

Item No.12 Report of the Corporate Director of Planning & Community Services

Address FORMER CAPE BOARDS SITE IVER LANE COWLEY

Development: Temporary change of use to provide cleaning/servicing yard for bins/ skips (sui-generis), together with temporary skip holding area (B8), ancillary workshop and portacabin.

LBH Ref Nos: 751/APP/2009/402

Drawing Nos: Proposed site layout - Amended
TS/51177/bs
Flood Risk Assessment
Planning Drawings x4
Baseline Transport Assessment
Design and Access
Noise Assessment Report

Date Plans Received:	27/02/2009	Date(s) of Amendment(s):	02/03/2009
Date Application Valid:	04/03/2009		04/03/2009
			21/04/2009

1. SUMMARY

The current planning application which is similar to the previously refused scheme is for the temporary change of use to provide cleaning/ servicing yard for bins/skips (sui generis), together with temporary ancillary workshop and office buildings. It is proposed to erect a portable building for use as an office and a miracle span building for use as workshop on the site.

The proposed operational works are considered to be acceptable in terms of the visual appearance of the site and appropriate to the temporary use of the site for the cleaning and servicing of bins skips. The use of the site for the stated purposes is consistent with the designation of the Industrial Business Area. However, a temporary permission of 1 year has been recommended in order to enable the Council to effectively assess its impact and the cumulative effects of other uses existing within the overall site, on the wider locality.

For the above reason, and subject to conditions, the scheme is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 ST1 Standard Condition

The use hereby permitted shall be discontinued and the portable building and workshop and any other ancillary equipment associated with the use removed from the site on or before 1 year from the date of this decision notice.

REASON

To ensure that the long term redevelopment of the site is not prejudiced and to assess the impact of the use on the highway network in order to comply with Policies BE25, LE2

and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 ST1 Standard Condition

No repair or replacement of the existing fencing around the perimeter of the site shall be carried out unless it is of a height, design and accommodates materials to match the existing fencing.

REASON

In the interests of the appearance of the site when viewed from the adjacent Grand Union Canal, Green Belt and Cowley Lock Conservation Area in accordance with Policies BE32 and OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 ST1 Standard Condition

Within three months of the date of this decision a scheme to control the run-off of pollutants from the site shall be implemented in accordance with details submitted to, and approved in writing by, the Local Planning Authority.

REASON

To prevent pollution of the adjacent watercourse and groundwater in accordance with Policy OE6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Non Standard Condition

There shall be no stacking of bins/skips above 2m height within 4m of the western side boundary fencing, which abuts the bank of the River Colne.

REASON

In the interests of the appearance of the site when viewed from the adjacent River Colne, Green Belt and Cowley Lock Conservation Area in accordance with Policies BE32 and OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 NONSC Non Standard Condition

No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be handled on the development site.

REASON

In order to safeguard the amenities of the area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

6 NONSC Non Standard Condition

No more than 12 two-way HGV movements per day shall operate from the site.

REASON

In the interests of highway safety and on the amenities of neighbouring properties in accordance with Policies AM7 and OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

7 NONSC Non Standard Condition

Means of vehicular access to the approved development shall be from Iver Lane only.

REASON

In light of the nearby weight restriction on bridges over the Grand Union Canal and to ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policy AM7 of the Hillingdon UDP Saved Policies (September 2007).

8 H10 Parking/Turning/Loading Arrangements - Commercial Devs.

The roads/turning/loading facilities/sight lines and parking areas (including the marking out of parking spaces) shown on the approved plans shall be constructed prior to occupation of the development, thereafter permanently retained and used for no other purpose.

REASON

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

9 NONSC Non Standard Condition

All Heavy Good Vehicles using this site must be Low Emission Level (LEZ) compliant.

REASON

To protect the local air quality and to safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

10 NONSC Non Standard Condition

There shall be no more than 4 lorry movements entering and leaving the site between 11pm and 7am.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

11 NONSC Non Standard Condition

To ensure the outcomes specified in condition 6 and 10 are complied with, the operators shall keep a log of all lorry movements to and from this site over the duration that the development hereby approved remains on site.

REASON

In order to safeguard pedestrian and highway safety including vehicular traffic flow and to safeguard the amenity of the surrounding area in accordance with Policies AM7 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

12 NONSC Non Standard Condition

The site shall not be used outside the hours of 07:00 and 22:00, Monday to Friday, and between the hours of 07:00 and 12:00 on Saturdays. The site shall not be used on Sundays or Bank Holidays.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

13 NONSC Non Standard Condition

The development hereby permitted shall not be commenced until such time as details specifying that the finished floor levels of all temporary buildings are set no lower than 29.06m above Ordnance Datum (AOD) have been submitted to, and approved in writing by, the local planning authority.

Once approved, the scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the approved details, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON

To reduce the risk of flooding to the proposed development and future occupants in compliance with policies OE7 and OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

14 NONSC Non Standard Condition

Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water, details of which shall be submitted to, and approved in writing by, the local planning authority.

REASON

To prevent obstruction to the flow and storage of flood water, with a consequent increased risk of flooding in accordance with policies OE7 and OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 NONSC Non Standard Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- * all previous uses
- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON

In general the Environment Agency agree with the conceptual site model, but since the site is on a major aquifer adjacent to the River Colne, we would like to see:

- details to demonstrate that the hardstanding to be used on site will be impermeable;
- clarification as to the what type of potentially contaminative activities will be carried out, at the moment it is unclear what 'servicing' or 'wash-down' will involve, and what measures will be taken to prevent potential contamination;
- confirmation that there are no underground storage tanks on site, as it is unclear how this conclusion was reached; and
- confirmation that the pipework for the drainage system to be used (described as all going to mains) is in good working order without leaks.

These measures should then form part of the risk assessment to demonstrate that the temporary use will not pose a risk to controlled waters in accordance with Policies OE7, OE8 and OE10 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

16 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policies BE13 and OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant

planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE6	Proposals likely to result in pollution
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OL11	Green Chains
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
LE2	Development in designated Industrial and Business Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
PPS25	Development & Flood Risk
LPP 2A.10	London Plan Policy 2A.10 - Strategic Industrial Locations
LPP 3B.4	London Plan Policy 3B.4 - Industrial Locations

3 I3 Building Regulations - Demolition and Building Works

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 - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

4 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

5

Special statutory provisions for the control of noise from construction sites are contained in the Control of Pollution Act 1974.

Section 60 of the Act enables local authorities to serve a notice imposing requirements as to the way in which the works are to be carried out. The notice may in particular:

- (a) specify the plant or machinery which is, or is not, to be used;
- (b) specify the hours during which the works may be carried out;
- (c) specify the level of noise which may be emitted from the premises in question or at any specified point on those premises in question or which may be so emitted during specified hours; and
- (d) provide for any change of circumstances.

Alternatively, an application for prior consent can be made under Section 61 of the Act. The application should contain particulars of:

- (a) the works, and the method by which they are to be carried out; and
- (b) the steps proposed to be taken to minimise noise resulting from the works.

The British Standard 5228 (Part 1) states that the aim at each stage of a project is to minimise levels of site noise whilst having regard to the practicability and economic implications of any measures. The standard provides a clear message that the measures should be fully considered before the works are carried out. It recommends that potentially excessive noise and vibration levels should be avoided and that this can be achieved by giving careful consideration to the design of a proposed project, the processes and equipment implied by the design and the phasing of operations. It goes on to add that a project design should be so arranged that the number of operations likely to be particularly disturbing be kept to a minimum.

During the execution of the works, the standard advises that all available techniques should be used to minimise, as far as is necessary, the level of noise to which operators and others in the neighbourhood of the start operations will be exposed. A number of measures are given for the protection of neighbouring areas, which are briefly summarised below:

planning the hours of work,

where reasonably practicable, ensuring the use of quiet working methods, the use of the most suitable plant, reasonable hours of working for noisy operations, and economy of speed of operations,

controlling noise and vibration at source and limiting the spread of noise. The standard goes on to provide further guidance on the control of noise. The control measures are: 1) the substitution of noisy plant and processes by less noisy alternatives, 2) reducing noise from existing plant and equipment by modification or by the application of improved sound production methods, 3) enclosure of significant sources of noise, 4) siting

equipment away from noise sensitive areas or directed away from sensitive areas, shutting down of equipment when not used, and the proper use of equipment and handling of materials, 5) proper maintenance of plant and equipment.

Setting noise limits and monitoring noise levels may also be appropriate. The Council's Environmental Protection Unit should be consulted at an early stage in order to discuss whether noise limits and other measures are likely to be required.

The following measures illustrate the typical measures required within Hillingdon:

no activities with the potential to cause disturbance would be permitted at night or during the evening, unless it can be demonstrated that the said activities are essential and unavoidable or, alternatively, particular circumstances exist e.g. the site will predominantly affect commercial interests. It is the normal policy to permit working Monday to Friday between 08.00 and 18.00 hours and Saturday between 08.00 and 13.00 hours. No working will be allowed on Sundays, Public or Bank Holidays. The Environmental Protection Unit should be consulted at an early stage if work is intended outside those working hours;

no potentially disturbing vehicle movements would be permitted at sensitive periods unless it can be demonstrated that such activities are essential and unavoidable. In general haulage vehicles should not enter or leave the site between 1800 and 0800 hours;

access to construction vehicles to the site and on local roads should be controlled so as to protect noise sensitive receiver locations. Wherever practical, construction vehicle movements through or close to sensitive locations should be avoided;

sites likely to adversely affect dwellings, schools or hospitals and other sensitive locations will be required to provide a method statement and predicted noise levels. The method statement should describe the works, plant, phasing and the steps to be taken to minimise levels of noise and vibration. The British Standard 5228 provides a prediction method;

noise limits may be set which reflect standards of best practice;

best practicable means should be used at all times so as to minimise the emission of noise;

adequate measures for the supervision of noise generating activities and monitoring of noise levels, if necessary, should be adopted. All steps should be taken at each phase of the works to minimise disturbance from noise and vibration. The guidance given in the British Standard 5228 (Part 1) Code of Practice should be followed;

adequate arrangements are made for liaison and consultation with officers of the Council and the public should be put in place; and

adequate arrangements should be made for the investigation of complaints.

6

Sustainable Development:

Where relevant, developers should follow guidance in the Mayor's Sustainable Design and Construction SPG, which can be found at;

http://www.london.gov.uk/mayor/strategies/sds/sustainable_design.jsp

7

As the proposals include a temporary porta cabin and ancillary workshop within flood zone 1 of the site the Environment Agency are satisfied with aspects of flood risk. However, should permanent permission be sought for the whole site, a full FRA will be required. Modelled flood levels obtained from our external relations team should be

mapped onto a topographical survey of the site. Once the applicant has submitted a topographical survey we will be in a position to make an informed decision on flood risk at the site.

8

There is a possibility there may be some contaminating substances present in the ground under the hard standing. The environment Agency have some information on the ground conditions (see below). We would advise persons working on site to take precautions in relation to any contamination they may find. Please contact the Environmental Protection Unit on 01895 250155 if you require any advice.

You are advised this development is on a former Cape Board site based on records held by the Environmental Protection Unit, which historically produced asbestos containing products. The Environment Agency have a number of site investigation reports for the site from 2002 which suggests localised areas of metal, hydrocarbon and asbestos contamination at the site. There is also evidence of some areas of elevated carbon dioxide at the site. There are both natural ground conditions, and conditions as a result of organic contamination which could result in the generation of ground gas. At the time of the 2002 investigation a number of shallow concrete obstructions were also noted. The exact nature of the ground conditions in the area covered by the application is unknown. The advice is provided primarily on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete to minimise risk to the site users. Due consideration also needs to be given to the potential affects of contamination during construction on neighbouring sites. The suitability of building materials and building techniques may also need to be considered under the Building Regulations, due to both contamination and natural ground conditions and the potential at the site for gas generation.

3. CONSIDERATIONS

3.1 Site and Locality

The application site has an area of approximately 0.61 hectares and comprises the mid-northern portion of the former Cape Boards site, which is located on the north side of Iver Lane. The overall site was used from 1948 by Cape Boards for the manufacture of insulation boards with associated storage, distribution and office functions. Operations have ceased for several years and the site has subsequently been cleared, including the demolition of buildings. Three portable buildings have been installed at the front of the site in connection with the current temporary use for the storage and distribution of motor vehicles by a car rental firm and a warehouse structure used for waste paper depot is located at the northern part of the former Cape Board Site. There are other uses within the site, mainly for storage purpose operating from the site albeit unauthorised. The unauthorised uses are currently under investigation with regard to the expediency of enforcement action. The site has been subdivided into at least 11 plots of various sizes.

The application site is bounded to the south by the remainder of the former Cape Boards site, to the west by allotment gardens and to the east by the Grand Union Canal. Main vehicular access/egress to the site is from the Iver Lane frontage of the main site. The site falls within the Uxbridge Industrial Estate, which is identified as an Industrial Business Area in the Hillingdon UDP Saved Policies (September 2007).

3.2 Proposed Scheme

The current planning application which is similar to the previously refused scheme is for the temporary change of use to provide cleaning/ servicing yard for bins/skips (sui generis), together with temporary ancillary workshop and office buildings.

At current the application site is vacant and unoccupied by buildings. It is proposed that a portable building for use as an office and a miracle span building for use as workshop is to be erected on the site. The portable building would measure 3.6m deep, 12.2m wide and 3m high, while the workshop would be 12.23m deep, 12.45m wide with an overall height of 6.45m.

The application site has been divided into two with the cleaning/servicing yard for bins/skips occupying 48% of the site. 10 parking spaces including 1 disabled parking space are to be provided to the front of the site. A fuel tank, bin washing area and bin storage area occupy the rest of the this area.

The remaining 52% of the site is to be used for storage of bins and skips. This area is shown as bin/skip holding area on the submitted site layout plan. The use of this are will be connected to the proposed bin/skip cleaning and servicing business.

The applicants have described the proposed use of the application site as follows:

"This facility is to provide cleaning services for waste management and recycling vehicles. The core operating hours are likely to be between 06:00-22:00. The site is to accommodate 4 on-site staff, with 6 drivers also based at this facility. Information supplied by the potential operator of this facility indicates that vehicle movements owing to this operation are likely to be in the region of 12 two-way HGV movements and 10 two-way car movements per day"

3.3 Relevant Planning History

Comment on Relevant Planning History

The Cape Boards site has a long history of industrial use dating back to 1948. Since 1979 there have been various permissions granted for industrial buildings, minor extensions and alterations. Since the cessation of the manufacturing use by Cape Boards, which is considered to have been a B2 (General Industrial) use, there have been discussions with officers regarding the future redevelopment of the site. On 23 February 2004 an outline planning application for the redevelopment of the site for Class B1 (b) (Research and Development), Class B1(c) (Light Industrial), Class B2 (General Industrial) and Class B8 (Storage and Distribution) uses totalling 34,878 sq metres was withdrawn (Ref. 751/APP/2002/2222). Demolition works commenced in 2003. The bulk of the site was apparently cleared and additional hardstanding provided by late 2004. The most recent demolition consisted of the removal of the ancillary offices fronting onto Iver Lane in January 2006.

At the meeting of the Central & South Planning Committee on 30 May 2006 a report was considered regarding the expediency of enforcement action in respect of the unauthorised change of use of the site for car storage & distribution; airport related car parking; ancillary development including hard surfacing and fencing above 2 metres. It was resolved that the Borough Solicitor be authorised to issue an appropriate enforcement notice in respect of the unauthorised uses and ancillary development (Ref. ENF/2003/2641 & 04/3147).

On 18 October 2006 planning permission was granted for the retention of 2.44 metre high fencing along the Iver Lane frontage from the site entrance to the River Colne (Ref.

751/APP/2006/1077).

On 14th November 2006 the South and Central Planning Committee resolved to grant planning permission for the retention of use of part of the site for the storage and distribution of motor vehicles (Class B8) by a car rental firm (ref: 751/APP/2006/2225).

(751/APP/2006/2225) Retention of use of site for the storage and distribution of motor vehicles (Class B8) by car rental firm, Approved 16/11/2006

(751/APP/2007/3244) Permanent positioning of four portacabins, and cladding and netting of existing building, erection of 7m high chain link fencing and associated works, Approved 22/01/2008.

(751/APP/2008/745) A retrospective application for use of land for the parking (storage) of heavy/light goods vehicles for a truck rental firm (not visited by customers) and siting of operations portacabin, Refusal 01/07/2008.

Planning application (ref: 751/APP/2008/3436) was refused for a similar scheme as the current proposal in February 2009 for the following reasons:

1. The proposed development lies within a risk flood zone. No flood risk assessment (FRA) has been submitted with the application as required by PPG25. The proposed development by reason of its location within a Flood Zone could potentially prejudice flood defence interest. The proposal would therefore, be contrary to Policies OE7 and OE8 of the Hillingdon UDP Saved Policies (September 2007) and PPS25.

2. The application site is located on a major aquifer and close to a surface water course - the river Colne. The previous site history indicates the use of the site for vehicle storage and lorry car parking could potentially have led to contamination. Therefore a preliminary risk assessment should be carried out. The application fails to provide sufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The proposal would therefore, be contrary to Policies OE7, OE8 and OE11 of the Hillingdon UDP Saved Policies (September 2007) and PPS25.

3. The applicants have failed to satisfactorily demonstrate that the proposal will not have a detrimental impact on nearby residents by way of noise and that the air quality of the surrounding area will not suffer as result of the proposed development. The proposal is therefore contrary to Policies OE1 and OE6 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

4. The applicants have failed to satisfactorily demonstrate that traffic associated with the development can be adequately accommodated on the adjoining highway network. As such, the development may be prejudicial to the free flow of traffic and conditions of general highway safety, contrary to the aims of Policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE6	Proposals likely to result in pollution
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OL11	Green Chains
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
LE2	Development in designated Industrial and Business Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
PPS25	Development & Flood Risk
LPP 2A.10	London Plan Policy 2A.10 - Strategic Industrial Locations
LPP 3B.4	London Plan Policy 3B.4 - Industrial Locations

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application was advertised as a minor development and 18 adjoining owner/occupiers were consulted. No response has been received with the following comments:

No reason to oppose the application, providing that the main entrance/exit in Iver Lane, Cowley is used and not the emergency exit into Waterloo Road, Uxbridge.

ENVIRONMENT AGENCY

Having reviewed the submitted information, including the 'Phase 1 Environmental Study - Former Cape Board Works, Iver Lane, Cowley' Report No. 36828-01 (dated March 2009) as subsequently submitted, we withdraw our objection to the proposed development, subject to the imposition of the following conditions on any planning permission granted.

SOUTH BUCKS DISTRICT COUNCIL

Objections - The proposal would result in an increase in vehicular movements on the B470 Iver Lane and adjacent highway network, including Iver Village, as this will be the main route HGV's will take to the site. These roads would be unable to cope with the additional traffic, which would be generated by this development, thereby adversely affecting road safety. In addition such heavy goods vehicles trips would adversely affect the character and amenities of properties in the locality through noise, vibration, disturbance and visual intrusion. The rural lanes of South Bucks are not considered suitable for significant increase in heavy goods vehicle movements since such traffic would have an adverse impact on the quality and character of these lanes. Given the weight restriction on the bridge to the east of the site the traffic generated by the proposed use would be forced to travel into the South Bucks District where lorry traffic already has a severe affect on the local environment. In these circumstances it is essential that the London Borough of Hillingdon seek the views of Bucks County Council as Highway Authority.

IVER PARISH COUNCIL

Object - Increase of commercial traffic through Iver.

BUCKINGHAMSHIRE COUNTY COUNCIL - HIGHWAYS

The proposal seeks to increase the numbers of LGV using the site by 12. Given the nature of the proposal, traffic will be generated outside peak hours thereby causing distress and inconvenience to the residents of Iver and the County Council, as local Highway Authority, wishes to formally object to the proposal.

BRITISH WATERWAYS

No objection to the proposed development.

HEALTH AND SAFETY EXECUTIVE

No response received

Internal Consultees

HIGHWAYS ENGINEER

The applicant and their TA state that there will be only 12 two way HGV movements daily. On this basis no objections are raised on traffic grounds subject to Conditions:

1. The site usage is restricted to no more than 12 two way HGV movements daily.
2. Vehicular access to the site would be from Iver Lane only.

ENVIRONMENTAL PROTECTION UNIT (EPU)

Contamination Matter:

Previous applications at this site have been conditioned for land contamination. As a minimum, a contamination informative is required for the site as ground conditions vary and contamination is

probably still present at depth in some areas.

There is a reference made to drawings related to the foundation design for the light weight structure, but the drawing was not available.

Concern regarding any potential contamination centres around possible exposure during any construction works where the ground is disturbed and points of entry for any utilities into buildings/portacabins on site, which need to be suitably sealed to prevent any gas ingress. Any waste soils etc. produced as a result of construction will also need to be tested and disposed of at a suitably licensed facility.

Noise Matter:

With regards to air quality the applicants have not yet submitted an air quality report for the whole of the Cape boards site and this area of the site should be included when this is produced. In order to limit the air quality impact of this area of the site I have recommended a condition limiting the number of lorry movements and also a condition requiring that HGVs accessing this site are LEZ compliant.

With regards to noise, again a report has not yet been submitted covering the whole site and this area should be included when this is produced.

Noise sources would include noise from skip and bin repair and cleaning on site, noise from Lorry movements and noise from loading and unloading operations. The other important factor with regards to noise is the hours of operation. The applicants have submitted noise reports for this area of the site dated the 2nd and 17th of April and a letter from the acoustic consultants dated the 21 April.

The applicants are proposing core hours of 6am to 10pm Monday - Friday and 6am -12noon Saturdays but want access for HGVs at any time. 6-7 am is considered night time and is therefore particularly sensitive. The email from the noise consultants dated 21/4/09 indicates that the buildings on site including those proposed as part of this application should provide shielding giving a reduction of 5dB. This would bring the daytime levels for the site 5dB below background as required in our SPD but night time levels would still only be approximately 1dB below background, the Environmental Protection Unit therefore recommend that the night time hours of 6-7 are excluded from the core hours and have recommended a condition restricting hours to 7am to 10 pm Monday - Friday and 7am to 12 noon on Saturdays with no work on Sundays or bank holidays.

With regards to the noise from night time HGV movements there are already some noise events at similar levels occurring during the night on Iver Lane. To avoid significantly increasing the disturbance to residents, the Environmental Protection Unit suggest a condition limiting access to the site during the night time hours of 11pm to 7 am to 4 lorry movements i.e. 2 lorries.

The Environmental Protection Unit have also recommended a condition limiting the number of lorry movements in 24h to those identified in the traffic assessment, as these are what the noise report is based on.

POLICY AND ENVIRONMENTAL PLANNING

Site

The site is located within the Uxbridge Industrial Estate Industrial Business Area which is also identified as a Strategic Industrial Location - Preferred Industrial Location in the London Plan 2008. To the west is Green Belt, the Colne River a nature conservation site of Borough Grade 1

Importance. To the east is the Grand Union Canal, a Nature Conservation Area of Metropolitan Importance. Part of the site is within Flood Risk Zone 2 and there are land contamination issues. The site has a PTAL of 1a.

The London Plan Consolidated with Alterations since 2004 (2008)

Policy 3B.1 Developing London's Economy considers the strategic role of the Mayor to support and develop London's economy including seeking a range of premises of different types, sizes and costs to meet the needs of different sectors of the economy and firms of different types and sizes and to remove supply side blockages.

Policies 2A.10 and 3B.4 Strategic Industrial Locations sets out London's strategic reservoir of industrial capacity and the requirements of employment site provision in Development Plan Documents. Indicative boundaries (albeit under the 2004 title Strategic Employment Locations) have been identified in the Sub Regional Development Framework - West London (2005).

Policy 3B.11 Improving employment opportunities for Londoners provides the spatial context to coordinate the range of initiatives necessary to improve employment opportunities for Londoners, to remove barriers to employment and tackle low participation in the labour market.

Policy 3D.14 seeks a proactive approach to the protection, promotion and management of biodiversity in accordance with the Mayor's Biodiversity Strategy.

Policy 4A.17 Water Quality seeks to ensure that water quality and the attractiveness is protected or improved and encourages the use of sustainable urban drainage systems.

Hillingdon UDP Saved Policy Issues

In establishing the principle for a cleaning/servicing yard for bins and skips, the following policy issues need to be addressed:

- *The suitability of a use in a designated industrial business area
- *Flood impact
- *Impact on nature conservation
- *Impact on the Green Belt

Suitability of the Cleaning/Servicing Yard in an Industrial Business Area

Policy LE2 identifies the types of uses considered appropriate in an Industrial Business Area including equivalent sui generis uses where it is desirable to locate such activities on amenity grounds. The Service Yard will provide employment (4 on site jobs and 10 part time jobs), and provide a useful service. It also provides the opportunity to bring an underutilised site back into productive use. The activity, noise and vehicle movements would make this an acceptable use in an IBA.

Flooding

Policy OE7 provides the policy context for areas liable to flooding. The site is adjacent to the Colne River. The EA have assessed part of the site as being located in Zone 2 flood risk area with a low to moderate risk of flooding. Officers would need to be satisfied that such a site would be safe.

Impact on the Nature Conservation Area

Policies EC1 and EC3 seek to protect nature conservation areas. Officers will need to be satisfied

that the scheme will not harm the environmental conditions of the neighbouring nature conservation areas. In particular and in accordance with London Plan Policy 4A.17 water quality should not be adversely affected by the scheme through inappropriate runoff.

4. Impact on the Green Belt

The scheme would be visible from the Green Belt. In accordance with Policy OL5, officers would need to be satisfied that the proposal would not harm the visual amenities of the Green Belt.

Conclusion

PEP have no objection to the scheme for a temporary permission subject to site specific considerations.

WASTE MANAGEMENT

The application is for a commercial development. The business that occupies these premises ultimately has discretion over the waste management methods they intend to use. However, as a minimum, planning approval should require that the redevelopment of the site includes room to locate recycling facilities for all grades of paper and cardboard, cans, plastic bottles, and also glass bottles and jars.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located in an Industrial and Business Area (IBA). Policy LE2 of the Hillingdon Unitary Development Plan (Saved Polices 2007) states that such areas are designated for business, industrial and warehousing purposes (Use Classes B1-B8) and for sui generis uses appropriate in an industrial area. The policy states that the Local Planning Authority will not permit development for other uses in such areas unless certain criteria are met. The proposed use for the cleaning and services of bins/skip is considered to be a sui generis use and appropriate to an industrial area. As the proposal falls within the original approved use of the site, this use would be considered acceptable and accords with Policy LE2 of the Hillingdon Unitary Development plan Saved Polices (September 2007).

7.02 Density of the proposed development

Not relevant to the proposal.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Refer to section 7.05.

7.04 Airport safeguarding

Not relevant to the application.

7.05 Impact on the green belt

On the opposite side of Iver Lane to the site is open land within the Green Belt and Cowley Lock Conservation Area. Policy OL5 of the Unitary Development Plan states that the Local Planning Authority will normally only permit proposals for development adjacent to or conspicuous from the Green Belt if they would not injure the visual amenities of the Green Belt by reason of siting, materials, design, traffic or activities generated. Whilst the site can be readily viewed when crossing the bridge over the Grand Union Canal to the east, views into the site from the Green Belt land and Cowley Lock Conservation Area on the opposite side of Iver Lane to the south are restricted by the existing security fencing which has been provided on the site frontage preventing views of parked vehicles. It is therefore considered that, given the distance between the site and the Iver Lane frontage, the development would not have a detrimental visual impact on the adjoining Green Belt

Cowley Lock Conservation Area.

7.07 Impact on the character & appearance of the area

The Grand Union Canal is to the east of the site, and forms part of a Green Chain, which is protected by Policy OL11 of the Hillingdon UDP Saved Policies (September 2007). One of the key criteria of Policy OL11 in respect of this application is criteria 3, which seeks to conserve and enhance the visual amenity and nature conservation value of the landscape. This area also forms part of a site of Nature Conservation Interest. Saved Policies EC1 and EC3 state the Local Planning Authority will not permit development which would adversely affect the integrity of these sites, and furthermore, will require proposals for developments within the vicinity of these sites to have regard to the potential effects on such sites, of changes in the water table and of air, water, soil and other effects which may arise from the development.

The application site boundary is situated over 90m away from the Grand Union Canal tow path (to the east), and the banks of the river Colne are 8m from the western site boundary. With regard to visual impact, the application site is well screened by palisade fencing together with the green netting that has been applied to the same, and due to the other uses on the site it is not considered that the proposed use would have an adverse impact on the surrounding area. However, concerns have been raised by officers about the proposed stacking height of 4m for the bins/skips to be stored in bin/skip holding area which is just 8m away from the banks of the river Colne. It is considered that the siting of stacked bins/skips against the west side boundary fence at 4m high would be likely to harm the visual amenities of the adjoining river and Green Belt due to their height and type of material and because no screening or landscaping measures to mitigate such impact have been proposed by the applicant. Notwithstanding this, it is considered that the proposed storage area can be used as such if adequate measures to minimise its impact on the adjoining river Colne and the Green Belt can be found. In view of this, a condition restricting the siting of the stacked bins/skips to a minimum distance from this side of the application boundary has been recommended. In addition, a temporary permission of 1 year has been recommended. This is in order to afford the Council the benefit of monitoring and controlling the effects of the proposed use on its surroundings.

The site lies within Flood Zone 2 as defined by Planning Policy Statement 25 as having a medium probability of flooding. Paragraph E9 of PPS25 requires applicants for planning permission to submit a flood risk assessment (FRA) when development is proposed in such locations. The Environment Agency states that the site is located on a major aquifer and close to a surface water course - the river Colne. The previous site history indicates the use of the site for vehicle storage and lorry car parking; this could potentially have led to contamination, and as such, considers that a preliminary risk assessment should be carried out. The applicants have on this occasion provided the agency with the necessary flood risk assessment and environmental study. The Environment Agency has now withdrawn its objection to the proposal subject to a recommended condition. Therefore, the proposal accords with Policies OE7, OE8 and OE11 of the Hillingdon UDP (Saved Policies 2007) and PPS25. The proposal has therefore overcome reasons 1 and 2 of the previously refused scheme.

7.08 Impact on neighbours

Policy BE13 states that development will not be permitted if the layout and appearance fail to harmonise with its surroundings. Policy BE25 of the UDP (Saved Policies 2007) states that the Local Planning Authority will seek to ensure modernisation and improvement of industrial and business areas through careful attention to the design and landscaping of buildings and external spaces. It also states that where appropriate, it will seek improved

vehicular and pedestrian access and circulation routes through the area and environmental improvements. The two proposed buildings would be sited some 165m away from Iver Lane and over 85m away from the western boundary of the site. There are other existing portable buildings on the Cape Board site of a comparable size and in the vicinity of the application site and it is therefore considered that the proposal would be in keeping with its surroundings. The materials used are also comparable to those found within an industrial area. It is therefore considered the proposal would be appropriate in this location and would not have any negative visual impact on the surrounding area. The proposal would therefore accord with Policies BE13 and BE25 of the Hillingdon Unitary Development Plan (Saved Policies 2007)

7.09 Living conditions for future occupiers

Not applicable to the application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Highways Engineer has commented that the application forms state 10 vehicular car movements in and out of the site and 12 HGV's in and out. The application has been supported by a transport assessment setting out the anticipated trip rate generation of the development and associated impact on the highway network. The submitted information is considered to indicate that the proposed development would have an acceptable impact on the existing highway network, both within the London Borough of Hillingdon and across the borough boundary in Iver.

In order to ensure the level of use and associated highways impacts do not exceed those which have been considered by officers conditions are necessary to ensure that no more than 12 two-way HGV movements per day take place in association with the use and that a log book be kept to ensure that the vehicle movements can be monitored.

Vehicular access to the site will be via Iver Lane. The Council's Highway Engineer has raised no objection to the scheme on traffic grounds subject to condition on the basis of the statement of the applicants and that contained in the supporting transport assessment that state that there will be only 12 two way HGV movements daily. As such, the proposal is considered to accord with Policies AM2 and AM7 of the Hillingdon Unitary Development Plan (Saved Polices 2007). The proposal as overcome the 4th reason for refusal of the previous scheme.

7.11 Urban design, access and security

See section 7.07.

7.12 Disabled access

Not applicable to the application.

7.13 Provision of affordable & special needs housing

Not applicable to the application.

7.14 Trees, landscaping and Ecology

Refer to section 7.07.

7.15 Sustainable waste management

Refer to section 7.07.

7.16 Renewable energy / Sustainability

Not relevant to the proposal.

7.17 Flooding or Drainage Issues

Refer to section 7.07.

7.18 Noise or Air Quality Issues

Refer to section 7.08.

7.19 Comments on Public Consultations

None

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

The current planning application which is similar to the previously refused scheme is for the temporary change of use to provide cleaning/ servicing yard for bins/skips (sui

generis), together with temporary ancillary workshop and office buildings. It is proposed to erect a portable building for use as an office and a miracle span building for use as workshop on the site.

The proposed operational works are considered to be acceptable in terms of the visual appearance of the site and appropriate to the temporary use of the site for the cleaning and servicing of bins skips. The use of the site for the stated purposes is consistent with the designation of the Industrial Business Area. However, a temporary permission of 1 year has been recommended in order to enable the Council to effectively assess its impact and the cumulative effects of other uses existing within the overall site, on the wider locality.

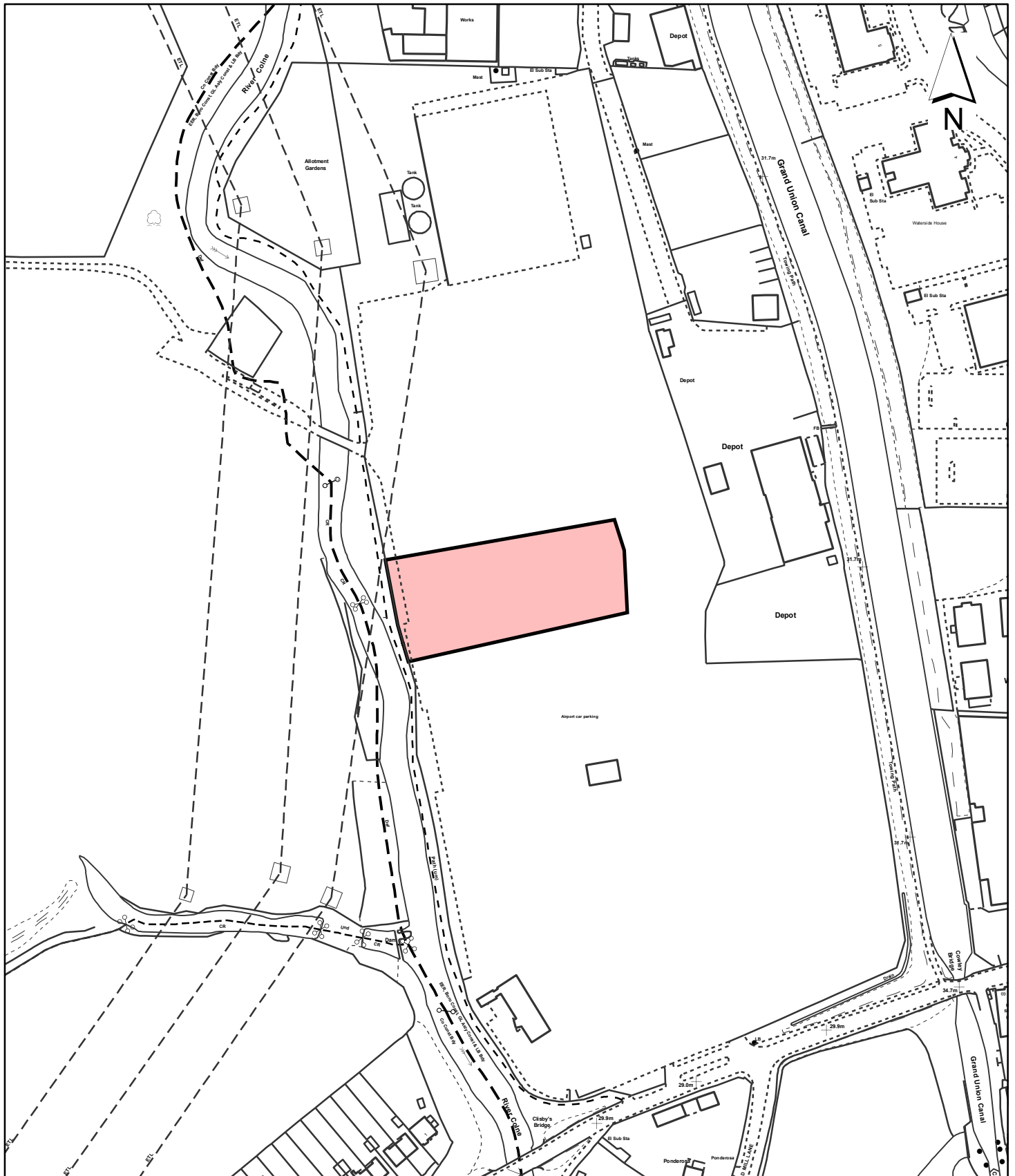
For the above reason, and subject to conditions, the scheme is recommended for approval.

11. Reference Documents


Refer to section 4.0.

Contact Officer: Raphael Adenegan

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Former Cape Boards Site
Iver Lane
Cowley**

**LONDON BOROUGH
OF HILLINGDON
Planning &
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Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:
751/APP/2009/402

Scale
1:2,500

Planning Committee
Central and South

Date
April 2009



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