

Report of the Head of Planning, Transportation and Regeneration

Address CARDINAL BUILDING, HIGHPOINT VILLAGE STATION APPROACH HAYES

Development: Change of use of mezzanine level used as office (Use Class B1) to provide 1 x studio flat and change of use of ground floor from retail (Use Class A1) to Mixed Use (A1, A2, A3, B1 and D1) involving alterations to elevations

LBH Ref Nos: 10057/APP/2018/2257

Drawing Nos: T(20)P102
T(10)P00
T(10)P00M
T(20)E01
T(20)P00
T(20)P00M
Design and Access Statement
T(20)P103
Covering Letter/Statement (Ref: RB//JRP6805)

Date Plans Received: 19/06/2018 **Date(s) of Amendment(s):**

Date Application Valid: 02/07/2018

1. SUMMARY

The application seeks change of use of the mezzanine level floor of an existing single ground and mezzanine level office unit, that is vacant, into a studio flat of (45.7sq.m) and allow a flexible use at ground floor for existing retail unit to A1, A2, A3 B1 and D1 use.

It is considered that the proposal would provide an appropriate use within a town centre location suitable for this secondary shopping area. The proposed use would contribute to the vitality and viability of the centre and would not result in an undue concentration of non-A1 retail units. Furthermore the proposal would not detract from the residential amenities of neighbouring properties, would not result in an incongruous form of development within the street scene and would not detract from highway or pedestrian safety.

The proposed residential unit at mezzanine level would retain an active street frontage to the public square at ground floor, thus would not compromise the urban design function of the square, and indeed retain the public 'draw' in terms of potential footfall/activity into the public square, through the retained presence of the use at ground floor. The scheme is considered would provide an adequate standard of amenity to future occupants of the flat and for these reasons it is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers T(20)P00, T(20)P00M, T(20)E01 and T(20)P102 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the of the Hillingdon Local Plan: Part One and Part 2 (November 2012)

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Design and Access Statement - material treatment of the elevation.

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

REASON

To ensure that the development complies with the objectives of Policy BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012),

4 COM16 Scheme for site noise control

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the ground floor and the mezzanine level and vice versa and between the new office space and the studio flat has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of physical measures and quantifiable details of the future noise limit insulation outcomes between the planning units as may be approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012),

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE26	Town centres - design, layout and landscaping of new buildings
BE32	Development proposals adjacent to or affecting the Grand Union Canal
H8	Change of use from non-residential to residential
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops
LPP 7.5	(2011) Public realm
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes

3 I5 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

4 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated within the major High Point Village development on the site of the former Hayes and Harlington Goods Yard situated next to the Hayes and Harlington railway station that will become a Crossrail Station from 2018.

The existing vacant retail premises formed a constituent part of the comprehensive redevelopment scheme for the former goods yard site that occupies an area of over 2 hectares and received full planning permission on Appeal (10057/APP/2007/3674) for 576 residential flats, an apartment-hotel, retail (Class A1), financial & professional services (Class A2) and cafe/restaurant (Class A3/A4/A5) units, an exhibition/display area, management and marketing suite, health and fitness centre (Class D2), landscaped public square, communal gardens & underground parking.

The retail unit is located within the newly created public square that was completed with the express urban design purpose of providing an active public square/focal point to the redevelopment taken as a whole. Access into the public square is by foot through an undercroft walk way off Station Approach where there are other retail and other commercial units that form part of the Cardinal Point scheme. To the left of the communal entrance to Building Core 1, that would serve the new residential unit, is another smaller retail unit. The stairs meant to serve the existing mezzanine level to date has not been constructed

3.2 Proposed Scheme

The application seeks the change of use of a vacant ground floor retail unit (A1) to a flexible A1, A2, A3, B1 and D1 use and the mezzanine, which has a separate entrance to the ground floor unit, is in office use which is seeking planning permission for a C3 use in the Cardinal Building (Building B) into two independent planning units

The proposed studio within the mezzanine level would be 45.7sq.m net internal floor area with the living space on the upper level.

Access to the flat would be via an internal corridor serving Building B as a whole. The ground floor unit would have direct access from the public square. The ground floor and the residential unit would both be single aspect (west facing) with views provided to and from the public square to which it fronts.

The scheme would involve minor alterations to the existing single aspect elevation to seek to reducing the level of glazing.

3.3 Relevant Planning History

10057/APP/2012/2285 Cardinal Building, Highpoint Village Station Approach Hayes

Change of use to ground floor retail unit within the Cardinal Building (Building B) of High Point Village to residential (Use Class C3) comprising a studio unit and ancillary office space (to be used in conjunction with the management suite)

Decision: 06-12-2012 Refused

10057/APP/2012/2289 Cardinal Building, Highpoint Village Station Approach Hayes

Change of Use to mezzanine level retail unit situated in the Cardinal Building (Building B) of the High Point Village Development to a Residential Studio Unit (Class C3) and ancillary office space (to be used in conjunction with the management suite).

Decision: 08-01-2013 Approved

10057/APP/2012/2332 Cardinal Building, Highpoint Village Station Approach Hayes

Change of Use of Ground and Mezzanine Level retail unit situated in the Cardinal Building (Building B) of High Point Village to a Residential two bedroom duplex unit (Class C3) and ancillary office space (to be used in conjunction with the management suite)

Decision: 06-12-2012 Refused

10057/APP/2013/1129 Cardinal Building, Highpoint Village Station Approach Hayes

Application for approval of details in compliance with condition 4 (Scheme to protect residential units from noise generated in adjacent / adjoining commercial uses) of planning permission 10057/APP/2012/2289 dated 11/10/12.

Decision: 10-06-2013 Approved

10057/APP/2013/2084 Cardinal Building, Highpoint Village Station Approach Hayes

Change of use of ground level retail unit from Use Class A1 (Retail) to Use Class C1 (Hotels) or B1 (Business) for use as a serviced hotel apartment and office space involving alterations to elevations

Decision: 01-10-2013 Withdrawn

Comment on Relevant Planning History

The red line site forms part of the wider original redevelopment scheme, and its subsequent approved revisions, for the Hayes and Harlington Goods Yard. Specifically the red line application site forms a built element in the public square serving the much larger scheme that was intended to serve as the primary public realm space for this major mixed use regeneration scheme.

There have been other similar applications within the wider red line area of the site but none relevant to this site

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE26	Town centres - design, layout and landscaping of new buildings
BE32	Development proposals adjacent to or affecting the Grand Union Canal
H8	Change of use from non-residential to residential
OE1	Protection of the character and amenities of surrounding properties and the local area
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NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes

5. Advertisement and Site Notice

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

6. Consultations

External Consultees

None

Internal Consultees

Highways and Traffic Officer - no objections or recommended conditions
Access Officer - no objections or recommended conditions.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 states changes of use applications will be granted where: a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. The proposed external alterations to the building including alterations to the shop front and an external seating area would not appear out of keeping with the existing building or impact unduly on the visual amenities of the surrounding area. Loss of

residential amenity and highway issues are dealt with elsewhere in the report and as such, the proposal is considered to comply with all the criteria listed in Policy S6 of the Hillingdon Local Plan Part 2 Saved UDP Policies (November 2012).

Policy S12 relates to the provision of service uses within secondary shopping frontages and requires the remaining retail facilities to be adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including consumer interests and that the proposal will not result in a concentration of non-retail uses which might harm the viability or vitality of the centre. It further states that the Local Planning Authority will need to be satisfied that the use is appropriate to the role and function of the shopping centre and is likely to contribute to its attractiveness for shoppers.

It is considered that providing a flexible use of A1, A2, A3, B1 and D1 would provide an active frontage within these uses as it would encourage footfall and would allow for a vacant unit to become more marketable.

7.02 Density of the proposed development

The proposal involves change of use of a void to a single studio flat. The building already contains a number of studio flats and the development is not considered to raise any specific density issues.

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.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The application site opens directly onto the new public square which benefits from views of the canal on its northern side. Within the Design and Access Statement that accompanied the original approved re-development scheme (10057/APP/2005/1620) for the goods yard it was acknowledged the public square needed to have active frontages that encouraged high footfall and drew people in. On this basis, as the Committee Report to the original approved scheme records (10057/APP/2005/1620) the Council's Urban Design officer supported the overall scheme with explicit reference made to the scheme's general "coherent design approach; the provision of a rich and lively landscaped design; the provision of a high quality public square and courtyards" and an overall conclusion that these "are key qualities of the proposed scheme that will contribute a strong sense of place."

The proposed fenestration changes and the proposed flexible use is not considered to go against this urban design and planning history context and it is considered the proposal will allow for a vacant unit to become usable and provide the active frontage, which the scheme's bid to create an active and lively public square. It is considered this will result from the scheme:

- (i) As it would result in a vacant retail unit to become more marketable that if occupied would draw people into the public square and enliven the space,
- (ii) Would not lead to a fall in future footfall in the square:
- (iii) Would allow for the usual activity associated with a public square/ground floor 'street' frontage as these usual street activities would prove compatible with the requirements to safeguard the amenity of the future occupants of the single aspect residential unit from undue noise or intrusions into privacy.
- (iv) The proposed ground floor unit with a flexible use would create an active frontage than the vacant unit within the public square and draw people into and enliven the life of the square in the manner an occupied unit would do.

For the above reasons and set within the context of a ground floor scheme located within a within a designated town centre and with regard to the set urban design objectives of the square for the Hayes Goods Yard re-development scheme it is considered the scheme complies to be consistent with Policies BE13, BE15, BE19, BE26, BE32, BE38 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan.

7.08 Impact on neighbours

A set of single aspect residential flats are located on the first floor of Building B.

The change of use to residential at mezzanine level and flexible A1, A2, A3, B1 or D1 use is not considered to present any adverse amenity issues in terms of additional noise or other forms of disturbance to residential neighbours on the first floor of Building B and subject to adequate sound insulation between the ground level floor space and the mezzanine level (that can appropriately dealt with by planning condition) the scheme presents no amenity issue to the occupants to the retained retail unit at ground floor.

7.09 Living conditions for future occupiers

HDAS SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. Habitable rooms should have an adequate outlook and source of natural light.

The London Plan (2016) also provides minimum space standards for new development with 37 sq.m required for a studio flat. The proposed development would provide over 45 square metres for the flat, in accordance with Policy 3.5 of the London Plan (2016).

The flat would have no designated private external amenity space but will have access onto a large public square. The additional one flat is considered not to give rise to sufficient overuse of the communal area of the square to warrant recommending refusal of permission on this issue alone, thereby complying with HDAS: Residential Layouts paragraph 4.17.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed change of use is not considered will generate more traffic than the existing scheme and would not involve no physical changes to a highway or result in confined pavements accordingly the scheme is consistent with pedestrian and vehicular safety.

One car parking space would be provided for the residential unit within the existing undercroft car park to Highpoint Village scheme and the office unit would draw upon existing parking provision provided for the management of the wider development scheme.

With existing adequate off-street car parking provided within the Highpoint Village scheme, the proposed change of use is not considered to generate more traffic than the existing scheme and would not involve physical changes to a highway or result in confined pavements accordingly the scheme is consistent with pedestrian and vehicular safety.

7.11 Urban design, access and security

No issues arise

7.12 Disabled access

The Access Officer was consulted and no objections were raised.

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

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Neighbours were notified on 04/07/2018 and a site notice was displayed on 09/07/2018. No responses were received.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

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

Not applicable to this application.

10. CONCLUSION

It is considered that the proposal would provide an appropriate use within a town centre location suitable for this secondary shopping area. The proposed use would contribute to the vitality and viability of the centre and would not result in an undue concentration of non-A1 retail units. Furthermore the proposal would not detract from the residential amenities of neighbouring properties, would not result in an incongruous form of development within the street scene and would not detract from highway or pedestrian safety.

The proposed residential unit at mezzanine level would retain an active street frontage to the public square at ground floor, thus would not compromise the urban design function of the square, and indeed retain the public 'draw' in terms of potential footfall/activity into the public square, through the retained presence of the retail at ground floor. The scheme is

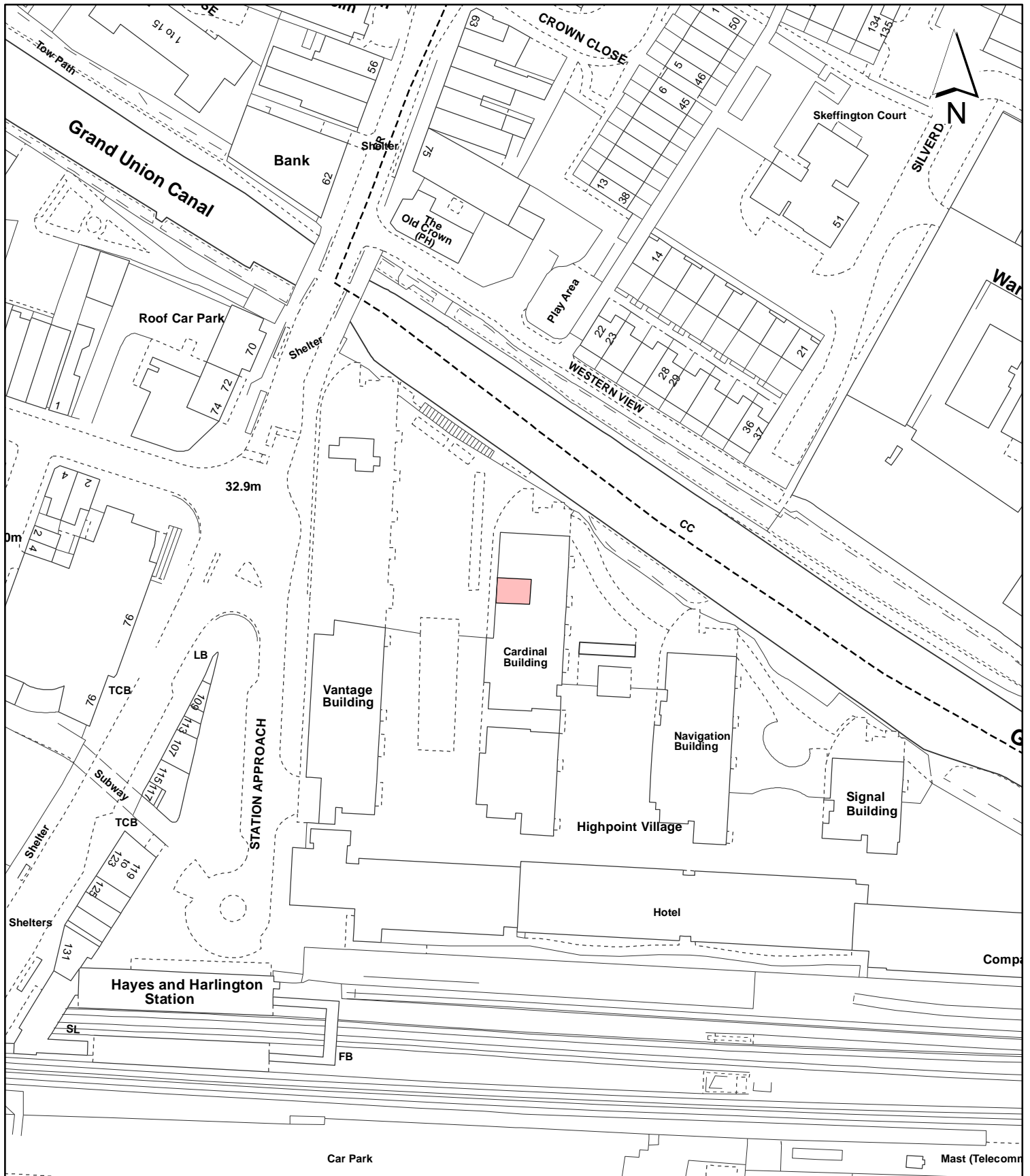
considered would provide an adequate standard of amenity to future occupants of the flat. For these reasons the scheme is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Technical Housing Standards - Nationally Described Space Standard
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Noise
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Cris Lancaster

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Notes:

 Site boundary

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Site Address: **Cardinal Building
 Highpoint Village
 Station Approach
 Hayes**

Planning Application Ref:
10057/APP/2018/2257

Planning Committee:
Central & South

Scale:
1:1,250

Date:
February 2019

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
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