

## Report of the Head of Planning, Transportation and Regeneration

**Address** SECURITAS HOUSE (FORMERLY LOVELL HOUSE) HIGH STREET  
UXBRIDGE

**Development:** Variation of condition 1 (parking) of prior approval Ref: 32215/APP/2016/4037 dated 28/12/2016 (change of use of existing office building to 31 self-contained apartments), in order to amend the on-site parking requirement

**LBH Ref Nos:** 32215/APP/2018/844

**Drawing Nos:** AAL-17-157-P02 location plan  
LOVELL-00-01 Rev. F Basement  
LOVELL-00-02 Rev. H Ground  
LOVELL-00-03 Rev. G First  
LOVELL-00-04 Rev. G Second  
LOVELL-00-05 Rev. H Third  
160813/TS/TS/KBL/01/A Transport Statement  
160813/FRA/JR/KTP/01/A Flood Risk Assessment  
160813/ES/TS/KTP/01/A Environment Statement  
FLU.671.02 Rev. A  
Lovell House - Cover Letter

<b>Date Plans Received:</b>	05/03/2018	<b>Date(s) of Amendment(s):</b>	13/03/2018
<b>Date Application Valid:</b>	05/03/2018		08/11/2016 05/03/2018

### 1. SUMMARY

Prior approval was granted for change of use of this office building from (B1(a) Use Class to flats under Schedule 2 Part 1 Class O of the Town and Country Planning) General Permitted Development) Order 2015 (as amended) on 7 November 2016. In addition, a single storey extension with external alterations to the existing office building to provide an extra floor accommodating 7 residential units was approved in 2018, both of which are currently under construction.

Condition 1 of the prior approval requires the provision of 18 on-site parking spaces. It is now proposed to revise the aforementioned parking related condition to allow a parking provision of 2 disabled/EVCP compliant on-site spaces in lieu of the 18 included within the current condition, resulting in a loss of 16 spaces.

The principle of a car free development in this location, with a PTAL of 5, is acceptable.

Approval is recommended accordingly, subject to the revised wording of condition 1. A Unilateral Undertaking has been submitted which ensures that no occupiers of the development would have access to parking permits in the area, apart from blue badge holders.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

1 B8 Parking

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

1. 2 Disabled parking spaces to be signed 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 parking spaces to be provided for 34 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 Non Standard Condition**

In accordance with the Unilateral Undertaking dated 12/12/2018, with the exception of residents entitled to blue badge parking, no resident of the building for the 31 units allowed under prior approval ref:32215/APP/2016/4037 shall obtain a resident's parking permit within a controlled parking area in the surrounding area.

#### REASON

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the high level of on-street car parking stress in the area, in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **4 NONSC Servicing and Refuse Collection Plan**

Prior to occupation of the development, a Servicing and Refuse Collection Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, servicing and collection shall be carried out as agreed within this approved plan unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To ensure appropriate servicing of the site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policy 6.3 of the London Plan (2016).

### **5 H14 Flood and Water Management Scheme**

Prior to occupation of the development, a Flood and Water Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Water Management Scheme shall include the following:

a) Suds features:

- i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set

out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,

ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,

iii. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, ( safe access and egress must be demonstrated).

b) Capacity of Receptors

i. Capacity demonstrated for Thames Water foul and surface water network, and provide confirmation of any upgrade work required having been implemented and receiving watercourse as appropriate.

ii. Where infiltration techniques (soakaway) or a basement are proposed a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate).

iii. Where groundwater is found within the site and a basement is proposed suitable mitigation methods must be provided to ensure the risk to others is not increased.

iv. identify vulnerable receptors, ie WFD status and prevent pollution of the receiving groundwater and/or surface waters through appropriate methods;

c) Minimise water use.

i. incorporate water saving measures and equipment.

ii. provide details of how rain and grey water will be recycled and reused in the development.

d) Long Term Management and Maintenance of the drainage system.

i. Provide a management and maintenance plan

ii Include details of Inspection regimes, performance specification, (remediation and timescales for the resolving of issues where a PMC).

iii Where overland flooding is proposed, the plan should include the appropriate actions to define those areas and actions required to ensure the safety of the users of the site should that be required.

iv. Clear plans showing all of the drainage network above and below ground. The responsibility of different parties such as the landowner, PMC, sewers offered for adoption and that to be adopted by the Council Highways services.

f) From commencement on site

i. How temporary measures will be implemented to ensure no increase in flood risk from commencement on site including any clearance or demolition works.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

## REASON

To minimise the impact of flooding on the proposed development and future occupants and to ensure the development does not increase the risk of flooding, in accordance with policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), policy 5.13 of the London Plan (March 2016), and National Planning Policy Framework (March 2012).

## 6 NONSC Sound insulation and ventilation scheme

Prior to commencement of development, a sound insulation and ventilation scheme for protecting the proposed development from road traffic, rail traffic and noise from adjoining retail units shall have been submitted to and approved in writing by 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 are not adversely affected by road traffic, rail traffic and noise from retail units adjoining the development in accordance with policy OE5 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

NB. This condition has been discharged under ref: 32215/APP/2017/2326.

#### 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

The site does not appear to have had a contaminative use according to our maps and is not identified in our contaminated land strategy. The submitted report is a desk study so we do not have a report on the actual soil conditions. However, the report assesses the risks on the basis of known information on the site such as the recent and older historic uses. There were unknown buildings on the site on older historic maps. The report provides a risk assessment and intrusive investigations are not recommended as long as there is no demolition and rebuild. In this case, contaminated land investigations would be needed to assess the ground quality. The report that accompanies this application brings the developer's attention to the possibility of asbestos in the building structure and recommends an asbestos survey prior to conversion. Although outside of the contaminated land investigations this is recommended for any old office building being converted to residential. The consultant also recommends a hot spot protocol if there are excavations (basically inspecting the excavations).

Should any contamination issues arise, please contact the Environmental Protection Unit

on 01895 277018 if you require any advice.

### 3

The applicant is advised that the Unilateral Undertaking which has been submitted with this application ensures that no occupiers of the development would have access to parking permits in the area, apart from blue badge holders.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The site comprises a four storey vacant office building which is located south of High Street, Uxbridge. The site is set back from the High Street, behind a mixed-use building (No. 268-270 High Street), with vehicular and pedestrian access provided on both sides of the frontage building.

The site is situated within the Uxbridge Metropolitan Town Centre and is located on the edge of the Old Uxbridge/Windsor Street Conservation Area. To the North, Intu Shopping Centre occupies a significant proportion of the Conservation Area. The High Street retains a number of buildings of heritage value, including a row of 18th and 19th Century Buildings at Nos. 273, 278, 279, 280, and 280a High Street, which are Locally Listed and No.274 High Street, which is Grade 2 Listed. Also, opposite the Civic Centre, the 'Norman Reeves Motors' building is Grade II Listed.

To the west, there is the Randall's department store on Vine Street which is Grade II Listed. To the south, there is a relatively modern 5 storey office building with a multi-storey car park abutting the application site. To the east, Hillingdon Council's Civic Centre comprises a 4 storey office building exclusive of lower ground and basement levels. This building falls outside the Old Uxbridge/Windsor Street Conservation Area. However, it is statutory grade 2 Listed.

The application site has a PTAL rating of 5, which indicates that there is good public transport provision locally.

### 3.2 Proposed Scheme

The site attained prior approval in 2016 for a change of use from B1(a) to C3 use class consisting of 31 flatted units. 18 on-site car parking spaces were to be provided which includes 3 disabled compliant bays and 2 Electric Vehicle Charging Point (EVCP) provisions. These facilities were secured via condition 1 of the prior approval.

It is now proposed to revise the aforementioned parking related condition to allow a parking provision of 2 disabled/EVCP compliant on-site spaces, in lieu of the 18 included within the current condition, resulting in a loss of 16 spaces.

To achieve this, condition 1 will need to be varied to the following:

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

1. 2 Disabled parking spaces to be signed 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 parking spaces to be provided for 34 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).

To ensure that the development will not lead to undue parking stress on surrounding roads, a Unilateral Undertaking has been submitted with this application to ensure that no occupiers of the development apart from Blue Badge holders would have access to parking permits.

### 3.3 Relevant Planning History

32215/APP/2016/4037      Securitas House (Formerly Lovell House) High Street Uxbridge  
Change of use of existing office building (B1(a) Use Class) to 31 self-contained apartments (Class C3).

**Decision:** 28-12-2016      Approved

32215/APP/2017/2677      Securitas House (Formerly Lovell House) High Street Uxbridge  
Single storey extension with external alterations to the existing office building to provide an extra floor accommodating 7 residential units, comprising 4 x studios and 3 x 1-bedroom units, involving demolition of existing roof.

**Decision:** 14-11-2017      Approved

32215/APP/2018/1276      Securitas House (Formerly Lovell House) High Street Uxbridge  
Details of secure by design in compliance with condition 7 of planning permission ref:32215/APP/2017/2677 dated 14 November 2017 (Single storey extension with external alterations to the existing office building to provide an extra floor accommodating 7 residential units, comprising 4 x studios and 3 x 1-bedroom units, involving demolition of existing roof)

**Decision:**

32215/APP/2018/501      Securitas House (Formerly Lovell House) High Street Uxbridge  
Conversion of existing undercroft parking and basement to provide 7 (2 x studios, 4 x 1-bedroom and 1 x 2-bedroom) residential units with associated works.

**Decision:**

#### Comment on Relevant Planning History

Prior Approval Ref:32215/APP/2016/4037 was given for conversion of the existing office to 31 residential units. Details pursuant to the discharge of the pre commencement condition relating to sound insulation have been approved.

32215/APP/2017/2677

Single storey extension with external alterations to the existing office building to provide an extra floor accommodating 7 residential units, comprising 4 x studios and 3 x 1 bedroom units, involving demolition of existing roof. Approved 14-11-17.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.EM6 (2012) Flood Risk Management

PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

AM14 New development and car parking standards.

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

EM6 (2012) Flood Risk Management

OE5 Siting of noise-sensitive developments

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 6.3 (2016) Assessing effects of development on transport capacity

LPP 6.9 (2016) Cycling

LPP 6.13 (2016) Parking

LPP 7.15 (2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

SPD-NO Noise Supplementary Planning Document, adopted April 2006

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

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

#### **6. Consultations**

##### **External Consultees**

13 adjoining premises were consulted. No responses were received.

##### **Internal Consultees**

HIGHWAY ENGINEER

Site Characteristics and background

The site is located off the High Street within Uxbridge Town Centre and it is situated adjacent to the Council's Civic Centre. The site attained prior approval in 2016 for a change of use from B1(a) to C3 use class consisting of 31 flatted units. 18 on-site car parking spaces were to be provided which includes 3 disabled compliant bays and 2 Electric Vehicle Charging Point (EVCP) provisions. These attributes were secured via a 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 remove/revise the aforementioned parking related condition to allow a parking provision of 2 disabled/EVCP compliant on-site spaces in lieu of the 18 included within the current condition resulting in a loss of 16 spaces.

It is noted that a concession has already been made with regard to accepting a lower 0.6 parking ratio for the extant prior approval which is set well below the Council's parking standard and would have normally required a parking quantum in the region of up to 47 spaces. The prior approval's accepted lower provision of 18 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 is recommended to be made 'Resident Permit Restricted', in order to prevent future occupiers from obtaining resident parking permits for the local area and this is to be secured via a Unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (TCPA) 1990.

The proposed reduction of parking spaces from 18 to 2 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 31 new spaces which the applicant has accepted and demonstrated.

#### 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).

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended 2016) gives permitted development rights to allow for changes of use from Class B1(a) office to Class C3 residential without the need for planning permission.

The principle of the development has been established under the original prior approval



granted for change of use of the existing office building (B1(a) Use Class to flats under Schedule 2 Part 1 Class O of the Town and Country Planning) General Permitted Development) Order 2015 (as amended) on 07 November 2016 (Application Ref: 32215/APP/2016/4037). Work has started on the conversion and as such, the prior approval can be considered as implemented.

Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (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.

For consideration of these matters, please see the relevant sections of this report below.

With respect to prior approvals being considered as formal Planning Permissions which can be amended accordingly, the following legal judgement is considered relevant:

In *Pressland v Hammersmith and Fulham LBC* [2016] EWHC 1763 (Admin) ("the Pressland Case") the applicant had applied to Hammersmith and Fulham LBC (the Council") for prior approval for a change of use of a London office building to three flats under Class O of the GPDO. The Council granted prior approval subject to 14 conditions. 11 weeks later, the applicant applied under Section 73 of the TCPA to remove 8 of the prior approval conditions.

The Council refused to entertain the application on the basis that a Section 73 application could only be made in respect of conditions imposed on the grant of a planning permission. In the Council's view, conditions imposed on the grant of prior approval were not conditions of the planning permission itself, they were conditions of the prior approval.

Furthermore, the Council considered that Section 73 is only available to "previous planning permissions" granted on an application to the Council excluding permissions granted by a development order. Mr Pressland judicially reviewed this decision and the High Court ruled in his favour.

#### The Decision

The Court held that permissions were granted subject to conditions that could be imposed either when the permission, or any subsequent approval, was granted. Conditions imposed on the grant of prior approval could, therefore, be the subject of an application under Section 73 to remove them.

Secondly, that the application of Section 73 was not limited to permissions expressly granted by the LPA. It matters not, how the permission was granted and accordingly deemed planning permission granted by way of a development order is "a previous planning permission" to which Section 73 applies.

As therefore defined by the Judgement, a prior approval is a decision like any other Planning Permission, which can be amended and altered/superseded by a further planning permission.

**7.02 Density of the proposed development**

Not applicable to this application. The proposal relates to the level of on-site parking only.

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

There will be no changes to the built form. These matters are not relevant to the determination of this application.

**7.04 Airport safeguarding**

There are no airport safeguarding considerations relevant to this application.

**7.05 Impact on the green belt**

The site is not located within or adjacent to any green belt. Therefore, this is not a relevant consideration for the determination of the proposal.

**7.06 Environmental Impact**

The Council's Environmental Health Officer considered the proposal as part of the original prior approval and raised no objection with regard to contamination. No material changes are proposed as part of the current application with regard to contamination issues. Subject to an informative, the proposal is acceptable in this regard, in accordance with policy OE11 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policy 5.21 of the London Plan (2016).

**7.07 Impact on the character & appearance of the area**

There is no impact on the street scene. There will be no changes to the built form.

**7.08 Impact on neighbours**

There is no impact on neighbours. This application relates to a reduction of off-street parking spaces and there are no immediate residential neighbours.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Local requirements in relation to impacts on traffic demand, safety and congestion are set out in Local Plan Part 2 policy AM7 which states:

The LPA will not grant permission for developments whose traffic generation is likely to:

- (i) unacceptably increase demand along roads or through junctions which are already used to capacity, especially where such roads or junctions form part of the strategic London road network, or
- (ii) prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

The justification in the reduction of parking has been set out in the Highway Engineer's comments above. The surrounding area is served by good public transport facilities with Uxbridge Underground Station and a number of bus services available within easy walking

distance. Streets in the surrounding area have footways and there is generally good cycling infrastructure in the area.

The proposals are for a car free development, apart from operational disabled parking. As such, the scheme includes a total of 2 disabled car parking spaces. The surrounding parking streets are within a parking management area, where parking is allowed by way of a permit. In order to ensure the development is 'car free', it is recommended that the residents of this development not to be eligible for parking permits, apart from Blue Badge holders. This can be secured as an obligation within the submitted Unilateral Undertaking and as a charge against the site, to ensure the future buyers are aware of the parking restrictions. A Unilateral Undertaking has been submitted securing the above.

The car parking layout for the 2 disabled parking bays is acceptable. Adequate cycle storage provision of 34 on-site spaces will be maintained. The Council's Highways Engineer has raised no objection to the level of car parking.

Overall, it is considered that the proposal to reduce the amount of on-site parking strikes the requisite balance between parking restraint, to promote alternative travel modes and the provision of adequate parking. It is considered that safe and suitable access to the site can be achieved and the residual cumulative impacts of the reduction of on-site parking are not so severe as to prevent or refuse the proposed development on transport grounds, in compliance with with Local Plan Part 2 Saved Policies AM14 and AM15, relevant London Plan policies and the NPPF.

#### **7.11 Urban design, access and security**

There are no urban design issues associated with this application.

#### **7.12 Disabled access**

A total of 2 disabled car parking spaces will be maintained as part of the development

#### **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**

2 electric vehicle charging points will be provided The proposal would not alter the development in terms of renewable energy/sustainability from the scheme previously allowed within the original prior approval.

#### **7.17 Flooding or Drainage Issues**

The site has the potential to suffer from surface water flooding. The Council's Flood and Water Management Officer did not raise an objection to the proposed change of use under the original prior approval, subject to a condition to agree and implement a Flood and Water Management Scheme that safeguards future residents and neighbouring properties from the risk of flooding. On this basis, the proposal is considered acceptable with regards to flooding and water management, 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**

IMPACTS OF NOISE FROM COMMERCIAL PREMISES ON THE INTENDED OCCUPIERS OF THE DEVELOPMENT

Under the original prior approval, the Council's Environmental Protection Officer considered the proposal from a noise perspective in terms of the quality of the accommodation. No objection was raised, subject to condition to safeguard the amenity of future occupiers. The proposal would result in no additional impacts on noise over those allowed within the original prior approval.

Subject to this condition, the proposal would be considered acceptable in terms of noise for future occupiers, in accordance with strategic policy EM8 of the Local Plan: Part 1 (2012); the Council's Noise Supplementary Planning Document; and policy 7.15 of the London Plan (2016).

#### AIR QUALITY

The proposed reduction of parking spaces from 18 to 2 spaces supports the philosophy of 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.

#### **7.19 Comments on Public Consultations**

No comments have been received.

#### **7.20 Planning obligations**

A Unilateral Undertaking has been submitted in order to ensure that the residents of this development are not to be eligible for parking permits, apart from Blue Badge holders.

#### **7.21 Expediency of enforcement action**

There are no enforcement issues associated with this site.

#### **7.22 Other Issues**

There are no other issues relating to this application.

### **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**

Not applicable.

## **10. CONCLUSION**

The principle of the change of use of the building to residential accommodation has already been established by virtue of the extant prior approval. This S73 application seeks minor material amendments comprising a reduction of on-site parking provision.

Overall, it is considered that the proposal to reduce the amount of on site parking strikes the requisite balance between parking restraint, to promote alternative travel modes and the provision of adequate parking.

Given the various considerations set out above, prior approval is required and should be given subject to conditions in relation to noise, water management and parking.

## **11. Reference Documents**

The Hillingdon Local Plan: Part 1- Strategic Policies (8th November 2012)

Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)

London Plan 2016

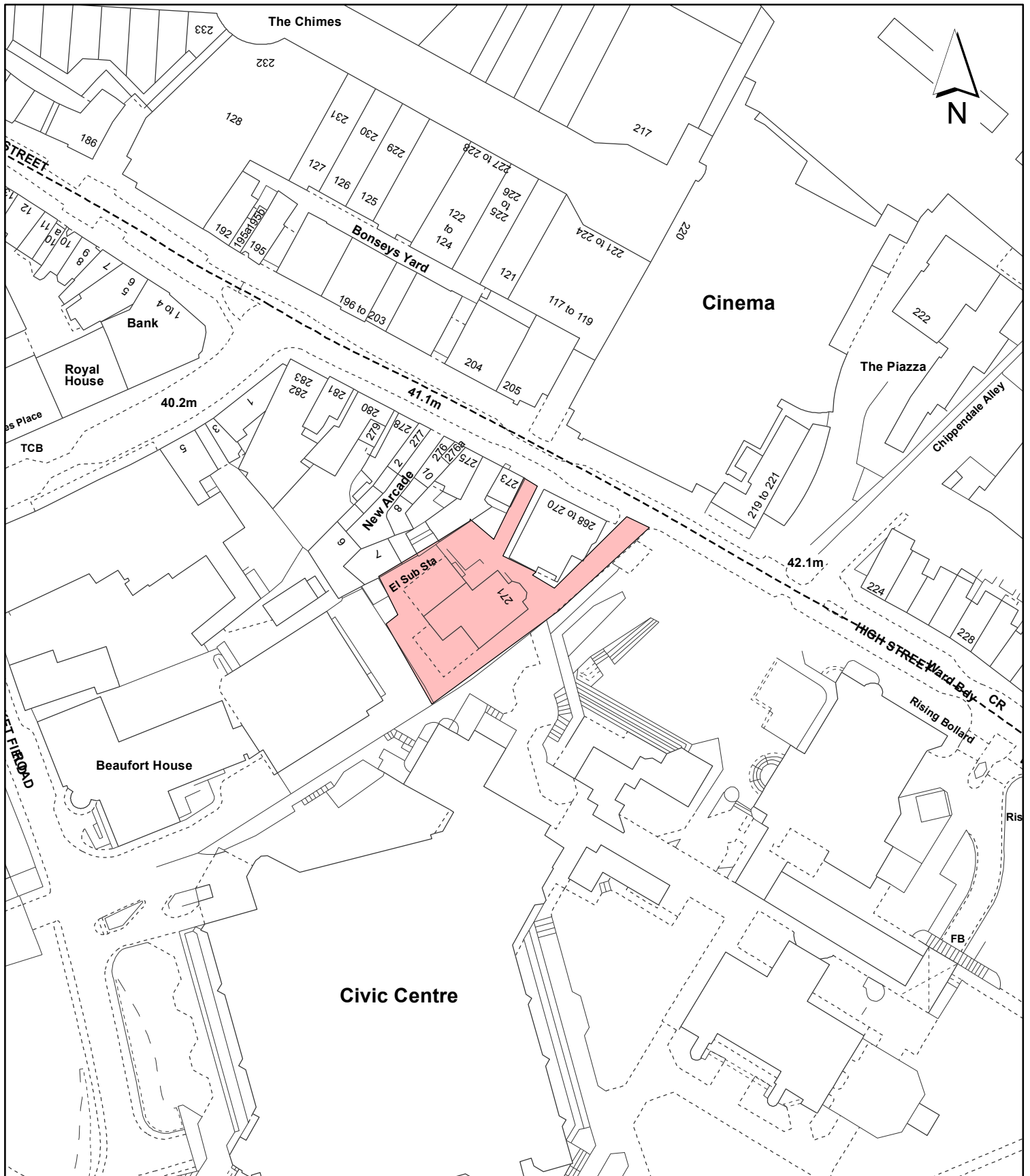
National Planning Policy Framework (NPPF)

Hillingdon Supplementary Planning Document: Accessible Hillingdon (January 2010)

Pressland v Hammersmith and Fulham LBC [2016] EWHC 1763 (Admin)

**Contact Officer:** Karl Dafe

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**Notes:**

 Site boundary

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**LONDON BOROUGH  
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Planning Application Ref:  
**32215/APP/2018/844**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**January 2019**

