

Report of the Head of Planning, Sport and Green Spaces

Address 107 STATION ROAD HAYES

Development: Part change of use from Use Class A1 (Shops) to Sui Generis to be used as a mini cab office and a repair shop involving installation of new shop fronts to principal and rear elevations

LBH Ref Nos: 28457/APP/2013/3526

Drawing Nos: 10701
10702 Rev 01
LOCATION PLAN (1:1250)
Block Plan (1:500)
Car Parking Arrangements

Date Plans Received: 27/11/2013 **Date(s) of Amendment(s):** 09/05/2014
Date Application Valid: 09/12/2013 27/11/2013

1. SUMMARY

As part of the Cross Rail development, Nos.119-123 Station Road have been compulsorily acquired (by Network Rail), and existing occupiers are required to vacate. The current planning application seeks permission to relocate one of the businesses from Nos.119-123 Station Road.

The application seeks part retrospective planning permission for the subdivision of the existing A1 unit into two units and the change of use of one of the new units for the operation of a mini-cab office (sui generis) with the remaining space being used as an IT repair shop (Use Class A1).

The application also seeks consent for the retention of the alterations to the shopfront to Station Road and also at the rear elevation (facing Station Approach) to install a shop front and entrance from both frontages of the building.

The taxi business at 119-123 Station Road did not include any dedicated off street parking. Rather, taxi drivers park in surrounding streets (while they await customers). The applicant has provided evidence to show parking occurs either in public car parks or in onstreet parking bays.

It is worth noting that the parking in near by streets is heavily used, and is considered to be under pressure (in part this pressure is brought about by taxi drivers parking in the on-street spaces). Shoppers must compete with the drivers for parking spaces, and it is considered that the general lack of available parking detracts from the vitality and viability of Hayes Town Centre.

No parking is proposed as part of the current scheme, and given parking pressure in the area, continued reliance by the business on the on-street parking it is not considered acceptable.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development fails to provide any off street parking, leading to on-street parking (in an area where there is considerable pressure and competition for on-street parking) to the detriment of pedestrian and highway safety and detracting from the vitality and viability of the Hayes Town Centre, contrary to policy E5 of the Local Plan Part 1 and policy AM14 and the adopted parking standard of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 2.15 of the London Plan (July 2011).

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) as incorporated into the Hillingdon Local Plan (2012) 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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE39	Protection of trees and woodland - tree preservation orders
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for

development control decisions.

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You are advised that had the Council have recommended approval of the scheme, then a condition would have been imposed requiring a noise management plan (to mitigate noise and disturbance associated with the business) to be submitted and approved by the Local Planning Authority.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey terraced retail unit on the eastern side of Station Road. The ground floor of the unit has a glazed shop front, which has recently been subdivided into two shopfronts (without consent) and part of this application seeks the regularisation of this work. The previous use of the unit was as a single shop unit (Use Class A1). The unit forms part of a retail parade on the eastern side of Station Road, with the terrace being of red brick appearance with glazed shopfronts at ground floor level. The site is flanked by a hair and beauty salon on one side and a dental practice on the other. There is a doorway between the application site and the hair and beauty salon providing access to the first floor residential flat above the application unit (No.107a Station Road).

Directly in front of the site are two on-street parking bays for use for the loading of goods only between 8.30am and 6.30pm Monday to Friday with a 20 minute maximum stay. This part of Station Road rises up (from north to south) due to a bridge which provides vehicular access over the adjacent train tracks. To the south of the loading bays and along the length of the bridge are various bus stops, with the remainder of the highway of Station Road being single or double yellow lines.

An entrance to Hayes and Harlington Station is located 70 metres to the south of the application site. 60 metres to the north of the site is a mini-roundabout which provides access to Station Road, Station Approach and Clayton Road. Station Approach is a mainly private, unadopted road which runs behind the application site.

This road provides vehicular access to the Hayes and Harlington Station, with a mini-roundabout at the end of the cul-de-sac. At the end of the cul-de-sac is a drop off and pick up point. Two disabled parking spaces are also located at the end of the cul-de-sac, behind No.119-123 Station Road. In addition, space for approximately 4 vehicles is provided in the form of parallel parking to the rear of Nos.109-117 Station Road. This is a private access (parking enforcement is managed via a private management company). The four parallel bays are restricted to 20 minutes maximum stay (no return within 40 minutes), the remaining bays are for permit holders only.

On the opposite side of Station Approach is the multi-storey residential led, mixed use development, Highpoint Village, the ground floor of which provides a Tescos Express and other commercial units facing towards the private road. There is also a vehicular access into this development from Station Approach.

The application site has recently been altered to create two units and introduce a shop front into the rear elevation. Retrospective approval for this work forms part of this application.

To the south of the application site is the three storey building containing No.119-123 Station Road. The applicant was granted consent in 2006 to operate the current mini-cab business from this building and it is this business the applicant seeks to relocate to the application site as part of the current application.

The site is situated within a Developed Area and within the Secondary Shopping Area of Hayes Town Centre, as identified in the Policies of the Hillingdon Local Plan (November 2012). The site has PTAL score of 4.

3.2 Proposed Scheme

The application seeks part retrospective planning permission for the subdivision of the existing A1 unit into two units (one remaining as an A1 use and the other being a mini-cab office (sui generis).

The application also seeks consent for the retention of the works to the facade on Station Road and to the facade at the rear on Station Approach.

The business would have no off-street parking associated to the business. The applicant has provided detailed information as to the operation of the business with the cars associated with the business currently parked in the Council operated pay and display car park on Blythe Road or in the on-street pay and display car parking on Clayton Road.

The relocation is sought due to the business being required to vacate the current premises in August 2014 due to their current premises being redeveloped as part of the wider development of Hayes & Harlington station for CrossRail.

3.3 Relevant Planning History

28457/A/80/1747 Westbourne House, 107-117 Station Road Hayes
Alterations to elevation (P)

Decision: 24-10-1980 Approved

28457/APP/2013/2677 107 Station Road Hayes
Change of use from A1 to A2

Decision: 10-04-2014 Approved

Comment on Relevant Planning History

Planning permission reference 22292/APP/2006/73 granted the part change of use of No.119-123 from estate agents' office (Use Class A2) to part travel agent (Use Class A1) and mini cab/car booking office (Sui Generis) and installation of new front door. Consent was granted with a condition which required customers to be picked up from Station Approach.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

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.
BE24 Requires new development to ensure adequate levels of privacy to neighbours.
BE26 Town centres - design, layout and landscaping of new buildings
BE39 Protection of trees and woodland - tree preservation orders
OE1 Protection of the character and amenities of surrounding properties and the local area
OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
OE5 Siting of noise-sensitive developments
AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7 Consideration of traffic generated by proposed developments.
AM14 New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

4 Neighbouring Occupiers were notified of the development originally on 11th December 2013. After a visit to the site it was determined that the original plans did not show the works to the rear elevation and amended plans were sought.

Once amended plans were received further consultations were sent to 11 neighbouring occupiers, the High Point Village Residents Association and the Hayes Town Partnership on 13th March 2014. A site notice was also erected on 27th March 2014. By the close of the public consultation period, 47 objections were received in relation to the proposed development. These objections can be summarised to cover the following points:

- i) Harm to the character and appearance of the area due to the creation of two shopfronts to Station Road elevation and new shopfronts to the Station Approach elevation;
- ii) Additional on-street parking and traffic from mini-cab waiting for customers, causing harm to highway and pedestrian safety;
- iii) Lack of off street parking for the business;

iv) Increased noise disturbance to neighbouring residential properties;
v) Lack of refuse storage.

vi) No requirement for another mini-cab business in the area;
vii) The mini-cab office would draw unwanted attention to the area;
viii) No details of advertisements that would be used;
ix) Have the applicants got the permission of Network Rail;
x) Lack of light in the area;
xi) The application is retrospective in nature;

CASE OFFICER COMMENTS: It is noted that a large number of residents in the High Point Village development have concerns about parking enforcement on Station Approach. This is a private highway with a private company organising the parking enforcement on the private section of the road.

The various matters raised are either addressed in the body of the report, reflected in the reason for refusal or are not material planning considerations.

NETWORK RAIL

Further to our letter dated 8th April and your subsequent emails, although we have not received the requested documentation in order for us to access the rights of access, I can confirm that Network Rail will not object subject to an appropriately worded planning condition that:-

"No parking of vehicles is permitted on Network Rail access road, the access road must be kept clear at all times to ensure no vehicles block the access to the Station".

In the absence of such a condition Network Rail would object to this proposal.

CASE OFFICER COMMENT: The applicant has provided some detail that indicates that they have a small right of way to the rear of the unit, but not across the whole of Station Approach. This road is in private ownership and is not part of the red line of the application site. Therefore, this condition could not be added. However, the requirement to not block the road would be covered by parking enforcement regulations on the road and would not pass the 6 tests of a planning condition as outlined in the Planning Practice Guidance, as it would not be necessary due to this being covered by existing regulations at the site.

Internal Consultees

HIGHWAYS OFFICER

The Council's parking standards require a maximum of 2 off street car parking spaces for a mini cab business, none are proposed.

This business is relocating from No 119 Station Road (in the same parade) where they have been operating for the last 10 years. The agent states that they are having to relocate because of Cross Rail works.

The adjoining public highway is under a controlled parking management scheme with the area outside the Station under CCTV.

The applicant has provided evidence of P&D parking tickets, which shows that cars largely wait on Clayton Road and Blyth Road and on occasions in Blyth Road public car park, taking advantage of the free 30 minutes parking facilities. This arrangement is not satisfactory, as the short term free parking facilities are provided for visitors/customers to local shops in the vicinity.

Businesses should provide adequate off street to meet the needs of their particular business. The

nature of the mini cab business means that it inherently involves a number of vehicles. The existing parking problems in the area are observable (known) and it is not considered acceptable to continue to allow business operations involving many cars to operate without any off street parking.

ACCESS OFFICER

As the application appears to be for a relatively straightforward change of use with with minor material alterations proposed, no accessibility improvements could reasonably be required within the remit of planning.

However, the following informative should be attached to any grant of planning permission:

1. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

Conclusion: acceptable

Environmental Protection Officer:

No objection is raised, subject to the imposition of a condition on any consent requiring a noise management plan.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is located within a Secondary Shopping Area of Hayes Town Centre. The proposed development would result in the sub-division of the existing unit into two and then the change of use of one unit to provide a mini-cab business and the retention of one unit in A1 use.

Whilst the proposed development would result in a reduction in the size of the existing unit, it would retain a retail operation within the site and would relocate the existing mini-cab business from within the Town Centre to another unit.

No objection is raised in principle.

7.02 Density of the proposed development

Not applicable to the current application.

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

The application site is not within a Conservation Area or Area of Special Local Character and the application site is not a Listed Building.

7.04 Airport safeguarding

Not applicable to the current application.

7.05 Impact on the green belt

Not applicable to the current application.

7.07 Impact on the character & appearance of the area

The impact on the visual amenities of the surrounding area can be subdivided into two areas; the impact to the elevation on Station Road and the impact on the elevation on Station Approach.

In terms of the impact to the elevation facing Station Road, the development has consisted of the creation of a new shop front for each of the units. The visual impact of

this is minimal and has had an acceptable impact on the appearance of the dwelling.

In terms of the impact on the elevation facing Station Approach, new shopfronts have been created in the rear elevation of the building. These face out onto the private highway which is in the ownership of Network Rail. The previous rear elevation of these buildings provided no architectural features which face out onto Station Approach and the creation of a shopfront has provided an active frontage to an area with a high pedestrian footfall to and from the station. From an urban design standpoint, this is considered an improvement in the design of the building and would have an acceptable impact on the visual amenities of the surrounding area.

Therefore, the proposed development is considered to comply with Policies BE13, BE15 & BE26 of the Hillingdon Local Plan (November 2012).

7.08 Impact on neighbours

A large number of residents have submitted objections during the course of the consultation periods in relation to the scheme. These have related to noise disturbance.

The development has created new openings and a shopfront onto the Station Approach frontage. Residents have raised concerns that this leads to additional noise disturbance. The majority of noise disturbance raised in the objections is in relation to customers being picked up from Station Approach during the late hours of the evening.

The application involves the relocation of an existing business (from a site very close by). There is no intensification of use of the business. It is noted that noise disturbance from passengers being collected from Station Approach is unlikely to be solely attributed to this business (other mini cab business operate in the area).

The Council's Environmental Protection Unit have considered the concerns and consider that the noise issue could be mitigated through implementation of measures to manage the way the business operates. Subject to the imposition of a condition on any consent, requiring a noise mitigation management plan for the business operation, refusal of the scheme for this reason is not considered reasonable.

7.09 Living conditions for future occupiers

Not applicable to the current application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

It is noted that the proposal is an existing business which is relocating from further along Station Road. It is acknowledged that there is an existing issue with taxis parking in the area surrounding the station and in surrounding streets.

The business has no designated off-street parking and is reliant on using parking in the surrounding area. The business fails to provide any dedicated off-street parking and has provided evidence which demonstrates that they are required to use public car parking spaces to operate the business. It is considered that the reliance in full on the use of public parking spaces for the operation of the business undermines the operation of the town centre. In essence workers, shoppers and residents who may wish to use on-street parking have to compete with the taxi drivers for this business. Observations of Clayton Road reveal that there is a general pressure on parking places, which is made worse by taxi drivers associated with the proposals.

It is considered that allowing this proposal will mean that the business will continue cause parking pressure/stress in the area, making it harder for shoppers/workers/residents to park and access the Town Centre (and this has an adverse impact on the vitality and

viability of the town centre).

The development is considered to fail to provide an acceptable parking arrangement for the operation of the business and is contrary to Policy AM14 of the Hillingdon Local Plan (November 2012) and additionally as it is considered the business detracts from the vitality and viability of the Hayes Town Centre and contrary to policy E5 of the Local Plan Part 1 and policy 2.15 of the London Plan (July 2011).

7.11 Urban design, access and security

As discussed in 7.07 of this report.

7.12 Disabled access

The access officer has reviewed the proposal and raises no objection to the proposed development arising from issues associated with disabled access.

7.13 Provision of affordable & special needs housing

Not applicable to the current application.

7.14 Trees, landscaping and Ecology

The application site has no landscaping associated to it and no external space to seek landscaping improvements.

7.15 Sustainable waste management

The proposed development would make use of the existing refuse collection arrangement and would not increase the waste production levels at the site.

7.16 Renewable energy / Sustainability

Not applicable to the current application.

7.17 Flooding or Drainage Issues

Not applicable to the current application.

7.18 Noise or Air Quality Issues

As discussed in section 7.08 of this report.

7.19 Comments on Public Consultations

No further comments with regards to public consultation.

7.20 Planning obligations

None required.

7.21 Expediency of enforcement action

If refused, the case will be referred to the Planning Enforcement Team for action.

7.22 Other Issues

The National Planning Policy Framework requires the for the social, environmental and economic factors for any application to be considered in the determination of an application. The application business has up to 50 members of staff working for the business. Whilst the job creation is recognised, it also reflects the number of drivers parking in surrounding streets in an area where parking concerns exist. The detriment to the town centre caused by parking problems must be balanced against the economic benefits of the scheme.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

None received.

10. CONCLUSION

The proposed change of use would seek to relocate the existing business from further

along Station Road to the application site.

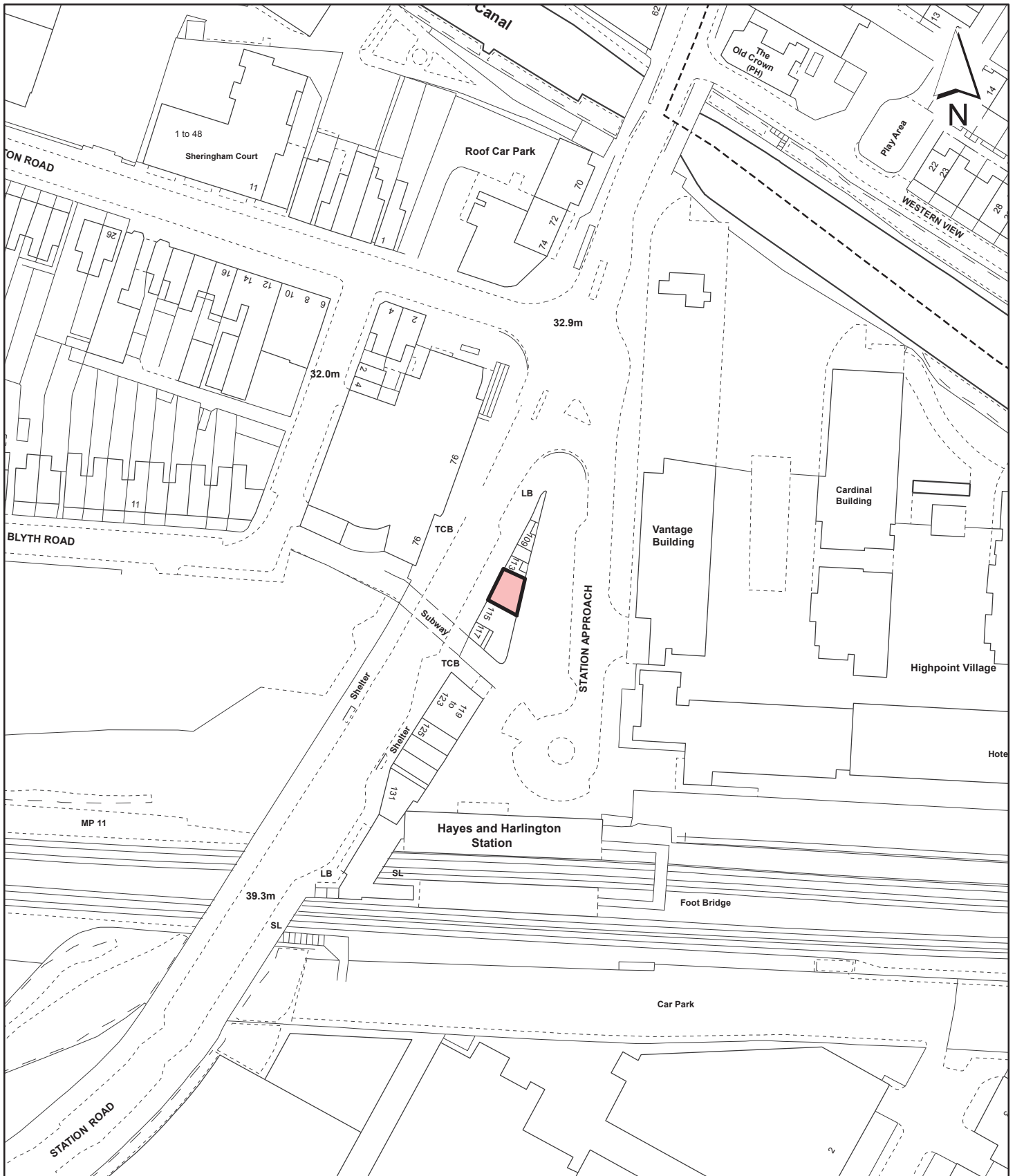
The relocated business has a sub-standard arrangement for the operation of the business, in terms of off-street parking, which is considered to harm the operation of the town centre and pedestrian and highway safety. Therefore, the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan (November 2012).
The London Plan (July 2011)
The National Planning Policy Framework.

Contact Officer: Alex Smith

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Notes

 Site boundary

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Site Address

**107 Station Road
 Hayes**

Planning Application Ref:
28457/APP/2013/3526

Planning Committee
Central and South

Scale
1:1,250

Date
June 2014

**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

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