

Report of the Head of Planning & Enforcement Services

Address 3 ASHLEY COURT HIGH STREET YIEWSLEY

Development: Change of use from Use Class A1 (Shops) to Use Class C3 (Dwellings) to form 1 x 2-bed and 1 x 1-bed self-contained flats with associated parking

LBH Ref Nos: 32108/APP/2011/2685

Drawing Nos: 11/339/02B
11/339/03A
11/339/02 (Areas for Info)
11/339/01
Location Plan to Scale 1:1250

Date Plans Received: 03/11/2011 **Date(s) of Amendment(s):**

Date Application Valid: 12/12/2011

1. **SUMMARY**

The proposal would not undermine the retail function of the area, thereby maintaining the vitality and viability of the Yiewsley/West Drayton Secondary Shopping Area. There would be no external changes proposed as part of the application and hence there would be no impact on the street scene/character of the area. The proposed units would provide adequate living conditions for future occupiers and sufficient of street parking would be provided within the undercroft area of the building. Accordingly, approval is recommended

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

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 HH-OM1 **Development in accordance with Approved Plans**

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

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC **Non Standard Condition**

Development shall not begin until an a scheme for protecting the proposed residential development from road traffic and other external noise has been submitted to and approved by the Local Planning Authority (LPA). The scheme shall meet acceptable noise design criteria both indoors and outdoors and provide adequate ventilation to indoor areas.

The scheme shall include such combination of sound insulation, acoustic ventilation and other measures as may be approved by the LPA. The scheme shall include provision of acoustic performance and other secured measures as may be approved by the Local Planning Authority. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.

REASON

To safeguard the amenity of surrounding areas in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

4 D2 Obscured Glazing

The two windows facing south west, serving the kitchen to Flat 'A' shall be glazed with obscure glass and non-opening except at top vent level and maintained as such for so long as the development remains in existence.

REASON

To prevent overlooking and a loss of privacy in accordance with BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

5 HH-MRD4 Single Dwellings Occupation

The development hereby approved shall not be sub-divided to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as single units until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy H7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 HH-RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls of the development hereby approved.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 OM19 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 OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

8 H6 Car parking provision - submission of details

The development hereby approved shall not be commenced until details of the parking arrangements have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the approved arrangements have been implemented.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM14, AM15 and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 H7 Parking Arrangements (Residential)

The parking areas (including where appropriate, the marking out of parking spaces) including any garages and car ports shown on the approved plans, shall be constructed, designated and allocated for the sole use of the occupants prior to the occupation of the development and thereafter be permanently retained as such and used for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

10 H16 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for 2 bicycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

11 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with

BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

INFORMATIVES

1 124 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

2 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their

disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

3 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

4 118 Storage and Collection of Refuse

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

5

You are advised that the Building Regulations impose requirements for sound insulation between dwellings, including sound insulation between converted flats. You should therefore ensure that the sound insulation of the walls and floors forming separating structures between the residential units within the proposed development is sufficiently enhanced. Compliance with these requirements may be subject to detailed design checks by the Building Control section of the Local Authority.

6

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: - A) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays. B) All noise generated during such works should be controlled in compliance with the current British Standard Code of Practice BS 5228. C) Any Dust and emissions generated during the development shall be controlled in compliance with the current requirements of the Mayor of London's Best Practice Guidance. D) No bonfires that create dark smoke or nuisance to local residents. You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

7 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).

8 I53 **Compulsory Informative (2)**

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

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework,

	Supplementary Planning Document, adopted January 2010
LPP 3.8	(2011) Housing Choice
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 5.7	(2011) Renewable energy
OE1	Protection of the character and amenities of surrounding properties and the local area

9 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

10 I11 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

11 I14C Compliance with Building Regulations Access to and use of

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6 and 8.

12 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

13 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.
Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

3. CONSIDERATIONS

3.1 Site and Locality

The application property is a shop unit within a large multi storey mixed use building. The application unit has an established A1 usage. It is currently vacant.

The overall building, known as Ashley Court is located on the south east side of the High Street, Yiewsley. There are three commercial units on the ground floor (the application property being one of these) and the remainder being residential units on the upper floors. To the north east of the site runs the Grand Union Canal and to the south west a commercial/office development known as Station House.

The site is located within the Yiewsley/West Drayton Town Centre and is within a Secondary Shopping Area. It is to be noted that the application property and the two adjacent retail units form a stand-alone group of retail units, not being adjacent to any other such properties. There is a parade of shops on the opposite side of the High Street, to the west and also to the north east on Horton Road which is located over the canal bridge. Furthermore, the application property, unlike the two adjacent retail units, does not have a traditional shopfront. The building envelope has windows and doors more associated with a residential use.

The Grand Union Canal is designated as a 'Nature Conservation Site of Metropolitan or Borough Grade I Importance' within the UDP.

There are four dedicated parking spaces within the undercroft area designated for the application property.

3.2 Proposed Scheme

The proposal relates to the change of use of the existing, currently vacant shop (A1) to two residential flats. There would be a two bedroom flat located towards the street frontage and a one bedroom unit located towards the rear of the site.

The two bedroom unit would have a net internal floorspace of 61m².

The one bedroom unit would have a net internal floorspace of 50.3m².

No external changes are proposed as part of the conversion (hence no elevations have been submitted). Four off street parking spaces have been indicated to the basement parking area.

3.3 Relevant Planning History

32108/C/93/0010 10-16(Evens) High Street Yiewsley

Change of use of two units from Class A1 (Shops) to Class A3 (Food and Drink), refurbishment of two other units and erection of single storey rear extension at basement level to incorporate restaurant at basement level with a terrace above. Conversion of first and second floors to provide six one-bedroom and two studio flats with associated car parking, service yard and landscaping

Decision: 12-07-1995 NFA

32108/D/94/1967 Oct-16 High Street Yiewsley

Erection of three shop units and fifteen flats and maisonettes (involving demolition of existing shops and flats)

Decision: 17-02-1995 Approved

32108/G/95/1744 10-16(Evens) High Street Yiewsley

Details of surface water disposal in compliance with condition 10 of planning permission ref. 32108D/94/1967 dated 17/02/95; Erection of three shop units and fifteen flats and maisonettes

Decision: 20-06-1997 NFA

32108/H/95/1760 10-16(Evens) High Street Yiewsley

Details of materials in compliance with condition 2 of planning permission ref.32108D/94/1967 dated 17/02/95; Erection of three shop units and fifteen flats and maisonettes

Decision: 13-06-1996 Approved

32108/J/96/0039 Oct-16 High Street Yiewsley

Amendment of planning permission ref. 32108D/94/ 1967 dated 17/02/95 to provide three Class A2 units at ground floor (Demolition of existing shops and flats and erection of three shop units and 15 flats and maisonettes)

Decision: 16-05-1996 Approved

Comment on Relevant Planning History

There is no relevant planning history.

4. Planning Policies and Standards

Hillingdon Unitary Development Plan Saved Policies (September 2007)

London Plan (2011)

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance - Noise

Hillingdon Design and Accessibility Statement: Accessible Hillingdon

Hillingdon Design and Accessibility Statement: Residential Layouts

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

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BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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LPP 3.8	(2011) Housing Choice
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LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 5.7	(2011) Renewable energy
OE1	Protection of the character and amenities of surrounding properties and the local area

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Thirty one local addresses were consulted on 15/12/2011. No responses were received.

British Waterways: I can confirm that we have no comments to make. If the units had been at towpath/canal level, we might have been concerned that residential units would reduce the activity and passive surveillance on the canal environment, but as the units are at High Street level, I don't think there will be any significant impact.

The Inland Waterways Association: No comments were received.

Internal Consultees

Environmental Protection Unit:

Noise Impact

The location of the proposed development is close to High Street Yiewsley and known to have significant noise from road traffic movement. Whilst it is noted that the scale of the scheme is relatively small in size, the proposed development falls within NEC B of PPG24 (Planning and Noise) in accordance with DEFRA's noise contours. The advice applicable to this NEC category as set out in PPG 24 including Hillingdon's noise SPD is as follows: "Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure adequate level of protection against noise to meet the Council's recommended outdoor and indoor noise levels." The precise acoustic specification has not been determined at this stage of the proposal, our recommendation is that appropriate condition be imposed to ensure that adequate noise insulation and acoustic ventilation scheme is provided as part of the design scheme to ensure that the future occupiers of the development are adequately protected from external noise.

Condition 1: Sound Insulation Scheme Development shall not begin until an a scheme for protecting the proposed residential development from road traffic and other external noise has been submitted to and approved by the Local Planning Authority (LPA). The scheme shall meet acceptable noise design criteria both indoors and outdoors and provide adequate ventilation to indoor areas. The scheme shall include such combination of sound insulation, acoustic ventilation and other measures as may be approved by the LPA. The scheme shall include provision of acoustic performance and other secured measures as may be approved by the Local Planning Authority. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.

Reason: To safeguard the amenity of surrounding areas in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

Building Regulation Informative:

You are advised that the Building Regulations impose requirements for sound insulation between dwellings, including sound insulation between converted flats. You should therefore ensure that the sound insulation of the walls and floors forming separating structures between the residential units within the proposed development is sufficiently enhanced. Compliance with these requirements may be subject to detailed design checks by the Building Control section of the Local Authority.

Access Officer:

In assessing this application, reference has been made to London Plan Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document 'Accessible Hillingdon' adopted January 2010.

The proposal seeks to convert an existing shop unit into two flats. Due to the current entrance arrangement and, moreover, the constraints imposed by the existing building, it is considered that an accessible internal layout could not be achieved without jeopardising the proposal or significantly compromising the Lifetime Home Standards.

To this end, it is recommended that the above policy is not applied to this application.

Conclusion: acceptable.

Trees/Landscape:

There is one protected Ash tree (T4 on Tree Preservation Order - TPO - 122) in the car park adjacent to the canal, and other trees and shrubs in the planting beds between the car park and the canal. In terms of Saved Policy BE38, the existing trees and landscaping should not be affected by the development of the site. The red line only includes the existing building. The existing car park (and tree subject to TPO 122, and other trees and landscaping) are not within the red line, but there

is a note about four of the parking spaces on the 'Site' plan. Whilst the plan does not show the trees and other landscaping, and the form includes an incorrect statement that there are no trees on or close to the site, there are no proposed changes to the layout of the car park and areas of landscaping, so it seems that the existing trees and shrubs will not be affected. Nevertheless, a condition (based on TL2) should, if possible, be applied to require the retention of the existing trees and landscaping to ensure that it will not be affected. If it is not possible to impose such a condition, an informative should be used to advise accordingly. The application is acceptable in terms of Saved Policy BE38 and other relevant tree/landscape-related policies.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site falls within the Yiewsley/West Drayton Town Centre and Secondary Shopping Area as designated in the Hillingdon Unitary Development Plan Saved Policies (September 2007). Policy S6 of the UDP states that the change of use of A1 shops will only be acceptable if the proposal will not be detrimental to visual amenity; the proposed use is compatible with neighbouring uses and will not cause loss of amenity to nearby residential uses; and there is no harmful effect on road safety, traffic congestion, or bus operations. As the proposed use is residential, it would be considered to be compatible with the surrounding area, considering that the upper and rear portions of the block the application property forms a part of are residential units. The residential units would be considered not to have a harmful effect on road safety, traffic congestion, or bus operations.

The application property, although located within a Secondary Shopping Area, is considered to be in an isolated location, not within a traditional parade of shops. Although the two adjacent units have shopfronts, the application property has fenestration more readily associated with a residential property or an office. It is not obvious that the application property has a retail offering, given the lack of a traditional shop front and fascia board. It is considered that the proposed change of use, bearing in mind the remaining two adjacent retail units and isolated location, would accord with UDP policy S12, not resulting in a separation of Class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre.

7.02 Density of the proposed development

Given the proposal relates to the conversion of a single retail unit into two residential units, it is considered that density is not an appropriate measure of determining the acceptability of the development.

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

Although the site is adjacent to the Grand Union Canal, designated a 'Nature Conservation Site of Metropolitan or Borough Grade I Importance' within the UDP, no significant concerns are raised given that there would be no additional built form or encroachment onto the Canal bank.

7.04 Airport safeguarding

The proposal would not have an impact on Airport safeguarding as no additional external built form is proposed.

7.05 Impact on the green belt

The site is not located within the Green Belt and hence there would be no impact on the Green Belt.

7.07 Impact on the character & appearance of the area

No alterations are proposed to the external elevations of the existing building. The lack of a traditional shop front and fascia board to the existing property are noted in this respect. It is considered that the proposal would not have a significant detrimental impact on the character or appearance of the street scene, and it therefore accords with Policy BE13 of

the UDP.

7.08 Impact on neighbours

It is considered that the change of use of the premises would not have any significant detrimental impact on the immediately adjoining neighbours to the south west or to the existing retail units, given their commercial use. There are no immediate neighbouring properties to the north of the site.

The scheme therefore complies with policies BE19, BE24 and OE1 of the UDP and guidance on this matter in the Council's Supplementary Planning Document on Residential Layouts.

7.09 Living conditions for future occupiers

The Council's Supplementary Planning Document on Residential Layouts states that 50m² and 63m² internal floor space should be provided for 1 and 2 bedroom flats respectively. The proposed units would have 50.3m² and 61m². The London Plan (2011) requires internal floorspace of 50m² and 61m² for 1 and 2 bedroom flats respectively. Given the proposal's compliance with the London Plan (2011) and the marginal shortfall with respect to HDAS guidance, the internal floorspace provided by the units would provide a satisfactory living space, maintaining the residential amenity of future occupiers.

The Council's Supplementary Planning Document on Residential Layouts requires external amenity space to be provided for new residential units. However, given the Town Centre location of the site and that the existing flats within the block of which the application property forms a part, do not have external amenity space, it is considered that the application proposal would not require the provision of amenity space for the proposed units. No outdoor amenity space is proposed as part of this scheme.

It is considered that given the small (non-family) unit sizes proposed and Town Centre location of the site, amenity space would not be required for the future occupiers of the proposed units. The proposal would not be detrimental to the living conditions of future occupiers and would be acceptable with regards to the aims of Policies BE21 and BE23 of the UDP and guidance within the Council's Supplementary Planning Document on Residential Layouts.

It is considered that all habitable rooms would maintain an adequate outlook, in accordance with London Plan policy 5.3.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The location of the site within 2 minutes walk of West Drayton mainline station is noted, as is the PTAL rating of '3'. No alterations are proposed to the existing access arrangements and plans indicate that the four existing off street parking spaces located to the undercroft area would be retained for the proposed residential units. It is considered that in accordance with the Council's maximum parking standards the two parking spaces proposed for each unit would be sufficient. No secure, covered cycle parking spaces have been indicated so a condition should be attached to this effect.

It is considered that the proposal would not have a detrimental impact on highway and pedestrian safety, in accordance with UDP policy AM7 and AM14.

7.11 Urban design, access and security

No alterations are proposed to the external elevations of the existing building. The lack of a traditional shop front and fascia board to the existing property are noted in this respect. It is considered that the proposal would not have a significant detrimental impact on the character or appearance of the street scene, and it therefore accords with Policy BE13 of

the UDP.

7.12 Disabled access

The Council's Access Officer has advised that due to the current entrance arrangement and, moreover, the constraints imposed by the existing building, it is considered that an accessible internal layout would not be able to be achieved without jeopardising the proposal or significantly compromising Lifetime Home Standards. Given the above, it is considered that London Plan Policy 3.8 should not be applied in this instance.

7.13 Provision of affordable & special needs housing

The proposal for two residential units does not meet the threshold for the provision of affordable housing.

7.14 Trees, landscaping and Ecology

No landscaping is proposed as part of this application. Indeed there is no practical external space for the provision of landscaping and the proposal relates solely to internal changes to the building. In terms of Saved Policy BE38, the existing trees and landscaping would not be affected by the development of the site.

7.15 Sustainable waste management

No details of refuse provision have been provided. However, the residential units within the building have existing refuse arrangements which would be used. It is proposed that full details of refuse and recycling provision are requested via condition.

7.16 Renewable energy / Sustainability

With regards to London Plan policies 5.3 and 5.7, Sustainability and Renewable Energy, respectively, it is considered that it would be unreasonable to require the proposal to comply with the requirements of the above policies given the nature of the proposal (internal change of use) and the constraints of the existing building.

7.17 Flooding or Drainage Issues

There are no flooding or drainage issues of concern. The site is adjacent to the Grand Union Canal, however, the floor level of the unit is significantly higher than that of the Canal. It is noted there is an existing residential unit at the same level as those proposed.

7.18 Noise or Air Quality Issues

The proposed development is located on High Street West Drayton which is considered to have significant noise disturbance from road traffic movement. Whilst it is noted that the scale of the scheme is relatively small in size, the proposed development falls within NEC B of PPG24 (Planning and Noise) in accordance with DEFRA's noise contours. The advice applicable to this NEC category as set out in PPG24 including Hillingdon's noise SPD is as follows: 'Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure adequate level of protection against noise to meet the Council's recommended outdoor and indoor noise levels'. The precise acoustic specification has not been determined at this stage of the proposal. It is recommended that appropriate conditions be imposed to ensure that adequate noise insulation and acoustic ventilation is provided as part of the design scheme to ensure that the future occupiers of the development are adequately protected from external noise. Appropriate conditions would be added to this effect.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning obligations

Presently S106 contributions for education are sought for developments when the net gain of habitable rooms exceeds six. The original property has no habitable rooms and the proposal would result in an increase of 5, therefore no contribution will be sought from this project.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

There are no other issues to discuss.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

it is noted there would not be any external changes as a result of the proposal

10. CONCLUSION

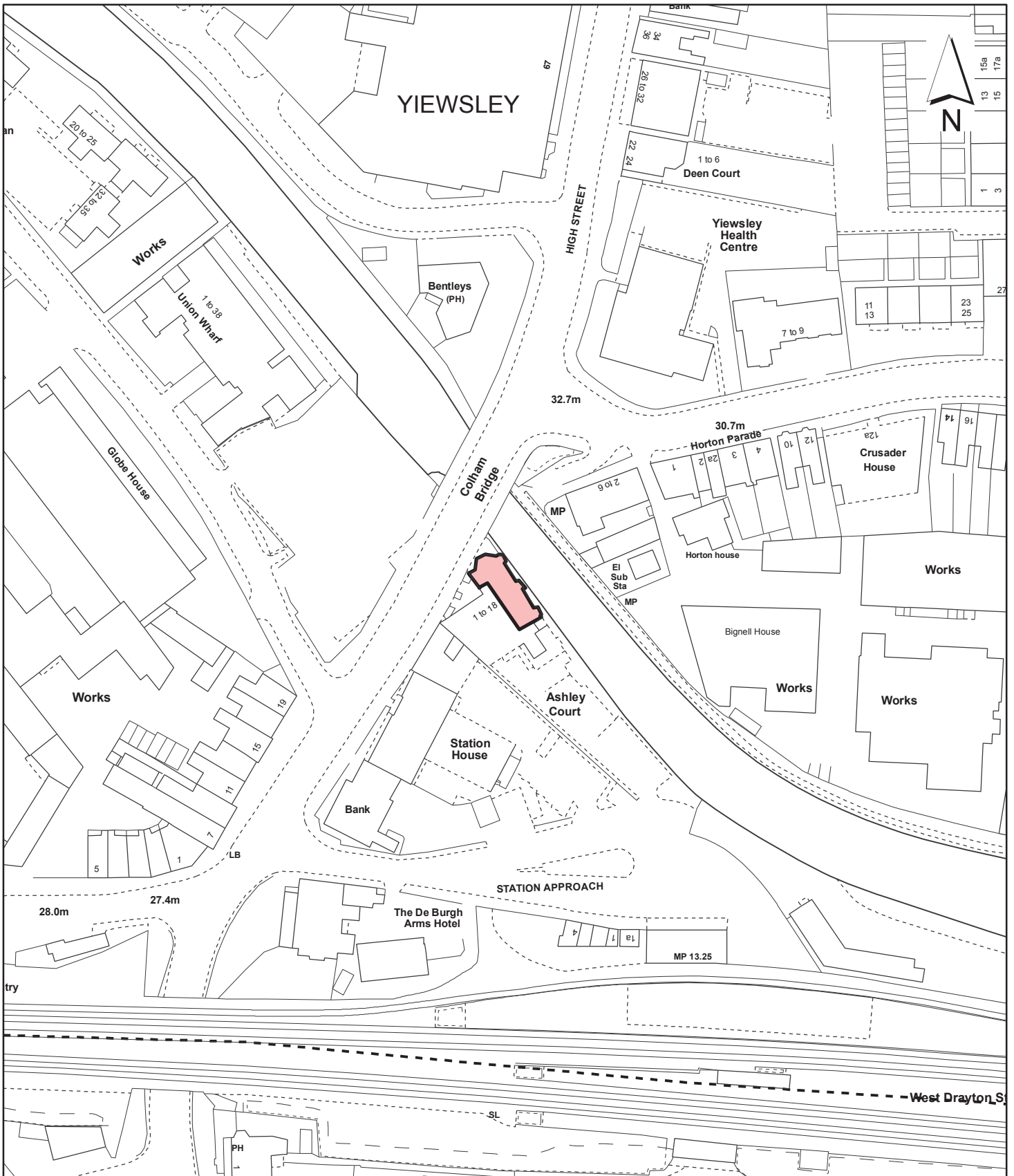
In conclusion it is considered that the proposal would be acceptable in principle as it would not undermine the retail function of the Yiewsley/West Drayton Secondary Shopping Area. There would be no external changes proposed as part of the application and hence there would be no impact on the character of the area. The proposed units would provide adequate living conditions for future occupiers and sufficient of street parking would be provided within the undercroft area of the building.



11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (2011)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
Hillingdon Design and Accessibility Statement: Residential Layouts

Contact Officer: Jazz Ghandial

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">3 Ashley Court High Street Yiewsley</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">32108/APP/2011/2685</p>	<p>Scale</p> <p align="center">1:1,250</p>	 <p align="center">HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p align="center">Central and South</p>	<p>Date</p> <p align="center">May 2012</p>	