

DELEGATED DECISION

**Prior Approval Application under Part 3, Class P of
The Town and Country (General Permitted
Development) (England) Order 2015**

**Class P – storage or distribution centre to
dwellinghouses**

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Katherine Mills

Signature:

Date: 5th December 2017

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

**Director / Member of Senior
Management Team:**

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD
BE USED IN THE PS2 RETURNS TO THE
ODPM

Report of the Head of Planning, Transportation and Regeneration

Address 44 WATERLOO ROAD UXBRIDGE

Development: Change of use from Use Class B8 (Storage or Distribution Centre) to Use Class C3 (dwellinghouse) for 6 x 1 bed flats (Prior Approval).

LBH Ref Nos: 1654/APP/2017/2801

Drawing Nos: Covering Letter/Planning Statement Updated October 2017
Transport Statement October 2017
Site Location Plan
Existing and Proposed Roof Plans
Proposed Ground Floor & First Floor Plan
Existing Ground Floor & First Floor Plan
Proposed Site Block Plan
Air Quality Assessment May 2017
Environmental Noise Survey and Noise Impact Assessment Report June 2017
Phase 1 Preliminary Risk Assessment
Flood Risk Report June 2017
JM043 - BPS - GA - 900 Proposed Ground Floor (incorporating Site Plan)

Date Plans Received:	28/07/2017	Date(s) of Amendment(s):	06/10/2017
Date Application Valid:	07/08/2017		31/07/2017
			23/11/2017

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL IS REQUIRED AND GIVEN

CONDITIONS

Notwithstanding the hereby approved drawing ref: JM043 - BPS - GA - 900, prior to occupation of the development, the following shall be provided on site:

1. 3 car parking spaces with markings
2. Secure and covered cycle parking spaces to be provided for 7 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 Two - Saved UDP Policies (November 2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

Notwithstanding the hereby approved drawing ref: JM043 - BPS - GA - 900, prior to occupation of the development, details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the storage shall be carried out as agreed and remain in perpetuity, unless otherwise agreed in writing by

the Local Planning Authority.

REASON

To ensure appropriate refuse storage is provided on site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 5.17 of the London Plan (2016).

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 Two - Saved UDP Policies (November 2012) and policies 6.3 and 6.13 of the London Plan (2016).

Prior to any works being carried out, a Phase 2 Environmental Site Investigation and an asbestos refurbishment survey shall be undertaken and the results shall be submitted and approved in writing by the Council.

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 Two - Saved UDP Policies (November 2012) and policy 7.21 of the London Plan (2016).

INFORMATIVES

- 1** 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.

- 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.

2.0 SUMMARY

The application seeks prior approval for the Change of Use from Use Class B8 (Storage or Distribution Centre) to Use Class falling within Class C3 (dwellinghouses).

The proposal falls to be considered within Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required. The application is not seeking full planning permission and Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) only permits the Local Planning Authority to take the following factors into consideration in the determination of such an application:

- (i) impacts of air quality on the intended occupiers of the development;
- (ii) transport and highways impacts of the development,
- (iii) contamination risks in relation to the building,
- (iv) flooding risks in relation to the building,
- (v) noise impacts of the development, and
- (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The application has been assessed against the above criteria and subject to relevant conditions the application is recommended for approval.

3.0 PLANNING CONSIDERATIONS

Site and Locality

The application site is situated on the western side of Waterloo Road and comprises of a part two storey part single storey warehouse unit (No. 44 Waterloo Road) on a site with an area of 0.0284 hectare, accessed via the existing shared vehicle access way serving various works buildings and garages behind.

The surrounding area is predominantly residential fronting Waterloo Road with a mix of semi-detached dwellings, terraces and flats. To the rear of the houses/flats on the western side of the road are a row of wharfs, warehouses and industrial works units alongside the Grand Union Canal, all with access from Waterloo Road. This area up to the St. John's Road bridge forms part of the designated Uxbridge Moor Conservation Area.

Proposed Scheme

The application has been submitted to establish whether prior approval is required for the conversion of an existing two storey warehouse unit Class B8 (Storage or Distribution Centre) situated on the western side of Waterloo Road (accessed via the existing shared vehicle access way serving various works buildings and garages behind) to Use Class C3 (Residential), comprising of 6 x 1 bed flats. The scheme also proposes three on-site parking spaces and seven cycle parking spaces.

Comments on Public Consultation

EXTERNAL

The Canal & River Trust:

Based upon the information available we have no comment to make.

INTERNAL

Highways:

This prior approval application is for the change of use of an existing B8 use (storage) in Waterloo Road Uxbridge to 6x1b flats.

Waterloo Road is a local distributor road and the site is within a CPZ that operates Monday to Friday 9am to 5pm. The street is subject to significant levels of parking stress as few properties have off-street car parking. Next door to the subject property is two old blocks of flats (36 flats) with no off-street car parking provided.

According to TfL's webcat tool the subject site has a PTAL value of 0 (very poor) which suggests there will be very strong reliance on private car trips to and from the site which is certainly supported by the level of local parking stress.

The site has a recent history of applications for changing the existing use to residential and they have been refused. In a recent (2014) application for the change of use to 6x1b flats one of the refusal reasons was lack of off-street car parking. In this latest application there is no off-street car parking associated with the proposal for 6x1b flats on the site. This would suggest the development is car free.

The existing residents of Waterloo Road and adjoining streets would suffer further parking stress if the development was approved without off-street car parking. The applicant has submitted a Transport Statement (TS) by Cottee (July 2017) in support of the application.

The TS says that the site is a B8 storage unit with associated car parking to the west but the conversion is for 6x1b flats with no car parking proposed on site as the car parking area is used for other purposes.

The TS cites the TfL webcat PTAL value of 0 and then goes on to carry out a site calculation that suggests that the site has a value of 2 (poor) which re-inforces the reliance on private car use with the nearest station over 900m away. In a recent development approved by the Council at Waterloo Wharf in Waterloo Road at a site with a TfL Webcat PTAL of 3 the Council accepted an on-site car parking provision of approximately 0.8 car parking spaces per flat.

In the case of no on-site car parking the TS has included the results of car parking stress surveys taken over 2 days in an area within 200m of the site which included Waterloo Road, Fray's Way and Austin's Way. Those surveys showed that there were sections of Waterloo Road that were subject to 74% parking stress. This high level of parking stress is suffered in the area from just a two day snapshot of car parking. The TS suggests that each unit should be allowed 1 car parking permit which indicates that the development is not car free but residents will be adding another 6 cars on street where very few spaces are available in close proximity to the site. This arrangement would mean concentrated parking

stress in the vicinity of the site.

Local residents objected to the Waterloo Wharf scheme in Waterloo Road on the grounds of the impact of the development on local parking stress. The TS suggests that 7 cycle parking spaces will be provided on site but limited details are provided. Similarly refuse/recycling bins are mentioned and limited details are provided. Both of these issues can be conditioned.

I am concerned that in an area with a poor PTAL score and existing high levels of parking stress that no off-street car parking is being provided. The applicant wishes to develop a site that would undoubtedly cause greater concern to local residents that already have to search for on-street car parking spaces.

On the basis of the above comments I suggest that you should refuse the application on the grounds of no off-street car parking being provided.

Officer comments:

The proposed development has been amended to include three on-site parking spaces which is considered acceptable.

Floodwater Management Officer:

RECOMMENDATIONS: No Objection

A corner of the site on Waterloo Road slightly falls into Flood Zone 2 which can be found on the Environment Agency Website. A Flood Risk Assessment by RPS ref: HLEF52952/001R dated June 2017 has been submitted. This has adequately demonstrated that the proposal will be safe from the risk of fluvial flooding.

Comments on Planning Application:

Finished floor levels of the proposal will be 31.49 m AOD. The modelled flood levels are 31.79m AOD. The risk to the site is considered to be low as the majority of the site is located in Flood Zone 1. A small section of the site is located in Flood Zone 2 although this is unlikely to impact on the property. Safe access and egress is available from the properties through the front or rear entrances.

There is no objection to this change of use.

Environmental Protection Unit:

No comments provided

4.0 PLANNING CONSIDERATIONS

Building Details

P.1 Development is not permitted by Class P if-

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018
- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins (i) an agricultural tenancy over

the site has been terminated, and (ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

(g) the building is within

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);

(iii) the Broads; or

(iv) a National Park;

(v) a World Heritage Site;

(h) the site is, or forms part of

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(i) the building is a listed building or is within the curtilage of a listed building; or

(j) the site is, or contains, a scheduled monument.

Conditions

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must

(a) submit a statement, which must accompany the application referred to in paragraph

(b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to

(i) impacts of air quality on the intended occupiers of the development;

(ii) transport and highways impacts of the development,

(iii) contamination risks in relation to the building,

(iv) flooding risks in relation to the building,

(v) noise impacts of the development, and

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Interpretation of Class P

P.3 For the purposes of Class P curtilage (except in paragraph P.1(i)) means

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in storage or distribution centre use, closely associated with and serving the purposes of that building, or

(b) an area of land immediately beside or around the building in storage or distribution centre use no larger than the land area occupied by the building, whichever is the lesser;

general industrial use means a use falling within Class B2 (general industrial) of the

Schedule to the Use Classes Order;

industrial service means services provided from premises with a light industrial use or

general industrial use;

light industrial use means a use falling within Class B1(c) (light industrial) of the Schedule to

the Use Classes Order;

storage or distribution centre use means a use falling within Class B8 (storage or

distribution) of the Schedule to the Use Classes Order; and storage or distribution services

means services provided from premises with a storage or

distribution centre use.

The application is supported by a declaration from RPS stating the existing use of the building is for storage and distribution.

The application building is considered to accord with the above criteria.

Impacts of Air Quality on Intended Occupiers

The Council's Environmental Protection Unit were consulted on the proposals and raised no objections. The proposal is therefore deemed acceptable in terms of air quality.

Transport and Highways Impacts

The application site is located within an area with a PTAL of 1b (poor) and is located within a Controlled Parking Zone (CPZ) which restricts parking between the hours of 0900 and 1700 Monday to Friday. In addition, Waterloo Road also has Pay and Display (maximum 2 hours) shared parking bays for residents and visitors. It is noted that few properties have off-street car parking, requiring residents to park on the road, through the provision of parking permits.

Given that Waterloo Road has a low PTAL, there is a strong reliance on private car trips which results in significant levels of parking stress on Waterloo Road and the surrounding roads. A Transport Statement, submitted as part of this application, included an on-street parking survey carried out over two days which showed that Waterloo Road was subject to 74% parking stress.

The proposed development would provide 6 new residential units; three parking spaces would be provided within the rear yard of the site. It is noted that during the public consultation no objections were received in regards to parking.

Whilst the proposed development would not provide one to one parking for the proposed development, it is considered that the provision of three parking spaces within the site would be acceptable given the site's location within a Controlled Parking Zone (CPZ) and the requirement for parking permits.

A condition to secure the three on-site parking spaces and seven cycle parking spaces shall be added to any consent granted. In addition, a condition requiring the provision of a parking allocation plan shall be included in order to ensure that the three on-site parking spaces are allocated to three of the proposed flats and not for separate sale or rent.

Subject to the proposed conditions the highways impact of the development is acceptable.

Contamination Risk in Relation to the Building

The applicants have submitted a preliminary contamination risk assessment for the proposed conversion of the building to six residential dwellings. The proposed conversion to residential units would not lead to a risk of contamination, although the risk assessment advises that a Phase 2 Environmental Site Investigation and an asbestos refurbishment survey should be undertaken prior to any works being carried out; this can be secured by way of a condition on any consent granted. No objection was raised by the Environmental Health Officer; therefore there are no contamination concerns.

Flooding Risks in Relation to the Building

The Council's Floodwater Management Officer has assessed the Flood Risk Assessment submitted as part of this application and has raised no objection to the proposed conversion of the building to six residential dwellings. The risk to the site is considered to be low as the

majority of the site is located in Flood Zone 1. A small section of the site is located in Flood Zone 2; although this is unlikely to impact on the property.

Noise Impacts of the Development

The Council's Environmental Protection Unit were consulted on the proposals and raised no objections. The proposal is therefore deemed acceptable in terms of noise impacts.

Impact on Sustainability

The application site is not located in an area that is considered by the Local Planning Authority to be important for providing storage or distribution services or industrial services or a mix of those services. As such no concerns are raised to the proposed loss of this use in this locality.

5.0 RELEVANT PLANNING HISTORY

1654/A/86/1107 Japanese Car Autos, 44 Waterloo Road Uxbridge
Change of use from vacant building to light industrial use.

Decision Date: 09-01-1987 ALT

1654/APP/2013/2512 Japanese Car Autos, 44 Waterloo Road Uxbridge
We are looking for planning permission for fitting spare parts supply & fit in Black Horse Yard. We got engineering company and body shop garage. Our place is situated in Waterloo Road. This place were used as industrial purpose since 1980 as boat repair yard. 1993 the planning permission was for storage and distribution as spare parts. The business is very bad, we are unable to pay rent & tax. So we have to depend on fitting the parts as well

Decision Date: 11-09-2013 NFA

1654/APP/2014/1211 Japanese Car Autos, 44 Waterloo Road Uxbridge
We are looking for change of view. We sale car parts used and new. We are looking to introduce supply and fit for car parts in order to increase sale. In our area BLACK HORSE YARD we got engineering company and body shop garage. This place were used as industrial purpose since 1980 as boat repair yard. In 1993 the planning permission was for storage and distribution of spare parts

Decision Date: 19-05-2014 NFA

1654/APP/2014/3716 The Old Mission Hall 44 Waterloo Road Uxbridge
Change of use from, Class B8 (Storage and Distribution) to C3 (Dwellings) and 6 x 1-bed dwellings (Application for Outline Permission with all matters reserved)

Decision Date: 15-12-2014 Refused

1654/APP/2015/753 The Old Mission Hall 44 Waterloo Road Uxbridge
Demolition of existing buildings and erection of 2 x semi detached dwellings (Application for Outline Permission with all matters reserved)

Decision Date: 27-04-2015 Refused

1654/B/92/0153 44 Waterloo Road Uxbridge
Change of use from Church Hall to Class B8 (storage and distribution of used car spares) (retrospective application)

Decision Date: 27-11-1992 Refused

1654/D/93/0467 44 Waterloo Road Uxbridge
Change of use from church hall to Class B8 (storage and distribution of used car spares)

(retrospective application)

Decision Date: 02-07-1993 Approved

Comment on Planning History

None

6.0 REFERENCE DOCUMENTS

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Contact Officer: Katherine Mills

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