

Report of the Head of Planning & Enforcement Services

Address 3RD FLOOR, CARDINAL POINT NEWALL ROAD HEATHROW AIRPORT

Development: Change of use of third floor from Class B1 office to further education college (Class D1) and variation of planning permission ref: 30796/W/86/1382 to permit only 1,597m2 of remaining floorspace to be occupied without compliance with condition 2 of planning permission ref: 30796/81/119 dated 0903/1982.

LBH Ref Nos: 35374/APP/2010/1242

Drawing Nos: Location Plan
Cardinal Point Carpark Layout - College Allocated Parking
CSBM/PK/001 Rev: C
CSBM/PK/002 Rev: C

Date Plans Received: 28/05/2010 **Date(s) of Amendment(s):**
Date Application Valid: 03/06/2010

1. SUMMARY

Planning permission is sought for the part change of use of the third floor of the existing Cardinal Point building (1,310sqm gross internal area) of the 3rd floor from Class B1 office to use as a further education college (Use Class D1 - Non-residential Institutions) including variation of planning permission ref: 30796/W/86/1382 to enable only 1,597m2 of remaining floorspace to be occupied without compliance with Condition No. 2 of planning permission ref: 30796/81/119 granted 9 March 1982.

The information submitted fails to demonstrate that the proposed change of use would not prejudice airport related development within the airport boundary. As such, the proposed change of use is considered to be contrary to Policy A4 of the Unitary Development Plan.

Accordingly, refusal is recommended.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The applicant has failed to adequately demonstrate that there is sufficient land available to accommodate additional educational facilities within the airport boundary and to provide a sequential assessment of sites that lie outside the designated airport boundary, where demand for additional educational space could be met. As such the proposal fails to demonstrate that the proposed educational use would not prejudice airport related development within the airport boundary, now or in the future. As such, the proposed development would be contrary to Policy A4 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.

R10	Proposals for new meeting halls and buildings for education, social, community and health services
A4	New development directly related to Heathrow Airport
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises an area of 0.6ha located within the airport boundary on the south side of A4 Bath Road, Heathrow Airport. The building located on the site, known as Cardinal Point, comprises part four, part five storey brick built, flat roofed purpose built office block constructed in the 1980s with a gross external floor space of 6,457sqm (approximately 6,100sqm gross internal). The building comprises wings and has been multi-let to a number of office occupiers. A range of telecommunications equipment is located on the roof.

Internally the building comprises standard open plan office accommodation including varying amounts of partitioning that has been inserted over the years to suit various tenant requirements. There is a main reception on the ground floor with 3 lifts and a main staircase providing a vertical circulation core at the centre of the building. Fire exit stairs are external to the building and are sited at the far end of each of the wings.

The applicant notes that significant amounts of floorspace have been vacant for a number of years and tenant retention is a major problem given the outdated condition of the building which does not compare well with more modern, Grade A, office floorspace.

The third floor (subject floor) is currently vacant following the departure of Shell who previously occupied the South Wing. The fourth floor is also vacant and there is vacant floorspace on the ground and first floor.

At present, 2,907sqm of floorspace in the building is permitted to be used for any B1 use. Additionally, 537sqm is used by Barclays Bank. The remaining 2,656sqm is restricted by condition to be used by businesses engaged in activities directly related to the airport

operations. It is worth noting that if Barclays vacate Cardinal Point, the 537sqm is required by Condition to be used only by businesses engaged in airport related operations.

The site is accessed from two airport roads, Neptune Road (ingress) and Newall Road (egress), both which are under the control of the airport operator and both which are accessed via the Northern Perimeter Road. Each access is controlled by an entry/exit barrier to restrict access. A total of 182 car parking spaces are provided in the surface level car park around the building.

A low boundary wall surrounds the site and there is a landscaping strip along the frontage to Bath Road that incorporates some mature trees.

To the north, the site directly fronts the A4 Bath Road onto which there is pedestrian access but not vehicular access. On the opposite side of this dual carriageway road is the large Marriott Hotel. To the east, the site adjoins the northern part of the BAA Taxi Feeder Park. To the south, the site fronts onto Newall Road beyond which is the southern part of the BAA Taxi Feeder Park. To the west, the site fronts onto Neptune Road and a vacant plot with consent for Phase 4 of the World Business Centre office buildings.

3.2 Proposed Scheme

Temporary planning permission is sought for the part change of use of the third floor of the existing Cardinal Point building (1,310sqm gross internal area) from Class B1 office to use as a further education college (Use Class D1 - Non-residential Institutions) for 5 years. The proposal includes a variation of planning permission ref: 30796/W/86/1382 to enable only 1,597sqm of remaining floorspace to be occupied without compliance with Condition No. 2 of planning permission ref: 30796/81/119 granted 9 March 1982.

The proposal would result in having a mix of uses comprising 1,310sqm of D1 (non-residential institution) and 1,597 B1 office space (i.e. 2,907sqm of space not related to airport operations). Barclays Bank 537sqm and remaining 2,656sqm being restricted by condition to be used by businesses engaged by in activities directly related to airports.

The applicant seeks a temporary permission for 5 years to use 1,310sqm of the 2,907sqm of space (i.e.45% of the 2,907sqm), which is not subject to a restriction, as Class D1 non-residential institution.

The applicant has agreed that should permission be granted, conditions would be imposed to limit the approval to 5 years and to ensure that at the end of this period the space becomes designated for use by businesses engaged in activities directly related to airport operations.

No external alterations are proposed to the building or site apart from alterations to some internal partitions. Existing toilets would be retained and no canteen is proposed.

Access to the site would remain from Newall Road. Of the 182 car parking spaces on site, 19 spaces would be allocated to the college, of which three would be disability car parking spaces. A total of 30 cycle parking spaces would be provided, as well as provision for motorcycles. No physical alterations to the existing traffic and parking arrangements are proposed, with the exception of:

- Conversion of 3 existing parking spaces (numbered 155, 156 and 157 on drawing No. CSBM/PK/001 Rev C) into 2 disability standard spaces,
- Conversion of 2 existing parking spaces (Numbered 164 and 165 on drawing No.

CSBM/PK/001 Rev C) into 20 covered cycle parking spaces.

The proposed college would be a new commercial project by a new entrant to the further education market, to be named Capital School of Business and Management (CSBM). As it is a new entrant into the further education market, the applicant notes that they are not able to demonstrate how it would operate by reference to an existing facility which they operate.

The proposed college has been designed to cater for a maximum of 543 students. The college would have one full time teacher and 15 part time teachers, as well as five full time and four part time administrative staff. The applicant notes that students and staff would not all be in attendance at the same time as a result of staggered teaching / study times, and that no more than 150 students would be likely to attend the college at any one time. Students aged 21+ would be the target age group with courses running from a minimum of 3 months to a maximum of 3 years.

The proposed college intends to offer some courses in aviation, tourism and international education.

Given the range of intended educational courses, the applicant anticipates that it is likely that many students would be existing Heathrow employees undertaking further study to enhance their aviation job related qualifications.

3.3 Relevant Planning History

Comment on Relevant Planning History

Approval for Cardinal Point was given in 1982 (ref: 30796/81/1192) and was subject to Class II of the Town & Country Planning (Use Classes) Order 1972, which restricted activity in connection to supporting airport activity. Cardinal Point is now subject to Part 18 of the Town & Country Planning (General Permitted Development) Order 1995 (the GDPO). Part 18 restricts office development within the airport to directly related airport office users only.

There are two planning site reference numbers that relate to the Cardinal Point site and this application, 30796 relates to the Cardinal Point building as a whole, and 35374 relates specifically to the third floor of the building (floor relevant to this application).

When assessing the planning history, the planning history of both site references has been considered. The following planning history is considered relevant:

35374: 3RD FLOOR CARDINAL POINT

35374/84/1616 - Laying out of staff car park (Consultation under Circular 55/68): No Objection (31/10/1984)

30796: CARDINAL POINT (WHOLE BUILDING)

30796/81/1192: Planning permission was granted for the erection of a 5 storey 6,100sqm (gross internal) office block. Permission was granted, in accordance with the Council's approved office location policies to the operational requirements of the Airport. An occupier condition was imposed:

'The use of the premises herein permitted as offices shall be restricted to those firms of

businesses who require accommodation on the Airport exclusively in order to support any activity in connection with the movement or maintenance of aircraft or with the embarking, disembarking, loading, discharge, or transport of passengers, livestock or goods and for no other purpose, including any other purpose within Class II of the Town & Country Planning (Use Classes) Order 1972'.

The reason for this condition was to ensure that the premises would be used for the benefit of the Airport and to prevent the establishment of general office use (Approved 9 March 1982).

Various personal planning permissions have subsequently been granted, which allow for the relaxing of the occupancy condition with specific reference to a company:

GROUND & FIRST FLOOR OF WEST WING

30796D/83/1539: Use of ground and first floor of west wing (970sqm) by Barclays Bank Plc as a branch bank in non-compliance with Condition 2 of planning permission ref: 30796/81/1192 dated 9 March 1982 at Cardinal Point, Newall Road, Heathrow Airport (Approved 20/12/1983).

In 2004 the Job Centre Plus took over occupation of the ground floor of the west wing from Barclays.

30796/APP/2004/9 - Use of ground floor of west wing (433sqm) by Jobcentre Plus, a recruitment centre, in non-compliance with Condition 2 (use of building is restricted for use to airport related businesses only) of planning permission reference 30796/81/1192 dated 9 March 1982 (Consultation under circular 18/84 procedure) - Approved 16/02/2004.

50498/APP/2010/1058: Barclays Bank intend to move from Cardinal Point to WBC1 (programmed for August 2010) and have recently gained personal planning permission for a part change of use of the World Business Centre 1 building from airport related office use to non-airport related office use, as they. The 537msqm of B1 office use at Cardinal Point would revert back to airport related office space upon their departure.

REST OF THE BUILDING

30796/J/84/1208: Removal of the airport user restriction from the whole building (Refused 1984).

30796/M/85/0485: Relaxation of condition 2 of planning permission ref. 30796/81/1192 for the top 2 floors of the building (Approved).

30796/W/86/1382: Subsequently, planning permission was approved in 1986 to allow a more flexible occupation of 2,907sqm, to include anywhere within the building without complying with Condition 2 of planning permission ref. 30796/81/1192. This release of floor space was in addition to the above mentioned Barclays floor space. The permission allows for unrestricted B1 use (Approved 12/09/1986).

NET RESULT

The net result is that, of the total 6,100sqm of internal floor space, 2,907sqm of the building is permitted for unrestricted B1 use, 433sqm is in use by Job Centre Plus on the ground floor west wing, and 537sqm is currently in use by Barclays Bank, but upon their move to new office space in August 2010 this space would revert back to airport related office space (total 3,340sqm). The remaining floor space, 2,223sqm is subject to condition No. 2 on the original permission.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.27 To ensure that development at Heathrow Airport for airport purposes mitigates or redresses any adverse effects on the environment.

Part 2 Policies:

R10 Proposals for new meeting halls and buildings for education, social, community and health services

A4 New development directly related to Heathrow Airport

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:- 24th June 2010

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 71 local occupiers, including the Harlington Village Residents Association and the Harmondsworth & Sipson Residents Association. No responses have been received.

EXTERNAL CONSULTS

BAA - No objection raised.

Transport for London - No objection, subject to the following comments:

1. The development site is situated on Newall Road, Heathrow Airport, which would need to be accessed via the TLRN of A4 Bath Road.
2. TfL acknowledges that the application site has a PTAL rating of 3, which represents a Fair level of public transport accessibility.
3. TfL recommends that cycle parking facilities should be provided in accordance or exceed the TfL Cycle Parking Standards of 1 space per 8 staff/ students. It is also requested that shower facilities should be provided on site.
4. A total of 19 car parking spaces on site would be allocated to the proposed college; while it is understood that these spaces form part of the on-site car parking with over 100 spaces; TfL considers that the applicant has not fully justified on why 19 spaces would be required. TfL concerns that the any excess provision of parking spaces would encourage prospective students travelling to the site by private cars; which would add to extra traffic pressure to the highway network in and around Heathrow Airport; and to encourage further growth in car ownership and other vehicular based trips. TfL requests that the applicant seek to minimise car parking provision on site.
5. The disabled parking bays proposed for the development do not appear to comply with the

Disability Discrimination Act (DDA) 1995 Standards, which require a 1200mm width access aisle be provided on Both Sides of the bays as well as the end of the space to allow boot access or for use of a rear hoist. It is therefore recommended that the design of the Disabled bays be revised accordingly. TfL requests that at minimum of two disabled bays should be provided. It must be noted that disabled parking should be allocated out from the existing allocation of spaces.

6. TfL does not believe that the proposed development would result in a significant impact to the public transport infrastructure and public transport services in the vicinity.

7. The intention to produce a Travel Plan is welcomed by TfL; it is recommended that the finalised Travel Plan should be submitted and approved by the local planning authority (LPA) prior to the occupation of the site. It is recommended that the Plan be assessed by LPA officer assisted with online Travel Plan assessment tool ATTRIBUTE; where a Passd score should be obtained.

Internal Consultees

INTERNAL CONSULTS

Highways - No objection raised and has the following comments:

- The peak hours for the airport traffic do not coincide with the college traffic.
- On street parking is prohibited in the vicinity of the site.
- The site has a PTAL of 3. Provided there are footpath links from Bath Road towards the site for those using buses there are no objections to the proposal on highway grounds.

Access - The Council's Accessibility Officer has reviewed the application with the following comments:

Part IV of the Disability Discrimination Act 1995 legally entitles disabled pupils and students to learn in an environment which is barrier free and where discriminatory practices have been eliminated.

A well-designed environment greatly assists with developing policies, practices and procedures that encourage inclusion of disabled people and reduce the possibility of inadvertent discrimination.

Given that no building work requiring planning consent is proposed, a suitable planning condition and informative should be attached to any planning permission to ensure that suitably designed accessible parking is provided, and the space accommodating the Class D1 use are in accordance with BS 8300: 2009.

Policy - The application has been reviewed by the Council's Policy team, who note that Policy A4 of the UPD applies, which states that 'development not directly related to the operation of the airport will not be permitted within its boundary.' The Policy team considers that the proposal is not directly related to the operation of the airport, and as such would therefore be contrary to Policy A4.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Condition 2 of the original planning permission for Cardinal Point in 1982 (ref: 30796/81/1192) restricts the use to directly related airport users.

Condition 2 states:

'The use of the premises hereby permitted as offices shall be restricted to those firms or businesses who require accommodation on the airport exclusively in order to support any

activity in connection with the movement or maintenance of aircraft or with embarking, disembarking, loading, discharge or transport of passengers, livestock or goods and for no other purpose, including any other purpose within Class II of the Town & Country Planning Use Classes Order 1972'.

Cardinal Point, located within the airport boundary, is subject to Part 18 of the Town & Country Planning (General Permitted Development) Order 1995 (the GDPO). Part 18 restricts office development within the airport to directly related airport office users only.

Planning Policy A4, is also relevant to the site, which requires development directly related to the operation of the airport to be located within the airport, and development not directly related to operation of the airport to be located outside the boundary. This ensures that activities not directly related to the operation of the airport do not preclude opportunities at the airport for activities directly related to its operation, that could result in pressures for development on Green Belt and other off airport sites to cater for directly related needs. The policy identifies directly related development as passenger and cargo terminals, maintenance facilities, oil storage depots, administrative offices, warehousing, storage and distribution facilities, car parking and catering facilities. The supporting text (paragraph 11.17) states that:

'the Local Planning Authority would be concerned if activities not directly related to the operation of the airport precluded opportunities for activities which are directly related to its operation and resulted in pressures for development on Green belt and other off-airport sites to cater for directly related needs.'

Notwithstanding the provisions of paragraph 11.18, which states that 'conference facilities may be appropriate if suitable land is available inside the airport boundary', Officers must be satisfied that the proposed use would not prejudice airport related development within the boundary, now or in the future. The proposed D1 education use is contrary to the principle of the policy and accordingly exceptional circumstances are necessary to justify an exception to Policy A4. It is considered that the information submitted by the applicant fails to demonstrate that exceptional circumstances exist.

The applicant's supporting document quotes the information in BAA's submission relating to condition A77 - Airport Related Development of the Terminal 5 planning permission (ref: 47853/APP/2002/1882 dated 27/01/2003). This condition requires that BAA submit various details in relation to land and accommodation within the airport boundary, including demand and supply of office space. The BAA submission was prepared for the purposes of identifying sites within the airport boundary that could be used for airport related development and for assessing the future demands for the six categories of use identified by the Inspector (Offices, Air Cargo Transit Sheds, Car Hire Facilities, Flight Catering, Freight Forwarding and Airport Industry & Warehousing) that could be generated by a five terminal Heathrow.

In the submission BAA state that this information is provided three months after the Government announcement supporting the additional capacity provision at Heathrow, together with changes to the existing operating procedures at the airport, such as the ending of the Cranford Agreement.

Officers consider that the High Court decision to 'refuse' the Third Runway (additional capacity provision) places a greater burden on BAA and indeed the Local Planning Authority to ensure that on-airport land is not eroded to non-airport related uses.

The BAA submission provides details of sites at Heathrow identified as being available for airport related development and details of sites at Heathrow which were identified in the previous A80 submission in 2002 and have since been developed for airport related development. Details are provided of the area of each site and a commentary on existing land uses as well as an assessment of the land/floorspace effective capacity of each site based on standard ratios for potential site coverage for the specific land use identified. The 2009 submission stated that in total, 20.5ha of land has been identified as being available for airport related development. This compares to 29.82ha identified in the previous A80 submission, and 34.2ha identified at the T5 Inquiry. Also, 1.46ha of land that was previously identified as being available for airport related development within the airport boundary is no longer within BAA ownership. Based on the above, it shows that over time land availability is being reduced, particularly where BAA have sold land off.

The High Court decision in relation to the Third Runway is a material consideration, which places further constraints on Airport expansion. There is clearly a trend for land sold by BAA being developed for non-airport related activities and as such the Council raises an in principle objection to this form of development.

The applicant proposes that the consent be limited to 5 years. In relation to the imposition of a condition requiring an occupant to vacate a site after 5 years, the Council must consider the key matters of reasonableness and enforceability.

No evidence has been submitted to demonstrate how the educational facility would step down activities and vacate within 5 years. There is no evidence to show that the business model used by the proposed educational operator is suited to a 5 year maximum term. Advice from the Council's Legal Advisor is that there is considerable uncertainty whether the reverting of the proposal from the D1 use to a restricted B1 use after 5 years would be viable.

The applicant has failed to demonstrate any justification in policy terms to allow the proposed Class D1 use at the subject site (within the airport boundary). Additionally, there is considerable uncertainty that proposals to revert an approved Class D1 use to a Class B1 use (restricted to businesses engaged in airport operations) would be viable.

In summary, the information submitted by the applicant on the proposed change of use fails to demonstrate that the proposed change of use would not prejudice airport related development within the boundary, now or in the future. As such the proposed change of use is considered to be contrary to Policy A4 of the Unitary Development Plan.

7.02 Density of the proposed development

Not applicable to this change of use application.

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

Not applicable to this application, as the site is not located within an archaeological area, Conservation Area or Area of Special Character, nor is Cardinal Point a Listed Building.

7.04 Airport safeguarding

Not applicable to this change of use application.

7.05 Impact on the green belt

Not applicable to this application as Cardinal Point is not located in the Green Belt.

7.07 Impact on the character & appearance of the area

Not applicable to this change of use application.

7.08 Impact on neighbours

The application site is located over 200m from the nearest residential property and it is not considered that the proposal would have any detrimental impacts on residential properties.

7.09 Living conditions for future occupiers

Not applicable to this change of use application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The site is accessed from two airport roads, Neptune Road (ingress) and Newall Road (egress), both which are under the control of the airport operator and both which are accessed via the Northern Perimeter Road. Each access is controlled by an entry/exit barrier to restrict access. A total of 182 car parking spaces are provided in the surface level car park around the building.

The existing site has adequate car parking and servicing provision including appropriate accesses to the airport road network. The proposed college would operate in a similar manner to the existing office use. The existing access route within the site provides a route around the building with car parking spaces accessed from this. Deliveries will be through the front door via main reception as with deliveries to the office users.

No physical alterations to the existing traffic and parking arrangements are proposed with the exception of:

- conversion of 3 existing parking spaces (numbered 155, 156 and 157 on drawing No. CSBM/PK/001 Rev C) into 2 disability standard spaces,
- conversion of 2 existing parking spaces (Numbered 164 and 165 on drawing No. CSBM/PK/001 Rev C) into 20 covered cycle parking spaces.

CAR PARKING

The 19 car parking spaces for the college use would accommodate staff and visiting lecturers. There would also be other ad hoc visitors such as servicing contractors etc. All such visits would be scheduled in advance. All car parking spaces are numbered and allocated to users within this multi-let building as part of their lease agreement. 9 existing spaces are allocated to visitors to the whole building.

The application has also been reviewed by the Council's Highways Officer who notes that the peak hours for the airport traffic would not coincide with the college traffic. On street parking is prohibited in the vicinity of the site.

The site has a PTAL of 3. Provided there are footpath links from Bath Road towards the site for those using buses there are no objections to the proposal on highway grounds.

Transport for London have reviewed the application and raises no objection subject to finalising a Travel Plan, ensuring that suitably designed accessible parking is provided, seeking to minimise car parking provision on site and requests provision of shower facilities on site.

CYCLE SPACES

5 Sheffield type cycle hoops are sited adjacent to the building entrance providing space for 10 cycles with space available for further provision if required. A further 10 Sheffield hoops are proposed in adjacent parking spaces nos. 164 and 165 to accommodate 20 cycles under cover. A draft green travel plan notes that the level of cycle use would be monitored and additional hoops installed as required. The applicant notes that the building has 1 shower on the 4th floor which is available to all users of the building although it is rarely used, with any regular cyclists currently using the building.

DISABLED ACCESS

No-step, pedestrian access into the building is provided via a purpose built ramp at building's main entrance from where level no-step access is provided by 3 lifts to all floors of the building.

It is proposed that 2 new disability standard spaces (i.e.10%) would be allocated for college use to accommodate students, staff and visiting lecturers. There is also 1 existing disability space allocated to visitors to the whole building. The applicant notes that at this stage it is not clear how many students may require a disability standard space but the parking allocation allows further disability standard spaces to be created subject to demand.

The application has been reviewed by the Council's Accessibility Officer who notes that given that no building work requiring planning consent is proposed. A suitable planning condition should be attached to any grant planning permission to ensure that suitably designed accessible parking is provided, in accordance with BS 8300: 2009.

Accordingly there are not considered to be any adverse highway or accessibility issues.

7.11 Urban design, access and security

Disabled access is addressed in 7.10 of the report.

7.12 Disabled access

Disabled access is addressed in 7.10 of the report.

7.13 Provision of affordable & special needs housing

Not applicable to this change of use application.

7.14 Trees, landscaping and Ecology

Not applicable to this change of use application.

7.15 Sustainable waste management

Recycling of waste materials will take place in the same way as the existing office use with recycling materials and waste collected by private contractors.

7.16 Renewable energy / Sustainability

Not applicable to this change of use application.

7.17 Flooding or Drainage Issues

Not applicable to this change of use application. Cardinal Point is not located within a Flood Risk Zone.

7.18 Noise or Air Quality Issues

Noise Environment

Although the building is near to Heathrow Airport's northern runway, it is not overflown by aircraft. The building benefits from purpose built noise attenuation, sealed unit glazing, full air conditioning and has been designed and built for office use. The applicant notes that the suitability of the site for further education purposes is subject to separate authorisation. The necessary application has been made.

Air Quality

The site is within the Hillingdon Air Quality Management Area where current exceedencies of EU air quality limit levels are predicted to gradually continue improve over time. No persons will be resident at the site and the length of study for students will be a maximum of 3 years. It is considered that there is no policy basis for treating a further education college any differently from other employment or non-residential uses located in the

AQMA which covers the south of the Borough.

7.19 Comments on Public Consultations

None received.

7.20 Planning obligations

Not applicable to this change of use application.

7.21 Expediency of enforcement action

Not applicable to this change of use application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

Planning permission is sought for the part change of use of the third floor of the existing Cardinal Point building (1,310sqm gross internal area) of the 3rd floor from Class B1 office to use as a further education college (Use Class D1 - Non-residential Institutions) including variation of planning permission ref: 30796/W/86/1382 to enable only 1,597sqm of remaining floorspace to be occupied without compliance with Condition No. 2 of planning permission ref: 30796/81/119 granted 9 March 1982.

The information submitted by the applicant on the proposed education facility fails to

demonstrate that the proposed change of use would not prejudice airport related development within the boundary, now or in the future. As such, the proposed change of use is considered to be contrary to Policy A4 of the Unitary Development Plan.

Accordingly, refusal is recommended.

11. Reference Documents

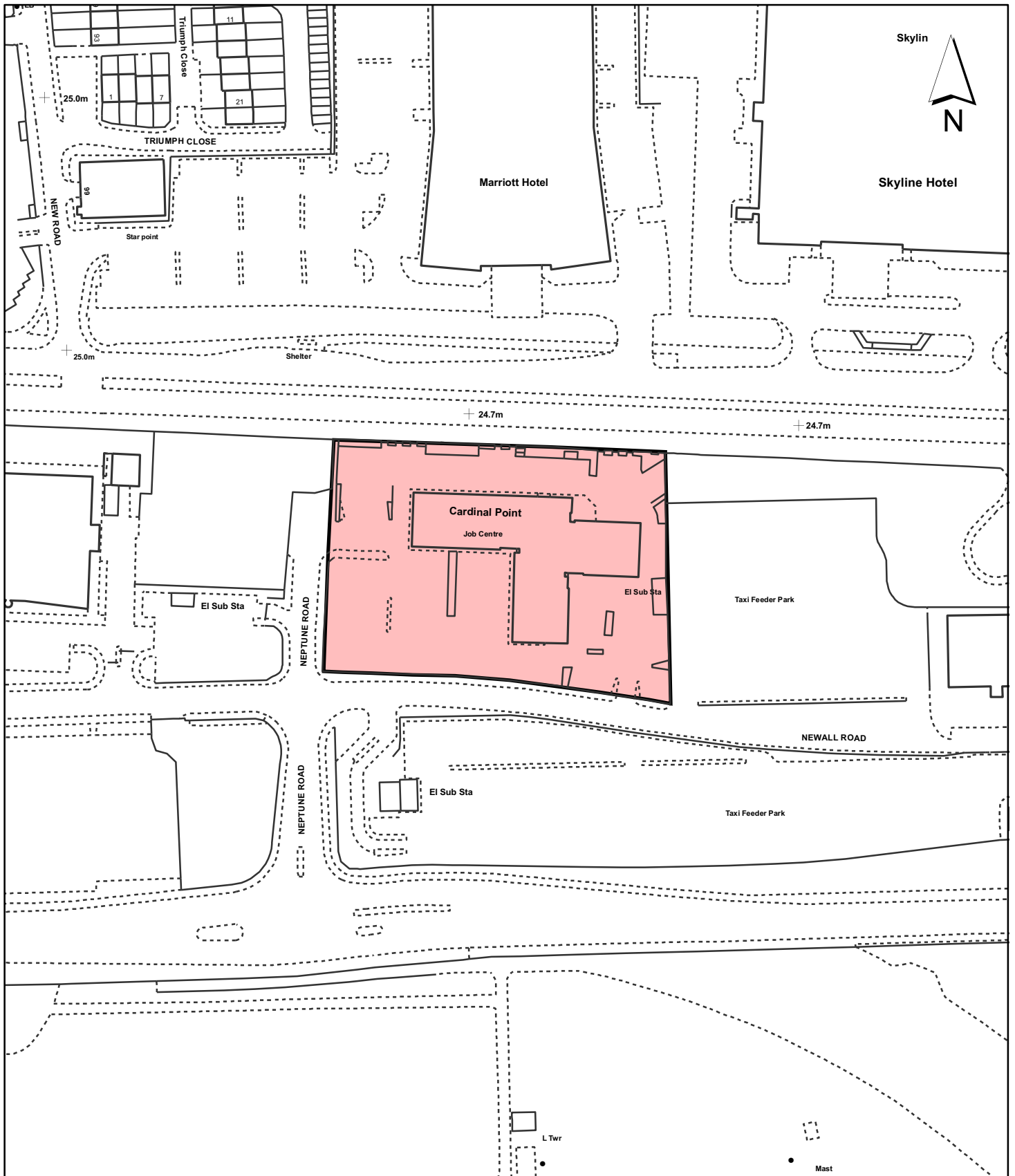
Hillingdon Unitary Development Plan Saved Policies 2007

London Plan 2008

Part 18 of the Town & Country Planning (General Permitted Development) Order 1995

Contact Officer: Tabitha Knowles

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**3rd Floor Cardinal Point
Newall Road
Heathrow**

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

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

Planning Application Ref:

3574/APP/2010/1242

Scale

1:1,500

Planning Committee

Central and South

Date

July 2010



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