Report of the Head of Planning, Transportation and Regeneration

Address OLD SCHOOL HOUSE 1 HILLINGDON ROAD UXBRIDGE

Development: Conversion of existing office building (use class E) into 9 no. residential apartments (use class C3) with a mix of 7 x 1B1P (Studio), 1 x 1B2P and 1 x 2B4P flats (Prior Notification under Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended).

LBH Ref Nos: **77199/APP/2022/1137**

Drawing Nos: 2135-P001-S2-P0
2135-P002-S2-P0
2135-P101-S2-P0
2135-P102-S2-P0
Design and Access Summary dated April 2022
Internal Daylight & Sunlight Report, Revision A, dated 4 April 2022
Flood Risk Assessment 784-B034904 First Issue
Desk Study Report March 2022 J22046 Rev 0
Transport Statement dated March 2022

Date Plans Received: 07/04/2022 **Date(s) of Amendment(s):**

Date Application Valid: 19/04/2022

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL REFUSED

REASONS FOR REFUSAL

Insufficient information has been submitted to enable the Local Planning Authority to establish whether the building has been vacant for a continuous of at least 3 months immediately prior to the date of the application for prior approval. The proposal therefore fails to comply with provision MA.1.(1)(a) of Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

According to the plans submitted with the application, the bedroom within Flat 6 would constitute as a double bedroom as its total floor area measures 11.5 square metres. With a gross internal area of 37.1 square metres, Flat 6 (a 1 bedroom, 2 person occupancy) would not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The proposal therefore fails to satisfy the requirements of provision 3 (9A) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In the absence of a signed Unilateral Undertaking and the ambiguous details provided in respect to the existing on-site parking spaces, the application has failed to demonstrate that the proposal would not result in the displacement of street car parking spaces, which in turn, would have a harmful effect on highway safety. The proposal would therefore conflict with Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development

Management Policies (2020), Policies T6 and T6.1 of the London Plan and the National Planning Policy Framework (2021).

2.0 Planning Considerations

Class MA - commercial, business and service uses to dwellinghouses

Permitted development
MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.-(1)Development is not permitted by Class MA-
(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

Planning Officer Comment: No evidence has been submitted to demonstrate that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

(b) unless the use of the building fell within one or more of the classes specified in subparagraph
(2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Planning Officer Comment: Based on the information available, it is considered that the building falls within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order for a continuous period of at least 2 years prior to the date of the application for prior approval.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

Planning Officer Comment: The cumulative floor space of the existing building changing use under Class MA does not exceeds 1,500 square metres.

(d) if land covered by, or within the curtilage of, the building-
(i) is or forms part of a site of special scientific interest;
(ii) is or forms part of a listed building or land within its curtilage;
(iii) is or forms part of a scheduled monument or land within its curtilage;
(iv) is or forms part of a safety hazard area; or
(v) is or forms part of a military explosives storage area;

Planning Officer comment: The land/curtilage of the building does not form part of a site of special scientific interest; a statutory listed building or land within its curtilage; a scheduled monument or land within its curtilage; a safety hazard area; or a military explosives storage area.

(e) if 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,
(iii) the Broads;
(iv) a National Park; or
(v) a World Heritage Site;

Planning Officer comment: The building is not within an area of outstanding natural beauty; an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; the Broads; a National Park; nor a World Heritage Site.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Planning Officer Comment: The site is not occupied under an agricultural tenancy.

(g) before 1 August 2022, if-
(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Planning Officer Comment: The site is not covered by an Article 4 Direction which removes permitted development rights to change the use of offices to dwellinghouses (Class O of the GPDO).

Conditions

MA.2.-(1)Development under Class MA is permitted subject to the following conditions. (2) Before beginning development under Class MA, 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 impacts of the development, particularly to ensure safe site access;

Planning Officer Comment: With regards to Condition MA.2.(2)(a), the proposal for 9 flats (with a mix of 7 x 1B1P (Studio), 1 x 1B2P and 1 x 2B4P flats) would be a car-free development.

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway, junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:
A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:
i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.
B) All car parks provided for new development will be required to contain conveniently

located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires studio flats to have a maximum of 1 space per 2 units and 1-2 bedroom flats to have a maximum of 1-1.5 spaces per unit. Table 10.3 of the London Plan (2021) has a lesser requirement of up to 0.75 spaces per dwelling.

The site has a PTAL rating of 3. It is located within a Controlled Parking Zone (CPZ), which restricts street parking to permit holders only between the hours of 9am to 5pm on Mondays-Fridays.

It is noted that the application site currently benefits from on-site car parking spaces which is not shown on the submitted plans. No details have been submitted to demonstrate that these on-site spaces would be removed. Or that the existing dropped kerbs would be blocked up and re-instated to raised kerb. Th Transport Assessment states that the proposal would be a car-free development, but this would conflict with the ambiguous parking details shown on the proposed plans. Officers are therefore unable to assess the actual implications of the proposal, in terms of street parking pressure and highway safety.

A submitted Transport Assessment states that, "the site lies within a CPZ and future residents would not be able to obtain permits thereby ensuring the parking stress is not increased on the local roads. Future residents will also be made aware that the property would not come with a parking space or parking permit." However, a legal agreement has not been submitted with the application to prohibit future occupiers of the flats from obtaining parking permits. Moreover, the CPZ only operates between the hours of 9am-5pm Mondays to Fridays, which means future occupiers could park on nearby streets outside of these hours. Hence, highlighting the importance of Officers being able to identify whether the existing on-site car parking at the site would be retained.

The Council's Highways Officer has recommended that legal agreement is secured to prohibit future occupiers from obtaining permits. This is due to the parking restrictions in the nearby streets limiting the on-site spaces available. In the absence of a legal agreement, the proposal would lead to increased instances of dangerous and obstructive parking such as on yellow lines, at road junctions, on footways or across driveways. This would contribute to highway congestion and as a result would compromise highway safety.

In the absence of sufficient information and a signed Unilateral Undertaking, the application fails to demonstrate that the proposal would not lead to a displacement of street parking spaces which would lead to harm harmful highway safety impacts. The proposal would therefore be contrary to Policy DMT 6 of the Local Plan Part 2 (2020), Policies T6 and T6.1 of the London Plan and the NPPF (2021).

Bicycle provision:

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site. Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires 2 cycle spaces per 3 bed flat.

The submitted plans shows that cycle parking would be provided to the rear of the site.

Whilst there is no objection to this location, full details (including the location, dimensions and design of the cycle store) would have been secured by way of a condition, had this application been recommended for approval. It is recommended that any resubmission includes these details.

Waste collection:

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The submitted plans shows that cycle parking would be provided to the rear of the site, adjacent to the proposed cycle location. There is no objection to the location of the recycling store. However, full details (including the location, dimensions and bin store screening) would have been secured by way of a condition, had this application been recommended for approval. It is recommended that any resubmission includes these details.

(b) contamination risks in relation to the building;

Planning Officer Comment: With regard to Condition MA.2.(2)(b), the site does not fall within a Potentially Contaminated Land zone (based on the Council's GIS Map). A Desk Study Report was submitted with the application. The report has been reviewed by the Council's Land Contamination Officer who has raised no objection to the proposal.

(c) flooding risks in relation to the building;

Planning Officer Comment: With regard to Condition MA.2.(2) (d), the site is located within Flood Zone 1 with the southernmost part of the site in Flood Zone 2. The Flood Risk Assessment (the FRA) submitted with this application claims that the "area designated as Flood Zone 2 is comprised of bushes and trees". Officers have checked the Flood map for planning on the GOV.UK website where it does appear to be case that the building itself does not fall in Flood Zone 2. Officers have taken the flooding details on the GOV.UK website as being correct, despite the Council's GIS showing that a small section of the building lies in Flood Zone 2. As such, a sequential test is not considered to be required.

It is recognised that the proposed change of use would increase the vulnerability of the building's occupants in the event of a flooding nearby. However, all the entrances to the proposed flats would lead to a footpath in Flood Zone 1. This would provide future occupants with safe escape in a flooding event. Also, if this application had been recommended for approval, a condition would have been secured requiring details of evacuation plan for future occupants to be submitted to the Council for consideration.

It is therefore considered that there is unlikely to be a risk of flooding to future occupants within the building, and there would be an effective means of escape should flooding occur nearby. The proposal would therefore accord with Policy DMEI 9 of the Hillingdon Local Plan (2020), Policy SI 12 of the London Plan (2021) and the NPPF (2021).

(d) impacts of noise from commercial premises on the intended occupiers of the development;

Planning Officer Comment: With regards to Condition MA.2.(d), the site predominately lies

in a residential area. It is noted that the now closed 'Battle of Britain Club' is located to the north-east of the site, on the opposite side of Hillingdon Road. However, due to the separation distance, it is considered that the intended occupiers of the development would not be adversely impacted by any potential noise from this adjacent commercial premises.

(e) where-
(i) the building is located in a conservation area, and
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

Planning Officer Comment: With regard to Condition MA.2.(e), the site is not located within a Conservation Area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Planning Officer Comment: With regard to Condition MA.2.(f), the submitted Internal Daylight and Sunlight Report Rev. A demonstrates that the proposal would provide adequate natural light in all habitable rooms of the proposed flats.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

Planning Officer Comment: With regard to Condition MA.2.(g), the authority does not consider the area in which the
site is located in as important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by-
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost;

Planning Officer Comment: With regard to Condition MA.2.(h), the development would not result in the loss of
services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Planning Officer Comment: With regard to Condition MA.2.(i), the development does not meet the fire risk condition set out in paragraph MA.3.

Internal Space Standards:

Paragraph 3(9A) of the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-
(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.
(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

Planning Officer Comment:

The submitted plans and Design and Access Statement indicates that Flat 6 is a 1B 1P Studio. However, Officers do not share this stance. Based on this submitted plans, Flat 5 would have a bedroom measuring 10.5 square metres with an additional 1 square metre built-in wardrobe. Thus, resulting in the total floor area of this room measuring 11.5 square metres. Technical requirement (c) and (e) of the nationally described space standard, a double (or twin bedroom) has a floor area of at least 11.5 sqm and be at least 2.75m wide. Based on this interpretation, Flat 6 would constitute as 1 bedroom 2 person unit, and therefore is required to have a floor area of at least 50 square metres.

3.0 CONSULTATIONS

Traffic Impacts

Refer to section 2.0 of this report for the relevant planning assessment.

Contamination

Refer to section 2.0 of this report for the relevant planning assessment.

Flooding

Refer to section 2.0 of this report for the relevant planning assessment.

Consultee Comments

EXTERNAL CONSULTEES:

47 neighbouring properties were consulted by letters dated 21st April 2022. The consultation period expired on 13th May 2022. Eight objections were received, and their comments are summarised as follows:

-Loss of privacy and overlooking issues
-Street parking pressure
-Highway safety implications
- It is unclear why the existing car parking at the site is not going to be used
-What landscaping and boundary treatment provision is being providing to prevent the existing on-site car parking spaces being used by future occupants
-The CPZ only restricts street parking between the hours of 9am-5pm on Mondays to Fridays
-Concerns about the site notice be erected on a lamp post on Clifton Gardens

RESPONSE: The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not allow for the Council to consider concerns in respect to loss of privacy and overlooking as part of the assessment of this prior approval application. The concerns raised in respect to parking and highway safety is covered in the preceding section of this report.

The Council consulted adjacent neighbouring properties in respect to the subject prior approval application via letter. In the event that a site notice had been accidentally erected on lamp post on Clifton Gardens, this would not have had any bearing on the assessment of the application.

INTERNAL CONSULTEES:

Highways Department: There are no highways objections to this proposal, subject to S106

agreement that no residents would be able join any current of future Parking Management Schemes in the area.

Flooding Department: Please review using the FRA checklist. Conversion of building The majority of the site is in Flood Zone 1 but some shown to be in Flood Zone 2.

Land Contamination Department: No objection.

Conservation Department: No objection. The general principle of converting the existing building for residential use would be admissible from a conservation perspective. From reviewing the submitted information there does not appear to be any external alterations to the building therefore there are no further comments to make at this stage.

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