

## Report of the Head of Planning & Enforcement

**Address** 69 ROCKINGHAM ROAD UXBRIDGE

**Development:** Change use from Class B1 (Business) to Class D1 (Non-Residential Institutions) and alterations to ground and first floor elevations.

**LBH Ref Nos:** 15676/APP/2009/1628

**Drawing Nos:** Design and Access Statement  
2582/GFL3/adt  
2582/FFL1/adt  
2582/FE/adt  
2582/GFL/adt  
2582/FFL/adt  
2582/FE2/adt  
1:1250 Location Plan

**Date Plans Received:** 24/07/2009                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 23/10/2009

### 1. **SUMMARY**

The nature of proposed activities would result in noise and disturbance during evenings and over weekends.

The scheme does not accord with relevant standards relating to disabled access.

Additionally, the proposed car parking provision is considered inadequate and there is significant concern that the scheme would compromise highway safety.

Refusal is recommended.

### 2. **RECOMMENDATION**

**REFUSAL** for the following reasons:

#### 1            NON2            **Disabled access**

Access to the building by persons with impaired mobility would be compromised as no provision has been made for at least one leaf of the main entrance doors to be a minimum of 1 metre wide contrary to Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and as required by Section 6 Public, Commercial and Employment Development of HDAS 'Accessible Hillingdon'.

#### 2            NON2            **Noise**

The application has failed to demonstrate that it would not result in large numbers of visitors attending the site and undertaking activities at times during the evening and at weekends that would cause harm to the amenity of near by occupiers due to general disturbance. As such the application is contrary to policies OE1 and R9 of the adopted Hillingdon Unitary Development Plan UDP (Saved Policies September 2007).

#### 3            NON2            **Traffic and parking**

The proposal fails to provide adequate car parking and cycle storage facilities in accordance with the Council's adopted parking standards and has failed to demonstrate that it would not give rise to conditions prejudicial to highway and pedestrian safety being contrary to Policies R9, AM7(ii), AM9, AM14 and AM15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## INFORMATIVES

### 1 152 **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).

### 2 153 **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 (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
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.
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
OE7	Development in areas likely to flooding - requirement for flood protection 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
R16	Accessibility for elderly people, people with disabilities, women and children
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
HDAS	'Residential Developments'
LPP 3A.15	London Plan Policy 3A.15 - Protection and enhancement of the

LPP 3A.17	social infrastructure and community facilities London Plan Policy 3A.17 - Addressing the needs of London's diverse population
LPP 4A.3 CACPS	London Plan Policy 4A.3 - Sustainable Design and Construction. Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
OE1	Protection of the character and amenities of surrounding properties and the local area

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site at 69 Rockingham Road comprises a two-storey industrial building with a one and two-storey flat roofed front projection. The site is located to the south east of Rockingham Road situated between St. Mary's Primary School and No. 71 Rockingham Road (an end of terrace dwelling).

The existing building on the site is unoccupied and has dimensions of 12 (w) x 23.7 (d) + 3.4 (w) x 7.5(d) metres. Inside the majority of the mezzanine first floor together with the ground floor provides a gross floor area of 544 sqm.

The eastern and southern flank walls of the building adjoins the boundary with St. Mary's Primary School and the site is located within a 1:100 defended flood zone. There is a bus stop outside the premises which has a PTAL (Public Transport Accessibility Level) rating of Level 2 indicating a below average level of accessibility. The site does not have an industrial designation, but lies within a developed area as identified in the policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

There is a pedestrian crossing located approximately 5m away from the driveway entrance to the application site. The pedestrian crossing provides access for school children across Rockingham Road.

#### 3.2 Proposed Scheme

The application seeks planning permission for a change of use from Class B1 to Class D1 (Non-residential institution). The Applicant has advised that the site would be used as a place to undertake for a variety of community and religious activities.

No increase in the footprint of the building is proposed. The appearance of the front elevation would altered to include new windows and double doors (each 700 mm wide). Windows to the side elevation overlooking St. Mary's School, would be obscure glazed and those facing the flank wall of No. 71 would be boarded up. The roof would be re-sheeted to match existing, and the front area asphalted to provide four car parking spaces including one disabled space.

The refurbished premises would be used by the Crown Church primarily as an administrative centre, but also would involve training, and some community activity and worship. The Applicant has advised that site would be used as follows:

Monday (Day time) 2 or 3 administrative staff

Monday (Night time) 30 to 50 persons undertaking an ALPHA course

Tuesday (Day time) 4 to 10 administrative staff  
Tuesday (Night time) 30 to 50 persons undertaking an ALPHA course

Wednesday (Day time) 4 to 10 administrative staff  
Wednesday (Night time) 30 to 50 persons attending a volunteer meeting

Thursday (Day time) 4 to 10 administrative staff  
Thursday (Night time) 10 to 30 persons attending choir practice

Friday (Day time) 4 to 10 administrative staff  
Friday (Night time) 30 to 50 persons attending a volunteer meeting

Saturday (Day time) Breakfast prayer attended by 30 to 50 persons  
Saturday (Night time) no planned use

Sunday (Day time) no planned use until lunch time, when site to be used for student lunch for between 30 and 60 persons  
Sunday (Night time) 40 to 80 persons attending a leaders meeting.

The premises would be occupied between 9am to 10pm Mon-Fri, 9am to mid morning Saturday's and from 1pm to 10pm Sundays.

A kitchen is proposed on the ground floor at the front of the building which the applicant has indicated would be used to slow cook and reheat food by microwave, however, no details of any flues/ducting/filtration/air extraction units have been provided to indicate whether there would be change to the external appearance of the building.

Parking for 4 cars is proposed in the front set back between the building and the street.

### **3.3 Relevant Planning History**

15676/APP/2007/3281      69 Rockingham Road Uxbridge  
ERECTION OF 3, TWO BEDROOMED TERRACE HOUSES WITH ASSOCIATED PARKING  
(INVOLVING THE DEMOLITION OF EXISTING BUILDINGS).

**Decision:** 07-04-2009      Approved

15676/B/88/0146              69 Rockingham Road Uxbridge  
Use of premises for production of replica cars (Application for Section 53 determination)

**Decision:** 22-03-1988      GPD

#### **Comment on Relevant Planning History**

During the period 2003 - 2006:- the building was used for metal fabrication, industrial plastic moulding and offices; in 2004 some office space used by a taxi firm; in 2005: the metal fabricators and taxi firm left premises; in 2006 plastic moulding company left premises.

From 2007 onwards the premises have been unoccupied and the building is now in a semi derelict state. Over the past 6 years pre-application correspondence has been exchanged with the Local Planning Authority. During that time, a number of redevelopment proposals

have been discussed with the planning authority and two planning applications submitted but then withdrawn. The most recent approval was for the erection of 3 two bed-roomed terraced houses with associated parking Ref: 15676/APP/2007/3281 approved in April 2009.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

###### Part 1 Policies:

- PT1.12 To avoid any unacceptable risk of flooding to new development in areas already liable to flood, or increased severity of flooding elsewhere.
- PT1.25 To encourage the provision of small industrial, warehousing and business units within designated Industrial and Business Areas.
- PT1.31 To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps.

###### Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE18 Design considerations - pedestrian security and safety
- 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.
- LE4 Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
- OE7 Development in areas likely to flooding - requirement for flood protection 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
- R16 Accessibility for elderly people, people with disabilities, women and children
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  
(i) Dial-a-ride and mobility bus services  
(ii) Shopmobility schemes  
(iii) Convenient parking spaces  
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons

HDAS	'Residential Developments'
LPP 3A.15	London Plan Policy 3A.15 - Protection and enhancement of the social infrastructure and community facilities
LPP 3A.17	London Plan Policy 3A.17 - Addressing the needs of London's diverse population
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
OE1	Protection of the character and amenities of surrounding properties and the local area

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

The application was advertised in the local press, on the Council's web site and a site notice was displayed at the site and letters were sent to surrounding occupiers (including to St. Mary's Primary School).

One letter in opposition to the application was received from St. Mary's Primary School raising the following concerns:

- i) Traffic associated with the proposed use may pose a hazard to children going to or from the primary school;
- ii) The driveway to the application site is accessed across a footpath which is used by children travelling to/from the school, there would be a risk that cars accessing the site could collide with children;
- iii) The proximity of the zebra crossing to the application site driveway is of concern, given the number of persons who would be using the site;
- iv) Rockingham Road is already very busy and this application would make it even more so;
- v) The school is used during the day and at evenings. There will be an overlap between when 69 Rockingham Road is proposed to be used and when the school is used. On street parking in the area is inadequate to cope with the additional user proposed at 69 Rockingham Road;
- vi) Concerns are raised in relation to how cars parked at the application site would be separated from the play ground;
- vii) Concerns are raised over child safety, in that the play area would be overlooked by the users of 69 Rockingham Road;
- viii) The wall of 69 Rockingham Road adjoins the children's playground, as such the proposals must ensure that the playground is not affected by works etc.

### Environment Agency

No objection as the site is defended from a 1:100 year flood and climate change satisfying Policy OE7 of the adopted UDP (Saved Policies September 2007).

### Internal Consultees

#### HIGHWAYS ENGINEER:

The parking layout is not satisfactory. The depth of the forecourt is 7.0 metres. It needs to be 9.6 m

to accommodate parking spaces 1 and 2 in tandem. The disabled bay should be 3.6 m wide (it is only 2.9m). The current parking layout blocks the fire escape, and does not provide enough space for a pedestrian walkway including a wheel chair access.

The site will therefore lend itself to only 2 acceptable parking spaces.

No cycle storage area is proposed.

The applicant has advised that the maximum usage will be by 80 people. The site has a PTAL of 2 (i.e. not highly accessible). If most users travel by car then there would be concerns with regard to traffic and parking impacts.

There is no London Borough of Hillingdon parking Standard for D1 uses. Parking provision needs to be determined on an individual basis using a transport assessment (TA) and travel plan. No TA or undertaking to provide a travel plan has been provided. No assessment of trip generation has been made by the Applicant.

In the absence of this information the application cannot be supported on highway grounds.

#### PROJECTS AND ENVIRONMENTAL PLANNING:

The main policy issues are the loss of industrial floorspace and the suitability of the proposed use. The loss of the workshop is acceptable if the proposed development accords with Policy LE4. Under the terms of policy LE4 the loss of existing industrial floorspace in this case outside of designated industrial and business areas, is permitted on the basis that by virtue of its size, location and scale, the site is no longer suitable for continued industrial use.

The Council has accepted (Ref: 15676/APP/2007/3281) evidence that since Nov. 2006 the site has been vacant. As such, it is not considered that there is demand at this site for industrial uses. No objection raised to the proposed change of use.

Policy OE7 provides the policy context for areas liable to flooding. The site is within Flood Risk Zones 2 and 3 and as a requirement of PPS25 the applicant would need to undertake a Flood Risk Assessment as detailed in Annex E.

Subject to site specific issues, PEP have no objections in principle with this proposal.

#### ENVIRONMENTAL PROTECTION UNIT:

Request conditions which would require that development not commence until a site investigation report is submitted to the Local Planning Authority (LPA).

An additional condition is recommended which will require that development shall not begin until a scheme for protecting (surrounding dwellings and St Mary's RC Primary school) from dust emitted from the construction works.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

With regard to the acceptability of the proposal in principle, the proposal involves the loss of existing industrial floor space. The current building has been expanded over many years creating a series of commercial uses immediately adjacent to residential properties in Rockingham Road.

Policy LE4 allows the loss of existing industrial floor space outside of designated Industrial and Business Areas provided: -

- (i) The existing use seriously affects amenity, through disturbance to neighbours, visual intrusion or an adverse impact in the character of an area; or
- (ii) The site is unsuitable for industrial redevelopment because of the size, shape, location or lack of vehicular access; or
- (iii) There is no realistic prospect of the land being used for industrial and warehousing purposes in the future; or
- (iv) They are in accordance with the Council's regeneration policies for an area.

In this case, the Council accepted the loss of the industrial space in planning permission 15676/APP/2007/3281 dated 7 April 2009.

The applicant at that time had provided evidence that since November 2006 the site has been vacant and has failed to obtain a purchaser for the property. As such, it is considered that the site is no longer suitable for industrial use. The proposal is therefore considered to comply with Policy LE4 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

The north-east part of the site is identified as being contaminated. The Council's Environmental Protection Unit Officer raises no objection to the proposal, subject to a condition which requires that the development shall not commence until a site investigation report is submitted to the Local Planning Authority (LPA). As such, the proposal is considered to comply with policy OE11 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

Policy OE7 provides the policy context for areas liable to flooding. The site is within Flood Risk Zones 2 and 3 and the Environment Agency have confirmed that they have no objection to the proposed development subject to a condition controlling the height of the finished floor levels.

#### **7.02 Density of the proposed development**

The London Plan density matrix, and HDAS guidelines relate specifically to residential properties. As such, the density of commercial and industrial schemes needs to be assessed on a case by case basis.

Internal floor area would remain the same. Site coverage would not increase. It is considered that the ratio of floor area to land is acceptable.

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

Not applicable in this case.

#### **7.04 Airport safeguarding**

Not applicable in this case.

#### **7.05 Impact on the green belt**

Not applicable in this case.

#### **7.07 Impact on the character & appearance of the area**

The existing building is of a substantial size and bulk and occupies most of the application site. The building comprises a variety of different building materials and has some visually incongruous extensions immediately adjacent to the Rockingham Road frontage which intrude into the existing street scene.

Plans indicate that the front elevation would be altered, to install new double doors and windows in the main frontage. The proposed changes are not considered to unacceptably degrade the appearance of the existing building or street scene.



The height of the building would not change and it is considered that the proposal would comply with policies BE13 and BE19 of the Council's adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

#### **7.08 Impact on neighbours**

The existing workshop building covers the whole of the application site and the current proposal would not change this. The proposal would not project beyond the 45 degree line of sight taken from the mid-point of any habitable room window at No. 71 Rockingham Road.

The proposal is not considered to result in an over dominant form of development, or result in a loss of light which would detract from the amenities of the adjoining occupiers. The proposal would therefore comply with policies BE20 and BE21 of the Council's adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

There is considerable uncertainty that noise impacts from the use of the site (e.g. choir practice) would not affect neighbouring occupiers. The various activities proposed may well attract significant numbers of people and it is considered the scheme would be likely to have a considerable impact on an adjoining occupiers in terms of noise and odour emissions, the number of visitors and associated car usage. Significantly it is not considered these matters could be dealt with through the imposition of an appropriate condition given the use proposed.

The proposed kitchen could be used for food preparation, storage and traditional cooking. No fume or odour extraction system is proposed. Nonetheless this could be dealt with by a condition requiring an odour extraction system to be installed.

In the absence of information to the contrary, the proposal could, therefore, give rise to unacceptable harm and loss of amenity. The proposal is therefore contrary to policies OE1 and R9 of the adopted Hillingdon Unitary Development Plan UDP (Saved Policies September 2007).

#### **7.09 Living conditions for future occupiers**

As is discussed in section 7.12, the proposals do not accord with relevant access standards for disabled persons. As such it is not considered that the scheme would adequately for future occupiers.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy R9 of the adopted UDP (Saved Policies September 2007) requires that buildings used for religious and cultural purposes should have adequate parking provision and Policy AM15 requires that there should be conveniently located parking for disabled persons.

The premises only has a PTAL rating of Level 2. In addition, the London Borough of Hillingdon car parking Standards for D1 uses are dependent on the transport assessment and travel plan to assess the minimum car parking required and this is undertaken on a case-by-case basis. No such information has been provided. The applicant has advised that up to 80 people could attend the site.

The proposal indicates 4 car parking spaces including one for disabled parking. However, two of the spaces rely on tandem parking and the total depth of the proposed spaces is less than 9.6 metres so in practical terms cars would overhang the foot path.

The disabled car parking space is less than the minimum 3.6m width and would block access into the main entrance.

The Council's Highway Engineer has raised objection to the scheme, on the basis that the car parking layout is inadequate and there has been a lack of information to satisfy the Council that the proposal would not cause result in unacceptable on street car parking and an adverse impact on highway and pedestrian safety.

In summary, the level of parking is considered inadequate in this location (with a PTAL of 2). The application is not considered to accord with policies R9, AM7, AM14 and AM15 of the adopted UDP (Saved Policies September 2007).

#### **7.11 Urban design, access and security**

With regards to siting and scale, siting and design, building bulk and scale, layout and mix of units Policy R9 of the adopted UDP (Saved Policies September 2007) requires buildings used for religious and cultural purposes to harmonise with the scale and appearance of existing and neighbouring properties.

Given the dilapidated state of the building, the proposed alterations would improve its appearance in the street scene. It is considered that the proposal would, accord with Policies BE13; BE15; BE19 and R9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

There would be no additional impact on neighbours due to overshadowing or loss of daylight in sunlight, nor would there be any change in the outlook from neighbouring property. To protect privacy it is proposed to board up the first floor flank windows, on the boundary with No. 71 Rockingham Road and the applicant is willing to obscure glaze the windows on the boundaries with St. Mary's Primary School.

With respect to building security the front elevation would be infilled with block-work and rendered with µPVC windows installed and double doors (each 700 mm wide) to the main entrance. Windows to the side elevation overlooking St. Mary's School, would be obscure glazed and those facing the flank wall of No. 71 would be boarded up.

The premises overlook a bus stop and the extra windows and additional activity due to visitors would ensure that 'pedestrian security is enhanced and effective policing is not prejudiced'. Overall, the proposed renovation of the building to facilitate the change of use would satisfy the requirements of Policies BE13, BE15, BE18, BE19 and R9 of the adopted UDP (Saved Policies September 2007) and the HDAS - Community Safety by Design SPG.

#### **7.12 Disabled access**

Policy R16 of the adopted UDP (Saved Policies September 2007) requires that community and other facilities open to the public make adequate provision for accessibility, particularly for elderly people, people with disabilities, women and children.

Although the proposed ground floor layout of the building makes provision for persons with disabilities the proposed front doors of the main entrance do not comply with relevant standards in terms of each individual door width.

Provision for at least one leaf of the main entrance doors to be a minimum of 1 (w) metre for new building and 700 mm for existing is required by Section 6 Public, Commercial and Employment Development of HDAS Accessible Hillingdon. Although technically the premises are not a new building the infill works to the front elevation and introduction of new doors offer the opportunity to follow best practice as set out in the HDAS guidance.

#### **7.13 Provision of affordable & special needs housing**

Not applicable in this case.

#### **7.14 Trees, landscaping and Ecology**

In terms of impact on existing trees and ecology there is no existing landscaping on site that would be affected by the proposed development and due to the urban nature of the site no scope for any future landscaping. Similarly the site's urban context provides little opportunity for the establishment or enhancement of biodiversity.

#### **7.15 Sustainable waste management**

Subject to conditions requiring the provision of details of refuse and recycling storage areas, no objection is raised.

#### **7.16 Renewable energy / Sustainability**

Subject to a condition requiring that the premises achieve BREAMM very good standard, no objection would be raised.

#### **7.17 Flooding or Drainage Issues**

The application was referred to the Environment Agency who raised no objection to the scheme noting that the site is defended from a 1:100 year flood and climate change, as such no objection is raised in relation to Policy OE7 of the adopted UDP (Saved Policies September 2007).

#### **7.18 Noise or Air Quality Issues**

There is considerable concern that the scheme would result in adverse impacts on neighbouring occupiers due to noise from activities being undertaken late at night and from odours associated with the kitchen/cooking facilities contrary to policies OE1 and R9 of the adopted Hillingdon Unitary Development Plan UDP (Saved Policies September 2007).

#### **7.19 Comments on Public Consultations**

With regard to matters raised in the letter of objection, these are either addressed specifically below, or within the body of this report:

Point (vii) the proposal does not represent any greater risk to security and privacy of school children than surrounding residential development.

#### **7.20 Planning obligations**

Not applicable in this case.

#### **7.21 Expediency of enforcement action**

Not applicable.

#### **7.22 Other Issues**

None relevant.

### **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**

The refurbishment and modernisation of the existing building as proposed would bring about a considerable improvement to the street scene. The nature of activities associated with the building, however, would be fundamentally different in as much that the daytime disturbance during the weekdays, associated with a business use would be replaced by individuals and groups of people visiting the premises during evenings and over weekends.

In addition to that there would be preparation of food at certain times and the possibility of music associated with choir practice and other events. Moreover, given its location between a school and residential properties it is quite conceivable that proposed activities could affect neighbours amenity due to noise and general disturbance and have an adverse impact on the character of the area in general. So whilst these activities would not infringe the use of the primary school and commercial premises consideration has to be given to the occupiers of nearby residential properties.

Additionally the applicant has not adequately demonstrated that the proposal would not have the potential to overload local car parking capacity and compromise highway safety.

Refusal is therefore recommended.

## **11. Reference Documents**


- (i) Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).
- (ii) London Plan (2008)
- (iii) Planning Policy Statement PPS25
- (iv) Council's HDAS Design Guidance: 'Residential Layouts' and 'Accessible Hillingdon'
- (v) Council's Supplementary Planning Guidance, July 2008 'Planning Obligations'

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**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>69 Rockingham Road Uxbridge</b>	
Planning Application Ref:	Scale
<b>15676/APP/2009/1628</b>	<b>1:1,250</b>
Planning Committee	Date
<b>Central and South</b>	<b>February 2010</b>

**LONDON BOROUGH  
OF HILLINGDON**

**Planning &  
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111



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