Report of the Head of Planning, Sport and Green Spaces

Address WELLINGTON HOUSE, 4-10 COWLEY ROAD UXBRIDGE

Development: Prior Approval Application for the change of use from office accommodation

(Use Class B1a) to 43 residential units (Use Class C3).

LBH Ref Nos: 21755/APP/2017/3716

Drawing Nos: Transport Note KD/ARN/CM/adf/JNY9212-03

1725-BG-00-00-DR-A-10_101 Existing Site Plan

1725-BG-00-00-DR-A-10_201 Existing Ground Floor Plar 1725-BG-00-00-DR-A-20_201 Proposed Ground Floor Plar 1725-BG-00-01-DR-A-10_202 Existing First Floor Plan 1725-BG-00-01-DR-A-20_202 Proposed First Floor Plan 1725-BG-00-02-DR-A-10_203 Existing Second Floor Plan 1725-BG-00-02-DR-A-20_203 Proposed Second Floor Plan 1725-BG-00-03-DR-A-10_204 Existing Third Floor Plan 1725-BG-00-03-DR-A-20_204 Proposed Third Floor Plan

JAE9560 - Acoustic Feasibility Study 16.0468 - Pre Acquisition Survey Report

WIB11281-137 (JLL)-19595 - HSBC Wizard Screening Opinion

Date Plans Received: 11/10/2017 Date(s) of Amendment(s):

Date Application Valid: 20/10/2017

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 43 self contained flats, all of which would be studios and 1 bed flats. 21 car parking spaces will be allocated to the residential use, including 3 disabled spaces and 5 spaces provided with an electric vehicle charging point. Also proposed are 43 long stay cycle parking spaces and 2 short stay / visitor cycle parking spaces along with waste and recycling facilities.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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 2015 (as amended) 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 from commercial uses 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 an agreement for a public realm contribution and to prevent resident parking permits being applied for through a Section 106 Legal Agreement, prior approval is required and the application is recommended for approval.

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. Strategy for ceasing usage of all additional car parking on site over and above the 21 proposed off street car parking spaces.
- 3. Agreement that future occupants will not be able to apply 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 12th December 2017 (or such other time frame 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 to prevent additional highway impacts over and above the proposed 21 parking spaces, which could result in additional vehicular movements and corresponding adverse impact on the surrounding highway network given the existing additional car parking spaces across the site. 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 public realm improvement

contribution and agreement that future occupants will not be able to apply for car parking permits). 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 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).

2 NONSC Parking

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

- 1. 21 car parking spaces including visitor parking with markings
- 2. 3 parking spaces to be assigned for use by disabled persons and marked as such
- 3. 5 parking spaces to be supplied with active Electric Vehicle Charging points
- 4. 5 parking spaces to be supplied with passive Electric Vehicle Charging points
- 5. 1 motorcycle parking spaces
- 6. Secure and covered parking spaces to be provided for 43 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).

3 NONSC Noise Insulation from Commercial Uses

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. 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).

4 NONSC Non Standard Condition

- (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) If during development works asbestos is identified, an updated brief shall be submitted and an addendum to the remediation scheme shall be agreed with the Council prior to implementation.

REASON

To ensure that risks from any contamination to the future users of the site 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

Construction and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Anti-Social and Environment Department.

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

Wellington House is prominently situated on the Mahjacks roundabout at the North end of the Cowley Road, accessed from the main ring road (A4020). The property is situated approximately 350 metres from Uxbridge town centre. The areas immediately to the South and West of the building on the other side of the road are predominantly residential with industrial areas further West, beyond Frays River and River Colne. Wellington House is a modern four story office building in a prominent position on Cowley Road. The building is arranged around a central core providing office accommodation. The site currently has 36 on site car parking spaces. The existing building is a late 20th century red brick building

with regular repeating bays of horizontal windows. There is an existing entrance canopy to the front and some formal landscaping. The parking is predominantly to the rear of the building with a secondary entrance also to the rear of the building.

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 43 self contained flats, all of which would be studios and 1 bed flats. 21 car parking spaces will be allocated to the residential use, including 3 disabled spaces and 5 spaces provided with an electric vehicle charging point. Also proposed are 43 long stay cycle parking spaces and 2 short stay / visitor cycle parking spaces along with waste and recycling facilities.

3.3 Relevant Planning History

Comment on Relevant Planning History

21755/APP/2017/1651 - Creation of additional floor for use as office space, canopy to front and alterations to elevations and parking - Approved 14-07-17.

This consent has not been implemented and the building remains four stories in height.

4. Planning Policies and Standards

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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

NPPF10 NPPF - Meeting challenge of climate change flooding costal

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 39 local owner/occupiers and the application was also advertised by way of site notices.

No responses have been received.

Internal Consultees

HIGHWAYS - Connectivity

Vine Street connects Mahjacks roundabout with Uxbridge Town Centre at point midway along High Street. Vine Street is broken into two halves at the mini roundabout junction with Cricket Field Road. The section from Mahjacks roundabout to Cricket Field Road has office frontages and two-way working; the section from Cricket Field Road to where Vine Lane intersects with High Street is restricted to buses and cyclists only and has more of a town centre character. On the corner of High Street and Vine Street northbound is a bus stop providing services to Ruislip, Acton, West Dayton, Heathrow Terminals 2 and 3, Hayes and night services to Holborne.

A developer's contribution of £40,000 is sought to improve pedestrian access from the development site, Wellington House to Uxbridge town centre. Works will focus upon making the route accessible for all by remodelling layout of the Cricket Field Road mini roundabout to improve pedestrian safety and convenience when crossing the road. Works will also include resurfacing the footways, provision of tactile paving with dropped kerbs, removal of street clutter particularly those lamp columns and road signs that present a risk to visually impaired people. The width of the footways will also be widened where space permits.

The zebra crossing on the corner of Vine Street and High Street will also be remodelled to reduce the carriageway width in turn improving road safety by reducing the distance pedestrians need to cross in the live carriageway. As part of these works the opportunity will be taken to calm the speed of buses and improve the space used by passenger waiting at the bus stop on the corner of High Street and Vine Street northbound.

Cycle parking along Vine Street will also be reviewed both to remove clutter and provide cycle parking that is responsive to people's needs.

HIGHWAYS - Parking

The applicant's Transport Note suggests that the site has a PTAL of 2 (poor) but adjacent sites have a PTAL values of 5 (very good). I have interrogated the TfL Webcat PTAL Tool and it is clear that the site sits within a small area that is identified as PTAL value 2 (poor) and yet the site is only 400m walk from Uxbridge Railway and Bus stations.

On the basis of the above comments I would have no highways objection to the proposed on-site car parking allocation. If you are of a mind to approve this application I would like the condition relating to sale/rent of the proposed on site car parking to others applied. In addition I would like a S106 agreement restricting resident access to the adjacent controlled parking zone. I would also like a car park management plan conditioned to ensure the 10 parking spaces that are not allocated to residents on site are not sold or rented.

Case Officer's comments:

The suggested S106 Head of Term, including the public realm contribution, and conditions are recommended to be attached to any consent. It should be noted that the TfL Webcat Tool is a 'tool' only. In officer's opinion the site is considered very accessible and the application assessed accordingly.

ENVIRONMENTAL PROTECTION UNIT

I have taken a look at the submitted information. I have concerns over the possible issues of sound transmission through the property but this can be dealt with via condition. The initial design principles seem sound so therefore I do not want to object to the application but suggest the following conditions should the application be granted:

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise.

The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise and vibration.

Informative:

Construction and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Anti-Social and Environment Department.

Case Officer's comments:

As per the Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the only source of noise that the Local Planning Authority can take into consideration is that produced by commercial uses. Therefore the requested condition to limit noise generated from within the development is not an issue that the Local Planning Authority is permitted to consider as part of this type of application and therefore cannot be attached to any determination of the application. A condition is however suggested to be attached that protects future residents from noise generated from commercial uses.

FLOOD AND WATER MANAGEMENT OFFICER

The Change of use proposed is in Flood Zone 1 and there are no proposed changes to the ground floor. However please note, further alterations and or works to the car park should ensure that the car parking is made permeable in order to reduce run off from the site which flows to near by Cowley road and has flooded on numerous occasions.

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 2015 (as amended), 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

It is considered that the site (given its location adjacent to the town centre boundary) is very accessible notwithstanding the slightly surprising PTAL rating identified by TfL computer software.

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 Public Realm contribution of £40,000 and a strategy for ceasing usage of all additional car parking on site over and above the 21 proposed off street car parking spaces. This is because officers believe there to be additional car parking spaces across the red line site at present and the operation of the additional parking spaces in an uncontrolled manner could have an adverse impact on the surrounding highway network. In addition to prevent parking stress in the locality, an agreement that future occupants will not be able to apply for car parking permits is also required.

The Applicant has agreed to these obligations which would be secured through a S106 Legal Agreement.

Conditions are 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 and that these spaces are allocated to the approved development.

Subject to the completion of the Legal Agreement and proposed condition the Highway's impact of the development is acceptable.

The servicing arrangements for the site currently take place from within the existing car park, these would remain unchanged as part of the development proposals.

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 stated that the site is located in Flood Zone 1 and is not considered to be at risk from flooding according to the Environment Agency Flood maps. As there will be no changes to the footprint of the building, there is no objection to this proposal from a flooding perspective, in accordance with strategic policy EM6 of the Local Plan: Part 1 (2012); policy EM6 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012); and policy 5.12 of the London Plan (2016).

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit have reviewed the submitted documents in terms of the risk of contamination and have have raised no objections to the proposal. However a condition is recommended to be attached to any consent to protect future residents from contamination, such as asbestos, found during proposed works that is not addressed within the submitted details.

Subject to this condition the proposal is acceptable in terms of contamination.

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. As set out in Section 6 of this report, subject to a condition requiring details of how future occupiers will be protected from noise generated by adjacent commercial premises no objections have been raised.

The proposal is therefore acceptable in terms of noise.

7.19 Comments on Public Consultations

None received

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. Strategy for ceasing usage of all additional car parking on site over and above the 21 proposed off street car parking spaces.
- 3. Agreement that future occupants will not be able to apply 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 seeks prior approval for the Change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 43 self contained flats, all of which would be studios and 1 bed flats. 21 car parking spaces will be allocated to the residential use, including 3 disabled spaces and 5 spaces provided with an electric vehicle charging point. Also proposed are 43 long stay cycle parking spaces and 2 short stay / visitor cycle parking spaces along with waste and recycling facilities.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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 above criteria and subject to relevant conditions and the securing of an agreement for a public realm contribution, agreement to limit the use of the additional parking on the site and agreement to prevent resident parking permits being applied for through a Section 106 Legal Agreement, prior approval is required and the application is recommended for approval.

11. Reference Documents

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Contact Officer: Ed Laughton Telephone No: 01895 250230

