

Report of the Head of Planning & Enforcement Services

Address WHITEHALL SCHOOL PLAYING FIELDS (OFF WHITEHALL ROAD)
WHITEHALL SCHOOL COWLEY ROAD UXBRIDGE

Development: Variation of conditions 2 (development in accordance with approved plans) and 7 (tree survey) of planning permission ref: 4341/APP/2009/879 dated 15/02/10 (Single storey building for use as children's and adults centre, with associated parking, play area, new vehicular crossover and new pedestrian access from Whitehall Road), to relocate approved building and accessway from Whitehall Road, alter internal layout and external elevations of approved Children's Centre, relocate car parking space, refuse bin, cycle and pram storage, relocate play area to the north west of the building and remove one car parking space

LBH Ref Nos: 4341/APP/2010/781

Drawing Nos: 05/202 Rev: C
05/204 Rev: B
05/205 Rev: B
05/201 Rev. H
Tree Survey, Arboricultural Implication Assessment & Method Statement revised 12 July 2010
05/600 Rev. A
1764.D.A
200 Rev A

Date Plans Received: 09/04/2010

Date(s) of Amendment(s):

Date Application Valid: 15/06/2010

1. SUMMARY

The application seeks a variation of conditions 2 (development in accordance with approved plans) and 7 (tree survey) of full planning permission Ref 3441/APP/2009/879 dated 15-2-2010 for the erection of a single-storey building with associated parking, access and landscaping, on land belonging to Whitehall Junior School in Uxbridge. The variation of condition application arises from a need to reposition the approved building. The building will be used as previously agreed as a centre primarily to provide pre-school activities for very young children, and post-natal care and advice for new parents. The centre would also provide a meeting place for new parents to meet and IT facilities to help with issues such as job seeking.

The variation of conditions 2 and 7 would involve a small repositioning of the proposed building, in turn necessitating a minor alteration in the plan of the building to make a symmetrical form and the relocation of an external soft play area which in turn would involve some alterations in the landscape scheme and an increase in the number of trees retained on the Whitehall Road boundary of the site. It is not considered these amendments would have an adverse impact on the design of the centre, on the sports playing fields, the local ecology, on the residential amenity of nearby properties, or on highway safety. The proposal in respect of variation of condition 2 and 8 complies with relevant UDP and London Plan policies and, as such, approval of the variation of conditions 2 and 7 is recommended.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 HH-OM1 **Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 HLC3 **Hours of Use**

No persons other than staff shall be permitted to be on the premises between the hours of 08:00 and 18:00 Monday to Friday only.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 152 **Compulsory Informative (1)**

You are reminded that only Conditions 2 and 7 of planning permission ref 4341/APP2009/879 have been varied by this permission. All the other condition attached to the aforementioned permission remain in force so far as the same are still subsisting and capable of taking effect.

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application site comprises an approximately 0.2 hectare, roughly triangular shaped plot of land at the southern end of Whitehall Junior School's playing fields. The southern most part of the site is currently fenced off from the main playing field and is overgrown with vegetation. The site is bounded to the west and south by residential properties in Derby Road and Walford Road respectively, and to the east by Whitehall Road, beyond which are residential properties. The site falls within the developed area as shown on the Hillingdon Unitary Development Plan Proposals Map.

3.2 **Proposed Scheme**

The existing approved scheme is to erect a single-storey building in the centre of the site, to be used as a children's and adult's centre, with associated play area, parking and landscaping. The centre would provide pre-school facilities for very young children between the ages of approximately 0 and 5, pre-natal care and advice for new parents, a general meeting area, and IT equipment to provide learning facilities to adults and aid job seeking, etc. Three full-time staff would be employed and it is anticipated that the building would operate between approximately 8am and 6pm to provide before and after-school clubs.

The building would have maximum dimensions of approximately 30m by 15.5m by 6.5m high and would have a floorspace of 218m². It would comprise a family/children room, an adult learning room, a consulting room, an office, a reception/lobby area and WC facilities. Externally a children's play area would be provided towards the southern end of the building.

Separate pedestrian and vehicular accesses would be provided to the site off Whitehall Road, and 4 parking spaces, including 2 disability standard spaces, would be provided to the east of the building, towards the northern side of the site.

The proposal to reposition the proposed building, necessitates a minor alteration in the plan of the building and also involves the relocation of an external soft play area towards the western side of the site which, in turn, would involve some alterations in the landscape scheme and the number of trees retained on site.

On the Whitehall Road boundary the proposed repositioning of both the pedestrian and the vehicular access gates would involve trimming 2 trees (T002 and T003 on plan ref: 1764.D.A) for vehicular access and 2 trees (T004 and T006) over the pedestrian entrance. Tree T005 would be removed. None of the trees on site are protected trees.

3.3 Relevant Planning History

Comment on Relevant Planning History

Whitehall Junior School has an extensive planning history. However, given the location of the application site on the edge of the playing fields, the only previous proposals considered to be relevant to this scheme is the original approval for the single storey building for use as a children's and adults centre to which this variation of condition application directly relates to (Ref 4341/APP/2009/879) approved 15-2-2010.

4341/APP/2010/940 A current undetermined application is with the Council to discharge conditions 3,4,5,6,9,10,13,16,17,18,19,21,22 and 23 to the approved scheme (Ref 4341/APP/2009/879).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 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.
- 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:

- AM2 Development proposals - assessment of traffic generation, impact on congestion

	and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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
R10	Proposals for new meeting halls and buildings for education, social, community and health services
R12	Use of premises to provide child care facilities
R16	Accessibility for elderly people, people with disabilities, women and children

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **5th August 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

EXTERNAL CONSULTEES

Consultation letters were sent to 65 local owner/occupiers on 17 June 2010. The same residents as were notified of the previous application were notified of this application.

Six letters of objection were received which expressed the following concerns:

I) consultation process with neighbours not receiving the consultation letter with an inaccurate address given for the site (Cowley Road) leading to an inaccurate impression of where the proposed building would be located and a lack of site notices;

II) concerns about the scheme itself namely the precise intended use of the building;

III) concerns regarding the hours of operation;

IV) concerns about the potential loss of privacy including through the potential loss of trees;

V) a concern regarding the streets surrounding the site already suffering from noise, rubbish and gangs of youth created by the proximity of a park, also disruption caused from students walking by and parking problems resulting from Council employees unable to find a place to park in the Civic Centre car park and the scheme appears to be another youth centre that will exacerbate these existing neighbourhood problems of disruption;

VI) an objection the scheme will involve a loss of visual amenity and the loss of mature trees of ecological importance that provide a screening and green canopy at eye level to the rear of the residential properties adjoining the site;

VII) a query whether the merits of such scheme given the spending cuts facing the Borough;

VIII) an objection that the revised proposals are too close to the boundary fence and as a result will have an adverse impact in terms of noise, loss of privacy and visual impact to occupants of

neighbouring properties compared to this existing section of the school site that is not occupied by school buildings.

IX) Seek a tightening in the terms of usage and the hours of operation to exclude evenings and weekends and for a restriction so the centre can be used by adults only associated with childcare thereby aiding control of noise from loud music and parties.

X) Objection to size and scale of the building and its proximity to neighbours homes

XI) Loss of security with public access to the back of neighbours gardens.

XII) The proposal would degrade the streetscene.

XIII) Concern regarding proximity of a public building to residences.

XIV) Future users would engage in anti-social behaviour.

XV) Loss of hedge.

To address concerns raised by residents that the scheme was not widely notified and site notices erected, the scheme was re-advertised to a wider area and six site notices erected on 15 July. The site address and description were amended to provide clarification on the scheme and to address resident's concerns on this matter.

In response to the 2nd round of consultation 5 responses were received raising the following issues:

- separation of playing fields and the site is issued
- operating hours need to be controlled
- users of pathways close to residents would cause noise and nuisance
- position of the building is not clear
- loss of residential amenity due to noise
- notification inadequate including the description of the development
- objection to loss of trees, impact on wildlife
- parking pressures
- hours of use and noise

The applicant has amended plans to address concerns raised by the planning authority. The amended plans were re-notified to public on 29 July 2010. In response to this 3rd round notification 4 responses were received raising the following concerns

- increased density/overdevelopment
- loss of trees
- increase in noise
- loss of habitat and ecology
- loss of privacy
- Visual amenity
- Notification and application, description inaccurate
- Loss of property value
- What public access there will be via the footpath
- As the playing field backs directly onto Stanley Close any public access would be a security risk
- a footpath will attract anti-social behaviour
- Concerns over type of boundary fence to the rear of the site and a need for it to provide good security and be discrete in contrast to the existing fencing along Whitehall Road
- traffic
- clarification of the location of the centre and the vehicular access to the site
- the proximity to residents gardens of the centre with the resultant loss of amenity
- anti-social behaviour

Two petitions were received.

The first petition raised the following concerns:

"We object to planning application 4341/APP/2010/781 for the following reasons:

Loss of amenity to the area in the removal of the trees on the site (the replacements indicated are not a similar size and density to those already there) and in moving the centre closer to the boundary fence. Increase in noise from the centre (through moving Increase in traffic and parking congestion from the building of a new entrance on Whitehall Road. That the development sets as precedent for the land to be used as an additional footpath as shown in the plans and described in the associated documents.

Desired Outcome:

That the permission is not granted in consideration of the views of the residents. That if such a centre is to go ahead, the developer should look at other options to preserve the area such as reducing the size of the building to fit the approved site, making the play areas an appropriate distance from the housing, changing the external design to reduce noise and keeping or replacing [like for like the current trees.

The petition is signed by 29 residents.

The second petition refers to the original application 4341/APP/2009/879 and states

"We ask Hillingdon Council to reconsider the planned development of the site as the local residents feel that the Council did not clearly communicate the location of the development to the residents who are most affected by it and this meant that their views were not taken into consideration in the planning process. In particular

1) The wording of the location of Whitehall Junior School, Cowley Road on the planning Application suggests that the development will take place at the School, on the Cowley Road rather than the clearer location description now used which is "Whitehall School Playing Fields (off Whitehall Road)".

2) The description on the application does not give any mention to the creation of a new entrance from Whitehall Road implying that the new centre will be at the other end of the site, and somehow attached to the school.

3) No planning notices were put up on Derby Road despite there being several suitable sites accessible to those affected with a clear view of the (currently green) site where the centre will be and of the trees which will be removed to build the centre

Desired Outcome:

That Hillingdon Council re-consider the original planning application and consult residents on issues relating to the development of the site (such as the removal of the trees and its impact on the neighbourhood, the increase of noise related to the centre, the size of the centre, the type and times of usage, related traffic and parking)."

The petition is signed by 29 residents.

A letter was received from John Randall the local Member of Parliament relaying the concerns of two constituents of his regarding the consultation process with neighbours not receiving the consultation letter with the address given on the consultation letter for the site possibly leading to an inaccurate impression of where the proposed building would be located and relaying concerns

about the scheme itself namely the precise intended use of the building; the hours of its operation; and concerns about potential loss of privacy through potential loss of trees.

A submission was also received from Cllr Cooper who raised concerns regarding the consultation process specifically the site address provided on the consultation letters issued, alongside residents concerns over the loss of hedgerow, the loss of mature trees, the location of the play area in the context of the understanding hedgerow will be lost.

SPORTS ENGLAND

It is understood that the site forms part of or constitutes a playing field as defined in Article 10(2) of the Town and Country Planning Act (General Development Procedure) Order 1996 (as amended by SI 1996/1817 and SI 2009/453), in that it is on land that has been used as a playing fields within the last 5 years, and the field encompasses at least one playing pitch of 0.2ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sports England has therefore considered the application in the light of its playing field policy. The aim of this policy is to ensure that there is an adequate supply of pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

Sports England will oppose the granting of planning permission for any development that would lead to the loss of, or would prejudice the use of, allow any part of a playing field, or land last used as a playing field or allocated for use as a playing field in adopted or draft deposit local plan, unless in the judgement of Sports England, one of the Specific circumstances applies.

REASON: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sports England have recognised the importance of such activities to the social and economic well being of the country.

This being the case, Sports England does not wish to raise any objection to this application and considered that the changes made by this application made by this variation of condition application significantly improve the development and render the application as meeting exception 3 of our playing fields policy. The development is taking place on land that cannot form part of the overall playing pitch provision of the site owing to the shape of the development land.

If this application is to be presented to a Planning committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise of the outcome of the application by sending us a copy of the decision notice.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

No objection in respect of variation of condition 2.

LANDSCAPE OFFICER

Further to the receipt of the revised (12 July 2010) Tree Survey, Hayden drawing No. 1764.D.4, amended PMT drawing Nos.05/201 Rev H and 600 Rev A, I confirm that the new information has addressed my previous comments.

THE CURRENT PROPOSAL

Drawing No. 201 Rev H indicates the retained hedge on the west boundary, supplemented by additional tree planting which will compensate for the removal of the poorer quality trees on this part of the site. The external play areas have also been re-sited away from the boundary to provide more space to safeguard the hedge retention and provide space for the new tree screen. The pram storage and cycle storage area have been re-sited on the northern boundary, well away from retained trees.

Drawing No. 600 Rev A shows the temporary site access and temporary contractors yard situated to the north of tree ref. T001 which will utilise the open space at the southern end of the playing field. Temporary protective fencing is shown around all retained trees (including the Ash tree, to be coppiced) and the retained hedge.

Hayden's tree survey drawing includes the recommended alignment of tree protection and areas of 'no dig' construction - including the area formerly to be occupied by the pram and cycle storage, which has now been superseded.

LANDSCAPE CONSIDERATIONS

The current application site remains tight, given the proximity of trees and the shape of the site. However, the current application indicates that the best trees can be retained and safeguarded during construction, provided that the recommendations of the tree report are adhered to.

Construction details and levels information should be conditioned to ensure that the 'no dig' construction details are appropriate and in accordance with the tree expert's advice.

No information has been submitted regarding the boundary fencing along Whitehall Road (currently unsightly chain link). Similarly hard and soft landscape enhancements in compliance with saved policy BE38 should be secured through the [existing] conditions. Details of landscape management and maintenance will also be dealt with by the [existing] conditions.

RECOMMENDATION

No objection subject to discharge of the tree and landscape conditions [attached to the original approval].

ACCESS OFFICER

The Access Officer has no comment in respect of the variation of conditions 2 and 7.

ENVIRONMENTAL PROTECTION UNIT

No objection in respect of variation of condition 2.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development was established with the approved scheme (4341/APP/2009/879). It was considered that the proposed development would not be out of keeping with the character or appearance of the surrounding area and the impact on the amenity of adjoining properties is considered to be acceptable. The car parking provision and access arrangements were considered to be acceptable and there would be no significant adverse impacts associated with the development. As such, it was considered that the proposed development complies with the relevant UDP and London Plan policies.

The four main planning considerations this variation of conditions application raises is firstly whether the relocation presents any new and adverse amenity issues to neighbours,

secondly whether the relocation will have any undue adverse impact in terms of the landscaping and tree retention, and thirdly does the alteration raise any new concerns from Sport England in respect of the loss of school playing fields. Finally the fourth planning consideration is whether the alterations to the vehicular access and the car parking arrangements are adequate. The principle of the development more generally in terms of design grounds and the intended use of the site in the context of the surrounding area was considered and agreed with the original approved application and can not be the subject of re-consideration with this application. Sports England have raised no objection to this variation of condition application and indeed they responded by stating this variation of condition represents an improvement to the original approved scheme.

7.02 Density of the proposed development

This was a matter for consideration with the original approved scheme and is not applicable for re-consideration in respect of this application dealing principally with a relative minor repositioning of the approved building.

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

The site is not in a designated conservation area, area of archaeological interest or area of special local character.

7.04 Airport safeguarding

This matter of airport safeguarding is not pertinent in this application that relates to the variation of conditions 2 and 7 to the approved scheme.

7.05 Impact on the green belt

The site does not lie in or adjoining designated Green Belt land.

7.07 Impact on the character & appearance of the area

The proposal which involves the repositioning of the approved building so that it is set 1.5 metres further back into the school site is not considered to present any detrimental impact on the appearance of the new building and its associated car parking and landscaping in the context of the wider area.

With the exception of the school playing fields, which run alongside Whitehall Road for a distance of approximately 180m, the surrounding area is largely characterised by a mix of terraced, semi-detached and detached residential properties.

Whilst views of the building would be available from Whitehall Road, the proposed building would sit well within the centre of the site and be well screened by existing mature trees around the eastern, western and southern site boundaries. The bulk, scale, mass and design of the existing approved scheme are considered to be appropriate for this location and would not detract from the visual amenities of the area. The proposed new pedestrian access would be bounded by trees on both sides, and the vehicular access would be relatively small, serving only 4 cars. The revision to create a more symmetrical form to the building is considered acceptable from a urban design perspective.

7.08 Impact on neighbours

The rear gardens of properties in Derby Road border the site to the west and south, and the site is overlooked by residential properties at the opposite side of Whitehall Road to the east. However, given the single-storey nature of the building proposed, and extensive tree screening and planting around the site boundaries, it was not considered that the approved scheme would have any significant detrimental impact on residential amenity in terms of overlooking or loss of outlook.

Accompanying this application to seek to vary condition 2 and 7 the applicant has agreed to provide additional tree planting beyond the soft play area along the western boundary

of the school site and these additional planting measures, alongside the retention and thickening of the existing hedging on the western boundary, is considered will further reduce any potential visual imposition and noise impact the approved scheme and the associated play area may have to adjoining neighbours

7.09 Living conditions for future occupiers

The original approved scheme dealt with this matter and were considered acceptable subject to discharge of the appropriate conditions attached to the approved scheme.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

In considering the original approved scheme it was not considered the scheme would lead to a significant increase in traffic movements in the surrounding area sufficient to justify refusal. The centre would serve the local community, and it is likely that the majority of users would walk or cycle to the site. The site is located within the Uxbridge South parking management area and, as such, the development would not lead to a significant increase in on-street parking. Only 3 parking spaces are now proposed with this revised scheme. The Council's Highway Engineer confirmed that the approved proposal would not lead to a significant impact on the free-flow of traffic in the area or on highway or pedestrian safety and, accordingly, raised no objections.

The approved scheme provides four car parking spaces, including two disability standard spaces, would be provided for staff and disabled visitors to the site. The site is within walking distance of Uxbridge Town Centre which is well served by public transport. In addition it is within easy walking distance of Cowley Road and Hillingdon Road, which are both main roads, well served by local buses. Given the site's moderate accessibility to public transport, and that the centre would attract many people from the local area, mostly of which would live within walking distance of the site, the proposed parking provision is considered to be acceptable. The Council's Highway Engineer has raised no objections to the altered access arrangements or the reduction in car parking.

The approved plans indicate that cycle parking facilities will be made available in front of the building and a planning condition is attached to the approved scheme that would require full details of the cycle provision to be submitted at a standard of 1 cycle space to be provided per 20m² of floorspace. Whilst the building would provide pre-school play and nursery provision it would also provide various facilities for adults and, as such, it is considered reasonable that the UDP standards for cycle provision for community centres should apply. As such, 11 spaces should be provided.

7.11 Urban design, access and security

The proposed building would have a maximum length of 29.3m, a maximum width of 15.6m and a maximum height of 6.5m. It would be single-storey with a pitched roof. Its size, height, scale and mass are considered to be acceptable in this location, and it is not considered that the proposed building would have any significant detrimental impact on the character or appearance of the street scene or surrounding area.

7.12 Disabled access

The applicant confirms that the proposal would be fully compliant with the requirements of the Disability Discrimination Act 1995 (DDA) and Part M of the Building Regulations. The Access Officer raised no objection to the substance of the scheme. To the existing approved scheme conditions were attached to ensure the development is fully accessible and meets all relevant DDA and Building Regulations criteria.

7.13 Provision of affordable & special needs housing

Not applicable as not a residential scheme.

7.14 Trees, landscaping and Ecology

Landscaping and tree protection measures were considered in the original approved scheme and was considered acceptable including the loss of a number of trees.

The current proposed scheme which is subject to the variation of condition would retain the hedge on the western boundary, supplemented by additional tree planting. The best quality trees of the site found on the Whitehall Road boundary will be retained. As the consideration from Tree Officer makes evident the proposed landscaping amendments to the original scheme will compensate for the removal of the poorer quality trees on the western boundary part of the site. As such this proposed variation of condition scheme represents an improvement on the original approved scheme in respect of the landscaping and the visual screening the trees and hedging (retained and proposed) would provide to neighbours and comply with Policy BE 38 and OE1.

7.15 Sustainable waste management

These matters were dealt with the original approved scheme and this variation of condition application does not raise any new concerns in respect of waste management.

7.16 Renewable energy / Sustainability

These matters were dealt with the original approved scheme and this variation of condition application does not present any new planning consideration in respect of these matters.

The applicant has indicated sustainable measures will be incorporated into the scheme, such as the inclusion of natural ventilation and solar screening, in order to achieve an appropriate BREEAM rating. Further details towards these ends will be submitted to the local planning authority pursuant to conditions attached to the existing approved scheme.

7.17 Flooding or Drainage Issues

These matters were dealt with the original approved scheme and this variation of condition application does not present any new planning consideration in respect of these matters.

The site does not lie within a Flood Risk Zone.

7.18 Noise or Air Quality Issues

This was a matter for consideration with the original approved scheme and it is considered this application dealing with a relative minor repositioning of the approved building and the relocation of a soft play area young children introduces any significant new noise or air quality issues.

7.19 Comments on Public Consultations

In relation to concerns regarding consultation the scheme was notified to the public on 3 occasions. Site notices were erected the vicinity of the site. It is considered that consultation has been carried out in accordance with required standards.

Points II and IV, V, VI, VIII, X1I, XIII, XIV, XV are dealt with in the report and also in the report accompanying the original approved scheme.

Point (III) Regarding the hours of operation this is not a matter for consideration with this variation of condition application it relates to the original approval.
Point VII is not a material planning consideration.

Point IX - In respect of the hours of operation it is proposed that this is dealt with a condition restricting the public hours of operation of the centre from 08:00 to 18:00 Monday - to Friday.

Point X - was considered with the original approval and the minor repositioning proposed with this variation does not materially effect this previous conclusion reached.

Point XI - In respect of security a condition relating to the achievement of 'Security by Design' accreditation for the centre is attached to the existing approval.

The letters of objection received following the 3rd round of consultation raised many of the same concerns as raised during the first 2 rounds of consultation but also raised new objections regarding the type of boundary treatment and loss of property values that will result from the development. The latter matter is not a planning consideration in regard to the type of fence this is not a matter for this current application but is dealt with under Conditions 10 (landscape scheme) and 17 (Secure by Design) of the existing approved scheme.

The concerns raised by the ward Councillor and the MP are a reiteration of comments received directly from neighbours and are addressed in the above comments responding to direct comments made by neighbours to the public consultation.

7.20 Planning obligations

Not applicable to this variation of condition application.

7.21 Expediency of enforcement action

Not applicable

7.22 Other Issues

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 main planning issues concerning the children and adults centre were dealt with the original approved scheme and are not subject to re-consideration with this application to vary conditions 2 and 7.

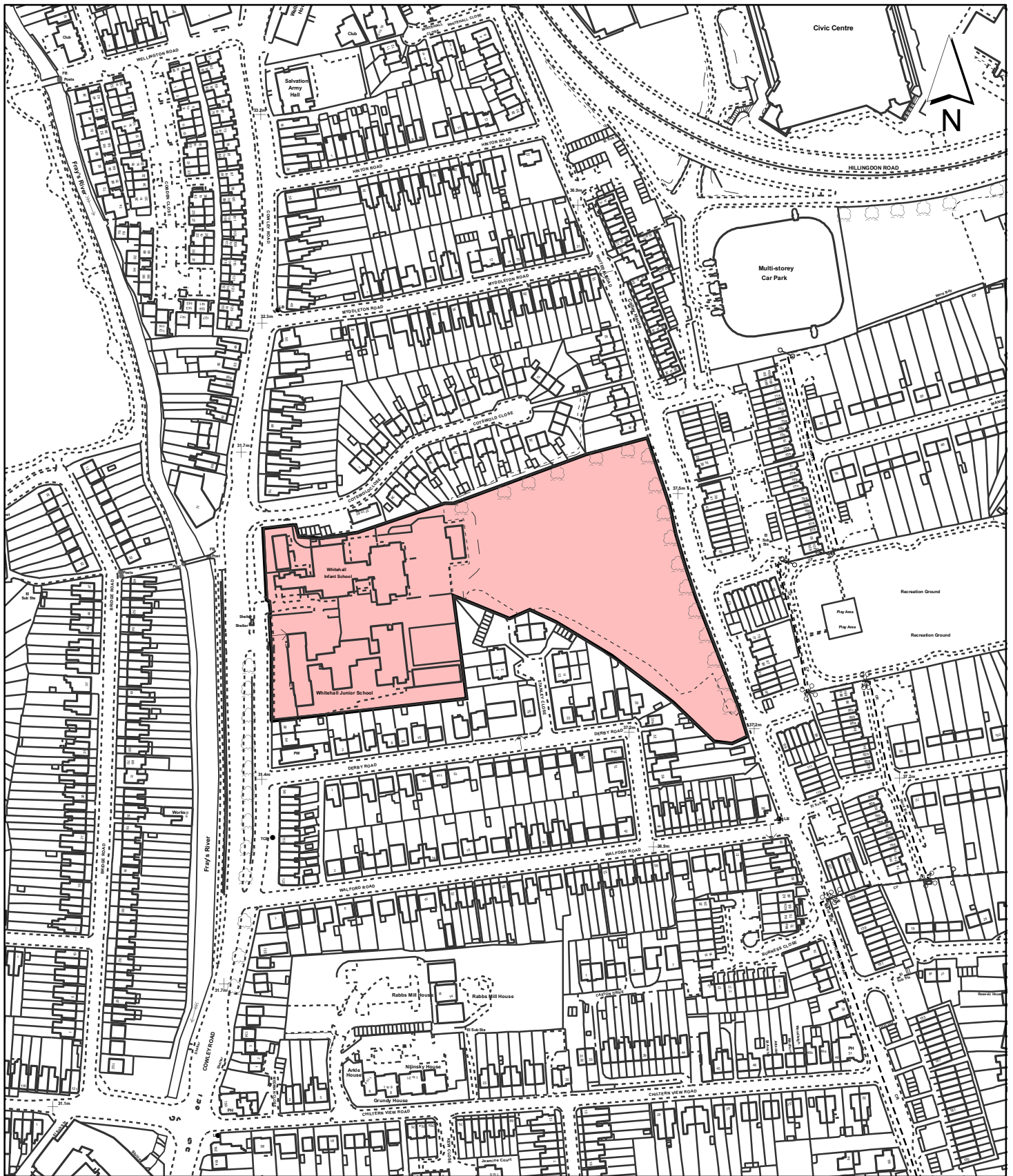
This scheme relating to the variation of condition 2 and 7 is not considered to introduce any new elements to the scheme that would introduce any significant adverse impact to adjoining neighbours either in terms of visual amenity or resulting from potential noise. Sports England consider this proposed repositioning a significant improvement from the original approved scheme. Furthermore the applicant has provided with this revised scheme details of additional tree planting on the western boundary which would provide a greater degree of visual and acoustic screening to adjoining neighbours. The application to vary conditions 2 and 7 accords with the relevant adopted planning policy and accordingly is hereby recommended for approval.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Policies September 2007
London Plan (consolidated with Alterations since 2004)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon

Contact Officer: Gareth Gwynne

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**Whitehall School
Cowley Road
Uxbridge**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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

Planning Application Ref:

4341/APP/2010/781

Scale

1:3,000

Planning Committee

Central and South

Date

July 2010



HILLINGDON
LONDON