

Report of the Head of Planning, Transportation and Regeneration

Address MUSGRAVE HOUSE, WIDEWATER PLACE MOORHALL ROAD
HAREFIELD

Development: Change of use from Offices to 36 residential flats (Use Class 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: 76643/APP/2021/2961

Drawing Nos: Flood Risk Assessment dated July 2021 (document ref:
FRA/3350/Musgrave/2021, revisions: D Final)
3155_061
3155_062
3155_20_106
03
Noise Assessment dated July 2021
Musgrave House, Technical Note dated August 2021
Planning Statement
Geo-Environmental Assessment Report dated 27th July 2017 (Job no:
P1001J1102)
Transport Note dated June 2021
Proposed Scheme Daylight and Sunlight Study dated 28th May 2021 (Ref:
PR368_V0)

Date Plans Received: 29/07/2021

Date(s) of Amendment(s):

Date Application Valid: 29/07/2021

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, (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, 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 3155_061, 3155_062, 3155_20_106, 03 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

No development shall take place until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. The Construction Management Plan shall detail:

- (a) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (b) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (c) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (d) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (e) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the conversion process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

The development shall not commence until a scheme to deal with identified contamination has been submitted to and approved in writing by the Local Planning Authority. 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 the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

(a) The applicant shall carry out and submit results of a scheduled landfill gas / ground survey. Gas testing shall also include areas beneath the existing building(s) footprint(s). If landfill gas / ground gas is discovered, the applicant shall install appropriate gas protection measures to prevent gas ingress to the building(s) on the development site. This condition will not be discharged until the agreed works have been implemented and the appropriate validation and verification information has been submitted to the satisfaction of the Local Planning Authority.

(b) A written remediation strategy/method statement, providing

- Details of the full remediation scheme for the site
- Details of a watching brief to identify any unforeseen contamination
- Details to show how the completion of the remedial works for each phase will be verified.

The above details shall be agreed in writing with the Local Planning Authority prior to the commencement of each phase. No deviation shall be made from this scheme without the written agreement of the Local Planning Authority prior to its implementation.

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 in writing with the Local Planning Authority prior to implementation.

Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved in writing by the Local Planning Authority. 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.

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.

REASON

To ensure that risks from land contamination to future occupiers are minimised in accordance with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

No development shall take place until details of the mechanical ventilation and cooling system have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

REASON

To ensure that the amenity of occupiers of the development site are not adversely affected by noise from external noise sources from adjacent commercial premises in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies D13 and 14 of the London Plan (2021).

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

1. 43 residential car parking spaces with markings
2. 4 of the car parking spaces should be dedicated to blue badge holders
3. 8 'active' and 35 'passive' electric charging points
4. 2 motorcycle parking spaces with anchor points
5. Secure and covered cycle parking/ storage spaces for a minimum of 39 bicycles
6. Details of a refuse and recycling management scheme, including details of storage facilities which should be located within/close to the building entrance(s), together with appropriate management arrangements in order to aid collection.

Thereafter, the approved details 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 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies T6 and T6.1 of the London Plan (2021).

Prior to commencement of development, a strategy for ceasing usage of all additional and surplus car parking on site over and above the 43 proposed on-site 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 Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies T6 and T6.1 of the London Plan (2021).

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 Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T6 and T6.1 of the London Plan (2021).

The development hereby approved shall be carried out in accordance with the mitigation measures set out in Section 6 of the approved Flood Risk Assessment (July 2021) (document ref: FRA/3350/Musgrave/2021, revisions: D - Final).

REASON

To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site in accordance with Policy DME1 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy SI 12 of the London Plan (2021).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows shall be altered or replaced in any way without the prior written approval of the Local Planning Authority.

REASON

To ensure that the amenity of occupiers of the development site are not adversely affected by noise from external noise sources from adjacent commercial premises in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies D13 and 14 of the London Plan (2021).

Prior to the first occupation of the residential units hereby approved, full details of the noise attenuation measures installed within the building and guidance on the proper and effective use of the measures shall be provided within a Welcome Pack to all prospective purchasers and occupants of the residential units. A copy of the Welcome Pack shall be submitted to and approved in writing by the Local Planning Authority prior to the use hereby permitted commencing.

REASON

To ensure that all future residents are aware of the mitigation measures and to reduce the risk of post-purchase/occupancy noise complaints in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policies D13 and 14 of the London Plan (2021).

INFORMATIVES

- 1 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.

- 2 With regard to surface water drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Management of surface water from new developments should follow Policy SI 13 of the London Plan (2021). Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information, please refer to their website. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL 10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

- 3 The Denham Aerodrome Manager advises that Denham is a long established Civil Aviation Authority Licensed Aerodrome providing facilities for business aviation and flying training for both fixed and rotary wing aircraft, and may be available for use at any time. It is inevitable that any occupants in this location will both hear and see aircraft operations including aircraft and it is important that all concerned are aware of the juxtaposition of the sites.

- 4 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 558170).

2.0 Planning Considerations

SITE & LOCALITY:

Musgrave House is a purpose-built office block accessed from Moorhall Road and is inclusive to Widewater Business Park which also consists of two other office blocks (Chaplin and Norgine House).

It is noted that the former Use Class B1(a) now falls under Use Class E under the new Use Class Order. However, from 1st September 2020 until 31st July 2021 changes of use relating to permitted development rights as set out in the GPDO will continue to be applied based on the existing use classes (i.e. as they existed on 31 August 2020). New permitted development rights will be introduced from 1st August 2021. This application was submitted on 29th July 2021, which means it will be assessed against the former Class O of the GPDO.

ASSESSMENT:

The provisions of O.1 of Class O, Part 3, Schedule 2 of the GPDO states that development is not permitted by Class O if: the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order (i) on 29th May 2013, or (ii) 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; the site is, or forms part of, a safety hazard area; the site is, or forms part of, a military explosives storage area; the building is a listed building or is within the curtilage of a listed building; or the site is, or contains, a scheduled monument.

Planning Officer comments:

An assessment of the planning history has been conducted and there are no conditions attached to the planning permissions relating to this site that remove permitted development rights for the change of use proposed under this prior approval application. The planning history shows that the application site was in office use on 29th May 2013.

The application site is not, nor forms part of, a safety hazard area or a military explosives storage area. The application building is not a listed building or within the curtilage of a listed building, nor does it contain a scheduled monument. It is noted that the site is designated within Widerwater Lock Conservation Area. However, the GPDO does not prohibit development permitted by Class O for sites located within a Conservation Area.

The provisions of O.2 (1) of Class O, Part 3, Schedule 2 of the GPDO require the local planning authority to assess the proposed development on transport and highways impact, contamination risk on the site, flooding risks on the site, impacts of noise from commercial premises on the intended occupiers of the development, the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provision of paragraph W (prior approval) apply in relation to this application. Please refer to the following sections of this report for this assessment.

THE PROVISION OF ADEQUATE NATURAL LIGHT IN ALL HABITABLE ROOMS OF THE DWELLINGHOUSES:

The submitted Daylight and Sunlight Study Report (dated 28th May 2021) states that all bedrooms and living/kitchen/dining rooms would meet or exceed the recommended average daylight factor. Additionally, all south-facing living/kitchen/dining rooms would receive annual probable sunlight hours and winter probable sunlight hours above that of the recommended targets. It is therefore considered that the proposed development would provide adequate natural light in all habitable rooms of the proposed flats.

WHETHER THE NEW DWELLINGHOUSES COMPLY WITH THE NATIONALLY DESCRIBED SPACE STANDARD (2015)?

The submitted floor plans show that all the proposed flats would comply with the Nationally described space standard (2015). As such, the development would comply with paragraph 3 (9A) of the GPDO.

IMPACTS OF NOISE FROM COMMERCIAL PREMISES ON THE INTENDED OCCUPIERS OF THE DEVELOPMENT:

Condition O.3 of the GPDO states that "For the purposes of Class O, "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment"

Paragraph W 10(b) of the GPPDO states that the local planning authority must, when determining an application, have regard to the NPPF (2019), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

It should be noted that the NPPF (2019) has now been replaced by the NPPF (2021). Paragraph 130 of the NPPF (2021) seeks a high standard of amenity for future users. Paragraph 187 of the NPPF (2021) states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Whilst development policies may be relevant, they only serve as evidence to support rather than being the deciding factor in prior approval applications (refer to R (on the application of Patel) v SSCLG & Johal & Wandsworth Borough Council [2016] EQHC 3354 (Admin)). With this in mind, it is considered that Policies D13 and D14 of the London Plan (2021) are consistent with the advice contained within the NPPF (2021), in regard to noise impacts.

The application site is in proximity to three "commercial premises" as interpreted by Condition O.3 of the GPDO. Harleyford Aggregates and GRS (Roadstone) Ltd are located to the west of the application site, on the opposite side of the Canal. Harefield Marina is located to the south of the application site, on the opposite side of Moorhall Road.

The previous prior approval application under application ref: 47321/APP/2021/2190 was refused on the following ground:

"The proposed development does not constitute 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) because insufficient evidence has been provided in relation to the impact of noise from adjacent commercial premises on the intended occupiers of the proposed dwellings. Paragraph W(3)(d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the local planning authority may refuse an application where, in the opinion of the authority the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part of being applicable to the development in question. As such, the prior approval application is refused."

Since the refusal of application ref: 47321/APP/2021/2190 , the applicant has updated the Noise Impact Assessment (July 2021) to provide additional monitoring and analysis, in respect to the impact of noise from the adjacent commercial premises on the intended occupiers of the proposed dwellings. The Council instructed a noise consultant to review the updated Noise Impact Assessment.

Following the advice from the Council's noise consultant, further clarification was requested on the following key points: i) Why the full data results for May 2021 had not been included within the noise report; ii) Why a 3 dB correction has been assumed for Musgrave House (as for Chaplin House)?; and iii) Why were the calculated rating levels not calibrated or validated to those on the application site?

The applicant provided the following responses in an email attachment received on 17th September 2021.

i) Why the full data results for May 2021 had not been included within the noise report?

"The original May 2021 survey consisted of manned measurements over 15-minute periods taken from several points around the applicant site. This was carried out in accordance with BS 4142:2014+A1:2019 in order to determine a representative background noise level for use in the assessment of potential impacts. Given the nature of the measurements there is no other relevant data to provide."

ii) Why a 3 dB correction has been assumed for Musgrave House (as for Chaplin House)?

"This penalty was not considered as required however it was maintained simply to avoid any continuity concerns from Hillingdon. In any event, it makes no difference whether it is included or not included given the extremely low impact from the Quarry noise at Musgrave House."

iii) Why were the calculated rating levels not calibrated or validated to those on the application site?

"A validation process was considered however a monitored noise level would include HS2 and other sources such as road traffic noise which is specifically excluded from the scope of the assessment. A validation including the road traffic was also considered, however there was no reliable traffic data available for the road adjacent and so a comparative validation could not be done accurately."

"Within the CadnaA noise model the scale of the modelling area was defined and calibrated using geo-referenced OS survey data and OS topographical data. This ensures that the constructed noise model accurately represents the physical environment in and

around the site including all sources and receptors that have been considered."

The Council's noise consultant has reviewed the applicant's responses and has advised that there are reservations on whether the noise assessment report is entirely reliable. The Council's noise consultant is of the view that the rating levels may have potentially been underestimated and the background levels overestimated. Notwithstanding this, the Council's noise consultant has noted the screening and increased distance from the commercial sites. He has advised that professional judgement should be exercised, and that mitigation measures and conditions should be secured to limit the potential for noise.

Agent of Change and Mitigation Measures:

Paragraph 7.1.1 of the submitted Noise Assessment report states that "no adverse impacts are considered likely as a result the proposed development and no additional mitigation measures are proposed". However, this stance is not fully shared by the Council. As advised by the Council's noise consultant, the potential for noise impacts from commercial premises on the intended occupiers of the development is considered to be more marginal and cannot be completely ruled out.

The agent of change not only requires consideration to be given to the current activities that may cause noise nuisance, but also activities that are permitted to be carried out, even if they are not occurring at the time of the application being made (refer to paragraph 009 of the PPG). In this case, the applicant has clarified that Harleyford Aggregates normally operate until approximately 4.30 during the weekdays and does not operate over the weekend. However, no evidence has been provided to confirm whether or not these operating hours are restricted by condition. If not, the commercial premises could potentially operate for extended periods of time or over the weekend, should they wish to do so.

It is therefore reasonable and necessary for mitigation measures to be secured by condition. These conditions would ensure that the responsibility for mitigating noise impacts rests with the applicant instead of the commercial premises, in accordance with paragraph 187 of the NPPF (2021).

It was confirmed during the Planning Officer's site visit that the existing windows within the building are non-opening. However, it is considered necessary for a condition to be secured to ensure the windows are not replaced without the consent of the Council. The reason being is that the potential noise implications of occupiers having openable windows would need to be carefully considered by the Council, particularly in regard to the Agent of Change. Details of the mechanical ventilation and cooling system would also be secured by way of a condition.

It is noted that the original set of drawings includes flats with external doors either leading onto the courtyard of the building complex or private terraces. Whilst the applicant has submitted an alternative set of drawings which includes annotations stating that these doors would be permanently sealed, it is questionable whether this could be enforced by the Council via condition given the tests set out in paragraph 56 of the NPPF (2021). It has therefore been agreed with the applicant to proceed on the basis of the original set of drawings. The future occupiers of these respective flats would be afforded the choice of closing these external doors and using the aforementioned mechanical ventilation and cooling system.

The Council's noise consultant has recommended a condition requiring the developer to provide information to future purchasers or occupants about the mitigation measures that

have been put in place (i.e. the mechanical ventilation and cooling system). This condition would be consistent with the advice set out in paragraph 009 of the PPG.

Subject to the above conditions, it is considered that the impact of noise from adjacent commercial premises would not have a harmful effect on the living conditions of intended occupiers of the proposed dwellings.

Other matters:

It is acknowledged that HS2 is currently under construction which is likely to add to the implications of the impact of noise on future occupiers. However, it is considered that HS2 does not fall under the definition of "commercial premises" as defined in Condition O.3 of the GPDO. As such, the noise impacts that HS2 would have on future occupiers of the proposed development falls outside of the remit of the prior approval assessment.

3.0 CONSULTATIONS

Traffic Impacts

TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT:

Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states 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 proposal seeks to provide 36 flats. The Council's maximum standard, as set out in Appendix C, Table 1 of the Hillingdon Local Plan (Part 2) Development Management Policies (2020), requires between 1-1.5 spaces to be provided on-site for flats up to 2 bedrooms and 2 spaces to be provided for 3-bedroom flats. This would total a requirement of between 39-56 on-site car parking spaces. In total 43 spaces are to be provided which meets the Council's parking standard. The on-site car parking spaces would need to be allocated per flat. A condition has been recommended to secure the submission of a parking allocation scheme for approval by the Council.

Disabled Compliant Parking Provision: To accord with the Council's parking standard, 10% of parking spaces should be disabled compliant which equates to 4 spaces in this case. 4 disabled spaces are to be provided which conforms to the standard, and would be secured by condition.

Electric Vehicle Charging Points (EVCP): In line with Policy T6.1 of the London Plan(2021), within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions which equates to 8 'active' and 35 'passive' spaces. This level is proposed which is welcomed, and would be secured by condition.

Cycle Parking Provision: In terms of cycle parking, there would be a requirement to provide 1 secure and accessible space for each flat (up to 2 bedrooms) with 2 spaces for 3 bedroom flats in order to accord with the Council's adopted cycle parking standard. This would total a requirement of 39 secure and accessible cycle spaces. Bicycle spaces are being proposed to the front building entrance which is considered to be an appropriate location. Full details of the cycle stores would be secured by condition.

Motorcycle/Scooter Parking: Appendix C, Table 1 of the Hillingdon Local Plan (Part 2) Development Management Policies (2020) states, in addition to car and bicycle parking,

parking spaces for motorised two wheelers must be provided at the rate of 5% of car parking spaces. Although the submitted plans do not indicate any on-site motorcycle/scooter parking provision, this could be resolved by the imposition of a planning condition.

Internal Road Site Layout /Waste Collection: The existing internal parking and road layout arrangement broadly conforms to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is a highway safety benefit derived from the provision of sufficient turning space within the site roadways. Such benefit is realised by allowing all vehicles to enter and leave the site in a forward gear without hindrance, which conforms to the recommended best practice based on operational and highway safety grounds. This also applies to waste collection, delivery and emergency service vehicles which can be accommodated satisfactorily within the site curtilage.

In terms of refuse collection, waste collection distances between a new bin storage area (or suitable bin stores/collection points) and a refuse vehicle should not exceed 10 metres. The positioning of the proposed store in proximity of the front of the building allows conformity to this parameter. Additionally, carrying distances from each residential unit to the bin store should not exceed 30 metres in order to accord with the Council's waste collection standard. It is questioned whether this latter distance parameter would be met for all the residential units. However, this could be resolved by the imposition of a planning condition requiring the revision of the waste storage design or a site waste management regime.

Vehicle Trip Generation/Access Arrangements: The 'industry recognised' database of trip generation for different land uses (TRICS) has been applied by the applicant in order to determine the likely traffic generated by the proposal.

The anticipated trip generation impact on the highway related to this application indicates a likely activity of less than 15 two-way movements during the crucially sensitive morning and evening peak periods. This is considered as a realistic estimate for this scale of proposal and represents a significant reduction in activity as compared to the established office use. This conclusion also applies to the 'sister' applications for Chaplin House and Norgine House which if consented would, in cumulative terms, represent an overall reduction in vehicular activity to and from the whole site.

The likely traffic activity generated by the conversion of Musgrave House to a residential use 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 point and established shared approach roadways are considered 'fit for purpose'.

Construction Management Plan: A Construction Management Plan is considered to be necessary given the constraints and sensitivities of the local road network in order to avoid/minimise potential detriment to the public realm. A condition securing a Construction Management Plan has been recommended.

The preceding paragraphs incorporate the comments received from the Council's Highways Officer who has raised no objection to the application, subject to the above recommended conditions. It is therefore considered that the proposed development would not significantly impact on the demand for on-street parking in the area, or have a harmful effect to the local road network. The proposed development would, therefore, not have an

unacceptable impact on transport and highway safety.

Contamination

CONTAMINATION RISKS ON THE SITE:

According to the Council's GIS Map, the application site is designated within a Former Land Use and Landfill Buffer Zone. The Council's Land Contamination Officer has previously advised under application ref:47321/APP/2021/2190 that records show that the application site is within 250 metres of two historic landfill sites.

A Geo-environmental Assessment Report was accompanied with this application. The report states that elevated concentrations of Arsenic, Lead and PAH were detected. It also identifies ground conditions which suggests possible gas risk. The details submitted within the report recommends further works, including:

- Seek approval of the Generic Quantitative Risk Assessment and Soil Gas Assessment from the Local Authority, NHBC and other relevant stakeholders;
- Undertake a further five gas monitoring visits over a five month period.
- Seek confirmation of the water supply pipe requirements by the appropriate service provider.
- If required, undertake further shallow soil sampling and analysis to allow possible delineation of soft landscaped areas requiring a clean cover system
- Production of a Remediation Method Statement (RMS).

Whilst no comments were received from the Council's Land Contamination Department for this current application, they did provide the following comments for the previous prior approval application considered under application ref: 47321/APP/2021/2190.

"The report provides suitable and satisfactory accounts of a phase 1(Desk study) and a subsequent Phase 2 (Ground investigation) conducted at the site in 2017. The information includes relevant conceptual site modelling and risk assessment for the proposed change of use from commercial to residential property. The risk assessment included generic and statistical analyses of the assembled data and the report concludes that a Remediation Strategy is required to address concentrations of contaminants which exceed the adopted assessment criteria. It is therefore recommended that the following conditions are imposed to ensure the site is made suitable for the proposed residential use."

The condition recommended by the Council's Land Contamination Officer is noted below. This condition would be attached to the decision notice, if planning permission were to be granted.

(i) The development shall not commence until a scheme to deal with identified contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) The applicant shall carry out and submit results of a scheduled landfill gas / ground survey. Gas testing shall also include areas beneath the existing building/s footprint/s. If landfill gas / ground gas is discovered, the applicant shall install appropriate gas protection measures to prevent gas ingress to the building/s on the development site. This condition

will not be discharged until the agreed works have been implemented and the appropriate validation and verification information has been submitted to the satisfaction of the Local Planning Authority.

(b) A written remediation strategy/method statement, providing

- details of the full remediation scheme for the site
 - details of a watching brief to identify any unforeseen contamination
 - details to show how the completion of the remedial works for each phase will be verified.
- The above details shall be agreed in writing with the LPA prior to commencement of each phase. No deviation shall be made from this scheme without the express agreement of the Local Planning Authority (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.

(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.

Subject to the above condition, it is considered that the proposed development would not cause unacceptable contamination risk to future occupiers.

Flooding

FLOODING RISKS ON THE SITE:

The site is located in Flood Zone 1 where the risk of flooding from rivers or seas is low. As such, all forms of development, including more vulnerable residential uses, are acceptable in this location, in terms of fluvial and tidal flood risk.

The Environment Agency and West London Strategic Flood Risk Assessment surface water flood maps show that the application building is not at risk of surface water flooding. However, the surrounding car park is in the low risk scenario of being susceptible to surface water flooding to depths less than 300mm.

A Flood Risk Assessment (dated July 2021) was accompanied with this application. It states that the application building will remain above the flood level for the low risk scenario of surface water flooding. As such, all residents will have safe refuge within the building in the event of flooding. Section 6 of the Flood Risk Assessment recommends mitigation measures, including the display of a flood notice within the lobby of the building and a notice board in the car park. A condition has been recommended to ensure the mitigation measures set out in the Flood Risk Assessment are adhered to.

No comments were received from the Council's Flood and Water Management Department during the consultation period of this current application. However, it is noted that no objection was raised by this department under application ref: 47321/APP/2021/2190, subject to a flood notice being displayed.

Subject to the above condition, it is considered that the proposed development would not cause unacceptable flood risk to future occupiers.

Consultee Comments

EXTERNAL CONSULTTEES:

6 neighbouring properties were consulted on 11th August 2021. The consultation period expired on 2nd September 2021. Two representations were received and their comments are summarised as follows:

-As current tenants of Chaplin House, we would like to be considered within these plans for Change of usage. We are long standing tenants currently operating a business from Chaplin House which is on the same business park and are signed into a business tenancy lease with Fprop until 2029. We are seriously concerned that these proposed developments would affect our businesses ability to operate from the business park.

-Our views are the same as submitted previously but we are aware under the GPDO means these are not taken into account and need reiterating: loss of employment, lack of public transport, traffic generation, provision on school places, GP provision and general health services and the noise situation will be ongoing and cause future residents stress.

Planning Officer comment: The representations received have been taken into account. However there is a requirement to assess the merits of this proposal against the respective legislation and this application has been determined having regard to the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

INTERNAL CONSULTTEES:

Council's Flood and Water Management Department: Refer to the section of the report titled 'Flooding'.

Council's Land Contamination Officer: Refer to the section of the report titled 'Contamination'.

Council's appointed Noise Consultant (on behalf of the Environmental Health Officer): Refer to the section of the report titled 'Impact of noise from commercial premises on the intended occupiers of the development'.

CONCLUSION:

It is recommended that prior approval be granted under the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to conditions.

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