

**Item No.**                    **Report of the Head of Planning, Building Control, Sport & Green Spaces**

**Address**                    RIVERVIEW OXFORD ROAD UXBRIDGE

**Development:**            Prior Approval Application for the change of use of Riverview from office accommodation (Class B1) to 35 residential units (Class C3) together with ancillary car parking, cycle storage and recycling storage

**LBH Ref Nos:**            40050/APP/2017/3357

**Drawing Nos:**            (03)-S-RV-001 Rev 2  
 Noise Impact Assessment 01/06/2017 Revision 01  
 (03)-P-RV-0G0  
 (03)-P-RV-001  
 (03)-P-RV-003  
 Area Schedule Riverview Rev A 02/06/17  
 Highways and Transport Statement SEPTEMBER 2017  
 Preliminary Environmental Risk Assessment June 2017 WIC15644-101-R-1-2-1-PERA  
 Flood Risk Assessment June 2017 WIC15644

**Date Plans Recieved:**    19/09/2017                    **Date(s) of Amendment(s):**

**Date Application Valid:**   21/09/2017

## 1. SUMMARY

This application seeks prior approval for the conversion of the existing office building Riverview to provide 37 individual residential units (5 x studios, 19 x 1 Beds, 6 x 2 beds and 7 x 3 Beds). A total of 90 car parking spaces would be provided to serve future occupants. The spaces will be located within the existing hard surfaced parking areas which serve the existing office use. Facilities for the secure storage of cycles will also be provided.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required. The application is not seeking full planning permission and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 only permits the Local Planning Authority to take the following factors into consideration in the determination of such an application:

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

In considering an application for prior approval under Class O, Paragraph 10b of Section W states that the local planning authority shall "have regard to the National Planning Policy Framework... so far as relevant to the subject matter of the prior approval, as if the application were a planning application". As such, the prior approval application must be

assessed against transport and highways impact, contamination, noise and flooding risks only. The local planning authority is not directed, as a matter of law, to determine applications for prior approval under Class O with reference to the Development Plan.

The local planning authority may also grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The application has been assessed against the above criteria and subject to relevant conditions and the securing of highway obligations through a Section 106 Legal Agreement, prior approval is not required.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Head of Planning and Enforcement to confirm Prior Approval is Not Required subject to:**

**A) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:**

- 1. Contribution towards improvements to the local highway network with an upper limit of £124,650, plus a transport appraisal to include modelling of the local network prior to commencement of the development.**
- 2. Public Realm Contribution of £81,022.**
- 3. Strategy for ceasing usage of all additional car parking on site over and above the 90 proposed off street car parking spaces.**

**B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.**

**C) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**D) If the Legal Agreements have not been finalised by 25th October 2017 (or such other timeframe as may be agreed by the Head of Planning and Enforcement), delegated authority be given to the Head of Planning and Enforcement to refuse the application for the following reason:**

**'The applicant has failed to provide measures to mitigate the impacts of the development to prevent additional highway impacts over and above the proposed 89 parking spaces, which could result in significant additional vehicular movements and corresponding adverse impact on the surrounding highway network given the existing additional car parking spaces across the site. The applicant has also failed to provide measures to mitigate the impacts of the development through enhancements to the environment necessary as a consequence of demands created by the proposed development (relating to highway works (including Transport Assessment) and public realm improvement contribution). The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2016, policies R17, AM2, AM7 and AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (March 2016)**

**and the NPPF.'**

**E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Head of Planning and Enforcement prior to issuing the decision.**

**1 NONSC Parking**

Prior to occupation of the development, the following shall be provided on site:

1. 89 car parking spaces with markings, including spaces for visitor parking
2. 9 parking spaces to be assigned for use by disabled persons and marked as such
3. 18 parking spaces to be supplied with active Electric Vehicle Charging points
4. 18 parking spaces to be supplied with passive Electric Vehicle Charging points
5. 5 motorcycle parking spaces
6. Secure and covered parking spaces to be provided for 60 bicycles as a minimum

Thereafter, they shall be 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 AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

**2 NONSC Contamination**

- (1) If during development works contamination not addressed in the submitted land contamination report is identified, an updated brief shall be submitted and an addendum to the remediation scheme shall be agreed with the Council prior to implementation; and
- (2) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the Council dispenses with any such requirement specifically and in writing.
- (3) 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 Council. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

**REASON**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (2012) and policy 7.21 of the London Plan (2016).

**3 NONSC Noise Protection**

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from noise generated by commercial premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria against external noise as agreed with the

Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise generated by commercial premises in accordance with policy OE5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

## **INFORMATIVES**

### **1**

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

### **2**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The wider site fronts onto Oxford Road (A4020) and is an island site between the River Colne and the Grand Union Canal. The River Colne is the border between Hillingdon and South Buckinghamshire, which also denotes the administrative boundary of the Greater London Area.

The island site is currently occupied by 3 buildings: Bridge House, Waterside and Riverview all of which are occupied by Xerox, owned by L&G and have direct access from Oxford Road. The existing Riverview building is located to the south of both Bridge House

and Waterside and is adjacent to the River Colne.

The surrounding area is mixed use and contains a number of existing multi storey office buildings. The closest residential properties are located within Denham Lodge, to the north west of the site on the opposite side of Oxford Road. To the north of the site is the Swan and Bottle Public House, which is locally listed.

The site is within, but on the north western boundary of, Uxbridge Town centre and is within an Archaeological Priority Area. The site has a PTAL rating of 2 and within a developed area, as designated by the Hillingdon Local Plan (November 2012).

The land on the western bank of the River Colne is within South Buckinghamshire and is designated as Green Belt and a Biodiversity Opportunity Area. There is also Uxbridge Lock Conservation Area to the north of the site.

### 3.2 Proposed Scheme

This application seeks prior approval for the conversion of the existing office building Riverview to provide 37 individual residential units (5 x studios, 19 x 1 Beds, 6 x 2 beds and 7 x 3 Beds). A total of 90 car parking spaces would be provided to serve future occupants. The spaces will be located within the existing hard surfaced parking areas which serve the existing office use. Facilities for the secure storage of cycles will also be provided.

### 3.3 Relevant Planning History

40050/APP/2016/852 Bridge House, Denbridge Ind. Estate Oxford Road Uxbridge

Demolition of existing office building (Use Class B1(a) and multi-storey car park and redevelopment of the site to provide a new office (Use Class B1(a) building, associated multi-storey car park and ancillary cafe unit (Use Class A1/A3).

**Decision:** 05-01-2017 Approved

40050/APP/2017/2438 Bridge House, Riverview House & Waterside House Oxford Road Uxt

Prior Approval Application for the change of use of Bridge House, Riverview House and Waterside House from office accommodation (Class B1) to 237 residential units (15 x Studio and 224 x 1-Bed) together with ancillary car parking, cycle storage and waste and recycling storage.

**Decision:** 23-08-2017 Approved

40050/APP/2017/3356 Waterside Oxford Road Uxbridge

Prior Approval Application for the change of use of Waterside from office accommodation (Class B1) to 35 residential units (Class C3) together with ancillary car parking, cycle storage and recycling storage

**Decision:**

40050/APP/2017/3358 Bridge House Oxford Road Uxbridge

Prior Approval Application for the change of use of Bridge House from office accommodation (Class B1) to 76 residential units (Class C3) together with ancillary car parking, cycle storage and recycling storage

**Decision:**

#### Comment on Relevant Planning History

40050/APP/2016/852 - Demolition of existing office building (Use Class B1(a) and multi-storey car park and redevelopment of the site to provide a new office (Use Class B1(a) building, associated multi-storey car park and ancillary cafe unit (Use Class A1/A3) -

Approved 06-07-17.

40050/APP/2017/2438 - Prior Approval Application for the change of use of Bridge House, Riverview House and Waterside House from office accommodation (Class B1) to 239 residential units (15 x Studio and 224 x 1-Bed) together with ancillary car parking, cycle storage and waste and recycling storage - Approved 01-09-17.

#### **4. Planning Policies and Standards**

Town and Country Planning (General Permitted Development) (England) Order 2016

#### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
NPPF	National Planning Policy Framework
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

#### **5. Advertisement and Site Notice**

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

Consultation letters were sent to 60 local owner/occupiers and the application was also advertised by way of site notices. No responses have been received.

##### **Internal Consultees**

##### **FLOOD AND WATER MANAGEMENT OFFICER**

Although surrounded by water the site lies above the indicated flood levels and lies in Flood Zone 1. Therefore there are no objections to the proposed conversion from office to residential. However in order to support such residential dwellings there should be clear and careful management of the river and canal corridor in accordance with the Blue Ribbon Network Policy, in order that flood risk to the site is not increased to the proposed residents or those nearby. There should also be restrictions on any replacement hardsurfacing within the site in the future to increase the permeability of ground to reduce the risk created by this site.

Therefore the following is requested:

Removal of permitted development rights replacing of any hard surfacing must be with a more permeable surface which controls surface water on site. A River corridor landscaping plan should be submitted to and approved by the Local Authority prior to commencement.

Case Officer's comments:

As per the Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted

Development) (England) Order 2016 flood risk is one of the factors that the Local Planning Authority can take into consideration when determining an application of this nature. However the requested condition requiring the removal of Permitted Development rights is not required as the proposal would create residential flats, which by their nature do not benefit from such Permitted Development rights.

In addition the requested condition for a River Corridor Landscape Plan would not be appropriate as the application proposes no changes to the landscaping on site and any increased flood risk resulting from landscaping issues (such as falling trees) would not be the result of the proposed development. This issue is not therefore a consideration of the current application and such a condition would not accord with Paragraph 206 of the National Planning Policy Framework.

#### ENVIRONMENTAL PROTECTION UNIT (NOISE)

I would recommend the following conditions/informative respectively:

##### Sound insulation scheme

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road traffic and other noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria against external noise as agreed with the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road traffic and other noise in accordance with policy OE5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

##### Noise affecting residential property

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

##### Noise Mitigation Measures

I would also require the applicant to provide robust noise mitigation measures that will ensure that potential noise impact due to the types of activity on the High bridge Industrial Estate which could potentially generate high maximum noise levels i.e.

- Lorry reversing beacons
- Wheeled metal cages (being moved about)
- Loading and unloading of vehicles

All of the above should be suitably mitigated to ensure that it would not pose an obstacle to the proposed change of use from offices to residential.

##### Case Officer's comments:

As per the Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 the only source of noise that the Local Planning Authority can take into consideration is that produced by commercial premises. Therefore the first condition requested by the Environmental Protection Unit will be amended to cover this source only. The requested condition to limit noise generated from plant within the development is not an issue that

the Local Planning Authority is permitted to consider as part of this type of application and therefore cannot be attached to any determination of the application.

#### ENVIRONMENTAL PROTECTION UNIT (CONTAMINATION)

No objection to the submitted information as the site has been rated low/medium risk however; given the potential contamination on-site, there is a risk of contaminated land liability hence:

#### Contaminated Land Condition

(1) If during development works contamination not addressed in the submitted land contamination report is identified, an updated brief shall be submitted and an addendum to the remediation scheme shall be agreed with the Council prior to implementation; and

(2) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the Council dispenses with any such requirement specifically and in writing.

(3) 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 Council. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (2012) and policy 7.21 of the London Plan (2016).

#### Control of environmental nuisance from construction work (Informative)

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

(i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;

(ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;

(iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and

(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155)

#### Case Officer's comments:

As per the Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 contamination is one of the factors that the Local Planning Authority can take into consideration and therefore the condition requested by the Environmental



Protection Unit is recommended to be attached to any positive determination of the application.

## HIGHWAYS

Highway Works £124,650

Until a transport assessment has been received and agreed by the Council, based on the findings of earlier work the following schedule of highway works are required. These are to be up to a maximum of £124,650 (to be determined in accordance with the Transport Study) to be used by the Council to carry out and complete the Additional Highway Works. These include but are not limited to:-

1. works to lengthen and widen the existing right turn lane at the Site access junction off the A4020 Oxford Road; and
2. improvements to the Site frontage to improve pedestrian access from the footway along the A4020 Oxford Road.

Further works to mitigate the impact of additional development traffic along Oxford Road and at upstream junctions may include but are not limited to:-

1. new facilities, such as bus shelters and bus stops;
2. improvements to a bus service which passes near the site (frequency and capacity);
3. bus priority measures;
4. community transport provision;
5. dedicated bus service;
6. passenger information systems;
7. improvements to transport interchanges;
8. promotion of public transport;
9. provision of bus stands and driver facilities; or
10. provision or improvement of cycle ways and cycle parking facilities;
11. to include the following identified potential highway works :
12. Possible linking of Denham Pedestrian crossing to main signal junctions
13. Oxford Road (Eastbound) between Oakside and Willow Avenue- measures to improve flow of traffic into the town centre
14. Sanderson Road Traffic Light Junction
15. Measures to improve junction capacity at
  - a. Harefield Road/ High Street Junction improvements, including if feasible signalisation.
  - b. Cedars and Mahjacks roundabouts : Measures to improve capacity including review and change of signal timings and CCTV cameras to aid UTC.

In the absence of any new transport assessment to show otherwise, the above list of mitigation works should also apply to the new development. This is particularly the case as in the AM Peak many cars will be leaving the development bunched within a short space of time adding further stress on an already congested local road network.

Public Realm Enhancements £81,022

Waterside is situated on the edge of Uxbridge town centre within convenient cycling and walking distance of all the transport connections, services and facilities it has to offer.

Access to the town centre is provided by the High Street connecting Oxford Road with Harefield Road. South of Harefield Road is Uxbridge town centre. The High Street has numerous high profile frontages including Fountains Mill listed building and Uxbridge Magistrates Court. The High Street is a lightly trafficked road carrying a high volume of pedestrians visiting New Bucks University and numerous other workplaces in the vicinity of Waterside.

To improve connectivity between Waterside and the town centre funding up to a maximum of £81,022 is required to improve the public realm and the safety and convenience of cyclists and pedestrians using this link. Using high quality materials it is proposed to resurface the footways, review how parking is managed, provide new lighting, street trees, landscaping and public art.

The outcome of this investment will enhance connectivity between Waterside and the town centre in turn making it safer and more convenient for the residents of Waterside to walk and cycle to the town centre continuing any onward journey by public transport.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Under Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016, from 30 May 2013 development consisting of the change of use of a building to a use falling within Class C3 (dwellinghouses) from a use falling within Class B1(a) (offices) constitutes 'permitted development', subject to a number of criteria; namely permitted development rights do not apply if:

- the building is on article 1(6A) land;
- the building was not used for a use falling within Class B1(a) immediately before 30th May 2013, or, if the building was not in use immediately before that date, when it was last in use;
- the site is or forms part of a military hazard area;
- the site is or forms part of a military explosives storage area;
- the building is a listed building (or within its curtilage) or a scheduled monument;
- permitted development rights have been removed.

The site and buildings do not meet any of the criteria listed above. As such the site benefits from permitted development rights.

### **7.02 Density of the proposed development**

Not applicable as this is not an application for planning permission.

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

Not applicable as this is not an application for planning permission.

### **7.04 Airport safeguarding**

Not applicable as this is not an application for planning permission.

### **7.05 Impact on the green belt**

Not applicable as this is not an application for planning permission.

### **7.06 Environmental Impact**

Not applicable as this is not an application for planning permission.

### **7.07 Impact on the character & appearance of the area**

Not applicable as this is not an application for planning permission.

### **7.08 Impact on neighbours**

Not applicable as this is not an application for planning permission.

### **7.09 Living conditions for future occupiers**

Not applicable as this is not an application for planning permission.

### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The Council's Highways Engineer has carefully reviewed the proposals and provided comments on the measures required to mitigate against the detrimental impact of the development. These can be summarised as a Transport Assessment and Highways contribution of £124,650, plus a Public Realm contribution of £81,022. The Applicant has agreed to these obligations which would be secured through a S106 Legal Agreement.

Also proposed to be included within the S106 Legal Agreement is a strategy for ceasing usage of all additional car parking on site over and above the 90 proposed off street car parking spaces. This is because officers believe there to be additional car parking spaces across the red line site at present and the operation of the additional parking spaces in an uncontrolled manner could have a significant adverse impact on the surrounding highway network.

A condition is recommended to be attached to any consent to ensure that the appropriate number of car parking spaces (including disabled spaces and active & passive electric vehicle charging points), motorcycle spaces and cycle parking spaces are provided.

Subject to the completion of the Legal Agreement and proposed condition the Highway's impact of the development is acceptable.

**7.11 Urban design, access and security**

Not applicable as this is not an application for planning permission.

**7.12 Disabled access**

Not applicable as this is not an application for planning permission.

**7.13 Provision of affordable & special needs housing**

Not applicable as this is not an application for planning permission.

**7.14 Trees, landscaping and Ecology**

Not applicable as this is not an application for planning permission.

**7.15 Sustainable waste management**

Not applicable as this is not an application for planning permission.

**7.16 Renewable energy / Sustainability**

Not applicable as this is not an application for planning permission.

**7.17 Flooding or Drainage Issues**

The Council's Flood and Water Management Officer has reviewed the application and subject to conditions has raised no objections to the proposal. For the reasons set out in Section 6 of this report the suggested conditions are not relevant to this application and are not therefore recommended to be attached to any determination of the application.

**7.18 Noise or Air Quality Issues**

The Council's Environmental Protection Unit have carefully reviewed the submitted documents in terms of the risk of contamination and have have raised no objections to the proposal subject to the attachment of an appropriate condition.

The proposal is therefore acceptable in terms of contamination.

**Noise from Commercial Premises**

The Council's Environmental Protection Unit have carefully reviewed the proposal in terms of the potential detrimental impact from noise generated externally from the site. As set out in Section 6 of this report, subject to a condition requiring details of how future occupiers will be protected from noise generated by adjacent commercial premises no objections have been raised.

The proposal is therefore acceptable in terms of noise.

**7.19 Comments on Public Consultations**

None received

**7.20 Planning obligations**

In order to mitigate against the impact of the proposals, the following obligations will be sought:

1. Contribution towards improvements to the local highway network with an upper limit of £124,650, plus a transport appraisal to include modelling of the local network prior to commencement of the development.
2. Public Realm Contribution of £81,022.
3. Strategy for ceasing usage of all additional car parking on site over and above the 89 proposed off street car parking spaces.

## **7.21 Expediency of enforcement action**

Not applicable

## **7.22 Other Issues**

None

## **8. Observations of the Borough Solicitor**

Legal Comments:

The Town and Country Planning (General Permitted Development) (England) (Order) 2015/596 ("GPDO 2015") effectively grants planning permission by giving deemed planning permission for certain development without the applicant having to make a formal application for planning permission although the applicant must submit a prior approval application in accordance with the GPDO 2015. Part 3 of Schedule 2 to the GPDO 2015 gives deemed planning permission for certain changes of use. The prior approval application before Members relates to Class O of Part 3 of Schedule 2 of the GPDO 2015. The GPDO 2015 provides limitations in terms of what matters can be taken into account when determining a prior approval application. In relation to Class O of the GPDO 2015 those relevant matters include:

- (a) Transport and highways impacts of the development;
- (b) Contamination risks on the site;
- (c) Flooding risks on the site; and
- (d) Impacts of noise from commercial premises on the intended occupiers of the development.

Members cannot stray outside these matters when determining a prior approval application. Members must have regard to any representations made and the National Planning Policy Framework, if relevant.

Members can grant prior approval either unconditionally or subject to conditions that are reasonably related to the subject matters of the prior approval application.

Planning obligations can be required if it is necessary to make the details which are the subject of the prior approval application acceptable.

Members should also ensure that their involvement in the determination of the prior approval application adheres to the Members Code of Conduct as adopted by Full Council and also the relevant guidance.

Members can refuse an application for prior approval where the development does not comply with any conditions, limitations or restrictions applicable to the proposed development under the GPDO 2015 or where insufficient information has been provided to enable Members to establish whether the proposed development is permitted under the GPDO 2015.

**Equalities & Human Rights**

Section 149 of the Equalities Act 2010 requires Members when making decisions to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that Members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise Members should weigh up the equalities impact of the proposals against the other material considerations relating to the prior approval application. Equalities impacts are not necessarily decisive but the objective of advancing equalities must be taken into account in weighing up the merits of a prior approval application. The weight to be given to any equality issues are a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether their decision would affect human rights in

particular the right to a fair hearing, the right to respect of private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

**9. Observations of the Director of Finance**

None

**10. CONCLUSION**

This application seeks prior approval for the conversion of the existing office building Riverview to provide 37 individual residential units (5 x studios, 19 x 1 Beds, 6 x 2 beds and 7 x 3 Beds). A total of 90 car parking spaces would be provided to serve future occupants. The spaces will be located within the existing hard surfaced parking areas which serve the existing office use. Facilities for the secure storage of cycles will also be provided.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required.

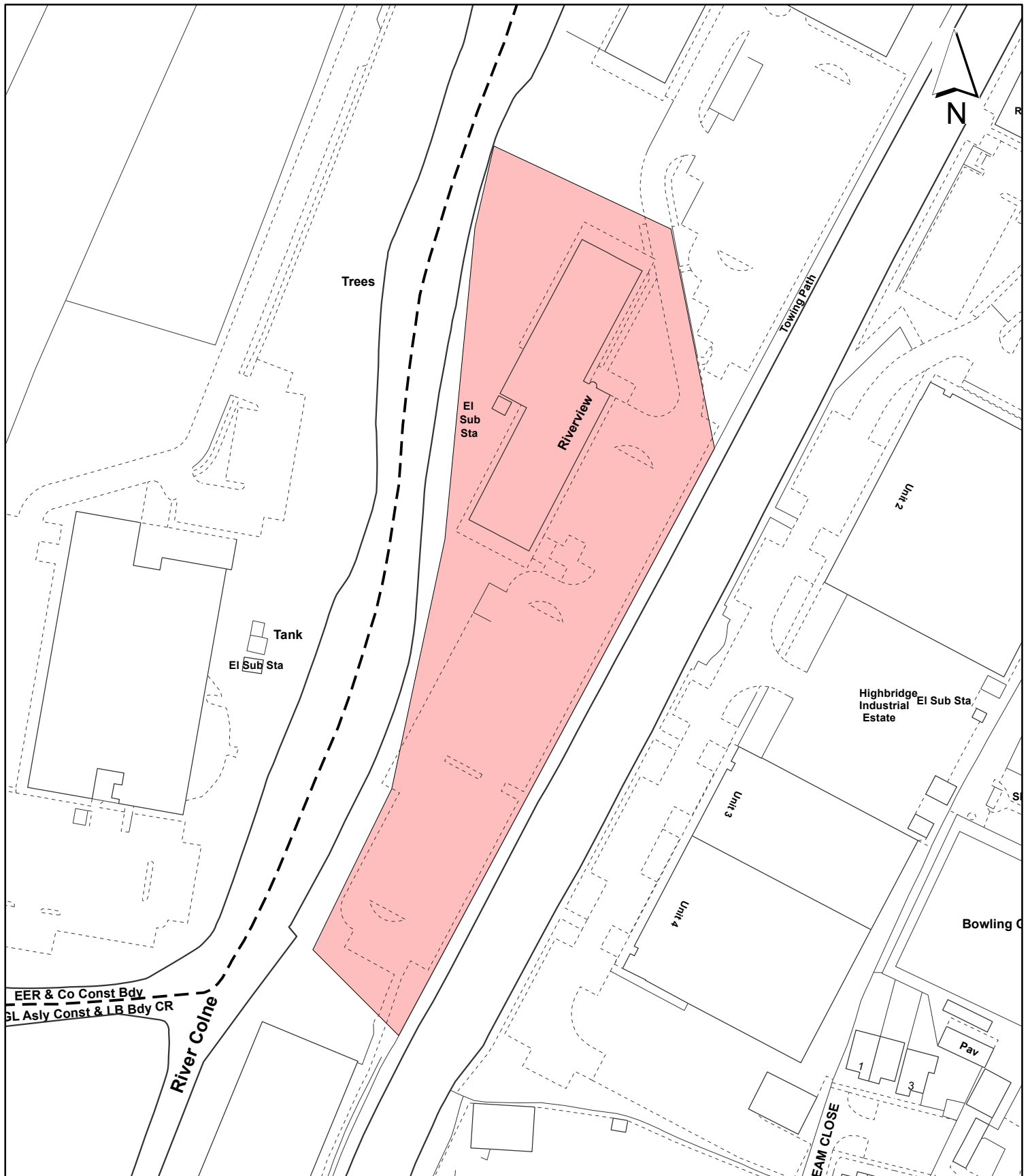
The application has been assessed against the relevant criteria and subject to conditions and the securing of highway and public realm obligations through a Section 106 Legal Agreement, prior approval is required and granted.

**11. Reference Documents**

Town and Country Planning (General Permitted Development) (England) Order 2016

**Contact Officer:** Ed Laughton

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Riverview**

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

Planning Application Ref:  
**40050/APP/2017/3357**

Scale:  
**1:1,250**

Planning Committee:  
**Major**

Date:  
**October 2017**



**HILLINGDON**  
 LONDON