

Report of the Head of Planning, Transportation and Regeneration

Address TRADE CITY BUSINESS PARK COWLEY MILL ROAD UXBRIDGE

Development: Application for planning permission to operate the site 24 hours a day, 7 days a week.

LBH Ref Nos: 3114/APP/2020/303

Drawing Nos: Transport Statement dated May 2019
Noise Assessment dated June 2019
Planning Statement
1205 sk 85-L
Noise Assessment Letter dated January 2019
Travel Plan dated June 2018

Date Plans Received: 29/01/2020 **Date(s) of Amendment(s):**

Date Application Valid: 11/02/2020

DEFERRED ON 1st October 2020 FOR FURTHER INFORMATION .

The application was presented to the Major Applications Planning Committee on 15 September 2020 where it was given a resolution to grant planning permission subject to the inclusion of the following condition:

No vehicles over 7.5tonnes are permitted to enter or exit the development hereby approved between 9pm and 7am on any day.

REASON: To safeguard the amenity of the surrounding area in accordance with policy EM8 of the Hillingdon Local Plan Part 1 (2012) and DMHB 11 of the Local Plan Part 2 - Development Management Policies (2020).

The agent responded noting the following:

After consultation with operators and agents, the proposed new condition is not acceptable. There are operators that rely on a small number of night time deliveries to supply for the following day, as is common with most similar estates surrounding London. Having this ability is crucial, notwithstanding that we are only looking at a small number of HGV movements. I appreciate that this means the application will need to go back to committee but it reflects the importance of this matter to the applicant.

Additionally, one of the current operators (Screwfix) has opening hours of 7am - 8pm weekdays. Therefore it is requested that Condition 3 to allow customers from 7am on weekdays.

Given the applicant's reluctance to accept the condition and the amendments sought to Condition 3, the application is being deferred to back to the Major Applications Planning Committee for a decision.

As noted within the main body of the Officer's report, the proposal relates to an allocated SIL site which are deemed to be the most appropriate locations in London to operate industrial and logistical activities on a 24-hour basis. It is predicted that any movements HGV/LGVs would be limited to a small number of operators, it is therefore considered that the proposed impact of the

movements of vehicles would be limited. For the reasons set out within the Officer's report the proposals are consistent with the development plan and wholly accord with the principles of sustainable development, bringing social and economic benefits to the borough without any significant environmental effect. The application is recommended for approval.

1. **SUMMARY**

The application seeks planning permission to remove restrictive hours of operation. The application site is designated as a Strategic Industrial Location, the most important tier of employment land in Greater London and is deemed fit for all types of industrial use.

Through a marketing report, the Applicant has explained in detail the difficulties in attracting tenants to the units since construction was completed in 2014. One of the units could only be let after 5 years to a non-typical user as standard industrial users are deterred by the restrictions on operating hours.

Officers have reviewed the application and the proposal complies with current Local Plan, London Plan and national planning policies which seek to support economic growth and jobs on allocated strategic industrial sites. The applicant has satisfactorily demonstrated that a change to the hours of operation would not detrimentally harm the amenities of nearby residential occupiers by changing the acoustic profile of the area. The proposal would have a neutral air quality impact and it would not result in harm to the local highway network as peak trips would be redistributed across the day to suit the operational needs of the occupants. For the reasons outlined within this report, it is recommended that this application is approved subject to condition.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 **Accordance with Supporting Documents**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents: 1205 sk 85-L, Transport Statement dated May 2019, Noise Assessment dated June 2019, Planning Statement dated January 2020, Noise Assessment Letter dated January 2019, Travel Plan dated June 2018 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

3 COM23 **Hours of Use for Customers**

The units shall not be open to customers outside the following times: 07:00 and 21:00 Monday to Saturday and 09:00 and 17:00 on Sundays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties and mitigate against the impact of the development on the local highway network in accordance with Policy EM8 of the Local Plan: Part One (2012) and Policies DMT 2, DMHB 11 of the Hillingdon Local Plan Part Two Development Management Policies (2020).

4 NONSC Low Emissions Strategy

Within 6 months of the date of this consent, a low emissions strategy shall be submitted to and agreed in writing by the local planning authority. The low emissions strategy shall be undertaken in accordance with Defra Good Practice Guidance (2010) Low Emission Strategies. The development must then be operated in accordance with the approved strategy.

REASON

To mitigate against the air quality impact of the proposal and minimise exposure to air quality in accordance with Policy 7.14 of the London Plan (2016) and Policy DMEI 14 of the Local Plan: Part Two (2020).

5 NONSC Non Standard Condition

No unit within this part of the business park benefitting from 24 hour operations shall be used for waste management or skip hire businesses or open storage on any open area of the site.

REASON: To protect the neighbouring amenity of nearby occupiers in accordance with Policy EM8 of the Hillingdon Local Plan Part 1 (2012) and Policy DMHB 11 of the Local Plan: Part Two (2020).

6 COM17 Control of site noise rating level

The rating level of the noise emitted from the site (within the red line plan) from plant and materials, site accommodation, loading, unloading and manoeuvring of goods and vehicles, and the parking and manoeuvring of employees and visitors vehicles activities within or outside units shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises along Cowley Mill Road. The measurements and assessment shall be made in accordance with the latest 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 EM8 of the Hillingdon Local Plan Part 1 (2012).

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) 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.

LPP 4.1	(2016) Developing London's economy
LPP 2.17	(2016) Strategic Industrial Locations
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 5.12	(2016) Flood risk management
LPP 7.30	(2016) London's canals and other rivers and waterspaces
LPP 7.14	(2016) Improving air quality
DME 1	Employment Uses in Designated Sites
DMEI 14	Air Quality
DMHB 11	Design of New Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

3

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated to the south of Cowley Mill Road. The Uxbridge Trade Park comprises 25 industrial and commercial units, offering in total circa 79,057 sq m of B1, B2 and B8 space. The main access into the site is off the south side of Cowley Mill Road adjacent to the Royal Mail Sorting Office. The access leads to an internal roundabout of three arms, two of the arms form the internal roads providing access for vehicles, motorcycles and bicycles to the units whilst the third provides an access into the southern part of the Royal Mail property. The application itself relates to units A-G shown on plan ref: 1205 sk 85-L which comprise 11 units.

Residential properties line both sides of Cowley Mill Road between its junction with Cowley Road and the existing access road to the application site. Cowley Mill Road is subject to a 30mph speed limit and a 17-ton weight restriction over the single lane bridge over the Grand Union Canal, situated just west of the site access junction. The site is bound by Cowley Mill Road to the north. To the south is a ditch which acts as a buffer zone to the mixed woodland trees. The trees within the woodland are subject to Tree Preservation Orders. The Fray River located to the east is a designated Nature Conservation Site of Borough Grade I Importance. To the site's west lies the Grand Union Canal, which has been designated in the UDP as a Nature Conservation of Metropolitan Importance.

B2 AND B8 AND A MULTI-PURPOSE TEST CENTRE, INCLUDING A 200M² TEST CENTRE BUILDING AND ASSOCIATED INFRASTRUCTURE, ROADS AND LANDSCAPING.

Decision: 06-11-2008 Approved

Comment on Relevant Planning History

In regard to the application site itself, under planning ref: 3114/APP/2000/271, planning permission was refused for the redevelopment of a vacant gas works site to provide Class B1 (Business), Class B2 (General Industrial) and Class B8 (Storage/Distribution) for the following reasons:

1. The proposal fails to provide sufficient information to demonstrate that the residential properties close to the site would not be subject to unacceptable levels of noise, to the detriment of amenities of adjoining occupiers. This is contrary to Policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).
2. The proposal fails to provide sufficient information to demonstrate that the assessment of the risk to the biodiversity interest and the measures to deal with it are adequate. There are also concerns at the visual impact on the River Fray corridor of a 3 metre high acoustic fence. The scheme is therefore considered to be contrary to the guidance contained within PPS9 relating to nature conservation and Policies BE34, EC2, EC3 and EC5 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007.
3. The applicant has failed to secure planning obligations towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of off site highway works, public transport improvements, training initiatives and project management and monitoring). The scheme therefore conflicts with Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007.

The application was allowed at appeal under ref: APP/R5510/A/1077460. Paragraph 36 of the Planning Inspector's report noted that the effect of noise from traffic to the upper floor rooms of the public house (Lord Hill) were a concern. The limitation of the use of access and site to daytime hours would ensure that traffic passing alongside the public house would be compatible with the living environment of the upper floor accommodation at Lord Hill.

Under Appeal ref: APP/R5510/A/1077460 - outline permission was allowed at appeal. The Inspector found that the road traffic conditions on Cowley Mill Road are not such that ground borne vibration would be perceptible in dwellings; moreover, as higher levels of vibration than would elicit human response are necessary to cause building damage, concerns relating to vibrations were considered by the Inspector to be unfounded.

The Inspector placed Condition 20 on the application which requires no noise generating activities including loading and unloading operations shall take place outside the buildings and no goods vehicles shall enter or leave the site between 2100 hours and 0700 hours Monday to Saturday, and at no time on Sunday and Public Holidays, unless agreed in writing by the local planning history.

Under planning ref: 3114/APP/2005/2021 - Variation of Condition 2 was approved which

allowed an extension of time for the submission of reserved matters.

Under application ref: 3114/APP/2007/3180 - A reserved matters application relating to the siting, design, appearance, access and landscaping was approved. This is the first time we appear to have seen the Phase 1 and 2 split.

Under planning ref: 3114/APP/2012/2881 - permission was granted for the construction of two employment units (to be used within Class B1, B2 or B8 Use Class) with associated car parking, access, boundary treatments and landscaping.

Condition 6 of the consent requires that no noise generating activities, including loading and unloading operations shall take place outside the buildings, and no goods vehicles shall enter or leave the site between 21:00 hours and 07:00 Monday to Saturday, and at no time on Sundays, Bank Holidays and Public Holidays, unless agreed in writing with the local planning authority. It is understood from a review of the plans and a site visit, that Planning ref: 3114/APP/2012/2881 has been implemented.

Wallingford Bus Depot

Also relevant to this application is a recent appeal decision at Wallingford Bus Depot which is situated to the west of the application site. Planning permission was refused under ref: 50677/APP/2017/4537 for the following reason:

The unrestricted movement of buses to and from the site overnight between the hours of 22:00 and 06:00 would result in unacceptable noise and disturbance that is detrimental to the residential amenity and health of residents in the local area contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 7.15 of the London Plan (2016).

An appeal was subsequently allowed by the Planning Inspectorate under ref: APP/R5510/C/19/3228868 dated 24-12-2019 for the use of the application site as a bus park for 30 buses, the internal brushing down of the buses and the installation of the three temporary containers.

The Inspector found that, based on the evidence presented before the Inspector in a noise survey, the development would have a low impact upon noise sensitive properties and the Inspector did not consider the unrestricted movement of buses would result in harm that would be detrimental to the amenities, health and quality of life of surrounding properties.

The applicant has provided a Noise Impact Assessment with this application which was considered by an independent consultant appointed by the local planning authority. It concluded the proposal would not have an adverse impact on neighbouring residents and that the proposal is acceptable. The Inspector's decision and the conclusion of the submitted noise reports are material planning considerations.

4. Planning Policies and Standards

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

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

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

The Local Plan: Part 2 - Site Allocations and Designations (2020)

West London Waste Plan (2015)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor has considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.E4 (2012) Uxbridge
- PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

LPP 4.1	(2016) Developing London's economy
LPP 2.17	(2016) Strategic Industrial Locations
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 5.12	(2016) Flood risk management
LPP 7.30	(2016) London's canals and other rivers and waterspaces
LPP 7.14	(2016) Improving air quality
DME 1	Employment Uses in Designated Sites
DMEI 14	Air Quality
DMHB 11	Design of New Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **5th March 2020**

5.2 Site Notice Expiry Date:- **5th March 2020**

6. Consultations

External Consultees

The application was advertised between 13-02-20 and 05-03-20 by a site notice, press notice and neighbouring notification letters. 17 objections and 1 comment were received to this application which are summarised below:

OBJECTIONS

- With reference to the 2008 Application (approved) Conditions 20 and 21 placed noise restrictions on usage. In my opinion, the same residential homes are still in location, and the same noise restrictions should remain as in 2008.
- This is a highly residential area, more so now (due to many flats and apartments that have been built since 2008) and residents deserve the right to a night's rest.
- The noise associated with both loading and reversing of HGV lorries etc, especially in the summer months, with home windows open, would be highly disturbing.
- There are concerns about the impact on wild life at night, esp the bats on the Fray's Island, as night time is vital to them.
- There are concerns about the increase in traffic levels and traffic noise on Cowley Mill Road and for the homes a the traffic lights leading into the industrial estate, where traffic idling in a queue , followed by the release of air breaks etc will be both constant and disturbing.
- If this business needs to operate 24 hours a day, 7 days a week it needs to move to an area where these hours will not disturb local residents.
- In the dark headlights shine into the front room window and the noises of cars coming in an out isn't fair throughout the night when young children, shift worker and have dogs who aren't used to unusual noise at night are exposed to noise and disturbance.
- Properties will be devalued.
- Cowley Mill Road is overused.
- The noise is affecting pets, the bird, butterflies and bees. Be do not see any butterflies, bees or

birds in our gardens anymore or animals.

- I have seen the increase in vehicles, vans, speeding (vehicle speeding an excess of 80 miles an hour that has been extremely scary and worrying) for me and for my children and the elderly people living around on this road , my home shaking, noise, accidents, road rage, pollution, congestion, distressed pets, we had never experienced having lorries come down our road.
- We can smell the fumes from the cars when we are in our homes.
- the increase in traffic raises the risk to local pedestrians especially those of a younger age as they use the pavements travelling to and from Whitehall School and Uxbridge High.
- The original planning consent was given by the council on the basis that there would be no trading outside of 08.00-20.00. I already have issues with AGS drivers parking up and running their engines at night (which I think is illegal?), there is also a company that deals in performance cars and they seem to have mini rallies where they are revving engines at all hours.
- Despite initial promise the site has proved to be poorly managed; during the day uncontrolled car parking often means that Cowley Mill Road residents are unable to use the rear access gates specified as part of the original planning approval to mitigate the loss of on-street parking due to the development and the fear is that with 24 hour operation, it will become a de facto overnight lorry park.
- The key question to consider is would this development have initially been allowed without any restriction on operating hours and if not, why should this further erosion in quality of life for residents be any more acceptable now?
- We are already exposed to noise from the industrial estate - noise that relates directly to industrial activities as well as noise associated with antisocial behaviours (e.g., raves and car racing).
- The road construction of Cowley mill road is unable to bear the traffic loads imposed on it now, and that is without the added loads proposed. As you are aware, Cowley mill road was dug up and reconstructed in 1980 as a dormitory road and has been cosmetically resurfaced last year. The gully covers in this road are typically about 40 mm below the general road line which allows the bounce in lorry suspension to shake the houses on each side of the road.
- The heavy traffic on Cowley mill road, exacerbated by the gross mistiming of the traffic lights at each end of our section (east of the canal) already contributes much more than our share of air pollution in the borough with traffic queues each way that could and ought to be reduced by better timing of the lights and / or a tidal traffic flow system to reduce the traffic load on Cowley mill road.
- Presumably the general post office / Royal Mail did not require planning permission to run their heavy lorries, heavy break down vehicles and repair facilities here. These extra burdens on our road all cumulatively contribute to our worsening quality of life
- The new LED street lighting has an over abundance of blue and ultraviolet light which together with the appalling design of the actual light fittings, allow light to shine horizontally to the detriment of those who use upstairs front rooms at night or after dark. The new proposal can only add to the discomfort of residents.
- The sound proof fence constructed at the south end of the gardens of those houses on the south side of Cowley mill road is wholly ineffective as a sound reducing design was not included in its construction and so, unsurprisingly has no effect in the reduction of sound coming from trade city.

COMMENT

I have no problem with place operating 24/7 as long as the car park that is opposite the row of houses with the private car park is not used during the night. We constantly have car alarms going off during day.

Officer Comment: The objections are addressed within the main body of the report.

Applicant's Comments:

In addition, the Applicant has responded to the points raised noting the Applicant makes a further submission in support of the application in respect of the following:

- Noise from road traffic;
- Residents' comments; and
- The economic position.

Noise from Road Traffic

It is suggested that HGV movements may be greater than that assumed in the submitted noise assessment, albeit the methodology adopted is confirmed as suitable. As you will appreciate, it is not possible to predict with accuracy the extent to which existing or future occupiers of the Phase 2 units would take advantage of the extended operating hours being sought. However, it is reasonable to assume that the added flexibility will not in itself lead to a material increase in HGV movements for most occupiers - merely a possibility that trips will take place at different times. It is also reasonable to assume that most HGV activity will continue to take place during the usual working day.

Furthermore, as recognised in the submitted noise assessment, HGV movements outside existing permitted hours would be when the road network is least busy and therefore (for example) there would not expect to be queuing traffic at the controlled junction to the estate at Cowley Mill Road at these times.

Reflecting the above, whilst we note that the Council's consultant suggests the impact on bedroom windows has been understated (use of seasonal adjustment for opened windows), we also note that the effect is considered as acceptable for the proposed removal of the condition.

We also confirm that there is no HGV access to the Phase 2 units through the Phase 1 area (closest to the neighbouring residential units). As such, there is no need to assess baseline sound levels at the dwellings to the rear of Cowley Mill Road facing the estate, as suggested may be required.

Response to Resident's Comments

As highlighted above, the proposed removal of restrictions will not in itself necessarily lead to an overall increase in traffic levels. A specific concern is the impact of queuing traffic at the Cowley Mill Road traffic lights. However, having the added flexibility to operate outside peak and busy times will potentially have a positive benefit in this regard. If HGV movements take place in the late evening hours or at nighttime, there is unlikely to be queuing at this junction.

The submitted noise assessment concludes that the noise impacts arising from the removal of operating restrictions would be of negligible magnitude. As such, whilst we acknowledge the concerns of residents, noise impact would not be a sustainable reason for refusing the application.

The Economic Position

This site is designated as a Strategic Industrial Location, the most important tier of employment land in Greater London and deemed fit for all types of industrial use.

The application was accompanied by a Joint Agents report that deals specifically with the impact of current trading restrictions. It is pointed out that many prospective occupiers have been put off by the limitations imposed by Condition 20 and have instead sought space elsewhere with 24/7 operational capability. It explains the difficulties in attracting tenants to the Phase 2 units since completion in 2014 and that the last unit took 5 years to secure a non-typical user as standard industrial users are deterred by the restrictions on operating hours.

The impacts of Coronavirus on the UK economy have been substantial and wide-ranging. Whilst Trade City Business Park and other key employment bases in Hillingdon and West London start to

ramp up activity post-lockdown, the challenges around health/welfare and weak market conditions will continue for a long time. Faced with reduced turnovers, increased operating costs, and logistical challenges, it is now essential that businesses are not faced with unnecessary burdens that may reduce their ability to trade viably and therefore continue to support local employment and economic wellbeing.

In these challenging times, it is more important than ever that the Trade City Business Park can provide flexibility to allow occupiers to bounce back and trade unencumbered. The ability to access and operate the units 24/7 will represent a positive step in this regard. It will provide opportunities for shift and staggered working as a distancing measure to promote safety in the workplace. It will allow businesses to operate flexibly to meet their own evolving needs and those of their customers, suppliers, and support services.

If the application is refused, the trade park will continue to operate at a disadvantage and current occupiers may not have the flexibility needed to boost their economic viability and wellbeing. Furthermore, vacant space would in all likelihood be more difficult to let as businesses look to operate more flexibly as a consequence of the pandemic.

The subject planning application will enable Phase 2 of the business park to operate 24/7. The amenity effects of the proposal are shown to be acceptable. In current circumstances, it is all the more important that businesses are not burdened by unnecessary restrictions so that they have the ability to bounce back and boost their economic wellbeing. It is firmly in the interests of the Hillingdon and wider West London economies that the current application is approved without delay.

Internal Consultees

Highways Officer

The Trade City Business Park accommodates 11 commercial and business units which includes a hardware/building supplies outlet and a miniature golf centre. Access to the Trade City Business Park is from Cowley Mill Road (East). This is an adopted highway which forms part of the classified road network. Cowley Mill Road (East) is subject to a 30mph speed limit and benefits from having footways and street lighting. Cowley Mill Road is dissected by the Grand Union canal, the bridge over the canal is subject to a 2.1m width restriction and a 17t weight restriction. Cowley Mill Road (East) provides access to a mix of employment and residential land uses.

In support of this planning application for permission to operate the site 24 hours a day, 7 days a week a Transport Statement has been submitted. This document provides information regarding the existing number and time of delivery and service trips generated by the 11 units. Across the site as a whole the Business Park generates 52 deliveries per day and 16 service trips (refuse collection) per week. This is the equivalent of 111 goods vehicle two-way trips per day. The applicant has also provided the results of automatic traffic count surveys, these show that there were in total 261 two-way goods vehicle trips generated by the site everyday, as 111 of these trips are delivery and service vehicles, 150 are goods vehicle trips being made by customers during the daytime.

The applicants highlights that if the 53 delivery trips were to be spread evenly over a 24 hour period then there would be just over 2 trips per hours, even if half of all 53 delivery trips were to take place between 21:00 and 07:00 hours this would still only equate to 3 trips per hour. The Highway Authority notes that the applicant has considered the highway impact of deliveries taking place between 21:00 and 07:00 hours but not service vehicle trips. This is considered reasonable as there is no business incentive for servicing to take place during the hours of darkness. It is also noted that it is assumed that all customer trips would still take place during the daytime.

The Highway Authority accepts that if as the applicant mentions in their Transport Statement that

'there is no intention from each unit to increase the level of deliveries and serving trips in the future' then any uplift in delivery trips during the night time will be insignificant.

However, the Highway Authority seeks assurances that if the hours of operation were to be extended that there would not be an uplift in nighttime customer trips. For example trips to the hardware/building supplies outlet if it were allowed to open longer at night.

On the proviso that granting an extension to the hours of operation is covered by a condition only allowing trade counter uses at the site between 08:00 and 21:00 Monday to Saturday and 09:00 and 17:00 on Sundays then the Highway Authority is satisfied that the proposal would not measurably exacerbate congestion or parking stress, and would not raise any highway safety concerns. Extending the hours of operation would be in accordance with the Hillingdon Local Plan: Part 2 Development Management Policies (2020) DMT 2: Highway Impacts.

Subject to the above there are no highway objections to this planning application.

Air Quality Officer

the applicant confirms there is only a redistribution of existing traffic we still need a condition that requires monitoring of traffic during the first couple of years of the operation regime proposed which caps the number of vehicles to existing numbers. This will be monitored through a number of traffic surveys over the first couple of years of operation (to be agreed with Alan) and discharged if no increase or if increase observed through a payment of a damage cost for air quality in that proportion.

Conclusion from Acoustic Consultant

It is recommended that the application seeking the removal of hours of operation is approved, this is based on the context and the acoustic character of the area as the Royal Mail site is operating throughout the night. Royal Mail use HGVs and LGVs already to access the site and as such there would not be a change in the acoustic character or loss of respite from allowing the site to operate unrestricted. However it is recommended that a noise limit condition is attached to protect the amenity of residents from the use of fixed plant overnight or at any other period.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In May 2020 the Secretary of State for the Ministry of Housing, Communities and Local Government published a Written Ministerial Statement in which he noted "The planning system has a vital role to play in enabling the delivery of housing and economic growth that will support the UK's economic recovery. "

Paragraph 80 of the NPPF (2019) requires planning decisions to help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 of the NPPF requires developments to recognise the specific location requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales in suitably accessible locations.

Paragraph 2.17 of the London Plan (2016) requires Local Planning Authorities to promote, manage and protect Strategic Industrial Locations (SIL).

SILs are defined as the capital's main reservoir of land for industrial, logistics and related

uses. SILs are given strategic protection because they are critical to the effective functioning of London's economy. Paragraph 4.8 of the Mayor's Land for Industry and Transport Supplementary Planning Guidance (SPG) (2012) states that 'from an economic perspective, the success of many industrial locations, and particularly SIL, relies on the physical separation from housing and the ability to operate efficiently 24 hours a day'.

Policy E5 of the Intend to Publish Version of the London Plan (2019) notes that proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities and their ability to operate on a 24-hour basis. SILs are therefore deemed to be the most appropriate locations in London to operate industrial and logistical activities on a 24-hour basis.

Policy E1 of the Local Plan: Part One (2012) seeks to protect growth on allocated Strategic Industrial sites. Policy DME 1 of the Local Plan: Part Two (2020) supports employment uses and industrial and warehousing uses on designated employment sites.

The application site lies within the designated SIL referred to as the Uxbridge Industrial Estate. The current hours of operation are restricted to 07:00 and 21:00 and no operation is allowed across the site on Sunday. The applicant has prepared a Planning Statement in support of the planning application which notes the restricted hours has led to a number of vacant units as operators are unwilling to occupy units which restrict the hours of operation.

The applicant has explained that Uxbridge Trading Park has been marketed for 5 years which is longer than expected for units within this location and built to a high specification. As of April 2019, 10 of the 11 units had been let with unit 10 but it has taken over 4 years to let. The last unit was let in June 2019, after 5 years on the market. Furthermore, A total of 18 operators in the past 18 month showed interest in remaining units, however, retracted their offer due to their requirements for 24/7 access.

The applicant has also prepared a marketing report in support of the application which notes that over the past 18 months there have been a number of transactions in Uxbridge and the surrounding area. Two transactions in particular were highlighted; Levantine and Woods Foods transactions. Both occupiers were interested in occupying units at the application site but the transaction failed on the issue of restrictive hours of servicing. They both agreed long term leases at a higher rent at Dawley Road, Hayes and Riverside in Uxbridge.

The applicant has provided marketing evidence in support of the application demonstrating the restriction on operating hours is deterring businesses from occupying the site. Whereas, National, London Plan and Local Plan policies state planning decisions should promote and support growth and economic activity on allocated industrial sites. Given the site's allocation, the proposal is supported in principle.

7.02 Density of the proposed development

Not applicable to this application.

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

The application does not lie within a conservation area nor are there any listed buildings in the vicinity of the application site that could be impacted by the development. Although the site is located within an archaeological priority zone, no works are proposed other than extending the hours of operation of the current use and therefore this is not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Not applicable to this application.

7.08 Impact on neighbours

Policy EM8 of the Local Plan: Part One (2012) seeks to ensure noise generating developments are only permitted if noise impacts can be adequately controlled and mitigated.

Policy DMHB 11 of the Local Plan: Part Two (2020) requires that development proposals should not adversely impact on the amenity of adjacent properties.

The proposal seeks to change the hours of operation and as such, the proposal would not result in the loss of privacy or result in overshadowing.

The amenity impact created by this proposal would be from noise generated by the comings and goings of vehicles between 21:00 and 07:00. The nearest residential receptors are situated along Cowley Mill Road approximately 188m north of the application. The key roads which form the local highway network around the site consist of Cowley Mill Road to the north of the site and Cowley Road to the east.

The applicant has submitted a Noise Impact Assessment in support of this application which was independently assessed on behalf of the Council. The independent review of the applicant's noise assessment raised no objection to the removal of the restriction on the hours of operation. This is based on the context and the acoustic character of the area as the Royal Mail site is already operating throughout the night. Royal Mail uses HGVs and LGVs already to access the site 24 hours a day and as such the consultant considered there would not be a change in the acoustic character as a consequence of this proposal. Nor would there be a loss of respite from allowing the site to operate unrestricted.

An independent CCTV survey was conducted on behalf of the Council over a 7 day period between 13 August 2020 and 19 August 2020. A CCTV camera was placed at the junction of Cowley Mill Road monitoring traffic movements entering and exiting the Business Park and the Royal Mail depot. This was undertaken both to better understand current movements and to ascertain to what extent vehicle movements already take place overnight for the Royal Mail depot. The result of the survey are noted below:

13-08-20 - All 24hr Movement - 2801 All Overnight Movement - 343 LGV/OGV Overnight - 139

14-08-20 - All 24hr Movement - 2679 All Overnight Movement - 324 LGV/OGV Overnight - 109

15-08-20 - All 24hr Movement - 1833 All Overnight Movement - 231 LGV/OGV Overnight - 64

16-08-20 - All 24hr Movement - 604 All Overnight Movement - 34 LGV/OGV Overnight - 8

17-08-20 - All 24hr Movement - 2804 All Overnight Movement - 370 LGV/OGV Overnight -

18-08-20 - All 24hr Movement - 2710 All Overnight Movement - 264 LGV/OGV Overnight - 151

19-08-20 - All 24hr Movement - 2678 All Overnight Movement - 202 LGV/OGV Overnight - 93

The survey found that there were on each and every day, overnight movements, in and out of the junction. It also found that 38% of overnight movements were undertaken by LGV or other goods vehicles. The volume and type of vehicles strongly implies that the business park is currently used overnight. The data suggests that the proposal is unlikely to change the acoustic character of the area as a result of this consent. Nonetheless it would provide future occupants the flexibility to meet their operational needs and prevent a situation of units not being let due to the existing time constraint condition. Furthermore, due to the nature of the units (enclosed modern commercial units as opposed to open storage) that are on site, even if the operational hours do change, it is unlikely to attract very large and noisy operations (such as waste or skip hire related operations) that an open storage site is likely to attract.

This approach is consistent with the Planning Inspector's decision on a proposal at Wallingford Road dated 24-12-19 which is situated 110m to the west of the site where the Inspector concluded there was insufficient evidence before him to demonstrate the unrestricted operation of the bus depot would result in detrimental harm to the amenities of nearby residential properties.

The independent noise consultant has recommended that a noise limit condition is attached to the decision to protect the amenity of residents from the use of fixed plant overnight and at any other period. Subject to the inclusion of the above condition the proposal is considered to comply with Policy EM8 of the Local Plan: Part One (2012) and Policy DMHB 11 of the Local Plan: Part Two (2020).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Local Plan: Part Two (2020) notes development proposals must ensure that safe and efficient vehicular access to the highways network is provided to the Council's standards.

The Highways Officer has reviewed the submitted Transport Assessment and Travel Plan submitted in support of this application and notes that across the site as a whole the Business Park generates 52 deliveries per day and 16 service trips (refuse collection) per week. This is the equivalent of 111 goods vehicle two-way trips per day. The applicant has provided the results of an automatic traffic count survey, which shows that in total, there were 261 two-way goods vehicle trips generated by the site everyday, as 111 of these trips are delivery and service vehicles, 150 are goods vehicle trips being made by customers during the daytime.

The applicants highlight that if the 53 delivery trips were to be spread evenly over a 24 hour period then there would be just over 2 trips per hour, even if half of all 53 delivery trips were to take place between 21:00 and 07:00 hours this would still only equate to 3 trips per hour.

The Highway Officer notes that the applicant has considered the highway impact of deliveries taking place between 21:00 and 07:00 hours but not service vehicle trips. This is

considered reasonable as there is no business incentive for servicing to take place during the hours of darkness. It is also noted that it is assumed that all customer trips would still take place during the daytime. The Highway Officer accepts that there is no intention from each unit to increase the level of deliveries and serving trips in the future and any uplift in delivery trips overnight will be insignificant.

The Highways Officer has recommended a condition mitigating against unnecessary trips overnight allowing trade counter uses at the site between 08:00 and 21:00 Monday to Saturday and 09:00 and 17:00 on Sundays. Subject to the inclusion of the conditions, the Highways Officer is satisfied that the proposal would not measurably exacerbate congestion or parking stress, and would not raise any highway safety concerns. Extending the hours of operation would be in accordance with the Hillingdon Local Plan: Part 2 Development Management Policies (2020) DMT 2: Highway Impacts.

7.11 Urban design, access and security

This application seeks planning permission to change the operating hours of the site, no other changes are proposed and as such there would be no impact on urban design, access and security.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

The waste management operation would continue as existing across the site.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Air Quality

Policy 7.14 of the London Plan expects development proposals to minimise exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)).

Policy DMEI 14 of the Local Plan: Part Two (2020) requires development proposals to demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. Developments are expected to be:

- Air quality neutral;
- include mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors; and
- actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

The Air Quality Officer has commented on this application noting the proposal seeks to redistribute existing traffic from peak times to throughout the day in order to meet the

operational needs of businesses occupying the site. It is therefore considered this application would have a neutral impact on air quality.

There are currently no controlled limitations on movement of vehicles as this would not meet the tests for planning conditions. In terms of air quality, if movements were to be directed away from peak hours, then this would have a positive effect on the air pollution levels. Notwithstanding the above, the proposals are not for the increased capacity of the site they are to extend operating hours. From an air quality perspective, the concerns raised by the air quality officers can be addressed through a low emissions strategy, noting that the control of movements against an existing baseline would be unreasonable and unenforceable and not therefore appropriate with regards to the tests for planning conditions.

Noise

Matters relating to noise have been addressed in Section 07.8 of this report.

7.19 Comments on Public Consultations

The comments received to this application are addressed within the main body of the report.

7.20 Planning obligations

Policy DMCI 7 of the Local Plan: Part 2 notes planning obligations will be sought on a scheme by scheme basis where a development has infrastructure needs that are not addressed through CIL or to provide fund improvements to mitigate site specific impacts made necessary by the proposal.

Given the application seeks to alter operating hours, planning obligations are considered necessary to making this development acceptable in planning terms.

Community Infrastructure Levy

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues identified.

8. Observations of the 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

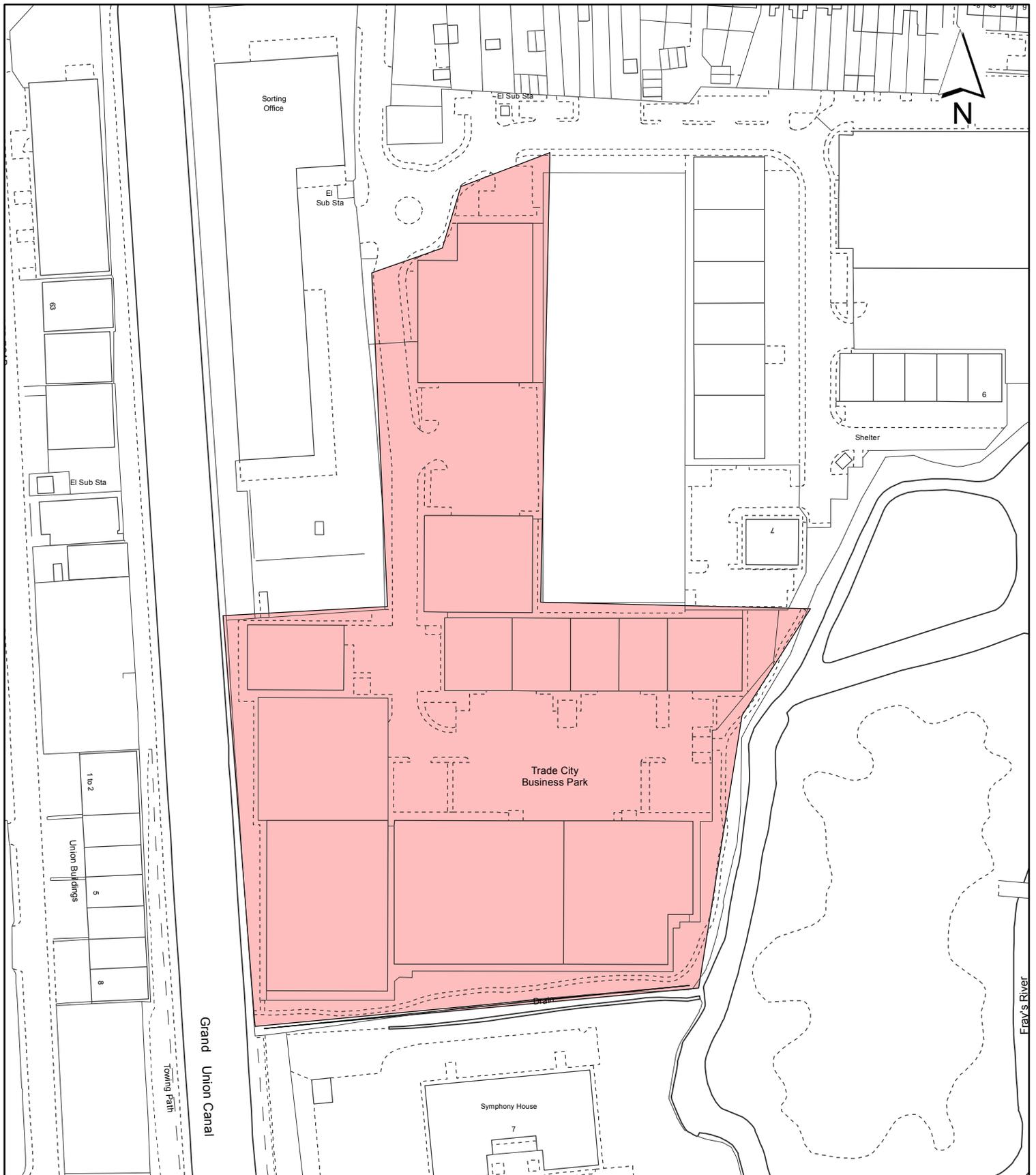
The proposal complies with current Local Plan, London Plan and national planning policies which seek to support growth and jobs on allocated strategic industrial sites. The applicant has sufficiently demonstrated that the change to the hours of operation would not detrimentally harm the amenities of nearby residential occupiers by changing the acoustic profile of the area. The proposal would have a neutral air quality impact and it would not result in harm to the local highway network as peak trips would be redistributed across the day to suit the operational needs of the occupants. For the reasons outlined within this report, it is recommended that this application is approved.

11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 Site Allocations and Designations
Hillingdon Local Plan: Part 2 Development Management Policies
Hillingdon Local Plan: Policies Map
London Plan (March 2016)
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

**Trade City Business Park
 Cowley Mill Road
 Uxbridge**

**LONDON BOROUGH
 OF HILLINGDON**
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Planning Application Ref:

3114/APP/2020/303

Scale:

1:1,500

Planning Committee:

Major

Date:

October 2020



HILLINGDON
 LONDON