

## Report of the Head of Planning & Enforcement Services

**Address** LEGION HOUSE, 854-864, UXBRIDGE ROAD HAYES

**Development:** Change of first floor use from Class B1 (office) to mixed use, comprising Class B1 and Class D1 for use as Business and Non-residential insitution.

**LBH Ref Nos:** 1927/APP/2010/1238

**Drawing Nos:** 2009/C182/01  
Site Plan 2009/C182/02 Rev A  
Photographs  
2009/C182/04  
2009/C182/03  
2009/C182/06 Rev A  
2009/C182/05

**Date Plans Received:** 28/05/2010      **Date(s) of Amendment(s):** 28/05/2010

**Date Application Valid:** 10/06/2010

### 1. SUMMARY

The application seeks permission to change the use of the first floor of the building from Class B1 (Business use) to mixed use comprising B1 (Business Use) and Class D1 (Non-residential institutions, education and training centre). This would involve internal alterations to the layout to create a large multi-purpose hall and other rooms to include hospitality, bookshop and a youth area. The applicant is Kingsborough Family Church who plans to use the site to house meetings, services with music and singing, training and seminars and childcare facilities with the possibility of up to 200 people on site at one time.

The proposal site is within the Secondary Shopping are of Uxbridge Road, Hayes Town Centre but relates to office accommodation at first floor. As such, the proposal would not have an effect on the shopping frontages within this town centre. The site has been vacant for some time and therefore there would be no objection to the replacement of the B1 (business) use, with a mixed B1 (business) and D1 (Non -residential institution) use. In terms of the proposed D1 community type use, Saved Policies R9 and R10 supports such uses and the increased employment would be welcomed. The site is served by good public transport access and this would provide a sustainable transport option for users of the proposal. Therefore subject to suitable safeguarding conditions relating to the hours of operation and control of noise, and the completion of a section 106 Agreement in relation to the provision of parking spaces in relation to the proposed use the application is recommended for approval.

### 2. RECOMMENDATION

**That delegated powers be given to the Director of Planning and Community Services to grant planning permission, subject to the following:**

**A. That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**

(i) The provision of 14 of the 37 parking spaces at the rear of the building to be provided for the proposed use, at all times.

(ii) The use of all 37 parking spaces at the rear of the building on Sundays and Wednesday evenings from 7.00 pm onwards to be provided for the proposed use.

B. That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed.

C. That the officers be authorised to negotiate the terms of the proposed agreement.

D. That, if the S106 agreement is not completed within 6 months of the date of this resolution that, under the discretion of the Director of Planning and Community Services, the application is refused under delegated powers on the basis that the applicant has refused to address planning obligation requirements.

E. That if the application is approved, the following conditions be attached:

**1 T8 Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 HLC5 Hours of operation**

The premises shall not be used except between 0900 hours and 1800 hours on Mondays, Tuesdays, Thursdays and Fridays, between 1000 hours and 1700 hours on Saturdays, between 0900 hours and 2100 hours on Wednesdays and between 0800 hours and 1400 hours on Sundays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 NONSC Times of church services**

Church services and any other activities involving amplified music and singing shall be restricted to Sundays from 0900 to 1400 and Wednesday evenings from 1930 to 2100. Doors and windows should remain closed during all church activities to prevent emission of noise to any noise sensitive premises.

REASON

To protect the amenity of noise sensitive commercial and residential properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**5 N5 Control of noise emission from the site**

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site (including the proposed mechanical ventilation units) has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

**6 NONSC Kitchen Extraction Equipment**

Prior to the commencement of development hereby approved details of any proposed kitchen extraction equipment and/or flues shall be submitted to and approved in writing by the Local Planning Authority. These shall be installed as per the approved details and thereafter retained and maintained as such for the perpetuity of the use.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

**7 NONSC Disabled Toilets**

Development shall not commence until details of disabled toilets to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

**8 NONSC Non Standard Condition**

Prior to commencement of development, an energy statement shall be submitted to the Local Authority. The statement shall set out the likely energy demand of the development and suggest proposals for reducing this demand. Any measures will need to be feasible in the context of the proposals. The statement needs to be approved in writing by the Local Planning Authority. The development should be completed and operated in accordance with the energy statement.

## REASON

To reduce the energy demand and subsequent carbon emissions in accordance with Policy 4A.3 of the London Plan.

## INFORMATIVES

### 1 I52 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

### 2 I53 **Compulsory Informative (2)**

The decision to GRANT 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.
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
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
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

### 3 I1 **Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### 4 I3 **Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building

Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

## **5            16                    Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **6            15                    Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **7**

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

(i) To assist in good management of noise from demolition and construction works at the site, the contractor involved is advised to consider applying to the London Borough of Hillingdon for prior consent under section 61 of the Control of Pollution Act 1974. The application should specify the method of working, the hours of work and noise controls to be applied in accordance with 'best practicable means' as defined in section 72 of the Control of Pollution Act 1974;

(ii) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays and Bank Holidays. All noise generated during such works should be controlled in compliance with British Standard 5228;

(iii) Measures should be taken to eliminate the release of dust and odours caused by the works that may create a public health nuisance; and

(iv) No bonfires on the site should be allowed to take place at any time.

### **3.    CONSIDERATIONS**

### 3.1 Site and Locality

The application relates to the first floor of a 4 storey structure; Legion House, situated on Uxbridge Road. The site forms part of the Uxbridge Road, Hayes Town Centre boundary of the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

The first floor of the property is currently class B1 mixed use and comprises of office units that are vacant, the ground floor of the building has retail outlets, restaurants and a car wash, in keeping with the nature of the road.

Legion House is situated directly onto the street frontage and has an access drive to the east of the site directly from Uxbridge Road, leading to a car park to the rear. A pedestrian access to the upper floors is situated to the centre of the front elevation directly on Uxbridge Road.

The building has shop fascias to the ground floor and is pebble dashed and glazed to the upper floors.

### 3.2 Proposed Scheme

The application seeks the permission to change the use of the first floor of the building from Class B1 (Business use) to mixed use comprising B1 (Business Use) and Class D1 (Non-residential institutions, education and training centre).

The application seeks to make internal alterations to the layout to create a large multi-purpose hall and other rooms to include hospitality, bookshop and a youth area.

The applicant is Kingsborough Family Church who plans to use the site to house meetings, services with music and singing, training and seminars and childcare facilities with the possibility of up to 200 people on site at one time.

The proposed hours of operation indicated in the application form states 9am-5pm Monday to Friday, 10am to 5pm on Saturday and 8am to 2pm on Sundays and Bank Holidays, however in the planning statement it states hours of operation would also include an additional late night on Wednesday until 9.30pm.

The rear car park would be allocated to the applicant these would include 37 standard parking spaces, two spaces for minibuses, one disabled space and 8 cycle spaces.

### 3.3 Relevant Planning History

1927/APP/2010/466      858 Uxbridge Road Hayes

Change of use of first floor from Class B1 to mixed use comprising B1 (Business) / D1 (non-residential, education, training centre.)

**Decision:** 05-05-2010    Withdrawn

#### Comment on Relevant Planning History

This application relates to the resubmission of a previously withdrawn application (1927/APP/2010/466), this application was withdrawn to avoid an unfavourable officer recommendation, due to the lack of information that had been supplied in relation to generation of noise by the proposed use and off street parking that would be provided.

The current application seeks to overcome these concerns and includes a 'Noise Impact Assessment', a 'Sound Insulation Test Report' and a 'Travel Conditions and Green Travel Plan' report.

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

PPG13 Transport

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

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

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
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
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
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

35 letters were sent to neighbouring properties and interested parties notifying them of the application. No responses have been received.

##### **Internal Consultees**

HIGHWAYS ENGINEER No objections subject to a Section 106 agreement (to include the tenant and the owner) providing the use 14 parking spaces for the proposed use at all times and the use of all 37 spaces on Sundays and Wednesday evenings from 7.00 pm onwards.

EPU - I refer to your request for comment for the above application.

Noise - I have reviewed the noise impact assessment report 4037.NIA.01 submitted by Acoustics Limited. The assessment of the potential noise impact together with the sound insulation test appears adequate as long as adequate mitigation measures are in place to validate the noise assessment. The noise impact assessment recommends certain mitigation to prevent any potential noise emanating especially from the multi-purpose during church services. However I will recommend the following condition should planning permission is granted.

#### Condition 1

Church services and any other activities involving amplified music and singing shall be restricted to Sundays and Wednesday evenings. Doors and windows should remain closed during all church activities to prevent emission of noise to any noise sensitive premises, with suitable ventilation provided.

Reason:

To protect the amenity of noise sensitive commercial and residential premises in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

The noise impact assessment recommends that mechanical ventilation be installed such that doors and windows can remain closed at all times even during hot weather as part of the proposal to ensure that the amenity of the nearby noise sensitive premises is protected.

#### Condition 2

No mechanical ventilation units shall be used on the premises until a scheme, which specifies the provisions to be made for the control of noise emanating from the site or to other parts of the building, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON:

To safeguard the amenity of surrounding areas properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

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#### INFORMATIVE

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

(v) To assist in good management of noise from demolition and construction works at the site, the contractor involved is advised to consider applying to the London Borough of Hillingdon for prior consent under section 61 of the Control of Pollution Act 1974. The application should specify the method of working, the hours of work and noise controls to be applied in accordance with best practicable means as defined in section 72 of the Control of Pollution Act 1974;

(vi) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays and Bank Holidays. All noise generated during such works should be controlled in compliance with British Standard 5228;

(vii) Measures should be taken to eliminate the release of dust and odours caused by the works that may create a public health nuisance; and

(viii) No bonfires on the site should be allowed to take place at any time.

A condition requiring details of any kitchen extraction equipment is also required.



## SUSTAINABILITY OFFICER

This application is for a change of use and therefore not feasible to apply the 20% renewables policy. However, the majority of the buildings that will be in use in 2050 in London are already built. A lot of these are highly inefficient and susceptible to increasing energy prices. Furthermore, the quality of new buildings continues to rise rapidly creating a gulf between out of date existing building stock.

The change of use does provide an opportunity to highlight the need for energy saving measures to be installed in any internal refurbishment that will take place.

## ACCESS OFFICER

No objection, subject to condition requiring details of disabled toilets to be provided.

## **7. MAIN PLANNING ISSUES**

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

There are no specific policies for the protection of B1 uses within the secondary shopping areas of the Town Centre. The London Plan (2008), Policy 3D.1, states boroughs should enhance access to goods and services, and strengthen the wider role of town centres, and policies should encourage retail, leisure and other related uses in town centres. In addition to this, policies should support a wide role for town centres as locations for leisure and cultural activities, as well as business and housing, and require the location of appropriate health, education and other public and community services in town centres

Policy 3D.2 comments that, UDP policies should relate the scale of retail, commercial and leisure development to the size and role of a centre and its catchment and encourage appropriate development on sites in town centres, and Policy 3D.3 states Boroughs should work with retailers and others to prevent the loss of retail facilities that provide essential convenience and specialist shopping and encourage mixed use development.

This application relates to the change of use of an existing first floor office building (B1 use) to a mixed B1 (Business Use) and Class D1 (Non-residential institutions, education and training centre). As such, due to the first floor nature of the site, it is not considered the proposal would undermine the existing shopping frontage in the area and furthermore it is noted that the proposed use could improve the viability and vitality of the area by the resulting increased foot fall to the site and improvement to passing trade that could result.

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

Not applicable No housing is proposed

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

Not applicable - The application is not affected by any of these designations

### **7.04 Airport safeguarding**

Not applicable the application is not within a safeguarding area

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

Not applicable the application is not within the Green Belt

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

There are no external alterations proposed as part of this application and the existing frontage will be retained. Therefore the proposal would comply with Policy BE13 of the UDP (Saved Policies September 2007).

### **7.08 Impact on neighbours**

There are no external alterations proposed as part of this application and therefore no additional loss of light or outlook would occur. Issues relating to noise and disturbance have been addressed below.

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

Not applicable.

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

The UDP (Saved Policies September 2007) seeks full alignment with the aspirations of PPG13 (Transport) and therefore promotes the sequential delivery of retail development within accessible locations such as town centres. The change of use of premises to Use Class D1 will generate a need for travel and therefore must be located in areas where there is good public transport links and high density.

Policy AM14 of the UDP (Saved Policies September 2007) refers to the Council's car parking standards contained under Annex 1. The UDP adopts the London Plan Standards which specify that proposals for day centres, adult training centres, places of worship and community centres are all to be considered on an individual basis using a transport assessment and travel plan.

The application site is located in the town centre of Uxbridge that is in an area with a PTAL rating of 2 considered a low to medium level of accessibility to public transport. However a supporting planning statement has been submitted addressing 'Travel Conditions and a Green Travel Plan'. The Highway Engineer has been consulted and has commented that no objection would be raised to the proposal subject to a Section 106 agreement (to include the tenant and the owner) providing the use of 14 parking spaces for the proposed use at all times and the use of all 37 spaces on Sundays and Wednesday evenings from 7.00 pm onwards. It is therefore considered that subject to the completion of this agreement the proposal would comply with policies AM7, AM9, AM14 and AM15 of the UDP (Saved Policies September 2007) and also with PPG13 (Transport).

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

Not applicable the application is for change of use only and does not involve any alterations to the building

#### **7.12 Disabled access**

The plans show the provision of a lift to enable access to the first floor, however, there are no disabled toilet facilities shown. The Council's Access Officer has advised that the proposed layout could easily be adapted to make provision for disabled toilets. As such a condition will be attached to any planning permission requiring that details of disabled toilets are submitted to the Council prior to development commencing.

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

Not applicable No housing is proposed

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

Not applicable the application is for change of use only

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

The application is for change of use only and it is not considered the proposed use would have an adverse effect on waste management issues.

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

The Council's Sustainability Officer has advised that whilst it is not feasible to apply the 20% renewable energy policy to a proposal for a change of use of an existing building,

the proposal does provide an opportunity to highlight the need for energy saving measures to be installed in any internal refurbishment that will take place. This will be secured by way of condition.

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

Not applicable - The site is not within a flood zone, and no other drainage issues have arisen.

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

Policy OE1 of the UDP (Saved Policies September 2007) states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated. The proposed B1 (business) use is not considered to result in any additional noise and disturbance, over and above the current authorised use of the site, however, in relation to the proposed D1 use (involving Church services and any other activities involving amplified music and singing) it is considered in order to safeguard the amenities of the surrounding occupiers a condition should be applied relating to the control of noise and hours of operation. Therefore subject to these conditions the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

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

Not applicable - no comments received at the time of writing this report

#### **7.20 Planning obligations**

The highway engineer has stated no objection would be raised subject to the completion of a Section 106 agreement (to include the tenant and the owner) providing the use 14 parking spaces at the rear of the site for the proposal at all times and the use of all 37 spaces on Sundays and Wednesday evenings from 7.00 pm onwards.

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

Not applicable

#### **7.22 Other Issues**

Policy R9 of the UPD (Saved Polices September 2007) states proposals for buildings to be used for religious and cultural purposes if; they can provide adequate parking; any new buildings or extensions would harmonise with their surroundings; they do not prejudice the amenities of surrounding properties; access arrangements are satisfactory; and the proposal would not conflict with other policies in the plan.

The proposal is considered to comply with this policy as although the site has limited parking provision, it is situated in an area with good public transport links and a Green Travel Plan has been provided. There are no extensions or new buildings proposed as part of this application; and whilst there are residential properties in the vicinity, subject to a condition regarding the control of noise and hours of operation, it is not considered the use would prejudice their residential amenities. Subject to minor revisions the access requirements would comply with the Council's HDAS: Accessible Hillingdon

Policy R10 of the UPD (Saved Polices September 2007) states new meeting halls, buildings for education, social, community and health services, etc, will be considered acceptable in principle subject to the other policies in the plan.

### **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**

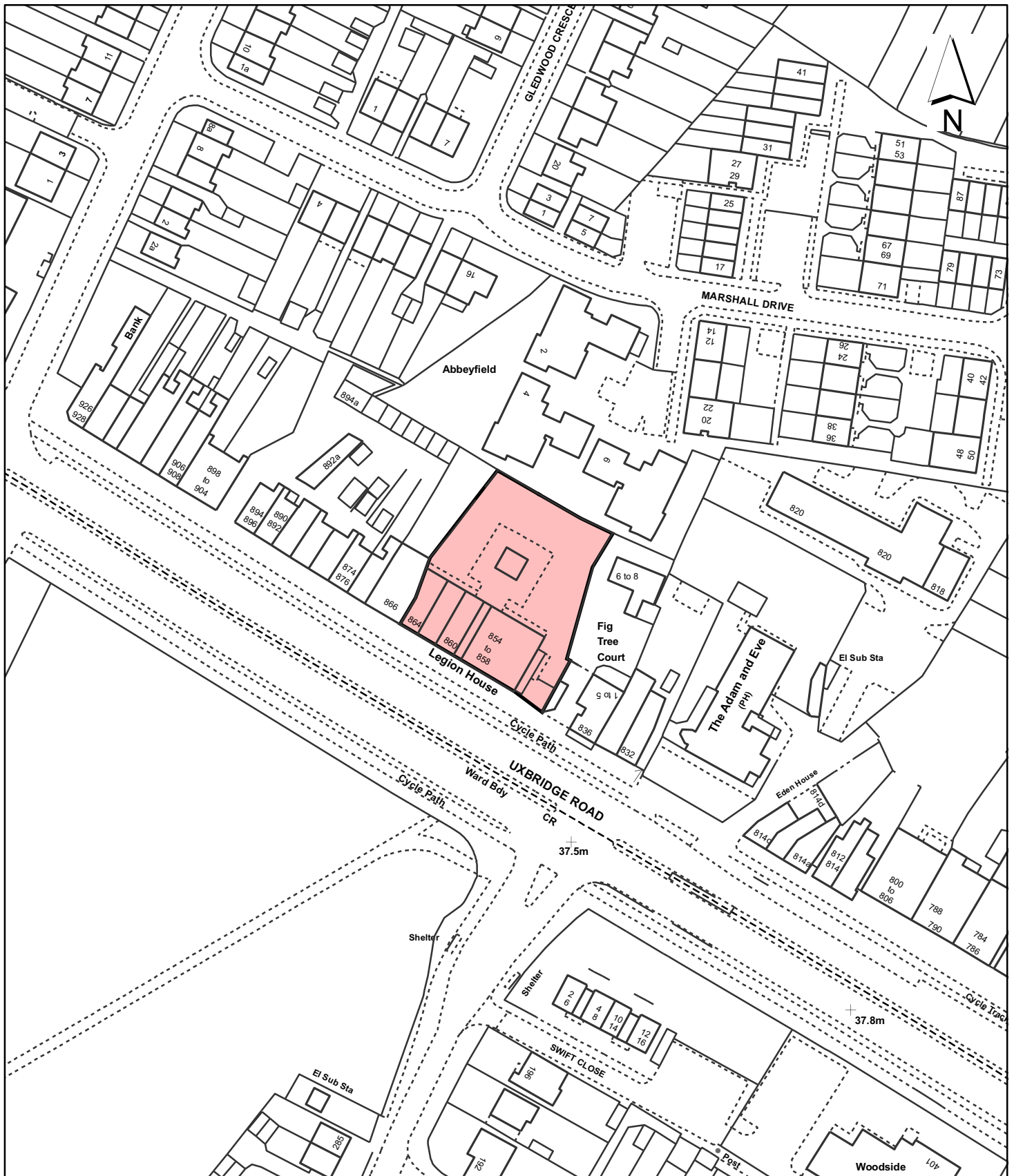
It is considered the application site is within the secondary areas of the Town Centre however it is at first floor level and comprises a vacant B1 unit. There are no policy objections to the proposed change of use. The proposal complies with relevant saved UDP and London Plan policies and, as such, approval is recommended, subject to a Section 106 agreement being entered into together with appropriate conditions.


## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Polices September 2007  
The London Plan (2008)

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230



<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2010</p>	<p>Site Address</p> <p style="text-align: center;"><b>Legion House</b>  <b>854 - 864 Uxbridge Road</b>  <b>Hayes</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning, Environment &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW  Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>1927/APP/2010/1238</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p style="text-align: center;"><b>Central and South</b></p>	<p>Date</p> <p style="text-align: center;"><b>November 2010</b></p>	



**HILLINGDON**  
LONDON