

Item No. **Report of the Head of Planning, Building Control, Sport & Green Spaces**

Address DOLPHIN BRIDGE HOUSE ROCKINGHAM ROAD UXBRIDGE

Development: Prior Approval Application for the change of use from office accommodation (Use Class B1a) to 41 residential units (Use Class C3)

LBH Ref Nos: 35248/APP/2017/3013

Drawing Nos: PM1 PL-01
PM1 PL-02
PM1 PL-03
LMS-1006 Survey Control Stations
Environment Agency Flood Maps
10122-R01-1 ISVR Noise Report
1CO104046P1R0 PHASE I GEO-ENVIRONMENTAL SITE ASSESSMENT
Transport Statement August 2017
FLOOD RISK ASSESSMENT 17 August 2017 Version 2.0 RAB: 1755B
Agent email confirmation of BS 4142 compliance
PM1 PL-04 Rev A
PM1 PL-05 Rev A
Flood Warning Response Document

Date Plans Recieved:	16/08/2017	Date(s) of Amendment(s):	06/10/2017
Date Application Valid:	16/08/2017		24/08/2017 03/10/2017

1. SUMMARY

The application seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 41 self contained flats, 52 car parking space and provision of cycle parking.

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 highway obligations 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 Not Required 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. Contribution towards improvements to the local highway network/public realm contribution of £55,734.

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 also failed to provide measures to mitigate the impacts of the development through enhancements to the environment necessary as a consequence of demands created by the proposed development (relating to highway works/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. 52 car parking spaces with markings, including spaces for visitor parking
2. 6 parking spaces to be assigned for use by disabled persons and marked as such
3. 11 parking spaces to be supplied with active Electric Vehicle Charging points
4. 11 parking spaces to be supplied with passive Electric Vehicle Charging points
5. 3 motorcycle parking spaces
6. Secure and covered parking spaces to be provided for 44 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: Part 2 Saved UDP Policies (Nov 2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

2 NONSC Parking Allocation Plan

Prior to occupation of the development, a Parking Allocation Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking shall be for residential use of the flats hereby approved and as agreed within the Parking Allocation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure availability and management of parking, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policies 6.3 and 6.13 of the London Plan (2016).

3 NONSC Contamination

- (i) 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
- (ii) 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.
- (iii) 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).

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**

The site is located in an industrial park to the west of Uxbridge town centre. The site is adjacent to the River Colne, which is to the west of the site and the Grand Union Canal located to the east. Within the northern section of the site is a surface car park with 60 parking spaces whilst to the south is the existing Dolphin Bridge House office building. The site is accessed via Rockingham Road.

The site is located partially in Flood Zone 2, partially in Flood Zone 3a and partially in Flood Zone 3b the functional floodplain of the River Colne according to the Environment Agency Flood Maps. The site has a PTAL rating of 3 and is within a developed area, as designated by the Hillingdon Local Plan (November 2012).

3.2 **Proposed Scheme**

The application seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 41 self contained flats, 52 car parking space and provision of cycle parking.

3.3 **Relevant Planning History**

35248/ADV/2005/70 Dolphin Bridge House Rockingham Road Uxbridge
INSTALLATION OF NON-ILLUMINATED HIGH-LEVEL COMPANY NAME BOARDS

Decision: 04-08-2005 Approved

35248/APP/2008/2536 Dolphin Bridge House Rockingham Road Uxbridge

The erection of a single storey front glazed extension, erection of a 2.4m high palisade fence and elevational alterations involving replacement of doors and windows.

Decision: 14-10-2008 Approved

Comment on Relevant Planning History

None relevant to the current application

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:

- PT1.BE1 (2012) Built Environment
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures
- LPP 5.12 (2016) Flood risk management
- LPP 5.13 (2016) Sustainable drainage
- LPP 5.21 (2016) Contaminated land
- LPP 6.13 (2016) Parking
- NPPF1 NPPF - Delivering sustainable development
- NPPF10 NPPF - Meeting challenge of climate change flooding coastal
- NPPF6 NPPF - Delivering a wide choice of high quality homes
- NPPF7 NPPF - Requiring good design

5. Advertisement and Site Notice

- 5.1** Advertisement Expiry Date:- Not applicable
- 5.2** Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 22 local owner/occupiers and the application was also advertised by way of site notices.

One objection to the proposal has been received from an adjacent occupier stating:

'We are the freehold owners of Waterside House, Uxbridge which is the neighbouring property to Dolphin Bridge House. In a Transfer dated 20 January 1981 a restrictive covenant was imposed on Dolphin Bridge House in the following terms:

'No buildings other than factories or light industrial buildings or warehouses or workshops or office with or without garages and ancillary buildings or Do-It-Yourself Centres or garden centres or wholesale or retail Cash and Carry Warehouses or any other buildings usual or acceptable on an Industrial Estate shall at any time be erected on any part of the Land- '

The proposed change of use to residential units will be breach the said covenant, from which our property Waterside House benefits. We intend to enforce the relevant covenant, and accordingly object to the application for prior approval.'

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT (NOISE)

I am satisfied with the submitted report on internal noise assessment, sound insulation, triple glazing, air vents etc. However, we require written confirmation from the applicant's noise expert that the proposed mechanical ventilation that will be fitted in the proposed residential flats will be in line with BS 4142 is at least 5dB below the background noise level. Ideally, the assessment of noise should give a positive indication that complaints from future occupiers are unlikely.

Case Officer's comments:

The agent has provided confirmation (via email on 03/10/17) that the proposed mechanical ventilation that will be fitted in the proposed residential flats will be in line with BS 4142 and is at least 5dB below the background noise level, therefore no objections to the development are raised with regards to the noise from commercial properties.

ENVIRONMENTAL PROTECTION UNIT (CONTAMINATION)

Requested the following condition:

- (i) 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
- (ii) 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.
- (iii) 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).

Case Officer's comments:

Subject to the condition requested, no objections to the development are raised with regards to the

contamination risks on the site.

HIGHWAYS (PARKING)

This prior approval application is for the conversion of an existing office block on Rockingham Road to 41 units. Rockingham Road is a classified road (A4007) on the Council road network. The site has a vehicular access from a private access road that has a junction with Rockingham Road immediately adjacent to the bridge over the Grand Union Canal.

The site has a PTAL value of 3 (moderate) which suggests there will be a reliance on private cars for trip making to and from the site. There are approximately 60 car parking spaces associated with the current use on the site. The applicant has supplied a Transport Statement by Crosby dated August 2017 in support of the application.

The application is to convert the existing offices to 41 flats (4xstudio+31x1b+6x2b) with 52 car parking spaces along with cycle storage and refuse/recycling bin stores. The TS suggests that traffic generation from the change of use would result in a small reduction in trip making to and from the site.

The provision of 52 car spaces for the mix of units would appear adequate given the PTAL score of the site. The on-site car parking spaces should be allocated to the proposed flats and not for separate sale or rent (conditioned). 20% of the on-site car parking should be active EVCP and 20% passive (conditioned). The provision of at least 44 secure covered cycle storage should also be conditioned. The existing office bin store is to be converted to residential use. On the basis of the above comments I do not have significant highway concerns over the proposed change of use.

HIGHWAYS (INFRASTRUCTURE)

Dolphin House is situated approximately 1km west of Uxbridge town centre immediately adjacent to the Grand Union Canal, the Dolphin House is on the western side of the canal as is the towpath. The towpath is unmade and at times becomes muddy, the vegetation alongside the canal in some places is overgrown reducing the towpath width.

The Grand Union Canal offers cyclists and walkers a direct and pleasant off-road route to many key destinations. To the south the canal passes through Yiewsley, Stockley Park and Hayes and onwards to central London. Heading north the canal passes Denham Country Park, Harefield and onwards to Rickmansworth and Watford.

The London Borough of Hillingdon recognises the Grand Union Canal is a great asset where people can spend leisure time or use as a route for walking or cycling. This view is shared by Transport for London who is investing in the canal to transform the canal towpath into a "Quietway". A "Quietway" is a direct and safe off-road cycle route for cyclists of all abilities and levels of confidence to use. However, the Grand Union Canal "Quietway" finishes in Yiewsley to the south. A developer's contribution of £55,734 is sought to improve the Grand Union Canal towpath immediately outside the new development to "Quietway" standard. This will afford the new residents of Dolphin House with the opportunity to walk or cycle along the canal whether for leisure or commuting in a safe, convenient and pleasant environment. The Council has a strategy for improving the Grand Union Canal towpath north of Yiewsley to "Quietway" standard. This contribution would be used to improve the towpath between the Rockingham Road and Oxford Road.

FLOOD AND WATER MANAGEMENT OFFICER

Recommendation: Objection

The site is located partially in Flood Zone 2, partially in Flood Zone 3a and partially in Flood Zone 3b the functional floodplain of the River Colne. A Flood Risk Assessment by rab consultants ref: 1755B dated 17/08/2017 has been submitted. This has demonstrated that the proposal can be protected from the risk of flooding and makes some flood resistant installation recommendations.

Comments:

The 1 in 100 year plus 20% modelled flood level of the River Colne has been identified at 30.13mAOD. The finished floor level will be 31.87mAOD which is more than the 300mm threshold above the modelled flood level. However the modelled flood level of the Grand Union Canal has been identified as being 31.81mAOD. The FRA identifies some flood resistant measures that would be suitable for the development in Section 4.1.2 however the FRA needs to specifically state which of these measures will be installed and include these on the drawings. The FRA recommends the residents sign up to the EA Flood Warning Service. The Council supports this idea.

A safe egress route has been identified which is outside of the flood zones. A Flood Action and Evacuation Plan also needs to be submitted which should include detail of exactly what should be done and when.

Surface Water

The FRA has suggested rainwater harvesting could be implemented into the development. The Council supports this idea as a method of managing surface water on site in a sustainable manner.

The application should be refused as the applicant does not demonstrate that the site is safe and flood risk is suitably mitigated as required by:

Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012).

Policy DMEI 9 Management of Flood Risk in emerging Hillingdon Local Plan Part 2 - Development Management Policies.

Policy 5.12 Flood Risk Management of the London Plan (March 2016) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014).

Case Officer's comments:

Following the comments received from the Council's Flood and Water Management Officer, the applicant has submitted amended plans (references PL-04 Rev A and PL-05 Rev A) and a Flood Warning Response Document. The Council's Flood and Water Management Officer has reviewed these documents and confirmed they are acceptable and therefore no longer objects to the proposal.

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 meet any of the criteria listed above. As such the site benefits from 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 Council's Highways Engineers have reviewed the proposals and provided comments on the measures required to mitigate against the detrimental impact of the development. These can be summarised as a Highways/Public Realm contribution of £55,734. The Applicant has agreed to the obligation which would be secured through a S106 Legal Agreement.
- A condition is recommended to be attached to any consent to ensure that the appropriate number of car parking spaces (including disabled spaces and active & passive electric vehicle charging points), motorcycle spaces and cycle parking spaces are provided. A parking allocation plan condition is also recommended to ensure that on site car parking spaces be allocated to the proposed flats and not for separate sale or rent.
- Subject to the completion of the Legal Agreement and proposed conditions the Highway's impact of the development is acceptable.
- 7.11 Urban design, access and security**
- Not applicable as this is not an application for planning permission.
- 7.12 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 Council's Flood and Water Management Officer has reviewed the application and following the submission of amended details has confirmed they have no objections to the application.
- 7.18 Noise or Air Quality Issues**
- Noise from Commercial Premises
The Council's Environmental Protection Unit have reviewed the proposal in terms of the potential detrimental impact from noise generated externally from the site. Following

confirmation from the applicant (via email on 03/10/17) that the proposed mechanical ventilation that will be fitted in the proposed residential flats will be in line with BS 4142 and is at least 5dB below the background noise level, no objections to the development are raised with regards to the noise from commercial properties.

Contamination

The Council's Environmental Protection Unit have reviewed the submitted documents in terms of the risk of contamination and have raised no objections to the proposal subject to the attachment of an appropriate condition.

The proposal is therefore acceptable in terms of contamination.

7.19 Comments on Public Consultations

One objection to the proposal has been received from an adjacent occupier stating:

'We are the freehold owners of Waterside House, Uxbridge which is the neighbouring property to Dolphin Bridge House. In a Transfer dated 20 January 1981 a restrictive covenant was imposed on Dolphin Bridge House in the following terms:

'No buildings other than factories or light industrial buildings or warehouses or workshops or office with or without garages and ancillary buildings or Do-It-Yourself Centres or garden centres or wholesale or retail Cash and Carry Warehouses or any other buildings usual or acceptable on an Industrial Estate shall at any time be erected on any part of the Land- '

The proposed change of use to residential units will be breach the said covenant, from which our property Waterside House benefits. We intend to enforce the relevant covenant, and accordingly object to the application for prior approval.'

Case Officer's comments:

The objection is noted, however the issue raised is a civil legal matter and is not a material planning consideration.

7.20 Planning obligations

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

1. Contribution towards improvements to the local highway network/public realm with an upper limit of £55,734.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

Legal Comments:

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 seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 41 self contained flats, 52 car parking space and provision of cycle parking.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required.

The application has been assessed against the relevant criteria and subject to conditions

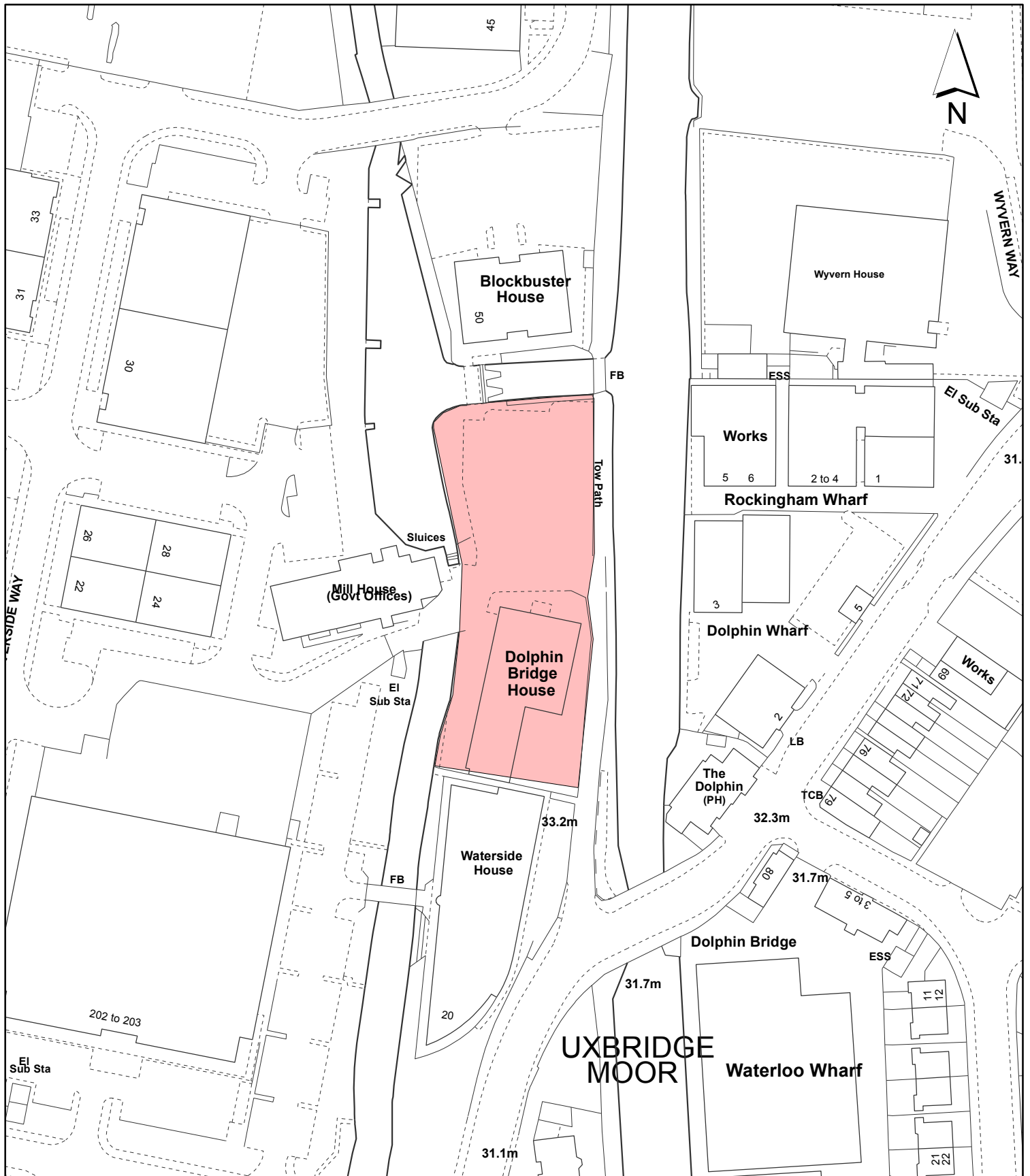
and the securing of highway/public realm obligations through a Section 106 Legal Agreement, prior approval is required and recommended to be granted.

11. Reference Documents

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

Contact Officer: Ed Laughton

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
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Site Address:

**Dolphin Bridge House
 Rockingham Road**

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

Planning Application Ref:
35248/APP/2017/3013

Scale:
1:1,250

Planning Committee:
Major

Date:
October 2017



HILLINGDON
 LONDON