

DELEGATED DECISION

Prior Approval Application under Part 4, Class J of Part 4 of The Town and Country (General Permitted Development) (England) Order 2013

Class J

Development consisting of a change of use of a building and any land within its curtilage to use a falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

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

Case Officer

Signature:

Date:

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, Sport and Green Spaces

Address 12-14 BENTINCK COURT BENTINCK ROAD WEST DRAYTON
Development: Change of use from B1(a) office to C3 residential. (Prior Approval)
LBH Ref Nos: 70766/APP/2016/677
Drawing Nos: Location Plan BW1-00414654
Transport Technical Note Dated June 2015 Ref: P1532 TN/PC
Phase I Geo-Environmental Site Assessment Ref: 51700P1R1 dated June 2015
SK-01
Transport Technical Note Ref: P1532 TN2/PC dated February 2016

Date Plans Received: 18/02/2016 **Date(s) of Amendment(s):**
Date Application Valid: 18/02/2016

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL REFUSED

REASONS FOR REFUSAL

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the Council has assessed the impacts of the proposal and considers that the scheme fails to provide adequate levels of off street parking for the proposed units.

2.0 Planning Considerations

Nos. 12 and 14 Bentinck Court form two commercial units which are sited at the back edge of the pavement on the north eastern side of Bentinck Road. The units form part of a small rectangular group of 1 to 2 storey buildings centred around a narrow courtyard sited at the north western end of Bentinck Road. The courtyard buildings are mainly in use as offices, with vehicular access to the courtyard provided from two gated undercroft accesses on Bentinck Road. Adjoining the site at the rear is the Grand Union Canal, with adjoining sites on this side of the road to the south east and north west having been re-developed as flatted blocks with terraced housing on the opposite side of Bentinck Road which is subject to one-way traffic which runs in a north westerly direction.

The site forms part of Yiewsley/West Drayton town centre and is located in an air quality management area.

- 1) Is there an existing planning condition removing permitted development rights? NO
- 2) Is the building a Listed Building/in a Conservation Area. NO

The application seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 9 self contained flats.

The application has been submitted to establish whether prior approval is required for the conversion of two storey Class B1(a) office block, to nine Class C3 residential units.

The proposal falls within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required in respect of the transport and highways impacts of the development or the contamination and flooding risks on the site whilst also taking into account any representations received within the 21 day consultation period from adjoining occupiers notified.

The proposal is for the conversion of both floors of an existing building and whilst no objections are raised on flooding or contamination grounds, there are concerns with the level of parking provided on the site.

Planning History:

It is noted that there have been previous applications on this site 70766/APP/2015/3981 and 70766/APP/2015/2279. Both applications sought consent for the conversion of the first and second floors to 9 residential flats. Application 70766/APP/2015/3981 was refused on the grounds that the proposed scheme failed to provide adequate levels of off street parking for the proposed units. The second application was withdrawn, however similar concerns were raised within this application.

This current submission has been accompanied by all the documents submitted within the previous scheme and has provided an additional transport technical note which contains the result of a parking stress survey undertaken for the surrounding Controlled Parking Zone (CPZ). A legal agreement has also been submitted with this application to preclude any future occupants from applying for parking permits within the CPZ.

3.0 CONSULTATIONS

Traffic Impacts

The site is located within PTAL 2, and whilst the application details that there are two car parking spaces, given the location of pillars and the building behind, manoeuvring space is constrained, and as such the parking space is indeed used to park one car alone. It is understood that the existing offices rent out additional car parking spaces across the road off Wimpole Road, which clearly demonstrates the offices have reliance on car use and parking.

The applicant has submitted two Transport Technical Notes dated June 2015 and February 16, which have been considered.

A previous prior approval application (ref. 70766/APP/2015/3981) for the same scheme for change of use of offices to 9 residential flats was refused due to failure to provide adequate levels of car parking for the proposed units.

Notwithstanding what has been submitted with the accompanying statement, having reviewed the site, the Council consider that there is only one feasible car parking space available on-site. The manoeuvring space of the area identified for parking is constrained due to pillars on the sides and the building behind, and as such the parking space is suitable to park one car alone. Whilst the applicant has shown a photograph of two

small/medium cars parked on site, no information has been provided of how vehicles manoeuvre in/out of the spaces, or a plan showing the exact size and siting of the spaces within the site and their relationship with others within the site. An assessment of how suitable these spaces are, has to be based on a standard parking space and the requisite manoeuvring, and in this instance, no information has been provided to demonstrate such, nor does it appear from the photographs/site visits, that such can be achieved. Therefore the scheme is considered to provide one car parking space for the development.

The Council's car parking standards require 1.5 spaces per flat. Even if a dispensation of 0.5 space per flats is applied 1 parking space/flat (9 spaces in total) would be required. This is considered reasonable due to the high reliance on car use and parking in the surrounding area as discussed above.

Considering that one parking space will be provided on-site, the proposal would result in a significant overspill parking demand on-street, where parking is already well congested, leading to harmful inconvenience to other road users or unacceptable detriment to public and highway safety.

The existing offices rent out additional car parking spaces across the road off Wimpole Road, which clearly demonstrates the offices have reliance on car use and parking.

At present, the parking demand for offices is during the daytime, Mondays to Friday, whereas the maximum parking demand for the proposed residential use will be during evening and weekends coinciding with the maximum residential parking demand for the nearby residential properties.

Most of the surrounding properties do not benefit from off-street car parking, and given such, the surrounding streets are heavily parked, demonstrating the high reliance on car use and parking in the surrounding area. The car parking demand is further intensified during evenings and weekends, when most of the residents are home.

This is corroborated through the parking surveys submitted with the application. Parking surveys were carried out on Tuesday 9th February and Thursday 11th February 2016 at 03:40 hours and 04:00 hours respectively. The parking survey results show that there is a high level of on-street parking demand, resulting in a parking stress of up to 95.5% in Bentinck Road, 94.7% in Wimpole Road, 88.6% in Winnock Road, 78.6% in Tavistock Road, 75.9% in Padcroft Road, and 100% in Heathcote Way. Consequently there is little or no spare parking capacity on-street against the maximum parking stress threshold of 85%-90%.

The parking survey results also confirm that there is little parking demand on single yellow lines and in pay and display bays over night. Parked vehicles would otherwise need to be moved every morning before 8am, which is not considered to be a realistic arrangement to rely upon for the lifetime of the development.

There are other major residential committed developments nearby, especially Padcroft Works with accesses along Bentinck Road and Tavistock Road and 21 High Street Yiewsley accessed from Bentinck Road. These developments may well result in additional overspill car parking demand on the surrounding roads, increasing the parking stress even higher than surveyed.

It is considered that notwithstanding the information submitted with this application, there is clear and compelling justification for compliance with local parking standards, to enable

the effective management of the local road network and avoid development that would have unacceptable residual impacts. The cumulative impacts of the proposed overspill of cars, would have the real potential to result in severe harm to the highway network, contrary to the Councils adopted policies and London Plan.

It is noted that a legal agreement has been submitted with this application to preclude any future occupier from applying for parking permits in the surrounding CPZ should it be considered appropriate. A S106 obligation must meet the tests set out in the National Planning Policy Framework, which includes the test regarding the planning obligation being necessary to make the development acceptable in planning terms. In this case, if the Council were to agree to the removal of parking permits for the proposed occupants, this would result in the overspill of 8 vehicles to the surrounding roads. These vehicles would either park within the controlled roads outside of its operational hours, or overspill to those roads outside of the CPZ. As has been demonstrated within this application, given that these roads are under maximum parking stress with little or no available parking spaces, it is not considered that removing permits would make the development acceptable.

Accordingly, the application is considered to be contrary to the Council's policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved Policies.

Contamination

The proposal does not give rise to any contamination issues and is therefore considered acceptable in this respect.

Flooding

The site lies within Flood Zone 1 and it is not indicated to be at risk from any other sources of flooding. There are therefore no flooding objections to the proposed change of use.

Consultee Comments

9 nearby residences were notified of the application no responses were received to this consultation.

Two responses were received to this consultation which raised the following concerns:

1. Not suitable for the building and location as parking and vehicular access is extremely poor;
2. Already too many bedsits in the area;
3. Conversion results in a loss of small business sites for local people
4. Parking is a very difficult within this area and lack of controls will mean tenants would park in business space car parks;
5. Conflict between businesses and residences if approved.

HIGHWAYS OFFICER - The applicant has submitted two Transport Technical Notes dated June 2015 and February 16, which have been considered.

A previous prior approval application (ref. 70766/APP/2015/3981) for the same scheme for change of use of offices to 9 residential flats was refused due to failure to provide adequate levels of car parking for the proposed units.

There is only one car parking space available on-site. The manoeuvring space is constrained due to pillars on the sides and the building behind, as such the parking space is indeed used

to park one car alone. Whilst the applicant has shown a photograph of two small/medium cars parked on site without any information on manoeuvring in/out of the spaces, the assessment has to be based on a standard parking space and the requisite manoeuvring.

A minimum of 6m turning space is required for a standard parking space measuring 2.4m wide x 4.8m long. However, due to the substandard turning space in this case, the parking space needs to be wider to allow adequate manoeuvring in/out of the space. Consequently, the available parking area is considered to constitute one parking space.

The existing offices rent out additional car parking spaces across the road off Wimpole Road, which clearly demonstrates the offices have reliance on car use and parking.

It should be noted that parking demand for offices is during the daytime on weekdays Mondays to Friday, whereas the maximum parking demand for the proposed residential use will be during evening and weekends coinciding with the maximum residential parking demand for the nearby residential properties.

The application site is located within a controlled parking zone, which operates during Monday to Friday between 9am and 6pm to restrict commuters and shoppers parking in the local roads. However, during the maximum residential parking demand, the nearby streets are uncontrolled and heavily parked.

Most of the surrounding properties do not benefit from off-street car parking. As such, the surrounding streets are heavily parked, demonstrating the high reliance on car use and parking in the surrounding area. The car parking demand is further intensified during evenings and weekends, when most of the residents are at home.

The applicant has submitted parking surveys carried out on Tuesday 9th February and Thursday 11th February 2016 at 03:40 hours and 04:00 hours respectively. The parking survey results show that there is a high level of on-street parking demand, resulting in a parking stress of up to 95.5% in Bentinck Road, 94.7% in Wimpole Road, 88.6% in Winnock Road, 78.6% in Tavistock Road, 75.9% in Padcroft Road, and 100% in Heathcote Way. Consequently there is little or no spare parking capacity on-street against the maximum parking stress threshold of 85%-90%.

The parking survey results also confirm that there is little parking demand on single yellow lines and in pay and display bays over night. Parked vehicles would otherwise need to be moved every morning before 8am, which is not considered to be a realistic arrangement to rely upon for the lifetime of the development.

The Council's car parking standards require 1.5 spaces per flat. Even if a dispensation of 0.5 space per flats is applied 1 parking space flat (9 spaces in total) would be required. This is considered reasonable due to the high reliance on car use and parking in the surrounding area as discussed above.

Considering that one parking space will be provided on-site, the proposal would result in a significant overspill parking demand on-street, where parking is already well congested, leading to harmful inconvenience to other road users or unacceptable detriment to public and highway safety.

There are other major residential committed developments nearby, especially Padcroft Works with accesses along Bentinck Road and Tavistock Road and 21 High Street, Yiewsley accessed from Bentinck Road. These developments may well result in additional overspill car parking demand on the surrounding roads, increasing the parking stress even higher than surveyed.

There is clear and compelling justification for compliance with local parking standards, to enable the effective management of the local road network and avoid development that would have unacceptable residual impacts, which cumulatively would have the real potential to result in severe harm to the highway network.

Accordingly, the application is considered to be contrary to the Council's policies AM7 and AM14 and is recommended to be refused.

FLOOD OFFICER - The proposed site falls within Flood Zone 1 or it is not indicated to be at risk from any other sources of flooding and so there are no further comments.

ENVIRONMENTAL HEALTH OFFICER - Submitted Report - Phase 1 Geo-environmental Site Assessment for 12-14 Bentinck Road dated June 2015 by Resource and environmental Consultants Ltd (REC)

The report submitted is the same as submitted with the previous applications. The report is sufficient to support the application and we would have no objections to the development. However, I would advise that a condition is applied for some gas testing as previously proposed to check if there is any gas in the deeper made ground around or on the site. I understand that the development does not involve gardens or landscaped areas, so no condition regarding testing on site soils or imports is required.

Previous comments:

The report by REC is a desk study of available data with a site inspection also made for the report. The REC report has considered the potential pollutant pathways for the site and drawn up a conceptual model. The conclusions of the REC report are that the hard standing will prevent any contact with the soil and therefore if there is contamination present residents will not be exposed any soil contamination ('the pathway is broken'). No gas monitoring has been carried out as the consultant considers there is no source present around the site.

Our historic maps show that the site was an engineering works prior to the office use. The nature of the site's business is unknown. On the older pre maps there was a canal dock about 40 metres from the site I would conclude below.

There is no ground investigation information on this site in our records. It does not appear from the Phase 1 that there are likely to be any problems at the site, although the use prior to offices is unknown other than the site was a works. Given that there are no landscaped areas for the flats, a contaminated land or imported soil condition is not thought to be necessary.

It appears that many buildings have been demolished in the past on the site. As a consequence there may be fill. There is also what could be a backfilled canal feeder. I have checked our old records and in about 1988 the adjacent wood yard site was redeveloped for housing by Bellway Homes. There was some fill up to 2.5 metres deep on this site with some black organic material at the surface. Some contamination was found which was remediated. I would therefore advise some precautionary gas monitoring around the building to check if there is any gas in the site (condition below). With hard standing over the site the standard contamination condition is not required.

70766/APP/2015/2279 12-14 Bentinck Court Bentinck Road West Drayton

Change of use from office (Use Class B1) to provide nine flats (Use Class C3) (Application for Prior Approval under Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015)

Decision Date: 10-08-2015 WD

70766/APP/2015/3981 12-14 Bentinck Court Bentinck Road West Drayton

Change of use from office (Use Class B1(a)) to provide nine x 1 bedroom flats (Use Class C3)
(Application for Prior Approval under Class O, Part 3, Schedule 2 of The Town and Country
Planning (General Permitted Development) (England) Order 2015)

Decision Date: 18-12-2015 Refused

70766/PRC/2015/50 12-14 Bentinck Court Bentinck Road West Drayton

Conversion of offices to 3 apartments under prior approval process

Decision Date: 05-05-2015 PRQ

Contact Officer: Charlotte Goff

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