

Report of the Head of Planning & Enforcement Services

Address FORMER HILLINGDON IRISH CENTRE ROYAL LANE HILLINGDON

Development: Change of use of the site and building from former Hillingdon Irish Centre (Sui Generis) to Class D1 (non-residential institution) for use as a community centre and place of religious worship, with ancillary managers flat, including carrying out of external alterations to parking area and landscaping, existing facade and roof, alterations and additions to opening, ramp to main entrance and covered porch, internal alterations, including to layout, creation of kitchen at ground level, repositioning of stairs, and alterations to toilet areas.

LBH Ref Nos: 267/APP/2011/1383

Drawing Nos: Planning Statement from Geoffrey Searle Planning Solicitors
Transport Statement by motion Transport Planning
AMA03-P-000 (Site Location Plan)
Design & Access Statement dated June 2011
AMA 03-P-005 (Proposed Site Plan)
AMA 03-P-010 (Proposed Ground Floor)
AMA 03-P-011 (Proposed First Floor)
AMA 03-P-030 (Proposed Elevations)
AMA 03-P-055 (As Built Site Plan)
AMA 03-P-030 (As Built Ground Floor)
AMA 03-P-061 (As Built First Floor)
AMA 03-P-065 (Previous Site)
AMA 03-P-070 (Previous Ground Floor)
AMA 03-P-071 (Previous First Floor Plan)
AMA 03-P-080 (As Built Elevations)
AMA 03-P-085 (Previous Elevations)

Date Plans Received: 03/06/2011 **Date(s) of Amendment(s):**

Date Application Valid: 09/06/2011

1. SUMMARY

Planning permission is sought for the change of use of the site and building from the former Hillingdon Irish Centre (Sui Generis) to Class D1 (non-residential institution) for use as a community centre and place of religious worship, with ancillary manager's flat, including external alterations.

The principle of the development and its appearance are considered acceptable and subject to appropriate conditions it is not considered that the proposal would have an adverse impact on neighbouring or future occupiers.

The development however, does give rise to concerns relating to car parking, the free flow of traffic and general conditions of highway safety.

It is therefore recommended that the Planning Inspectorate be advised that the Local Planning Authority would have refused the application had a non-determination appeal not been lodged.

2. RECOMMENDATION

The application is subject to an appeal against non-determination which will be considered by the Planning Inspectorate. It is therefore recommended that the Planning Inspectorate be advised that had a non-determination appeal not been lodged the Local Planning Authority would have refused the application for the following reason.

1 NON2 Non Standard reason for refusal

The application fails to demonstrate that it would provide adequate parking for the proposed place of religious worship or that the proposal would not result in conditions prejudicial to the free flow of traffic and safety of the highway network. It is therefore contrary to Policies AM7 and AM14 of the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R9	Proposals for the use of buildings for religious and cultural purposes
R10	Proposals for new meeting halls and buildings for education, social, community and health services
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design

	of highway improvement schemes, provision of cycle parking facilities
LPP 5.3	(2011) Sustainable design and construction
LPP 5.4	(2011) Retrofitting

3. CONSIDERATIONS

3.1 Site and Locality

The site has an area of approximately 0.10 ha and is located on the west side of Royal Lane approximately 130 metres south of Hillingdon Hospital. It comprises a part single storey, part two storey building with a floor area of approximately 389 sq metres which abuts the adjoining building to the south. The building was previously used as an Irish community centre and private social club. At the front of the building is a car parking area for 11 vehicles with vehicular access from Royal Lane.

Immediately to the south of the site is the Walter Pomeroy Hall which is used as the Hillingdon Community Centre and shares a party wall with the building on the application site. To the west (rear) of the site are dwellings in Clarkes Drive and to the east dwellings on the opposite side of Royal Lane. To the north of the site is Meadow High School (Special Needs). The site has a Public Transport Accessibility Level (PTAL) score of 2 on a scale of 1 to 6 where 6 represents the highest level of accessibility.

It is noted that in the past the applicants have utilised the immediately adjoining site the Walter Pomeroy Hall for their meetings and according to the Council's records this site has a gross internal floor area of approximately 280sq.m.

3.2 Proposed Scheme

Planning permission is sought for the change of use of the site and building from the former Hillingdon Irish Centre (Sui Generis) to Class D1 (non-residential institution) for use as a community centre and place of religious worship, with ancillary manager's flat, including carrying out of external alterations to parking area and landscaping, existing facade and roof, addition of 1 new window at first floor level, repositioning of external doors, ramp to main entrance and covered porch, insertion of one additional external door, 5 new obscured glazed windows to ground floor rear, internal alterations, including to layout, creation of kitchen at ground level, repositioning of stairs, and alterations to toilet areas. The application includes the re-configuring of the existing first floor flat to form a three bedroom self contained unit and the remodelling of the car parking area at the front of the building involving the retention of 11 existing spaces.

The application is retrospective in so far as the physical works to the site and building have already been carried.

3.3 Relevant Planning History

267/APP/2010/568 Former Hillingdon Irish Centre Royal Lane Hillingdon

Change of use of the site and building from former Hillingdon Irish Centre (Sui Generis) to Class D1 (non-residential institution) for use as a community centre and place of religious worship, with ancillary managers flat, including carrying out of external alterations to parking area and landscaping, existing facade and roof, addition of 1 new window at first floor level, repositioning of external doors, ramp to main entrance and covered porch, insertion of one additional external door, 5 new obscured glazed windows to ground floor rear, internal alterations, including to

layout, creation of kitchen at ground level, repositioning of stairs, and alterations to toilet areas

Decision: 03-09-2010 Withdrawn

Comment on Relevant Planning History

267/APP/2010/568 sought permission for the 'Change of use of the site and building from former Hillingdon Irish Centre (Sui Generis) to Class D1 (non-residential institution) for use as a community centre and place of religious worship, with ancillary managers flat, including carrying out of external alterations to parking area and landscaping, existing facade and roof, addition of 1 new window at first floor level, repositioning of external doors, ramp to main entrance and covered porch, insertion of one additional external door, 5 new obscured glazed windows to ground floor rear, internal alterations, including to layout, creation of kitchen at ground level, repositioning of stairs, and alterations to toilet areas'. The application was withdrawn from consideration at the request of the applicant.

4. Planning Policies and Standards

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)
Planning Policy Statement 3 (Housing) (November 2006)
Planning Policy Guidance Note 13 (Transport) (April 2001)
The London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement - Residential Layouts (July 2006)
Local Development Framework Accessible Hillingdon Supplementary Planning Document (January 2010)
Planning Obligations Supplementary Planning Document (July 2008)

The relevant policies of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are referenced in the relevant section below.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.

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.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R9	Proposals for the use of buildings for religious and cultural purposes
R10	Proposals for new meeting halls and buildings for education, social, community and health services
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AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
LPP 5.3	(2011) Sustainable design and construction
LPP 5.4	(2011) Retrofitting

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **1st July 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

290 nearby owner/occupiers were consulted on the application.

3 supporting comments have been received. 2 of these comment that:

- a) The A.M.A have been using Walter Pomeroy Hall for 5 Years with no issues and have contributed to the community;
- b) Parking problems and congestion will be negligible; and
- c) There has been reduced vandalism since ownership of the site has been taken over.

The third letter of support has been received from the Hillingdon Interfaith Network and states:

'As chair of the Hillingdon Inter Faith Network, I write in support of this application. This group has worked with HIFN in promoting Community Cohesion. In addition, they have organised a number of events to break down ignorance and prejudice. (The latest activity was in taking an active part in the 2011 Walk of Peace). With regard to the application, they have explored with HIFN and others as to how to work with their neighbours so as to build relations and mutual respect. They have demonstrated a clear determination to be a valuable part of the local community. We ask that the planning officers and committee members consider the proposals in the light of the borough development plan. The site could be accepted as a part of having space available for community and faith development as I understand is set out in the plan. It is surely an improvement in turning what was a social club into a religious place of worship. The previous use was to serve the locality and it should now be continued to do so, recognising that the change in use reflects the demographic changes which are continuing to take place. It is important to recognise that this group would find it impracticable to be asked to join with some other Muslim communities any

suggestion of this nature would be like asking that the Free Churches in the borough join up with the Catholic community and while it may not be clear to everyone why this is impossible, I trust that the analogy is understood.'

55 objections have been received raising concerns relating to:

- (i) Lack of need for a community centre or mosque;
- (ii) Concerns relating to noise and disturbance;
- (iii) Increased Congestion
- (iv) Inadequate parking provision and resultant parking problems in the area;
- (v) Highways Safety;
- (vi) Concern that the submitted transport statement is misleading and indication that the mosque may have been using Meadow High School for parking;
- (vii) Air Quality impacts;
- (viii) The retrospective nature of the application;
- (ix) Concerns relating to the provision of an ancillary flat in a mosque;
- (x) Appearance of the building being out of character with the area;
- (xi) Object to the change of use from a social club to a religious building and loss of a facility for the whole community;
- (xii) Concerns relating to crime, violence etc.
- (xiii) Concern that the building may become larger as time goes on; and

1 comments has been received raising no objection subject to there being no 'call to prayer' or similar loud noises.

Internal Consultees

ACCESS OFFICER

No objection, subject to conditions.

SUSTAINABILITY OFFICER

No objections.

TREES & LANDSCAPE OFFICER

No objection, subject to conditions.

ENVIRONMENTAL PROTECTION UNIT

There have historically been complaints of noise from Walter Pomeroy Hall and there are residential premises nearby. Given the numbers of people involved, should this application be granted, conditions would be required in order to reduce the likelihood of noise disturbance to the nearby residential properties. Potential sources of disturbance would be people arriving and leaving the premises in large numbers and amplified music or voices. I understand that the applicants have stated that no amplification devices would be employed.

However, these issues could be addressed by way of appropriate conditions and accordingly no objection is raised.

HIGHWAYS OFFICER

The application site is located down Royal Lane, a relatively narrow road within relatively close proximity to other sites which give rise to high levels of trip generation including a number of schools and Hillingdon Hospital. Royal Lane and a number of surrounding roads are subject to parking management schemes, but these schemes are not fully comprehensive and parking in some areas nearby is uncontrolled.

The application is supported by a transport statement, which addresses issues of trip generation and car parking. The statement is informed by:

information provided by the proposed client that the site will attract up to 20 people on a weekday evening, up to 50 people on a Friday afternoon and between 75 -90 people on a Friday afternoon during the summer holiday; and survey data obtained by an independent survey company on occasions where the prospective occupiers were utilising the neighbouring Walter Pomeroy Hall, and on the number of people present on those occasions.

On the basis of the above data it indicates that the 15 on-site parking spaces would be adequate to serve the users as surveyed on the 4th March 2011 and 15th April 2011.

While the traffic survey data is factual with regard to the use on the above dates, the submitted transport statement contains limited information with regard to comparative floor areas of the two sites. It is unclear as to whether the Walter Pomeroy Hall was being utilised to its maximum capacity on these occasions or whether the proposed place of religious worship would be capable of accommodating a higher number of users on a regular basis within the proposed built form/floorspace. However, officers are of the view that a facility of the proposed size could accommodate substantially more than 100 users.

If the proposal were granted, the site could be utilised to maximum capacity on a regular basis which would be likely to give rise to unmet parking demand and condition prejudicial to the free flow of traffic and safety of the highway network. It is not considered that the level of use of the site could be adequately controlled by condition, as this would not be enforceable, accordingly the application is considered unacceptable.

The application site would be capable of making provision for an appropriate number and type of cycle parking spaces, and there are no objections to the internal highways layout.

URBAN DESIGN OFFICER

The external design remains the same as under the previous application and accordingly the Urban Design officers' comments on the previous application remain relevant. These were:

The proposed redesign of the exterior involves an uplift of the current tired facade, introducing a subtle enhancement inspired by classic Islamic architectural heritage. There are no objections to the proposed alterations to the existing building from an urban design point of view, as the scale, height and massing of the built remain in tact. Furthermore the new window openings and proposed vault structure, echoed in the roof details, are considered to be a positive contribution that will strongly enhance the character and appearance of the building. The ramped access and new covered porch at the main entrance will improve accessibility and functionality, although from an urban design point of view it would have been preferable to design the ramp and canopy fully in line with the new, elegant design to fully integrate this structure with the new architectural composition, as the proposed canopy gives an unnecessarily heavy and crude impression. It is advisable to further emphasise the new design approach by echoing the curved vault theme in the detailed design of the exterior doors, including the door structure as well as the glazed parts.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application proposes a change of use from a Sui Generis Use to a D1 Use. It is noted that the applicants' planning statement puts forward a view that the existing use class of the site is a D1 Use and that planning permission for the change of use is not required. However, the Local Planning Authority contests this and is of the view that the lawful use class of the site is sui generis as described within the application thereby requiring planning permission for the change of use requested.

Policy R8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

states that the Local Planning Authority will permit proposals for buildings to be used for religious and cultural purposes if:-

(i) They provide adequate parking in accordance with the Local Planning Authority's adopted standards;

(ii) Any proposed new buildings or extensions harmonise with or complement the scale and appearance of existing and neighbouring properties;

(iii) They are sited where they do not prejudice the amenities of neighbouring occupiers by reason of noise, traffic or visual amenity; and

(iv) Access arrangements are satisfactory.

(v) The proposed use does not conflict with the other policies of this Plan.

With regard to criterion (i), the adopted standards state that for places of worship and community centres falling within Class D1, proposals will be assessed on an individual basis using a transport and travel plan. A transport statement has been submitted with the application which concludes that the proposed 15 spaces are adequate. However, the Council's Highways Engineer disagrees with this assessment as addressed within the relevant section of this report.

With regard to criterion (ii), it is considered that the elevational alterations which have been carried out to the building are in keeping with the character and scale and appearance of neighbouring properties and this criterion is therefore met.

With regard to criterion (iii), subject to the imposition of conditions controlling the hours of use, the implementation of a noise insulation scheme to the building and preventing the use of public address systems and noise generating activities outside the building, it is not considered that the proposed use would prejudice the amenities of neighbouring occupiers by reason of noise. With regard to the issue of traffic, it is considered that the lack of adequate on-site car parking for the proposed use, would be likely to result in overspill parking in Clarkes Drive, Violet Avenue and Apple Tree Avenue to the detriment of residential amenity. It is not however considered that the physical alterations that have been carried out to the site and building have had a detriment impact on residential amenity. This criterion would therefore only be partially met.

With regard to criterion (iv), the Highway Engineer has no objection to the existing access arrangements. This criterion is therefore met.

With regard to criterion (v), the other material impacts of the proposal are discussed elsewhere within the body of this report.

7.02 Density of the proposed development

Not relevant to the application.

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

Not relevant to the application.

7.04 Airport safeguarding

Not relevant to the application.

7.05 Impact on the green belt

Not relevant to the application.

7.07 Impact on the character & appearance of the area

Policies BE13, BE19 and BE21 of the Unitary Development Plan Saved Policies seek to ensure that new development will complement and improve the character and amenity of the area. The Urban Design Officer is of the view that the elevational alterations which have been carried out to the building are not to the detriment of the character and appearance of the area. As such, the requirements of these Policies are met.

7.08 Impact on neighbours

Policies BE20, BE21 and BE24 of the Unitary Development Plan Saved Policies seek to ensure that new developments do not have a detrimental impact on the residential amenity of neighbouring occupiers through loss of light, dominance or loss of privacy. The development includes a small porch extension at the front of the building of 5 sq m facilitating access to the building for less able members of the community. This has no direct impact on any neighbouring properties. No other extensions are proposed to the building. Changes to doors and windows on the ground floor of the building have not resulted in any loss of privacy to neighbouring properties.

An ancillary manager's flat existed on the first floor in connection with the former Irish Centre. This flat was approved in 1986 (ref: 267N/86/300 dated 20 August 1986), and included a window in the west elevation (facing towards residential properties in Clarkes Drive). It is worth noting at this point that condition 5 of that consent required that the window be obscure glazed.

The current application seeks to retain an ancillary manager's flat in connection with the proposed use, albeit this would now be altered to form a 1 bedroom unit with a separate entrance provided to avoid the occupiers having to enter the proposed mosque and community centre to gain access.

Given the previous lawful manager's flat on the site, there is no objection to the provision of an upgraded manager's flat in connection with the proposed use.

With regard to the alterations to the first floor window in the west elevation of the building facing properties in Clarkes Drive, the proposed window face the block of flats on Clarkes Drive would be obscure glazed and subject to this being secured the proposal would not give rise to concerns regarding overlooking.

Policy OE3 states that buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels by engineering, lay-out or administrative measures. Subject to the imposition of conditions controlling the hours of use, the implementation of a noise insulation scheme to the building and preventing the use of public address systems and noise generating activities outside the building, it is not considered that the proposed use would be likely to prejudice the amenities of neighbouring occupiers by reason of noise. As such, the requirements of this Policy would be met.

7.09 Living conditions for future occupiers

The scheme proposes a residential managers flat, the internal layout is considered to be indicative of a 1 bedroom unit. The Council HDAS Residential Layouts recommends that for a 2 bed flat a minimum floor area of 50sqm of internal floor area be provided.

In this case the 1 bed managers flat would be accommodated within an area of 61sqm, which is in accordance with the Council's standards. Given the historical situation no objection is raised in terms of the lack of amenity external space, in particular having regard to the fact that the flat is proposed as a managers flat ancillary to the main use.

The use of the flat for accommodation ancillary to the main use of the site could be controlled by way of condition and accordingly, no objection is raised to the residential living conditions provided.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application site is located down Royal Lane, a relatively narrow road within relatively close proximity to other sites which give rise to high levels of trip generation including a number of schools and Hillingdon Hospital. Royal Lane and a number of surrounding roads are subject to parking management schemes, but these schemes are not fully comprehensive and parking in some areas nearby is uncontrolled.

The application is supported by a transport statement, which addresses issues of trip generation and car parking. The statement is informed by:

- a) information provided by the proposed client that the site will attract up to 20 people on a weekday evening, up to 50 people on a Friday afternoon and between 75 -90 people on a Friday afternoon during the summer holiday; and
- b) survey data obtained by an independent survey company on occasions where the prospective occupiers were utilising the neighbouring Walter Pomeroy Hall, and on the number of people present on those occasions.

On the basis of the above data the statement indicates that the 15 on-site parking spaces would be adequate to serve the users as surveyed on the 4th March 2011 and 15th April 2011.

While the traffic survey data is factual with regard to the use on the above dates, the submitted transport statement contains limited information with regard to comparative floor areas of the two sites. In this respect it is noted that the Council's records indicate that the Walter Pomeroy Hall which was being utilised at the time of the surveys has a gross internal floor area of approximately 280sq.m whereas the ground floor of the proposed site would have a gross internal floor area of approximately 346sq.m, it is also unclear as to whether the Walter Pomeroy Hall was being utilised to its maximum capacity on these occasions or whether the proposed place of religious worship would be capable of accommodating a higher number of users on a regular basis within the proposed built form/floorspace. However, officers are of the view that a facility of the proposed size could accommodate substantially more than 100 users.

If the proposal were granted, the site could be utilised to maximum capacity on a regular basis which would be likely to give rise to un-met parking demand and conditions prejudicial to the free flow of traffic and safety of the highway network. It is not considered that the level of use of the site could be adequately controlled by condition, as this would not be enforceable, accordingly the application is considered unacceptable.

The application site would be capable of making provision for an appropriate number and type of cycle parking spaces, and there are no objections to the internal highways layout.

7.11 Urban design, access and security

Urban design and access issues are considered elsewhere in the report. With regard to security, the site is surrounded by secure fencing and entrance gates which are kept locked when the site. It is therefore considered that the proposed use does not have any particular security implications.

7.12 Disabled access

Policy 7.2 of the London Plan and Policy R16 of the Unitary Development Plan Saved Policies require all developments to meet the highest standards of accessibility and inclusion so that developments can be used safely, easily and with dignity by all

regardless of disability, age or gender. The Council's Access Officer has reviewed the proposal and raises no objection subject to conditions.

7.13 Provision of affordable & special needs housing

Not relevant to the application.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Unitary Development Plan Saved Policies states that development proposals will be expected to retain and utilise topographical features of merit and provide new planting and landscaping wherever it is appropriate. The development retains all of the existing trees on the Royal Lane frontage and on the boundary with Meadow High School to the north. As such, the requirements of this Policy are met.

7.15 Sustainable waste management

The applicant has stated that all waste generated by the use, including recyclable waste, will be stored within the building and moved to the site entrance for Council collection on the appropriate day.

It is considered that in this case, given the large size of the site, that there would be room to accommodate secure and covered refuse and recycling storage facilities. Subject to a condition being imposed on any consent, requiring the provision of refuse storage details before commencement, no objection would be raised.

7.16 Renewable energy / Sustainability

Policies within chapter 7 of the London Plan require developments to achieve sustainable design and contribute towards a reduction in carbon dioxide emissions..

In this instance, given that the development relates only to a change of use of an existing building of approximately 389 sq metres floor area, it is not considered that it would be reasonable to require the applicant to implement any additional renewable energy or energy saving measures in this instance.

7.17 Flooding or Drainage Issues

Not relevant to the application.

7.18 Noise or Air Quality Issues

Subject to the imposition of conditions controlling the hours of use, the implementation of a noise insulation scheme to the building and preventing the use of public address systems and noise generating activities outside the building, it is not considered that the proposed use would be likely to prejudice the amenities of neighbouring occupiers by reason of noise. It is not considered that the development raises any particular air quality issues.

7.19 Comments on Public Consultations

The general comment and supporting comments are noted.

In relation to the objections:

Issues (i) and (xi) relate to the principle of development which is addressed within the body of the report. The principle of the development is considered to comply with the development plan.

Issue (ii) relates to concerns regarding noise and disturbance. The Council's Environmental Protection Unit have considered the application and consider the development acceptable subject to conditions. It is also noted that application must also be considered in the context of impacts compared to the previous use of the site, which represents a material consideration and was a cause of noise disturbance.

Issues (iii), (iv), (v) and (vi) relate to concerns relating to highways impacts including congestion, parking and highway safety. These issues are dealt with in the relevant section of the report. In respect of more specific matters officers have investigated claims that the proposed occupiers have been utilising the car park at Meadow High School and it has been confirmed that the applicants have on some occasions rented and used the school hall and on these occasions utilised the schools parking facilities. However, the schools car park has not been utilised as 'overflow' parking on occasions when the school hall has not been rented and as such this is not considered to impact on the accuracy of information submitted. Specific concerns regarding access for ambulances are noted and concerns regarding impact on the free flow of traffic are relevant to this issue, however it should be noted that the London Ambulance Service located on Royal Lane were consulted on the proposal and have not lodged any objection.

Issue (vii) raises concerns relating to Air Quality impacts. The proposal is not considered to be of such a scale that it would result in significant adverse impacts.

Issues (viii) objects to the retrospective nature of the application. Retrospective applications must be considered on their individual against the development plan in the same way as all other applications.

Issues (ix) raises concerns relating to the provision of an ancillary flat in a mosque. There is no in principle objection to such an arrangement, and the flat is considered to provide an adequate arrangement for the future occupiers subject to a condition ensuring it is occupied for purposes ancillary to the main use.

Issue (x) raises concerns relating to the appearance of the building being out of character with the area. This issue is addressed within the relevant section of the report. It is also considered that paragraph 38 of PPS1 which states '...Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles....' is relevant to consideration of this matter.

Issue (xii) raises concerns relating to crime, violence etc. There is no evidence that the proposed use would give rise to any issues relating to crime.

Issue (xiii) raises concern that the building may become larger as time goes on. The application must be considered on its own merits, as would any subsequent application to extend the building.

7.20 Planning obligations

Not relevant to the application.

7.21 Expediency of enforcement action

The unauthorised works came to the attention of the Council's enforcement team on 23 November 2009. In an attempt to regularise works and obtain approval for the change of use, this application has been lodged. However, as the use as a community centre and place of religious worship has not commenced, it would not be expedient to take enforcement action at the present time.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

Planning permission is sought for the change of use of the site and building from the former Hillingdon Irish Centre (Sui Generis) to Class D1 (non-residential institution) for use as a community centre and place of religious worship, with ancillary manager's flat, including external alterations.

The principle of the development and its appearance are considered acceptable and subject to appropriate conditions it is not considered that the proposal would have an adverse impact on neighbouring or future occupiers.

The development however, does give rise to concerns relating to car parking, the free flow of traffic and general conditions of highway safety.

It is therefore recommended that the Planning Inspectorate be advised that the Local Planning Authority would have refused the application had a non-determination appeal not been lodged.

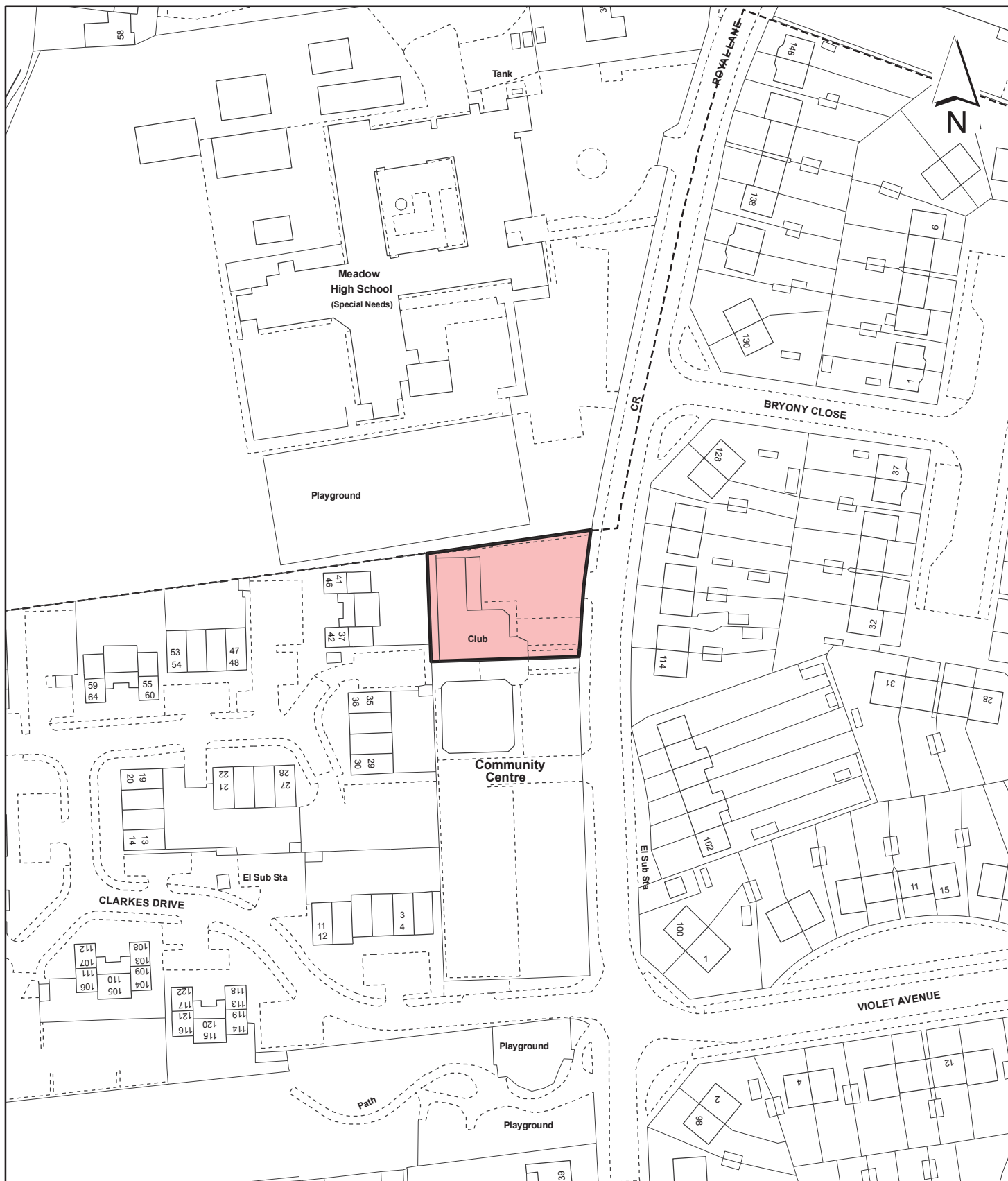
11. Reference Documents

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)
Planning Policy Statement 3 (Housing) (November 2006)
Planning Policy Guidance Note 13 (Transport) (April 2001)
The London Plan (July 2011)

Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement - Residential Layouts (July 2006)
Local Development Framework Accessible Hillingdon Supplementary Planning Document
(January 2010)
Planning Obligations Supplementary Planning Document (July 2008)

Contact Officer: Adrien Waite

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Notes



Site boundary

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Site Address

**Former Hillingdon Irish Centre
Royal Lane
Hillingdon**

Planning Application Ref:

267/APP/2011/1383

Planning Committee

Central and South

Scale

1:1,250

Date

**September
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
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