle parking/ storage spaces for a minimum of 37 bicycles,
7. Details of a refuse and recycling management scheme, including details of storage facilities which should be located within/close to the building entrance(s) and also a collection day storage area close to the site access, together with appropriate management arrangements in order to aid collection.

Thereafter, they shall be implemented and permanently retained and used for no other purpose.

REASON

To ensure adequate parking is provided and to promote sustainable modes of transport, in accordance with Policies DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies 5.17, 6.3, 6.9, and 6.13 of the London Plan (2016).

Prior to commencement of development, a strategy for ceasing usage of all additional and surplus car parking on site over and above the 47 proposed off street car parking spaces to serve the development hereby approved, shall be submitted to and approved in writing by the local planning authority. This surplus car parking shall at no time be leased or sub-let or used as car parking thereafter.

REASON

To ensure adequate parking is provided and to mitigate against highways impact, in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies 6.3 and 6.13 of the London Plan (2016).

The residential units hereby approved shall not be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall, as a minimum, include a requirement that all on-site car parking shall be allocated and dedicated for the use of each of the residential units hereby approved and shall remain allocated and dedicated in such a manner for the life-time of the development.

REASON

To ensure that an appropriate level of car parking provision is provided on site in

accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Chapter 6 of the London Plan (2016).

(i) The development shall not commence until a scheme to deal with contamination has been submitted to, and approved by the 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 - Development Management Policies (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

The development must achieve the following internal noise levels:

Indoors 35 dB LAeq,16hrs daytime (07.00 to 23.00hrs);
Inside bedrooms 30 dB LAeq,8hrs night-time (23.00 to 07.00hrs);
Inside bedrooms 45 dB LAFmax to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

Prior to occupation of the first residential unit, a report must be submitted to the Council confirming that these standards (through appropriate acoustic mitigation if necessary) will be met unless otherwise agreed in writing with the Local Planning Authority. These levels (or alternative as agreed in writing with the Local Planning Authority) must be maintained as a minimum within the development throughout its lifetime.

REASON

To ensure that an acceptable level of noise can be maintained within the development in accordance with Policy EM8 of the Hillingdon Local Plan Part 1 - Strategic Policies (November 2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 7.15 of the London Plan (March 2016).

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and London Plan (2016) Policy 5.12.

INFORMATIVES

- 1 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 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.

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

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

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

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

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

- 3** Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

- 4** The applicant is advised that due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, contact should be made with their Plant Protection service before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

2.0 Planning Considerations

- 1) Is there an existing planning condition removing permitted development rights? NO
- 2) Is the building a Listed Building / in a Conservation Area. NO

This application seeks prior approval for the conversion of the existing office building, Waterside House to provide 29 individual residential units (7 x 1 bedroom, 14 x 2-bedroom and 8 x 3-bedroom). The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allows for such development subject to determination by

the Local Planning Authority whether prior approval is required. The Order only permits the LPA to take into account the following factors:

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

The LPA may grant prior approval conditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Under the current Class O, a change of use from Class B1(a) (offices) to Class C3 (dwellinghouses) is not permitted development where:

- (a) the building is on article 1(6A) land;
- (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 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- (d) the site is or forms part of a safety hazard area;
- (e) the site is or forms part of a military explosives storage area;
- (f) the building is a listed building or a scheduled monument.

The available planning history confirms that the subject of this application, has authorised use as Class B1(a) offices. The building is not on article 1(6A) land, nor is it part of a safety hazard area, a military explosives storage area or a listed building or ancient monument.

The proposals are clearly for development as defined in the Planning Act. Permitted development rights have not been removed.

The proposal is therefore "Permitted Development" and a formal planning application is not required but a "Prior Notification" application is required.

3.0 CONSULTATIONS

Traffic Impacts

Section 9 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner and to be acceptable, schemes are required to i) be accessible by public transport, walking and cycling; ii) maximise safe, convenient and inclusive accessibility; iii) provide equal access for all people; iv) adequately address servicing requirements and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment. Policy DMT 2 seeks to minimise the impact of development on the surrounding highway with regards to traffic, air quality, noise, local amenity and safety.

Policy DMT 6 sets maximum parking standards for new development as outlined in Appendix C Table 1 to facilitate sustainable development. A variation of these requirements may be acceptable when:-

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendation.

Policy DMT 6 also states that all car parks provided for new development will be required to provide conveniently located parking spaces for wheelchair users and those with restricted mobility.

Policy 6.3 of the London Plan (2016) requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed.

Policy T6.1 of the Draft London Plan (Intend to Publish) 2019 sets maximum parking standards for residential developments. Where PTAL 0 - 1 sites are located in Outer London, this sets the maximum parking standard of up to 1.5 spaces per dwelling.

The current application seeks prior approval for the change of use from offices (Use Class B1) to provide 29 individual residential units (7 x 1 bedroom, 14 x 2-bedroom and 8 x 3-bedroom). The application site has a PTAL rating of 1b, which is classified as poor. The site does provide a total of 106 car parking spaces within the surface parking area that surrounds and served the former office building.

Vehicle Trip Generation / Access Arrangements

Access to the car park is via Cowley Business Park. The service road also provides vehicular access to other commercial units and another former office block that has been granted prior approval for residential conversion (Allport House). In terms of traffic generation, office use normally results in higher trip rates compared to residential use. The Council's Highway Engineer advises that the anticipated trip generation impact on the highway related to this application would be somewhere in the region of 10 two-way movements during the morning and evening peak periods which is lower than the traffic generated by the office use at peak times.

Vehicle activity generated by the proposed residential use of the building would therefore be less than that associated with the office use of the building at peak times and the Highway Engineer confirms that it is considered relatively absorbable in generation terms and can be accommodated within the local road network without notable detriment to traffic congestion and road safety. As a consequence, the existing vehicular access is considered 'fit for purpose' and does not require alteration and the proposal would not impact on the access arrangements for the neighbouring commercial units. As such, the scheme is considered to comply with Policies DMT 1 and DMT 2 of the Local Plan in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Parking Provision

Policy DMT 6 of the Local Plan Part 2 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 Highway Engineer advises that for 29 residential units, there is a requirement to provide up to 37- 47 off street spaces to accord with the standard. The Engineer further recommends that the higher end of the scale be applied i.e. 47 spaces given the poor PTAL at this location. Although no parking allocation detail is provided, as the application

site contains 106 spaces, there is sufficient car parking space that can be allocated to accommodate a policy compliant level of car parking for this development. This would be secured by condition. Within this quantum, 4 disabled compliant bays should be provided and in line with the emerging London Plan, within the final quantum there is also a requirement for a 20% 'active' Electric Vehicle Charging Point (EVCP) provision with all remaining spaces being designated as 'passive'. These aspects will also be secured by means of a planning condition.

A condition is also recommended requiring a strategy for ceasing usage of all additional car parking on site over and above the required 47 off street car parking spaces. This is because officers believe that the use of the additional car parking spaces across the red line site in an uncontrolled manner could have a significant adverse impact on the surrounding highway network.

Cycling Parking

In terms of cycle parking, the Highway Engineer advises that there should be a provision of at least 1 secure and accessible space for each of the 1-2 bedroom dwelling units with 2 spaces for the 3 bedroom units in order to conform to the adopted minimum borough cycle parking standard equating to 37 spaces. This level of provision will again be secured via condition.

Motorcycle Parking

Council's standards also require motorcycle spaces to be provided at a rate of 5% of car parking spaces so that a total of 3 spaces are required. This again would be secured by the recommended condition.

Operational Refuse Requirements

The Highway Engineer also advises that in order to conform to the Council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste bin storage is positioned at a collection point within this set distance. Also the maximum carrying distance from each flat should not exceed 30m. This aspect is also to be secured via planning condition.

The proposed change of use from office to residential is considered to be acceptable in regards to the transport and highways impact, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies 6.3, 6.9, and 6.13 of the London Plan (March 2016).

Contamination

The prior approval application has been assessed by the Council's Contamination Officer who advises that the contaminated land information included within the submitted review document records that the existing building was constructed during the late 1990s and a variety of receptors are identified and the assessed risk provided within the review is low to medium. However, the officer notes that the submitted assessment relates to the continued use of the building as offices and significantly more information is required in order to more precisely determine whether or not the land is unacceptably affected by contamination which, unless it is suitably remediated, may render the site unsuitable for its proposed residential use, particularly in terms of its open spaces where contaminants may exist and in internal ground floor areas where any soil gases may be present within made ground.

The Contamination Officer advises that the LPA will therefore require further information but

that this can be secured by means of a recommended condition, requiring details of a contamination scheme to be submitted. This forms part of the officer's recommendation.

Therefore, subject to the condition, the proposal is acceptable in regards to contamination, in accordance with Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 5.21 of the London Plan (March 2016).

Flooding

The site is located within Flood Zone 1 and there is a risk of surface water flooding on a small part of the site in the north western corner. The Council's Flood and Water Management Officer has assessed the application and considers that the proposed change of use of the building from office to residential would not impact on drainage and the risk of flooding and has no comments to make.

On this basis, the proposal is considered acceptable with regards to flooding and water management, in accordance with strategic policy EM6 of the Local Plan: Part 1 (2012), Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (Nov 2012) and Policy 5.12 of the London Plan (March 2016).

Consultee Comments

External Consultees:-

3 neighbouring properties have been consulted and a site notice was displayed adjacent to the site on 13/3/20, with a closing date of 3/4/20. 24 responses have been received, objecting to the proposal on the following grounds:-

Residential Amenity Issues:

- (i) The original approval was for commercial offices only so main traffic restricted to rush-hour times and reduced need for commercial vehicles to visit the site. This also meant that weekends would be quiet, with virtually no vehicle movements. Changing the usage of this building to residential will bring vehicle and people movements at all times including weekends, impacting on all residences backing onto the site / business park,
- (ii) New residents will have view into back gardens and bedrooms in Ferndale Crescent causing unacceptable loss of privacy which has already been compromised by council allowing tree removal between our garden and the business park,
- (iii) The original application required the planting of evergreen bushes to give more privacy, but this never happened. Privacy of residents in Spencer Close and Ferndale Crescent should be maintained by using evergreen bushes & trees along the river edge to screen the properties,
- (iv) The lights from the flats will cause light pollution/disturbance due to the height and proximity of the building to adjoining properties,
- (v) We already have to put up with the noise from the recycling plant which goes 24 hours a day and noise levels will increase, especially on Cowley Rd,
- (vi) Extra greenhouse gases generated from flats and cars,
- (vii) Security to adjoining properties will be compromised and despite being in the landscaping plans when the business park was being upgraded, a security fence between the access road and the riverside has not been provided and is required to prevent access to the river and its wildlife,
- (viii) Site not suitable for children due to River Frays,
- (ix) New residents as are existing residents in Ferndale Crescent will be /are affected by noise from the M25 traffic in the early morning and the DS Smith Recycling Centre, 7 days a week. As Allports and Waterside House are situated further west, much closer to the M25 and the Recycling Centre, they will be more affected by this noise. Noise levels will make life uncomfortable for residents indoors and outdoors, impacting their quality of life and potentially their health,

- (x) The site is within an Air Quality Management Area (AQMA) for nitrogen dioxide (NO₂) due to the site's proximity to the M25. Proposal will increase pollution levels,
- (xi) No public transport on site to offset pollution and noise from cars,

Trees and Wildlife/ Environmental Issues:

- (xii) Historically, the plot of land was a meadow and residents fiercely objected to its development and it was agreed that the land would only be used as a business park and protect the wildlife which lives along the river. The council are going back on their word by requesting this change,
- (xiii) Area forms part of a "Green Chain" and is designated for its importance for nature conservation and has a TPO. The River Frays that runs along rear gardens in Ferndale Crescent has a 3 metre nature reserve that was protected when the Business Park was first built. Changing use to residential with a large scale residential site less than 100 metres from the river will bring vehicle and people movements at all times including weekends, which will adversely impact and disrupt wildlife, including many rare and protected species which will be compounded by the ongoing application to convert Allsort House (46104/APP/2020/789) into flats, increasing the number of residents in this protected small stretch of the Frays river from 0 to 200. This would increase levels of littering and pollution which would endanger the viability of this small protected and fragile ecosystem, which could ultimately result in the loss of species, including protected and priority species. Moreover, the increase in littering and the weekly waste collections will attract more foxes, increasing the risk of loss to predators. Proposal contrary to Policies SO8, SO10 and SO11 of the Hillingdon Local Plan,
- (xiv) The landowners have demonstrated poor and negligent management of the area to date with the woodlands not being sympathetically maintained and large number of mature trees have been irresponsibly felled, disturbing wildlife, particularly nesting birds whilst excessively tall and unsafe trees have not been maintained, some have already fallen and others may fall down in the future. Existing trees should be replaced,
- (xv) Noisy plant has also been installed,
- (xvi) Due to the special status of the area, an Ecological Assessment and a Site Ecological/Environmental Management Plan should have been submitted with this application,
- (xvii) Historically, the Council has declined applications in the area due to the risk of environmental and contamination impact in the past. Please refer to application 65611/APP/2010/89, where application for a two storey four-bedroom detached dwelling with associated parking on Frays island was rejected on that basis, in spite of being a much smaller dwelling,
- (xviii) More cars will require parking and therefore car users may decide to park on the riverside of the road causing more damage to the wildlife and landscape,
- (xix) With the River Frays on one side and the Grand Union Canal on the other, there will be an increased risk of contamination,
- (xx) Increase the need for sewage and waste disposal,

Traffic / Highway Issues:

- (xxi) The proposed development will increase traffic with users trying to join the main road via the small roundabout positioned at the top of the site entrance - this will potentially create a bottleneck, further increasing the difficulty of joining the main Cowley Road (existing residents already wait upto 5 mins) which is already extremely busy and congested, especially at peak times with high numbers of accidents and fatalities. More critically, any further increases of traffic could have a further negative impact on emergency services, particularly ambulances accessing Stations Road to reach Hillingdon Hospital,
- (xxii) Both Allports and Waterside House have parking facilities but there is a potential for spillage into neighbouring roads, like Ferndale Crescent, which is already filled at capacity, given the high rates of car ownership per household in Hillingdon,
- (xxiii) Consideration should be given to minimise road noise - a change of road surface from cobble stone to tar on the bridge and or by installing a speed camera,

(xxiv) Restrictive parking on site,

Other:

(xxv) Proposal contrary to multiple principles, policies and objectives of the Hillingdon Local Plan,

(xxvi) Proposal would result in excessive population in an already densely populated area, and there has been enormous development of St Andrews Park and huge swathes of the Borough crammed with new housing developments and further development proposed on the B & M site,

(xxvii) If approved, this will set a precedent for further development of the other office blocks / buildings, some of which are already vacant,

(xxviii) Consultation on this application (and Allports House which has now been granted) has been inadequate. There has been no resident consultation and site notice was put up on Cowley Business Park Road, a private no-through road, not accessed by local residents, at a time when there has been recent flooding and people must stay at home due to Coronavirus and can not meet to discuss proposals. Neither the previous nor the current applications are listed in the Hillingdon Planning portal map and on the main search through a postcode search,

(xxix) This application has only just come to attention of residents of Ferndale Crescent even though the closing date for comments is 3rd April. I've tried contacting somebody from Hillingdon council regarding this but obviously at this difficult time it has not been possible.

Would like to talk to someone as reasons for objection are so limited,

(xxx) We will be asking Boris Johnson, as our local M.P. and Fran Beasley to investigate disregard for reasonable communication,

(xxxi) Additional pressure/use of transport and local facilities, such as the NHS doctor's surgeries and schools,

(xxxii) Proposal just a money making scheme,

(xxxiii) Comments will not be taken into consideration,

(xxxiv) We will be asking Boris Johnson, as our local M.P. and Fran Beasley to investigate disregard for reasonable communication,

(xxxv) This non urgent matter should be put on hold in the present climate and subsequently be delivered

to all of those residents who will be directly affected,

(xxxvi) Proposal will de-value the housing backing onto the site.

Officer comment

This is a prior approval application and legislation makes it clear that only issues relating to transport and highways, contamination risks on site, flood risks on site and noise from commercial premises on the intended occupiers of the development can be taken into consideration. These have been dealt with in the officer's report. As regards points (xxxviii) to (xxx) concerning a lack of consultation, all adjoining properties have been consulted and a site notice was displayed outside the site, exceeding best practice guidance and it is considered that the consultation undertaken was commensurate with the nature of the proposals.

Cadent Gas:

Searches have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Internal Consultees:-

Highway Engineer:

Site Characteristics & Background

Waterside House is situated within a private industrial estate (Cowley Business Park) accessed via Cowley Road which is designated as Classified in the borough's road hierarchy. The site exhibits a PTAL rating of 1b which is poor and therefore heightens dependency on the use of private motor transport.

Vehicular access to a car park within the site envelope containing approximately 106 parking spaces is taken from the private access road which is to remain unaltered.

The applicant now wishes to provide a quantum of 29 residential units (8x3, 14x2 & 7x1 bedroom units) solely within Waterside House.

Parking Provisions

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.

For the proposed scale of 29 residential units, there is a requirement to provide up to 37-47 on-plot spaces in accord with the standard. It is recommended that the higher end of the scale is applied i.e. 47 spaces given the poor PTAL at this location.

Although no parking allocation detail is depicted it is assumed that at the very least, the required proportion of the 106 spaces will be allocated to the proposal.

Within this quantum 4 disabled compliant bays should be provided. In line with the emerging London Plan, within the final quantum there is also a requirement for a 20% 'active' Electric Vehicle Charging Point (EVCP) provision with all remaining spaces being designated as 'passive'. These aspects should be secured via planning condition.

Cycling Parking

In terms of cycle parking there should be a provision of at least 1 secure and accessible space for each of the 1-2 bedroom dwelling units with 2 spaces for the 3 bedroom provisions in order to conform to the adopted minimum borough cycle parking standard equating to 37 spaces. This level of provision should again be secured via condition.

Vehicular Trip Generation/ Access Arrangements

Local Plan Part 2 Policies DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The anticipated trip generation impact on the highway related to this application would indicate a likely activity of somewhere in the region of 10 two-way movements during the morning and evening peak periods which is lower than the traffic generated by the office use at peak times.

The proposal's likely activity is therefore considered relatively absorbable in generation terms and therefore can be accommodated within the local road network without notable detriment to traffic congestion and road safety. As a consequence the existing vehicular access is considered 'fit for purpose' and does not require alteration.

Operational Refuse Requirements

In order to conform to the Council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements

should ensure that waste bin storage is positioned at a collection point within this set distance. Also the maximum carrying distance from each flat should not exceed 30m. This aspect should be secured via planning condition.

Synopsis

The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the Council has assessed the impacts of the proposal and considers that there would be no unacceptable implications with regard to highway impacts and safety subject to the application of the aforementioned planning conditions referred to above (in bold).

Contamination Officer:

1 Summary of Comments:

I have reviewed the following document:

Title: Groundsure Review, Waterside House, 4 Cowley Business Park, High Street Cowley, Uxbridge UB82FN; Ref 20146040; Dated: 30th December 2019; Prepared by: Groundsure Ltd.

The contaminated land information included within the submitted review document is applicable to continued use as offices, the document also indicates the existing property was constructed during the late 1990's and a variety of receptors are identified. The assessed risk provided within the review is low to medium.

However, this particular application involves a proposed change of use from commercial offices to residential properties; in which case, significantly more information is required in order to more precisely determine whether or not the land is unacceptably affected by contamination which, unless it is suitably remediated, may render the site unsuitable for its proposed new use, particularly in terms of its open spaces where contaminants may exist and in internal ground floor areas where any soil gases may be present within made ground.

The LPA will require further information and the following standard condition should therefore be imposed:

(i) The development shall not commence until a scheme to deal with contamination has been submitted to, and approved by the 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.

2 Reason for Refusal (if objecting):

N/A (subject to conditions)

3 Observations:

The submitted review document indicates:

"The site is situated on underlying geology comprising superficial deposits of alluvium underlain by bedrock layers of the London Clay Formation.

Groundwater mapping indicates the superficial deposits to be classified as a Secondary A aquifer and bedrock layers to be classified as an unproductive stratum.

Potentially vulnerable receptors have been identified including site users, residents of nearby dwellings with gardens, the underlying aquifer and the surface water features in close proximity. Groundsure considers that the property has a high environmental sensitivity."

Flood and Water Management Officer:

It is not in an area identified to be at risk, so no comments.

EPU Officer:

No comments received.

Officer comment:

On the application for the prior approval on Allports House, the EPU officer advised that the development was not in a noise sensitive location and they did not foresee any issues with the change of use therefore did not have any comments or objections to the application.

Given the proximity of that site to this one, such an assessment remains valid. As on the previous prior approval permission, a condition has been attached to ensure that the noise levels within the residential units meet satisfactory standards.

73257/TRE/2018/5

Cowley Business Park High Street Cowley

To carry out various tree works, including: various felling, coppicing, thinning out of saplings, pollarding, crown reducing, crown thinning and cutting back from the road (as per section 4.3 of the supporting tree report dated 27th June 2017 by Jim Unwin) to trees in Area A1 on TPO 767.

Decision Date: 01-03-2019

Approved

Contact Officer: Richard Phillips

Telephone No: 01895 250230