

Report of the Head of Planning, Transportation and Regeneration

Address: Bridge House, Riverview House and Waterside House, Oxford Road

Development: Section 73 application to vary the approved plans list condition of application reference 40050/APP/2017/2438 dated 01/09/2017 for (Prior Approval Application for the change of use of Bridge House, Riverview House and Waterside House from office accommodation (Class B1) to residential units (Class C3) together with ancillary car parking, cycle storage and waste and recycling storage (as amended by application reference 40050/APP/2019/3869 dated 21/01/20).

The amendments to the approved plans propose: No longer including the 6th floor of Bridge House (6 x 1 bedroom units and 1 x Studio) and allow the change in the mix of units at Bridge House from 9 x Studios and 114 x 1 bedroom units to 16 x studios, 43 x 1 bedroom units and 56 x 2 bedroom units.

LBH Ref Nos: 40050/APP/2019/1865

Drawing Nos: A_SK_190816_01 Rev 01
568-PTA-ZZ-ZZ-DR-A-1001 Rev. P04
68-PTA-ZZ-XX-DR-A-0001 Rev P03
Covering Letter

Date Plans Received: 04/06/2019

Date Application Valid: 23/01/2020

1. SUMMARY

This application was previously presented to Major Applications Planning Committee on 17 July 2019. The Committee resolved to approve the application, subject to a S106 Agreement.

In the period of time between the Major Applications Planning Committee determining to approve the application and the completion of the associated legal agreement there has been a Court of Appeal ruling which has a bearing on the application. The '*Finney vs Welsh Ministers*' Court of Appeal ruling determined that making a change to a description of development would be outside of the powers of Section 73 of the Town and Country Planning Act (1990), without first making the change to the description via an alternative planning application known as a s96A non-material amendment. Whilst these are procedural matters, they have resulted in the need to reassess the proposals to ensure that any decision notice issued is valid and that the Council's decision was sound.

Subsequently a Section 96A application (40050/APP/2019/3869) was submitted to restructure the original consent to remove reference to the unit numbers and proposed housing mix from the description of development and instead control them through an amended condition wording. The Section 96A application was approved on 21 January 2020. Therefore the current application no longer requires a change to be made to the description of development and can be determined within the powers of Section 73 of the Town and Country Planning Act (1990).

The application is in all other ways as previously proposed and resolved for approval by planning committee. The application seeks alterations to the internal layout of the consented Prior Approval scheme under planning ref: 40050/APP/2017/2438 approved 01 September 2017.

The proposal seeks to alter the plans condition, which following the s96A application now includes the unit mix, so that it reflects the new proposed unit mix. It is proposed to remove the sixth floor (1 x studio and 6 x one bed units) from Bridge House and to change the approved scheme to 22 x studios, 149 x 1 beds and 58 x 2 beds.

As previously approved, a total of 359 off street car parking spaces, including 37 disabled bays, would be provided to serve future occupants. The spaces will be located within the existing multi-storey car park and hard surfaced parking areas which serve the existing office use. 17 Motorcycle parking spaces are proposed and facilities for the secure storage of 305 cycles will be provided within the buildings for the occupiers of the residential units being considered within this application (185 cycle spaces within Bridge House and 60 in each of Waterside House and Riverview House). This represents an increase of 66 cycle spaces compared to the original Prior Approval scheme ref. 40050/APP/2017/2438.

The proposal is considered under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required. The application is not seeking a variation to a 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 alterations under this application can only be assessed against transport and highways impact, contamination, noise and flood risk. 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 obligations through a Deed of Variation to the Section 106 Legal Agreement, prior approval is not required.

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning, Regeneration and Transportation, to approve this application subject to:

A) Entering into a variation to the original Section 106 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 £538,543.90, plus a transport appraisal to include modelling of the local network prior to commencement of the development.

2. Public Realm Contribution of £376,980.72

3. Parking Permit free development for all future residents of this site

B) That the applicant meets the Council's reasonable costs in preparation of the variation to 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 19 August 2020 (or such other timeframe as may be agreed by the Head of Planning, Regeneration and Transportation), delegated authority be given to the Head of Planning, Regeneration and Transportation to refuse the application for the following reason:

'The applicant has 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 2015, policies DMCI 7, DMT 2 and DMT 5 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020), 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, Regeneration and Transportation under delegated powers, subject to the variation to the original Section 106 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, Regeneration and Transportation prior to issuing the decision.

1. Accordance with Approved Plans

The application hereby approved shall be for the creation of 230 residential units comprising 22 x studios, 149 x 1 beds and 58 x 2 beds with 359 off street car parking spaces, including 37 disabled parking spaces, as set out in the plans hereby approved:

568-PTA-ZZ-00-DR-A-1000 Rev P02

568-PTA-ZZ-XX-DR-A-0001 Rev P03

568-PTA-ZZ-ZZ-DR-A-1001 Rev. P04

6444/UX P04 E

6444/UX P05 C

6444/UX P06 B

6444/UX P07 D

6444/UX P08 B

6444/UX P09 B; and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and the London Plan (2016).

2. Contaminated Land

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

(a) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(b) A written method statement, providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

(ii) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan:

3. Sound Installation

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 DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

4. Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

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

REASON

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

5. Parking Allocation

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

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).

INFORMATIVES

1. Damage to Verge - For Council Roads

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

2. 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).

3. 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

4. LBH worked applicant in a positive & proactive (Granting)

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 Local Plan Parts 1 and 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3. CONSIDERATIONS

3.1 Site and Locality

The 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 have direct access from Oxford Road. The existing Bridge House building to the north of the site is in a prominent position on Oxford Road, considered to be a 'gateway' site into Uxbridge. The building is 6 storeys in height plus an additional storey of plant and provides office use plus a small existing ancillary cafe on the ground floor. To the south of Bridge House is a multi storey car park providing 246 car parking spaces, plus 30 surface car parking spaces (including 5 disabled spaces), which also sits within the boundary of the current application. Bridge House was constructed in 1967 and was re-clad in 1998. Waterside House and Riverview House are both 3 storey office buildings and are located to the south of the site 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 majority of the site has a PTAL rating of 2, however the north eastern corner has a PTAL rating of 3. The site is 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

Under Prior Approval application reference 40050/APP/2017/2438 consent was granted for the change of use of Bridge House, Riverview House and Waterside House from office accommodation (Class B1) to 237 residential units from 15 x studios, 220 x 1 beds and 2 x 2 bed units, together with ancillary car parking, cycle storage and waste and recycling storage.

Under a Section 96A application ref: 40050/APP/2019/1575 a non material amendment to the application was approved to include the approved list of plans within a condition.

Under a further Section 96A application ref. 40050/APP/2019/3869 a restructure to the consent to remove reference to the unit numbers and proposed housing mix from the description of development and instead control them through an amended wording of the plans condition was approved. Therefore the current application no longer requires a change to be made to the description of development and can be determined within the powers of Section 73 of the Town and Country Planning Act (1990).

The application seeks alterations to the internal layout of the consented Prior Approval under planning ref: 40050/APP/2017/2438 to remove the sixth floor (1 x studio and 6 x one bed units) from Bridge House and to reconfigure the approved internal layout of Bridge House to provide 36 additional habitable rooms. This would be achieved through the introduction of a greater number of 2 bedroom units. No changes are proposed to Riverview House or Waterside House.

To achieve the proposed amendment the application seeks to alter the approved plans condition, which following the above noted s96A application now also includes the unit mix, so that it reflects the new proposed unit mix. It is proposed to change the approved scheme to 22 x studios, 149 x 1 beds and 58 x 2 beds. Across the three buildings this would be:

	Bridge House	Riverview House	Waterside House	Total
Studios	16	3	3	22
1 bedroom units	43	53	53	149
2 bedroom units	56	1	1	58
				229

As previously approved, a total of 359 off street car parking spaces, including 37 disabled bays, would be provided to serve future occupants. The spaces will be located within the existing multi-storey car park and hard surfaced parking areas which served the office use. 17 Motorcycle parking spaces are proposed and facilities for the secure storage of 305 cycles will be provided within the buildings (185 cycle spaces within Bridge House and 60 in each of Waterside House and Riverview House).

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 multistorey 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

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: 27-10-2017 Approved

40050/APP/2017/3357 Riverview Oxford Road Uxbridge

Prior Approval application for the change of use of Riverview from office accommodation (Class B1) to 37 residential units (Class C3) together with ancillary car parking, cycle storage and recycling storage.

Decision: 25-10-2017 Approved

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: 27-10-2017 Approved

40050/APP/2018/1736 Bridge House Oxford Road Uxbridge

Installation of new windows, doors and alterations to balconies

Decision: 20-07-2018 Approved

40050/APP/2019/1575 Bridge House Oxford Road Uxbridge

Non-material amendment to planning application reference 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 237 residential units (15 x Studio and 224 x 1-Bed) together with ancillary car parking, cycle storage and waste and recycling storage) to add a condition listing approved plan numbers.

Decision: 25-09-2019 Approved

40050/APP/2018/1737 Bridge House Oxford Road Uxbridge

Demolition of existing rooftop plant room and replacement with two storey extension to provide 25 new residential units (Use Class C3), ancillary gymnasium (Use Class D2) plus associated landscaping and parking (AMENDED APRIL 2019).

Decision: Determination to Approve subject to s106 Agreement

40050/APP/2019/3869 Bridge House Oxford Road Uxbridge

Non-material amendment to planning application reference 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 237 residential units (15 x Studio and 224 x 1-Bed) together with ancillary car parking, cycle storage and waste and recycling storage) to change the description of development and add an additional condition.

Decision: 21-01-2020 Approved

3.4 Comment on Relevant Planning History

This application was previously presented to Major Applications Planning Committee on 17 July 2019 and with revised Heads of Terms on 21 August 2019. The Committee resolved to approve the application, subject to an amended S106 Agreement.

In the period of time between the Major Applications Planning Committee determining to approve the application and the completion of the S106 Agreement there was a Court of Appeal ruling which has a bearing on the application. The *'Finney vs Welsh Ministers'* Court of Appeal ruling determined that making a change to a description of development would be outside of the powers of Section 73 of the Town and Country Planning Act (1990).

Subsequently a Section 96A application (40050/APP/2019/3869) was submitted to restructure the original consent to remove reference to the unit numbers and proposed housing mix from the description of development and instead control them through an amended condition wording. This application was approved on 21 January 2020.

The amended description of the development of the original consent is 'Prior Approval Application for the change of use of Bridge House, Riverview House and Waterside House from office accommodation (Class B1) to residential units (Class C3) together with ancillary car parking, cycle storage and waste and recycling storage' as amended by application reference 40050/APP/2019/3869 dated 21/01/20.

Therefore the current application no longer requires a change to be made to the description of development and can be determined within the powers of Section 73 of the Town and Country Planning Act (1990).

4. PLANNING POLICIES AND STANDARDS

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

LDF Designation and London Plan

The following Policies are considered relevant to the application:-

Part 2 Local Plan Policies

DMCI 7: Planning Obligations and Community Infrastructure Levy
DMHB 11: Design of New Development
DMT 2: Highways Impacts
DMT 5: Pedestrians and Cyclists
DMT 6: Vehicle Parking
DMEI 9: Management of Flood Risk
DMEI 11: Protection of Ground Water Resources and
DMEI 12: Development of Land Affected by Contamination

NPPF National Planning Policy Framework

5. ADVERTISEMENT AND SITE NOTICE

Site Notice Expiry Date: 18-02-2020

6. CONSULTATIONS

6.1 EXTERNAL CONSULTEES

The consultation period will expire on the 14th February 2020. No responses have been received to date. Should any responses be received they will be confirmed within the Committee Addendum.

6.2 INTERNAL CONSULTEES

ENVIRONMENTAL PROTECTION UNIT: NOISE

The amended layout has been reviewed and I have no objections subject to the following condition:

Development shall not begin until a sound insulation and ventilation scheme for protecting the future occupants of the 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 DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

Officer comment: The recommended condition has been included within the decision.

HIGHWAYS

This 'island' site is situated within a business catchment area and is directly accessed off Oxford Road in Uxbridge which is designated as 'Classified' in the borough's hierarchy of roads. It is in the far western end of the borough in proximity to the borough boundary with South Buckinghamshire District Authority.

The site is uniquely situated as it flanked by the Grand Union Canal and the River Colne resulting in a waterfront vista onto the former. The site exhibits a PTAL average rating of 2/3 which is considered as average which heightens dependency on the use of private motor transport. Vehicular access is taken from Oxford Road and is to remain unaltered.

There had been an application and subsequent approval for a Prior Approval (PA) - 40050/APP/2017/2438 for the island site which consisted of Bridge House, Waterside House and Riverview House and was related to a change of use from class B1 to 237 residential units in total with 359 car parking spaces. This represents a car parking to residential unit ratio of 1.5 123 units would be located within Bridge House which would have 185 car parking spaces; again this represents a ratio of car parking spaces to residential units of 1.5. This is being progressed and this current application consists of converting a number of one-bed flats to studio, one bedroom and two bedroom flats, creating 36 additional habitable rooms. The overall number of flats would be reduced to 229.

Parking/Cycle Provision

Policy DMT 6 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

For the proposed minor amendment to create a revised total of 36 habitable rooms there would not be a requirement to provide additional car parking spaces. This should remain at 185 spaces for Bridge House. Similarly there is no requirement to provide additional secure and accessible cycle parking spaces as the number proposed in the PA accords with the Council's parking standards. This has been indicated.

Vehicular Trip Generation/ Access Arrangements

Policy DMT 2 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Arising from this Minor Amendment would be an increase in person trips. Such uplift is considered relatively absorbable in generation terms and therefore can be accommodated within the local transport network without notable detriment to traffic congestion and road safety. As a consequence the existing vehicular access on Oxford Road is considered 'fit for purpose' and does not require alteration.

Public Realm Impacts/Highway Interventions

It is noted that significant public realm betterment has already been achieved at the PA consent stage which incorporated the findings within the submitted Pedestrian and Cycling environment audits (PERS and CERS). Given that this planning application creates an additional 36 habitable rooms a revised contribution of £376,980.72 is sought for investment

in public realm enhancements works and a further £538,543.90 for investment in highway works.

Operational Servicing /Refuse Requirements

Servicing and refuse collection would be undertaken as per the consented 2017 PA for the whole site operation. There are no further observations.

Construction Logistics Plan (CLP)

A full and detailed CLP will be a requirement given the constraints and sensitivities of the local road network in order to avoid/minimise potential detriment to the public realm. It will need to be secured under planning condition.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) and policies 6.3, 6.9, and 6.13 of the London Plan (2016). There are no highway, traffic or transportation objections to this planning application

Case Officer's comment:

The contributions would be secured through a Deed of Variation to the original consent.

ENVIRONMENTAL PROTECTION UNIT: LAND CONTAMINATION

The submitted documents indicate the site has an extensive history of contaminative uses, and there is evidence that the land may be affected by contamination.

A phase 2 investigation should therefore be undertaken to determine the actual conditions of land at the site.

Therefore, it is recommended that the following condition is applied:

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

(a) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(b) A written method statement, providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

(ii) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020); Policies - DME1 11: Protection of Ground Water Resources and DME1 12: Development of Land Affected by Contamination.

Case Officer's comment:

The proposed condition is recommended to be attached to any approval of the application.

FLOOD AND WATER MANAGEMENT

No comment.

7. MAIN PLANNING ISSUES

7.01 THE PRINCIPLE OF THE DEVELOPMENT

Prior Approval was given under planning ref: 40050/APP/2017/2438 to create 237 residential units. It is possible to vary prior approval permissions through a Section 73 application. The Council nonetheless would still be obliged to consider such an application in the context of prior approval criteria.

The number and mix of units is proposed to be amended as the proposal seeks alterations to the internal layout of the building. Given that Prior Approval has already been given for the buildings and the alterations would not result in an increase to the number of units, there are no objections to the principle of the proposals so long as the relevant criteria impacts are acceptable.

7.02 DENSITY OF THE PROPOSED DEVELOPMENT

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

7.03 IMPACT ON ARCHAEOLOGY/CA/LISTED BUILDINGS

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 AND 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 detailed comments on the measures required to mitigate against the impact of the development. A Transport Assessment is required and a highways contribution of up to £538,543.90, plus a Public Realm contribution of £376,980.72. The Applicant has agreed to these obligations which would be secured through a deed of variation to the S106 Legal Agreement.

It is worth noting that the existing legal agreement requires that a Parking Strategy be submitted for ceasing usage of all additional car parking on site over and above the 359 proposed off street car parking spaces for the development.

Subject to the completion of the Deed of Variation to the Legal Agreement 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 ACCESS FOR PEOPLE WITH A DISABILITY

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 ISSUES

The Flood and Water Management Officer has raised no objections to the proposal nor requested any conditions be imposed should the application be approved.

7.18 NOISE AND AIR QUALITY

Noise from Commercial Premises

The Council's Environmental Protection Unit has 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.

Air Quality

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

7.19 COMMENTS ON PUBLIC CONSULTATION

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 £538,543.90, plus a transport appraisal to include modelling of the local network prior to commencement of the development.
2. Public Realm Contribution of £376,980.72
3. Parking Permit free development for all future residents

7.21 EXPEDIENCY OF ENFORCEMENT ACTION

Not applicable

7.22 OTHER ISSUES

Contaminated Land

The Council's Contaminated Land Officer has reviewed the submitted documents in terms of the risk of contamination and has raised no objections to the proposal subject to the attachment of an appropriate condition. The proposal is therefore acceptable in terms of contamination.

8. OBSERVATIONS OF BOROUGH SOLICITOR

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications 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 planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for 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

Not applicable

10. CONCLUSION

This application seeks alterations to the internal layout of a consented Prior Approval under planning ref: 40050/APP/2017/2438 to remove the sixth floor from Bridge House and to alter the unit mix across the site from 15 x studios, 220 x 1 beds and 2 x 2 bed units to the proposed 22 x studios, 149 x 1 beds and 58 x 2 beds.

As previously approved, a total of 359 off street car parking spaces, including 37 disabled bays, would be provided to serve future occupants. The spaces will be located within the existing multi-storey car park and hard surfaced parking areas which serve the existing office use. 17 Motorcycle parking spaces are proposed and facilities for the secure storage of 305 cycles will be provided within the buildings for the occupiers of the residential units being considered within this application (185 cycle spaces within Bridge House and 60 in each of Waterside House and Riverview House). This represents an increase of 66 cycle spaces compared to the original Prior Approval ref 40050/APP/2017/2438.

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 Deed of Variation to the original Section 106 Legal Agreement, the application is recommended for approval.

11. REFERENCE DOCUMENTS:

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Local Plan: Part 1 - Strategic Policies (2012)

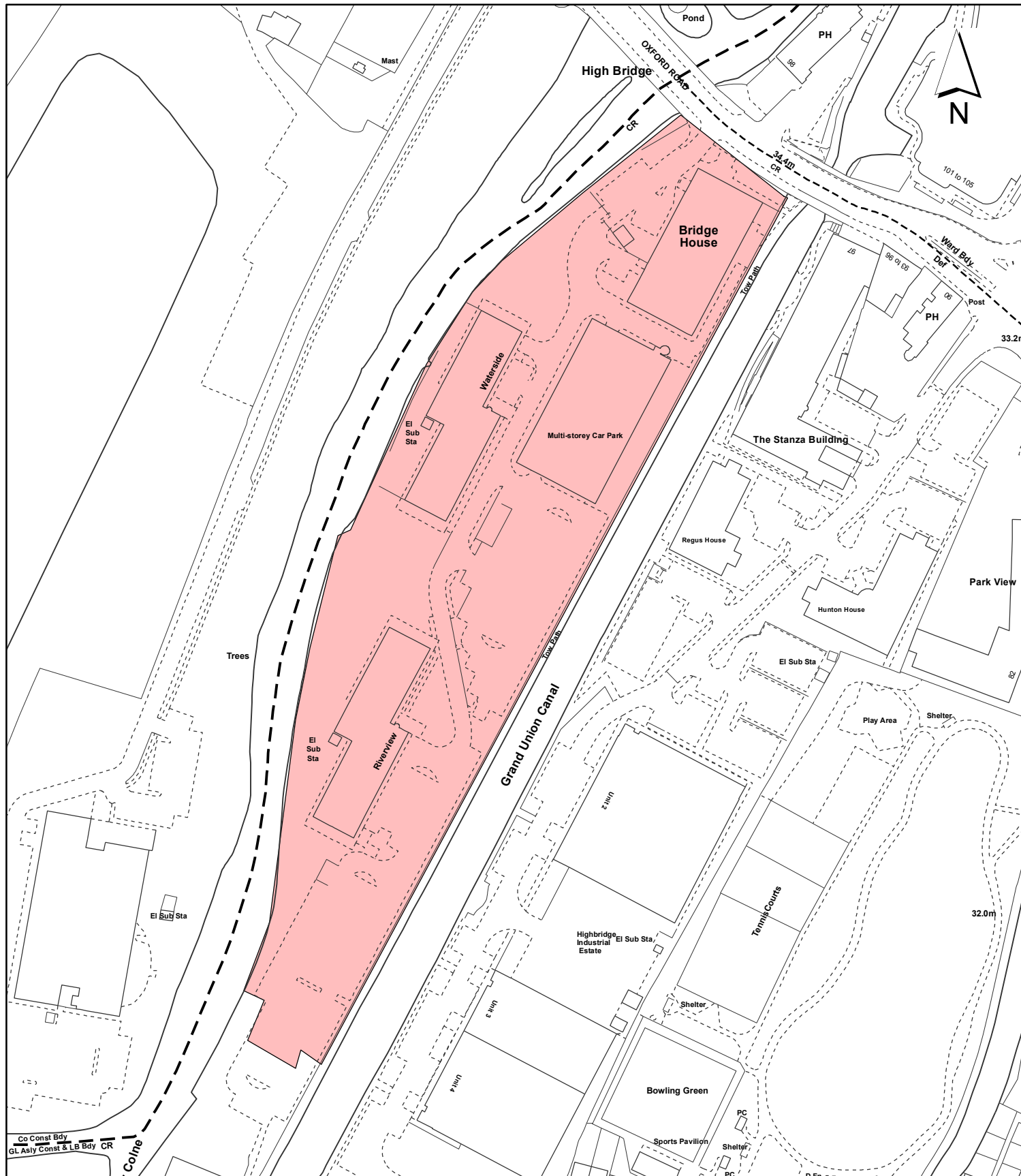
The Local Plan: Part 2 - Development Management Policies (2020)

The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019)

Contact Officer:

Ed Laughton



Notes:

 Site boundary

For identification purposes only.

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Site Address:

**Bridge House, Riverview House & Waterside House
Oxford Road**

Planning Application Ref:

40050/APP/2019/1865

Planning Committee:

Major

Scale:

1:1,850

Date:

February 2020

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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