

Report of the Head of Planning, Transportation and Regeneration

Address WESTCOMBE HOUSE, 36-38 WINDSOR STREET UXBRIDGE

Development: Variation of Condition 1 (Parking) of planning application reference 13544/APP/2017/3388 (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/2018/1122

Drawing Nos: AAL-07-210-P01/
Westcombe House Cover Lette

Date Plans Received: 23/03/2018 **Date(s) of Amendment(s):**

Date Application Valid: 04/04/2018

1. SUMMARY

This application seeks to amend consent reference 13544/APP/2017/3388 for 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.

Under the consent 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.

The current application seeks to amend a condition under consent reference 13544/APP/2017/3388 to reduce the level of car parking on site. The application has been reviewed by the Council's Highway Engineer who is satisfied that the proposed variation to planning condition 1 would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

As such the application is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant planning permission, subject to:

A) That the Council enters into a Deed of Variation with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 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, season tickets and car park permits in existing and future expansion of Parking Management Schemes (excluding blue badge holders).

B) If the Legal Agreement have not been finalised by the 19/10/2018 or any other

date that may be agreed by the Head of Planning, Transportation and Regeneration, that delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission 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.'

C) The S106 Agreement remains valid and in force subject to the variations in this Deed.

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

1 NONSC Parking

Prior to occupation of the development, the following in accordance with drawing No. AAL-07-210-P01 Rev A shall be provided on site:

1. 2 Disabled parking spaces to be assigned for use by disabled persons and marked as such. These spaces shall also be provided with active Electric Vehicle Charging points.
2. 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 to amend consent reference 13544/APP/2017/3388 for 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.

Under the consented scheme 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 were proposed to be located within the existing hard surfaced parking area to the north of the building. The 8 on-site car parking spaces were secured via planning condition.

The current application seeks to amend the above proposal by varying the aforementioned parking related condition to allow a parking provision of 2 disabled/shared EVCP compliant on-site spaces in lieu of the 8 agreed spaces.

The previous condition stated:

'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).'

It is proposed to amend this condition to:

'Prior to occupation of the development, the following in accordance with drawing No. AAL-07-210-P01 Rev A shall be provided on site:

1. 2 Disabled parking spaces to be assigned for use by disabled persons and marked as such. These spaces shall also be provided with active Electric Vehicle Charging points.
2. 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).'

3.3 Relevant Planning History

13544/APP/2017/3388 Westcombe House, 36-38 Windsor Street Uxbridge

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

Decision: 25-10-2017 Approved

13544/APP/2017/4110 Westcombe House, 36-38 Windsor Street Uxbridge

Relocation doors and overhead canopy along with relocation and change of use of the telephone kiosks (Use Class Sui Generis) to an art exhibition (Use Class D1) and associated works including the installation of a solar blind to third floor level and safety railings for maintenance

Decision:

13544/APP/2017/4639 Westcombe House, 36-38 Windsor Street Uxbridge

Conversion of undercroft parking to provide 2 x 1-bed flats and 5 x studio flats with associated alterations

Decision: 16-02-2018 Refused

Comment on Relevant Planning History

13544/APP/2017/3388 - Prior Approval application for the change of use from office

accommodation (Use Class B1(a)) to 33 residential units (Use Class C3) - dated 21-11-17.

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:

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:- **30th May 2018**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

16 neighbouring owner/occupiers were consulted on 26.04.18. No responses were received.

Internal Consultees

HIGHWAYS

The site is located off the High Street within Uxbridge Town Centre. The site attained Prior Approval in 2017 (13544/APP/2017/3388) for a change of use from B1(a) to C3 use class consisting of 33 flatted units. 8 on-site car parking spaces were to be provided which includes 2 disabled compliant bays and 4 Electric Vehicle Charging Point (EVCP) provisions (2 active/2 passive). These attributes were secured via planning condition. The PTAL for the site is rated as 5 and borders on an area equating to 6a making the site highly accessible by public transport.

Parking Provision

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards. It is now proposed to vary the aforementioned parking related condition to allow a parking provision of 2 disabled/shared EVCP compliant on-site spaces in lieu of the 8 agreed spaces. The Prior Approval's accepted lower provision of 8 spaces reflected the high site PTAL which inherently encourages the use of sustainable travel modes in lieu of the private motor vehicle. To encourage this aim the site address was also recommended to be made 'Resident Permit Restricted' in order to prevent future occupiers from obtaining resident parking permits for the local area and this was secured via a Unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (TCPA) 1990.

This arrangement is to remain. The proposed reduction of parking spaces from 8 to 2 'dual use' spaces supports the philosophy of further encouraging the use of sustainable site-borne travel modes which is looked upon favourably within the context of reduced traffic movements/congestion and the resultant positive impact on air quality. On this premise the proposed condition variation is therefore considered appropriate.

Cycling Provision

In terms of cycle parking there would be still be a requirement to provide at least 1 secure and accessible space for each of the flatted units. This would total 33 new spaces which the applicant has exceeded by providing a minimum of 35 which is considered acceptable.

Conclusion

The application has been reviewed by the Highway Engineer who is satisfied that the proposed variation to planning condition 1 would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

ENVIRONMENTAL PROTECTION UNIT

As the condition is a variation on parking, I have no comments to make and do not object the variation as there are no noise impacts associated with the variation.

FLOOD AND WATER MANAGEMENT

There are no comments on the alteration of the use of car parking space for disabled persons and further bicycle provision.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has been established under consent reference 13544/APP/2017/3388 under Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016, which allows that 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.

The prior approval proposal fell 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 did not seek 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, a 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 application was 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 was not required.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Not applicable to this application.

7.08 Impact on neighbours

Not applicable to this application.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The application has been reviewed by the Council's Highway Engineer who is satisfied that the proposed variation to planning condition 1 would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

The proposed changes to parking provision are not considered to impact on flooding or draining issues. The Council's Flood and Water Management Officer was consulted on the

proposals and raised no objections.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit were consulted on the proposals and they have confirmed that they have no objection to the proposed changes to Condition 1.

7.19 Comments on Public Consultations

None received

7.20 Planning Obligations

In order to mitigate against the impact of the consented prior approval proposals, the following obligations were secured:

1. Public Realm Contribution of £40,000.
2. Agreement to ensure that future occupants will be prohibited from applying for car parking permits.

It is recommended that a Deed of Variation is secured to the Legal Agreement attached to the previous consent to ensure that the same obligations are secured.

7.21 Expediency of enforcement action

Not applicable

7.22 Other Issues

None

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations

must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

None

10. CONCLUSION

The current application seeks to amend a condition under consent reference 13544/APP/2017/3388 to reduce the level of car parking on site. The application has been reviewed by the Council's Highway Engineer who is satisfied that the proposed variation to planning condition 1 would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016), subject to appropriate conditions and planning obligations.

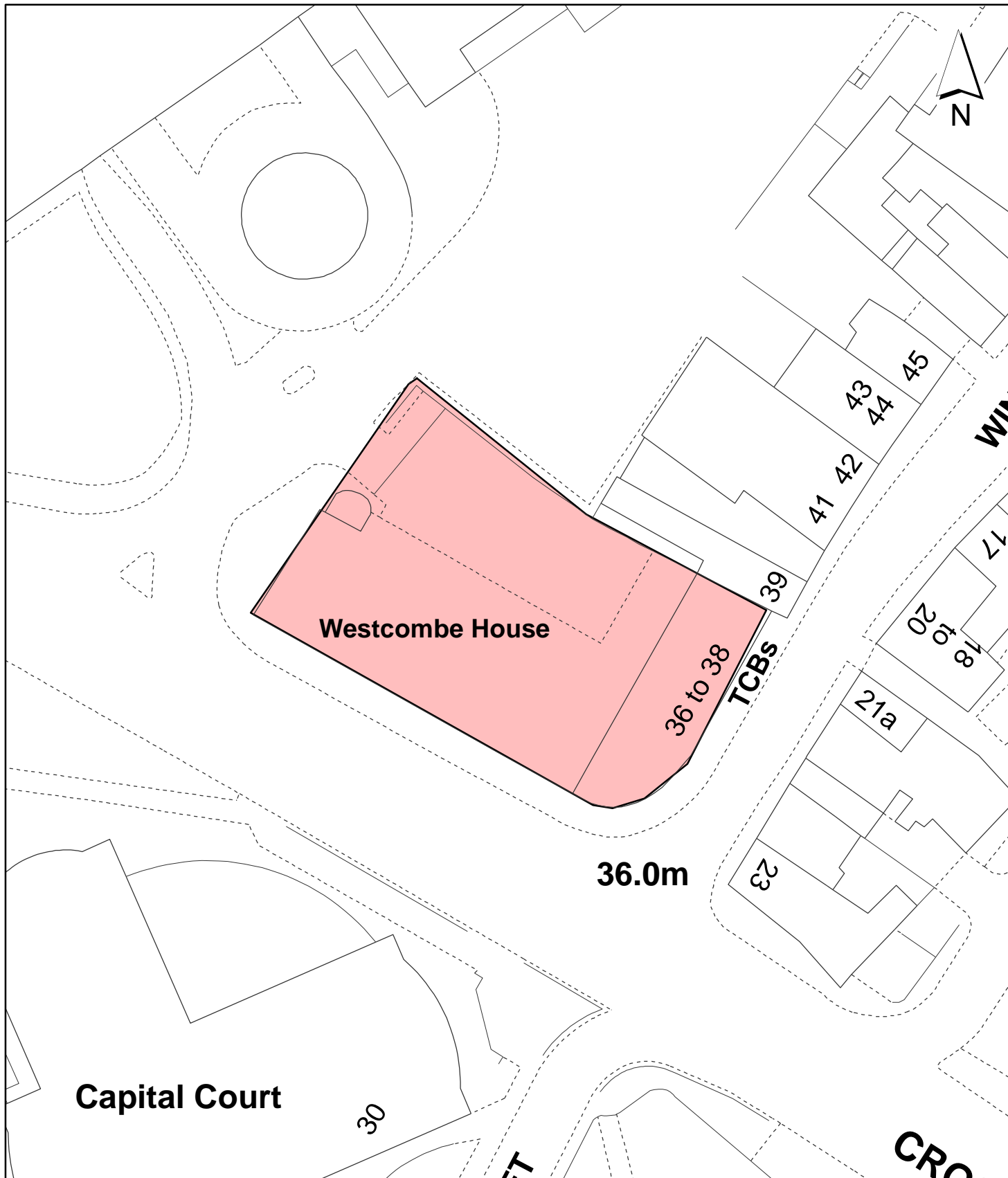
As such the application is recommended for approval.

11. Reference Documents

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

Contact Officer: Ed Laughton

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	Planning Committee Major Application	Date June 2018	



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LONDON