

Report of the Head of Planning, Sport and Green Spaces

Address WESTCOMBE HOUSE, 36-38 WINDSOR STREET UXBRIDGE

Development: Prior Approval Application for the change of use from office accommodation (Use Class B1(a)) to 33 residential units (Use Class C3).

LBH Ref Nos: 13544/APP/2017/3388

Drawing Nos: AAL-07-210-PO1 - Proposed Floor Plans
AAL-07-207-PO2 - Existing Floor Plans & Location Plan
16631.NIA.01 - Noise Impact Assessment
170950/FRA/JR/KTP/01 - Flood Risk Assessment
170950/TS/TS/KBL/01 - Transport Statement

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

Date Application Valid: 19/09/2017

1. SUMMARY

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

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

In considering an application for prior approval under Class O, Paragraph 10b of Section W states that the local planning authority shall "have regard to the National Planning Policy Framework... so far as relevant to the subject matter of the prior approval, as if the application were a planning application". As such, the prior approval application must be assessed against transport and highways impact, contamination, noise and flooding risks only. The local planning authority is not directed, as a matter of law, to determine applications for prior approval under Class O with reference to the Development Plan.

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

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

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning and Enforcement to confirm Prior Approval is required and granted subject to:

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

- 1. Public Realm Contribution of £40,000.**
- 2. A legal agreement to prevent future occupants applying for car parking permits.**

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

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

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

'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to the environment necessary as a consequence of demands created by the proposed development (relating to public realm improvement contribution). The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2016, policies R17, AM2, AM7 and AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (March 2016) and the NPPF.'

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

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

1 NONSC Parking

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

- 1. 8 car parking spaces with markings,**
- 2. 2 parking spaces to be assigned for use by disabled persons and marked as such**
- 3. 2 parking spaces to be supplied with active Electric Vehicle Charging points**
- 4. 2 parking spaces to be supplied with passive Electric Vehicle Charging points**
- 5. Secure and covered cycle parking spaces to be provided for 35 bicycles as a minimum**

Thereafter, they shall be permanently retained and used for no other purpose.

REASON

To ensure adequate parking is provided and to promote sustainable modes of transport, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan (November 2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

2 NONSC Contamination

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

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

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

REASON

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

3 NONSC Noise Protection

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from noise generated by commercial premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria against external noise as agreed with the Local Planning Authority. Noise emissions from any plant or machinery installed shall be at least 5 dB below the existing background noise level. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

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

INFORMATIVES

1

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

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

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

of Pollution Act 1974;

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

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

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

2

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

3. CONSIDERATIONS

3.1 Site and Locality

Westcombe House is a Locally Listed Building. It is a former post office, which opened on the 12th of December 1909. The building has three storeys with additional floor space within a mansard roof. The main external finish is red brick with the addition of a banded stone plinth and ornamental stone surrounds to windows at ground and first floors. It has a curved facade incorporating the former main entrance with semi circular fanlight and pediment over. The original building has been extended over time and converted to multiple offices.

The building is located within Uxbridge Town Centre and is positioned on a prominent corner plot at the junction between Windsor Street and Cross Street, marking the entrance into the Old Uxbridge / Windsor Street Conservation Area. Windsor Street extends to the north and is bordered by an arrangement of buildings, many of which are historic, which are used for retail / commercial purposes, with a number having residential flats above ground floor level. To the south is Capital Court which is a large, modern commercial building as well as the war memorial and surrounding green. The majority of the buildings on Cross Street within the immediate vicinity are relatively modern commercial buildings.

Immediately to the south of the site is a roundabout which marks the convergence of three A-roads (A 407, A 408 and A 4020) as well as Windsor Street. The site has a high PTAL score, straddling a PTAL 5 and 6a zone. The site falls within an Air Quality Management Area. The site is not within either Flood Zone 2 or 3 but the eastern edge is subject to some risk from surface water flooding as identified on Environment Agency mapping.

3.2 Proposed Scheme

This application seeks prior approval for the conversion of the existing office building known as Westcombe House to provide 33 individual residential units (31 x 1 Beds, 2 x 2 Beds) which would be distributed over all four floors of the building. An office area of 143.7 m² would be retained at ground floor level. A total of 8 car parking spaces would be provided to serve future occupants. Two of these spaces would be disabled bays, two would be allocated an active vehicle charging point and a further two would have passive installations. The spaces will be located within the existing hard surfaced parking area to the north of the building. Facilities for the secure storage of 35 cycles will also be provided at basement level.

No external extensions or modifications are proposed.

3.3 Relevant Planning History

- 13544/APP/2005/31 Westcombe House, 36-38 Windsor Street Uxbridge
REFURBISHMENT OF EXISTING OFFICES AND CONSTRUCTION OF MANSARD ROOF EXTENSION TO FORM NEW OFFICES, NEW OFFICE RECEPTION AND PARTIAL INFILL OF GROUND FLOOR CAR PARK TO CREATE NEW OFFICE SPACE.
Decision: 24-07-2007 Approved
- 13544/APP/2016/1722 Westcombe House, 36-38 Windsor Street Uxbridge
New brick wall by gate, brick wall at the base of external staircase and housing for storage
Decision: 19-07-2016 Approved
- 13544/B/88/0631 Westcombe House, 36-38 Windsor Street Uxbridge
Demolition of post office sorting depot and erection of an office development and parking facilities
Decision: 17-11-1989 Approved
- 13544/C/88/0632 Westcombe House, 36-38 Windsor Street Uxbridge
Demolition of post office with provision for retention
Decision: 17-11-1989 Approved
- 13544/H/90/1768 Uxbridge H Post Office Windsor Street Uxbridge
Part demolition, part redevelopment, comprising a three storey extension to existing building for office/retail use
Decision: 22-03-1991 Approved
- 13544/Y/95/0255 36-38 Windsor Street Uxbridge
Installation of bronze anodised aluminium shopfronts
Decision: 18-07-1995 Approved

Comment on Relevant Planning History

4. Planning Policies and Standards

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

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

No responses received from any members of the public.

Internal Consultees

HIGHWAYS:

The site has an existing vehicular access off Market Square that leads to car parking for 22 cars. Market Square also leads to a large multi-storey public car park.

The site is located at the junction of Windsor Street/ Cross Street and Market Square. The Windsor Street/Cross Street junction is signalised. The site is within a CPZ and the site has a PTAL of 5 (good). The application is supported by a Transport Statement by Lanmor.

The proposals involve the creation of 31x1b units and 2x2b units along with 8 allocated car parking spaces. The proposed trip generation is likely to be less than the existing use. Part of the site will remain as office accommodation and I assume that part of the on-site car parking will be associated with that use (14 spaces).

There will be cycle parking for 33 cycles in the basement along with refuse collection. The applicant has also offered to convert the car parking to 2 active and 2 passive EVCP (conditioned).

I would suggest given the PTAL and the reduced level of on-site car parking that the 2 bed units are allocated car parking spaces and the remainder of spaces are allocated to specific 1b flats as there is ample public car parking adjacent to the site for visitors.

The residents of the proposed development who are not allocated a parking space will not have access to the Residents Parking Scheme which operates in the area and that will be part of a subsequent agreement.

On the basis of the above comments I do not have significant highway concerns over the proposals.

PUBLIC REALM CONTRIBUTION:

Westcombe House is situated on the corner of Cross Street and Windsor Street, to the rear is Graingers Yard car park. Graingers Yard car park is owned and managed by Hillingdon Council, the spaces are provided for season ticket holders only. Negotiations are currently taking place with Transport for London with a view to installing in Graingers Yard car park Hillingdon's first Rapid Electric Vehicle Charging Point. So that the new Rapid Electric Vehicle Charging Point can be provided at no net loss of car parking spaces, it is proposed to resurface and remark the car park. Remarketing the car park will provide an opportunity to review how the space can be used most efficiently.

The Council has been made aware that access in and out of Graingers Yard car park for people with disabilities is poor. For example, there is no useable footway for wheelchair users, what is provided is narrow and discontinuous. As a result wheelchair users have no other option but to use the service road into the car park placing them in a vulnerable situation. Lighting within the car park is also poor.

A developer's contribution of £40,000 is sought to fund a new safe and convenient access for disabled users in and out of the car park at the main entrance with Cross Street. The car park would also be resurfaced and remarked to allow a more efficient use of space and lift the appearance of the car park generally. New lighting would also be provided.

FLOODING & DRAINAGE:

This proposal involves no alteration to the footprint of the building therefore there is no objection.

ENVIRONMENTAL PROTECTION UNIT (EPU):

I would require the applicant to provide robust noise mitigation measures that will ensure that potential noise impact due to the types of activities on Windsor Street, Cross Street, and Market Square are addressed.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

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

- the building is on article 1(6A) land;
- the building was not used for a use falling within Class B1(a) immediately before 30th May 2013, or, if the building was not in use immediately before that date, when it was last in use;
- the site is or forms part of a military hazard area;
- the site is or forms part of a military explosives storage area;

- the building is a listed building (or within its curtilage) or a scheduled monument;
- permitted development rights have been removed.

The site and buildings do not represent any of the exceptions listed above and, as such, qualify for permitted development rights.

7.02 Density of the proposed development

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

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

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

7.04 Airport safeguarding

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

7.05 Impact on the green belt

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

7.06 Environmental Impact

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

7.07 Impact on the character & appearance of the area

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

7.08 Impact on neighbours

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

7.09 Living conditions for future occupiers

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

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The site is located within a PTAL 5 area and Uxbridge Bus and Train stations are both nearby. There is provision of some off street car parking and it is required that the 2 bedroom flats each have a space allocated to them, with the remaining 6 spaces allocated to specific one bedroom units.

In order to prevent undue pressure on surrounding parking provision, a legal agreement will need to be entered into to prohibit future residents from applying for car parking permits.

Provided these measures are adopted, there will be no adverse impact upon highways and transport.

7.11 Urban design, access and security

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

7.12 Disabled access

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

7.13 Provision of affordable & special needs housing

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

7.14 Trees, landscaping and Ecology

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

7.15 Sustainable waste management

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

7.16 Renewable energy / Sustainability

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

7.17 Flooding or Drainage Issues

The site is within Flood Zone 1. There will be no alteration in the footprint of the building and

the Council's Flooding & Drainage team have not raised any objections.

CONTAMINATED LAND:

The site is within a town centre location where there are no records of land contamination.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit (EPU) have been consulted and have noted that potential sources of noise within the surrounding area, including from road traffic and emitting from nearby public houses. It should be noted that the legislation requires an assessment on the impact of noise from commercial premises only.

It is considered that the building could be adequately sound proofed to prevent future occupants from suffering from unacceptable noise pollution. There is potential that such a scheme could involve having windows fixed shut and, if this is the case, any noise generated from internal ventilation equipment would also need to be taken into account. As such, a further condition will be added to ensure that noise emissions from any plant or machinery that is installed are at least 5 db below background noise levels.

7.19 Comments on Public Consultations

None.

7.20 Planning obligations

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

1. Public Realm Contribution of £40,000.
2. Agreement to ensure that on site car parking spaces are allocated to the two bedroom units and specific one bedroom flats and that future occupants will be prohibited from applying for car parking permits.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

The Town and Country Planning (General Permitted Development) (England) (Order 2015/596) ("GPDO 2015") effectively grants planning permission by giving deemed planning permission for certain development without the applicant having to make a formal application for planning permission although the applicant must submit a prior approval application in accordance with the GPDO 2015. Part 3 of Schedule 2 to the GPDO 2015 gives deemed planning permission for certain changes of use. The prior approval application before Members relates to Class O of Part 3 of Schedule 2 of the GPDO 2015.

The GPDO 2015 provides limitations in terms of what matters can be taken into account when determining a prior approval application. In relation to Class O of the GPDO 2015 those relevant matters include:

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

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

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

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

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

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

Equalities & Human Rights:

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

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

Members should also consider whether their decision would affect human rights in particular the right to a fair hearing, the right to respect of private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

None.

10. CONCLUSION

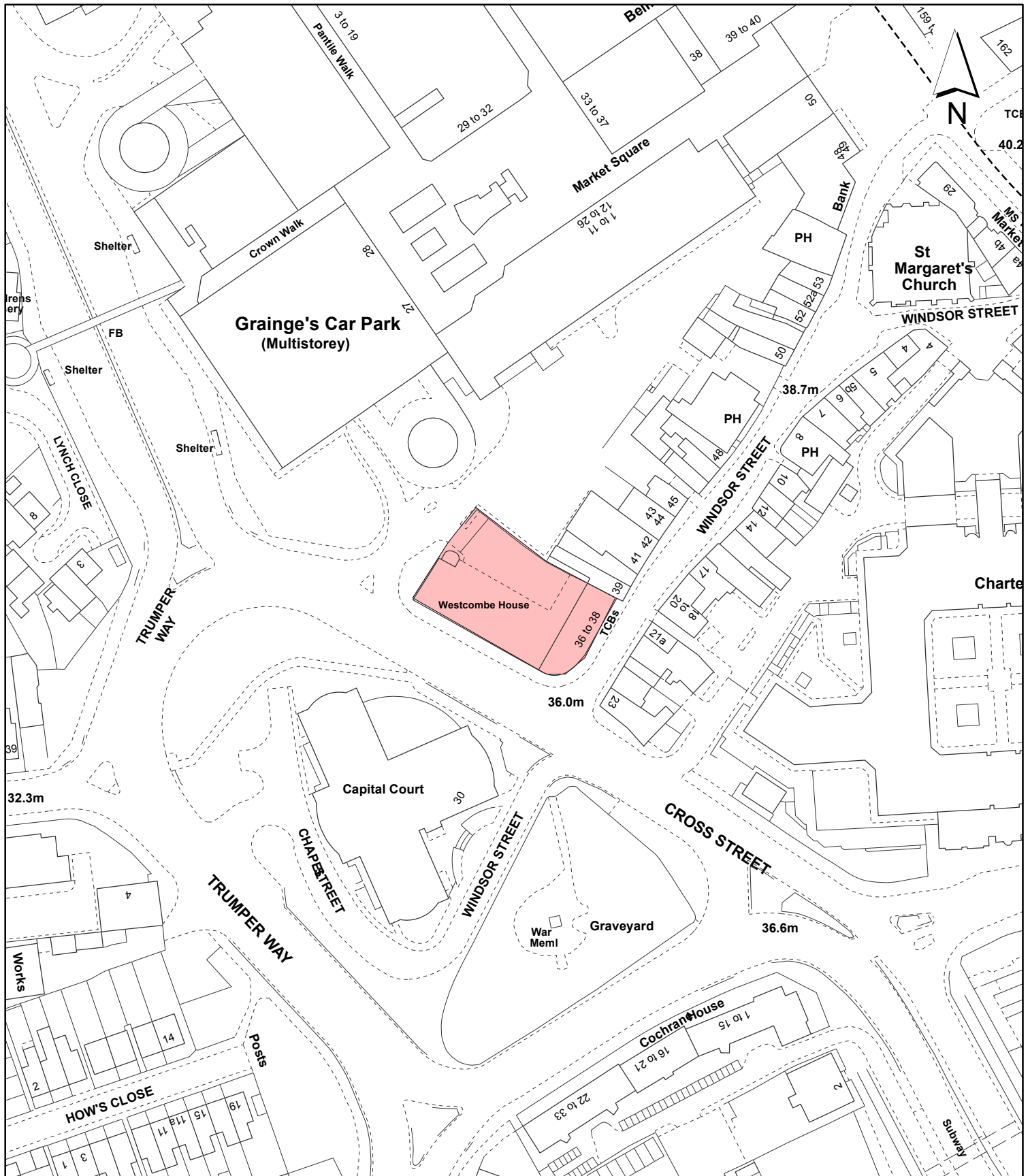
The application has been assessed against the relevant criteria and subject to conditions and the securing of public realm obligations through a Section 106 Legal Agreement, prior approval is required and granted.

11. Reference Documents

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

Contact Officer: James McLean Smith

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Westcombe House
 Windsor Road**

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

Planning Application Ref:
13544/APP/2017/3388

Scale:
1:1,250

Planning Committee:
Major

Date:
October 2017



HILLINGDON
 LONDON