

Report of the Head of Planning, Sport and Green Spaces

Address 1B CHANCERYGATE BUSINESS CENTRE STONEFIELD WAY RUISLIP

Development: Change of use from storage (Use Class B8) to a gymnasium (Use Class D2) involving alterations to external windows/doors.

LBH Ref Nos: 72194/APP/2017/14

Drawing Nos: Location Plan
Noise Impact Assessment
Planning, Design & Access Statement
Travel and Car Parking Report
CG-04 00A
CG-07 00A
CG-05 00A
CG-01 00B
CG-02 00B
CG-03 00B
Letter from Owner
Property availability

Date Plans Received: 30/12/2016

Date(s) of Amendment(s):

Date Application Valid: 10/01/2017

1. SUMMARY

The application is for permission for the change of use from Use Class B8 (Storage) to Use Class D2 (Assembly and Leisure) to create a gym with associated parking.

The proposal has been considered in terms of its impact on the effect on the character and appearance of the area, the potential impacts on neighbouring occupiers' residential amenities, parking and traffic and the loss of the existing warehouse function and is considered acceptable.

The application is therefore recommended for approval.

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 Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CG-04 00A and CG-05 00A, 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 Saved UDP Policies (November 2012) and the London Plan (2016).

3 NONSC Non Standard Condition

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise including noise from gym equipment and amplified music emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of physical and other measures as may be approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

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

4 NONSC Non Standard Condition

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

REASON:

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

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

The parking areas shown on the approved plans shall be permanently retained solely for the use of customers and staff of the Gymnasium hereby approved and for no other purpose.

REASON

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016).

6 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 43 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 (2016).

7 SUS6 Green Travel Plan

Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as

submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements [insert desired for target(s)];
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan (2016) Policies 6.1 and 6.3

8 COM11 Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 1995

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the building(s) shall be used only as a Gymnasium and for no other purposes within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), unless agreed in writing by the Local Planning Authority.

REASON

To prevent potentially inappropriate changes of use without proper consideration of the impacts on the highway network or on the amenity of future residents of the scheme in accordance with Policy policy OE1 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I47 Damage to Verge - For Council Roads:

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

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

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3

3EU (Tel: 01895 277524).

3 115 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 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 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.

4

Separate advertisement consent will be required for any advertising or signage to be displayed on the building.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the South side of Chancerygate adjacent to the junction with Stonefield Way and comprises a modern industrial building formerly in use for storage. It is the first unit in a row of four with the loading bay accessed from Chancerygate and an office access on the side facing Stonefield Way. There is parking provision to the front of the building.

The unit is located over two floors including a mezzanine level. It has a gross internal floor area of approximately 730 square metres.

The application site forms part of the Stonefield Way Industrial and Business Area and the 'developed area' as designated by the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

3.2 Proposed Scheme

The proposal seeks planning permission for the change of use of the whole unit from Use Class B8 (Storage) to Use Class D2 (Assembly and Leisure) to create a gym with associated parking.

3.3 Relevant Planning History

72194/APP/2016/3351 1b Chancerygate Business Centre Stonefield Way Ruislip

Change of use from storage (Use Class B8) to a gymnasium (Use Class D2) involving alteration to external windows/doors

Decision: 23-11-2016 Refused

Comment on Relevant Planning History

72194/APP/2016/3351 - Change of use from storage (Use Class B8) to a gymnasium (Use Class D2) involving alterations to external windows/doors (refused)

The previous submission was refused as it was judged to result in the unacceptable loss of existing industrial/warehouse building/land situated within the designated Stonefield Way Industrial and Business Area (IBA) and it had not been demonstrated that there was no realistic prospect of the unit being used for industrial or warehousing purposes in the future.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

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

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

LE2 Development in designated Industrial and Business Areas

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

LPP 4.4 (2016) Managing Industrial Land and Premises

NPPF National Planning Policy Framework

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

3 neighbours were consulted for a period of 21 days expiring on the 6 February 2016. 3 neighbours were consulted for a period of 21 days expiring on the 6 February 2016.

No responses were received.

South Ruislip Residents Association - No response.

Internal Consultees

Environmental Protection Unit - No objection subject to a condition for noise control.

Highways - The Travel and Car Park Report submitted identifies 10 working staff undertaking 3 by 5 hour shifts and an expected 80-100 customers during peak periods. A Parking Plan is incorporated showing 10 car parking spaces and 43 cycle spaces can be provided. The report also identifies ease of access from public transport and ample unrestricted parking available in the immediate area. These details are as provided and considered acceptable in the previously considered submission.

Flood and Water Management - As previously advised the site lies within Flood Zone 2, and is adjacent to an area at risk from surface water flooding. However it is an existing building with a continued appropriate use within the floodplain. Therefore there are no objections.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within "Springfield Road" Industrial and Business Area on the Proposals Map of the Unitary Development Plan. Policy LE2 states that Industrial and Business Areas (IBAs) are designated for business, industrial and warehousing purposes (Use Classes B1-B8) and for sui generis uses appropriate in an industrial area. The LPA will not permit development for other uses in industrial and business areas unless it is satisfied that there is no realistic prospect of the land being used for industrial or warehouse purposes in the future; the alternative use does not conflict with the policies and objectives of the plan and the proposal better meets the plans objectives particularly in relation to economic regeneration.

The existing unit has been subdivided into 3 with the owners occupying the office element. Unit 1a occupies the ground floor and mezzanine warehouse unit which has been let out. This part of the unit has been vacant from August 2016, however as notice was given from the previous tenants, it has been actively marketed by Chamberlain Commerce since March 2016. This includes a To Let notice on site; the agents advert board and website and on line through sites such as Rightmove. The owner has confirmed that during this period there was only 1 serious enquiry, which wished to use the unit as a commercial kitchen, which was considered incompatible with the use of the rest of the unit and would present too much of a fire risk. They have further confirmed that due to the size of the warehouse they are finding it difficult to seek a tenant with a compatible use to suit their working environment and current occupation. The specific proposal for the fitness gym, would have a minimal impact on the current daily operation of the business use of the rest of the unit.

Further details have also been submitted which identify over 20 other similar properties available within the local and wider area. These include Unit 6 Chancerygate, which has been vacant since late 2015.

Given the length of time the building has been advertised and the range of alternative premises available in the locality, together with the need to establish a tenant with a compatible use to the existing working environment, it is reasonable to presume there is no realistic prospect of the land being used for warehouse purposes in the near future. Therefore this revised application provides sufficient information to demonstrate the proposal now complies with the requirements of Policy LE2 of the UDP saved policies.

7.02 Density of the proposed development

Not applicable to this proposal.

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

Not applicable to this proposal.

7.04 Airport safeguarding

Not applicable to this proposal.

7.05 Impact on the green belt

Not applicable to this proposal.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan Part two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of the existing and adjoining sites.

The proposal includes only minor alterations to the door of the existing loading bay, replacing the existing roller shutter with double doors and a window. Therefore it is considered that the proposed development would maintain its appearance in keeping with the character and appearance of the surrounding area and that its visual impact is acceptable. The proposal would be in accordance with policies BE13 and BE15 of the UDP saved policies.

7.08 Impact on neighbours

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and Policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

This is an existing building with commercial use as B8 storage, which would be expected to generate a certain level of noise and traffic movements. The nearest residential properties are situated to the North of the site on Victoria Road approximately 140 m away separated by other existing industrial units. Given the commercial nature of the surrounding properties it is not considered that the proposal would cause any noise or nuisance to neighbouring properties.

7.09 Living conditions for future occupiers

Not applicable to this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

This application is for the change of use of an existing warehouse unit on Chancerygate off Stonefield Way. PTAL for the site is 1b, which is considered rather poor. The closest bus

stops are located some 200 m away on Victoria Road and are served by bus route 114 connecting Ruislip to Mill Hill. The closest railway station is South Ruislip located some 1.4 km (0.9 miles) to the West of the site.

The Highway Officer has advised that given the location of the site, it is anticipated that most future trips to the site will be undertaken by private transport modes. Subsequent to their initial comments a Travel and Car Parking Report has been submitted showing provision of 10 car parking spaces and 43 cycle spaces. It further identifies accessibility to public transport. It is also noted that there is ample unrestricted parking available in the immediate area.

Considering that the site is already developed and in use, it is anticipated that the proposed change of use will not result in a significant increase in terms of vehicle trips. It is therefore concluded that the proposal would not have a significant impact on local traffic operations. On the basis of the above comments the Highways Officer has advised that there are no significant objections to the proposed change of use. Therefore the proposal would be in accordance with policy AM14 of the UDP saved policies.

7.11 Urban design, access and security

It is considered that there are no urban design or security issues arising from the proposal.

7.12 Disabled access

The Access Officer has not responded to raise any concerns relating to achieving level access.

7.13 Provision of affordable & special needs housing

Not applicable to this proposal.

7.14 Trees, Landscaping and Ecology

Not applicable to this proposal.

7.15 Sustainable waste management

Not applicable to this proposal.

7.16 Renewable energy / Sustainability

Not applicable to this proposal.

7.17 Flooding or Drainage Issues

The site lies within Flood Zone 2 and is adjacent to an area at risk from surface water flooding. However the Drainage Officer has advised that this is an existing building with a continued appropriate use within the floodplain. Therefore there are no objections.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit has been consulted on the application and raises no objection on noise or air quality subject to an appropriate condition for noise control.

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

Not applicable to this proposal.

7.21 Expediency of enforcement action

Not applicable to this proposal.

7.22 Other Issues

None.

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

10. CONCLUSION

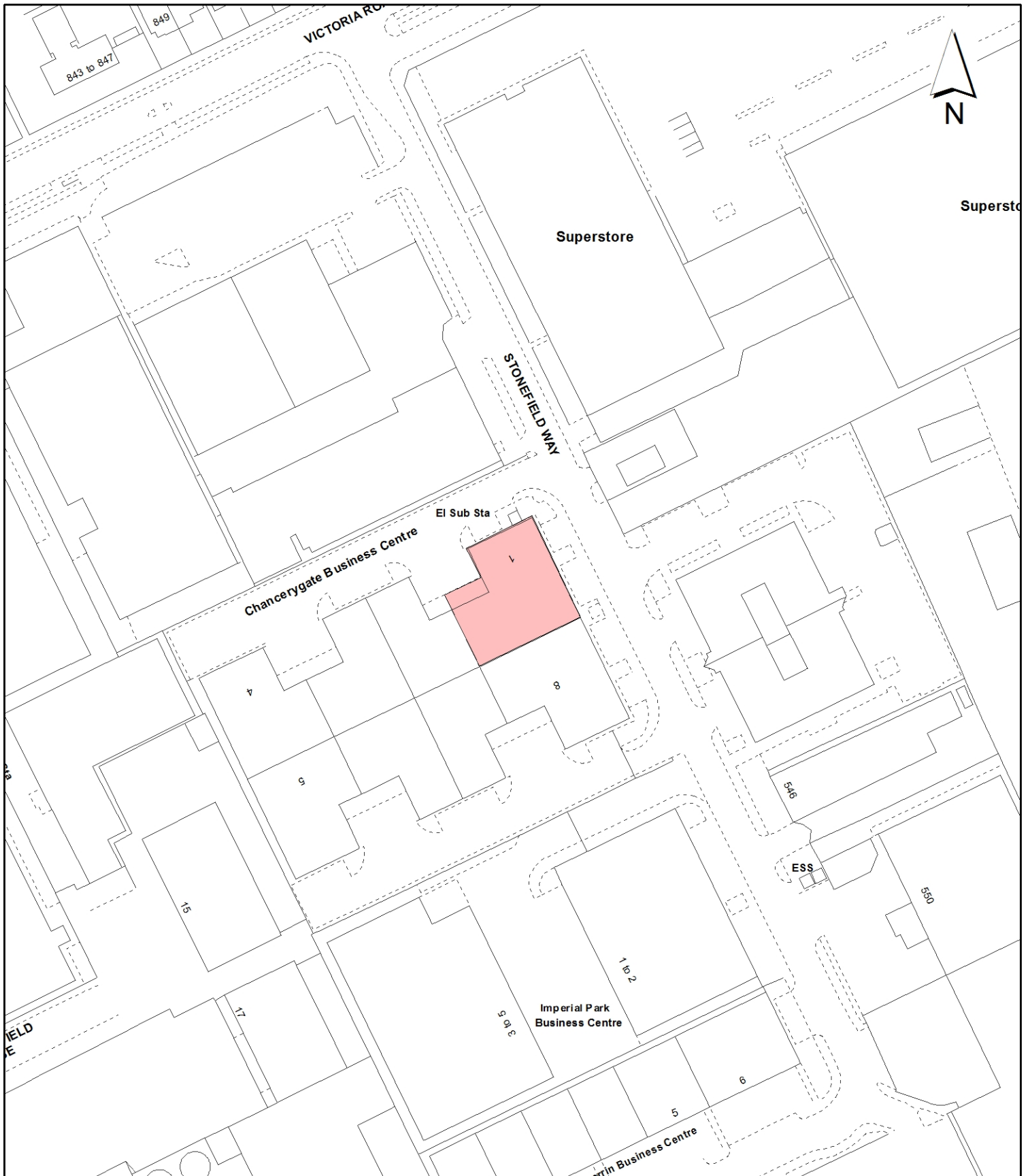
The proposal has been considered in terms of its impact on the effect on the character and appearance of the area, the potential impacts on neighbouring occupiers' residential amenities, parking and traffic and the loss of the existing warehouse function and is considered acceptable.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (2016).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

1b Chancerygate

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
72194/APP/2017/14

Scale:
1:1,250

Planning Committee:
North

Date:
April 2017



HILLINGDON
 LONDON