

Report of the Head of Planning & Enforcement Services

Address GROUND FLOOR, OLD POST OFFICE 52 STATION ROAD HAYES

Development: Change of use from Class A1 (Retail) to Class D1 (Non-Residential Institutions) for use as a Health Centre, with associated internal alterations.

LBH Ref Nos: 35807/APP/2009/2363

Drawing Nos: 2503/00_001
2503/00_005
2503/00_006
2503/00_001 Rev A

Date Plans Received: 29/10/2009 **Date(s) of Amendment(s):**
Date Application Valid: 19/11/2009

1. SUMMARY

The Applicant has advised that they are unable to enter into a legal agreement to secure car parking on the adjoining site without a condition on the consent limiting the life of the consent to the length of the lease on the building (19 years). As such a time limiting condition has been imposed. No other aspects of the scheme have been changed.

Matters raised in the previous addendum have been integrated into this report.

The proposed use, which would be an extension to the existing medical centre, is considered appropriate within a town centre and is supported by Councils objectives, national and regional policies and NHS Hillingdon, as it would help to meet the growing demand for health care in Hayes. The amenities of adjoining residential properties would be safeguarded by appropriate conditions.

It is considered that given the community benefits afforded by the scheme and the site's town centre location, adjacent to the main bus routes and proximity of the public parking, an exception to established Saved UDP shopping policies can be made in this particular case and therefore, the application is recommended for approval.

2. RECOMMENDATION

That delegated power be given to the Head of Planning and Enforcement to grant planning permission subject to the following:

1. The Council enter into an agreement with the applicant and all other relevant legal interests under Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure that:

(a) The provision of 21 car parking spaces are provided at the existing health centre adjacent to 52 Station Road for the exclusive users of the Development. Of these 21 spaces, 18 are permanent, including two spaces to be reserved for disabled drivers. A further 3 spaces would be provided in a stacked arrangement as detailed on drawing referenced 35807/100.

(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.

2. That Officers be authorised to negotiate and agree detailed terms of the proposed agreement.

3. If a S106 agreement or other similar associated documentation is not signed within 6 months, or any other period deemed appropriate by the Head of Planning and Enforcement, then the application is to be referred back to Committee for further consideration.

4. That subject to the above, the application be determination by the Head of Planning and Enforcement under delegated powers subject to the completion of the Agreement or associated documentation under section 106 and other appropriate powers with the applicant.

5. 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 T6 Temporary Use - Discontinuance

The use hereby permitted shall be discontinued on or before 25 January 2030.

REASON

It is not considered appropriate to grant a permanent permission for the use until its effect on the amenities of the locality has been assessed in compliance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 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).

4 HLC5 Hours of operation

The premises shall not be used except between 0800 hours and 2000 hours Mondays to Fridays, between 0800 hours and 1800 hours on Saturdays and at no time on Sundays, Public or Bank Holidays.

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).

5 NONSC Deliveries and Collection

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON

To safeguard the amenity of surrounding areas, in accordance with Policies OE1, OE3 and S6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

6 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties 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 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

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

8 H16 Cycle Storage - details to be submitted

The use hereby approved shall not commence until details of covered and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

9 NONSC Refuse and recycling

No development shall take place until details of facilities to be provided for lockable refuse and recycling storage for the medical centre have been submitted to and approved in writing by the Local Planning Authority. The medical centre refuse and recycling storage shall be integral to the building and shall demonstrate appropriate provision for the storage of medical and clinical waste. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

In order to safeguard the amenities of the area and provide adequate refuse facilities, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 4A.22 and 4B.1.

10 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (ii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iii) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (iv) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

11 NONSC Non Standard Condition

No air extraction system shall be used on the premises until a scheme for the control of noise, fumes and odours emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented before the development is occupied/the use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties 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).

12 NONSC Non Standard Condition

Before development commences, plans and details of the proposed access ramp into the front entrance of the building (including details of surface materials) shall be submitted to and approved in writing by the Local Planning Authority. There after the ramp shall be constructed in accordance with the approved details. There after the ramp shall be maintained in good condition for the life of the development.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

INFORMATIVES

1 152 **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).

2 153 **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.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
R16	Accessibility for elderly people, people with disabilities, women and children
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 2A.8	London Plan Policy 2A.8 - Town Centres
LPP 2A.9	London Plan Policy 2A.9 - Supporting Sustainable Communities
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

3 11 **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 13 **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).

5 112 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

6 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

7 125 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

8 146 Renewable Resources

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

9 151 Notification of Commencement of Works

Written notification of the intended start of works shall be sent to Planning & Community Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

at least seven days before the works hereby approved are commenced.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Station Road at its corner with St Anselms Road and comprises a ground floor commercial unit which is currently vacant, with 3 floors above in residential use. The application site was previously in use as a post office and formed the front part of the former Post Office and British Telecom building which was used for various functions which included telephone exchange, delivery/sorting/distribution of post, administration, maintenance engineering and as a base for post office staff providing welfare and rest room facilities. Land to the rear of the application site has since been redeveloped comprising a health care centre on the ground floor with residential above, fronting St Anselms Road. To the north lies 50 Station Road an employment centre and to the south lies St Anselms Road.

The street scene is commercial in character and appearance and the application site lies within the Primary Shopping Area of the Hayes Town Centre as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the change of use of the ground floor from class A1 to class D1 to form an extension of the existing HESA primary care centre adjacent to the application unit along St Anselms Road. The unit would provide 5 examination/consultation rooms, waiting area and reception rooms. The existing entrance on the corner with High Street and St Anselms Road would form an entrance to the unit however it would also be accessed from the existing health centre via an internal link.

No external alterations are proposed but 24 car parking spaces are to be provided and are located to the rear of the premises. These spaces will be secured by way of a section 106 legal agreement.

3.3 Relevant Planning History

35807/APP/2001/1118 52 Station Road Hayes

CHANGE OF USE TO CLASS D1 (NEW RESIDENTIAL INSTITUTION) INCLUDING MEDICAL AND HEALTH SERVICES, INVOLVING PART DEMOLITION OF BUILDING AND ERECTION OF EXTENSIONS AND EXTERNAL ALTERATIONS

Decision: 31-08-2001 Approved

35807/APP/2002/538 52 Station Road Hayes

CHANGE OF USE TO CLASS D1 (NON- RESIDENTIAL INSTITUTION) INCLUDING MEDICAL AND HEALTH SERVICES AND INVOLVING ERECTION OF EXTENSIONS AND EXTERNAL ALTERATIONS

Decision: 11-07-2002 Approved

35807/APP/2009/1437 52 Station Road Hayes

Change of use from A1 Retail to A2 Financial and professional services (Bookmakers) to include alterations to windows and front entrance and installation of 4 satellite dishes/aerials to rear and air conditioning units.

Decision: 11-11-2009 Refused

Comment on Relevant Planning History

An appeal has been lodged against a planning application (ref: 35807/APP/2009/1437) for the change of use from class A1 to class A2, to be used as a betting office. However, had an appeal not been received, the application would have been refused for the following reasons:

1. The proposal by reason of the loss of an A1 retail unit and increase in the width of the interruption of the retail frontage, would erode the retail function and attractiveness of the shopping centre, harming its vitality and viability. The proposal is therefore contrary to Policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and policy 3D.3 of the London Plan 2008.

2. The proposed shopfront alterations, by reason of their overall size, scale and design would fail to harmonise with the symmetry, composition, proportions and overall architectural character of the original building. The proposal would therefore be detrimental to the character and appearance of the surrounding area generally, contrary to policies BE13, BE19 and BE28 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3. The proposal fails to provide adequate information (a noise assessment) to demonstrate that the proposed condenser units would not harm the residential amenities of adjoining and nearby residents, contrary to policies S6 (iii) and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The appeal has subsequently been withdrawn.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.20 To give priority to retail uses at ground floor level in the Borough's shopping areas.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
R16	Accessibility for elderly people, people with disabilities, women and children
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 2A.8	London Plan Policy 2A.8 - Town Centres
LPP 2A.9	London Plan Policy 2A.9 - Supporting Sustainable Communities
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

121 adjoining owner/occupiers have been consulted. 3 objections have been received.

Internal Consultees

Environmental Protection Unit:

The letter from the applicant dated 28th October 2009 states that the proposal mainly involves alterations to the internal layout of the building to suit the provision of health care services. It is also stated that Hillingdon PCT lease the adjacent building and would like to expand their services by linking into the ground floor of 52 Station Road.

The drawing showing the proposed floor plan shows access to upper floor flats, apparently situated above the proposed health care facility. I understand that these flats were not provided when the ground floor of the building was previously used as a Post Office. If this is the case, then conditions need to be imposed to protect residents of the flats from noise disturbance. A condition should be considered restricting days and hours of opening of the health care facility. Also, a sound insulation condition should be considered.

Highways:

Vehicular access to the site is from Nield Road.

There are a total of 24 spaces provided on adjoining land controlled by the Applicant. Two of the parking spaces would be for disabled users.

There are also 13 on street disabled parking bays adjoining but outside the site frontage which are managed by the Council. There are also pay and display parking bays in Nield Road.

In view of the available parking (24 spaces to be secured by way of a legal agreement), and the site's location in a town centre no objections are raised on highway grounds.

Policy & Environmental Planning:

Policy R10 states that proposals for community and health uses will be considered as acceptable in principle subject to other policies in the Plan.

Paragraph 9.28 states that "increasing demands on primary health care services will require improvements to the existing primary care facilities and additional premises, particularly in the south of the Borough where facilities are poorer. The need for premises to be easily accessible to meet the needs of disadvantaged groups will be borne in mind." The application meets a number of these objectives; it is in the south of the borough, it is in an easily accessible location, and it will improve existing primary care facilities.

Policy S6 seeks to safeguard the amenity of shopping centres and provides assessment criteria for proposals.

Para 8.26 seeks to maintain at least 70% of the primary area frontage in Class A1 use and generally to avoid concentrations of service uses in both primary and secondary areas. The 2009 shopping survey undertaken by Hillingdon shows that Hayes has 63% A1 uses in the primary frontage which falls under the 70% threshold. The application, therefore, does not meet this criterion.

A change of use to D1 is not supported by Policy S11 which sets out service uses acceptable at ground floor level in primary shopping areas. The policy also supports development that does not result in a separation of A1 uses or a concentration of non-retail uses. Hillingdon's 2009 shopping survey suggests a change of use on the application site would not result in a separation of A1 uses or a concentration of non-retail uses.

Parking policies may also apply.

Retail Study 2006 - The Retail Study provides a health check on Hayes using data collected in 2004. It concludes that key opportunities to improve Hayes include improving the health and beauty, and electrical goods offer in the town, developing the convenience market, and improving the appeal of Hayes as a place to live by introducing a suitable metro grocery format store. In the long term, a residential-led regeneration strategy is recommended.

Recommendations of this study will be assessed and taken forward through the LDF, but clearly an improved health service provision in the town centre would support an increase in the residential population.

Annual Monitoring Report (AMR) - The AMR assesses how far planning policies are meeting related borough-wide targets from the Sustainable Community Strategy and the Local Area Agreement. Pertinent aims and objectives include 'A borough with improving health, housing and social care where first class health and social care is available to all' and 'Create new hospital and primary care facilities serving the north and south of the borough'.

One of the indicators employed to assess if planning policies have successfully contributed towards these objectives is LO12: amount of new floor space for health and education facilities. While there

is no specific quantitative target, creating new health care facilities is clearly a priority for the borough as a whole and planning policies are expected to contribute to this aim.

Emerging LDF - Hayes lies within the Heathrow Opportunity Area which is identified as one of the main areas for growth over the next 15 years. Infrastructure, including community facilities, will be needed to support this growth. The policy direction for town centres will reflect recent national and regional guidance and endorse a diversification of uses which will help town centres become a focus for local communities through a wider range of services, particularly community facilities.

Regional Policy - London Plan Consolidated with Alterations since 2004 (2008)

The London Plan strongly promotes consumer activity in town centres which provides a mixture of uses and offers a focal point for their surrounding communities. In particular:

- Policies 2A.8 and 2A.9 seek to enhance the vitality and viability of town centres, and the quality of life, economy and environment of suburban London, by focusing uses such as community services in town centres.

- Policy 3D.1 explicitly endorses DPD policies that require to the location of appropriate health, education and other public and community services in town centres.

- Hayes is classified as a District centre in the London Plan.

- National Policy - PPS4: Planning for Sustainable Economic Growth (2009)

In this recently published Statement, economic development includes public and community uses. Government objectives include promoting the vitality and viability of town centres as important places for communities. To do this, the Government wants new economic development to be focused in existing town centres with the aim of offering a wide range of services to meet the needs of the entire community.

- Policy EC13.1 addresses planning applications affecting shops and services in local centres. It states that local planning authorities should take into account the importance of the shop or service to the local community or the economic base of the area if the proposal would result in its loss or change of use. Applications which fail to protect existing facilities which provide for people's day-to-day needs should be refused.

This is the most recent guidance on planning for town centres

Conclusion - While UDP policy R10 considers proposals for health uses acceptable in principle, change of use on the application site is resisted by policy S11 and paragraph 8.26. However, the application meets borough-wide strategic objectives to improve health care facilities.

Recent national and regional policies advocate a more flexible approach to town centres uses which help to create a focal point for communities through a wider range of services, particularly community facilities. These policies are reflected in Hillingdon's emerging LDF which will eventually replace the UDP.

It is therefore considered that the proposed change of use would enhance the vitality and viability of Hayes town centre by providing a community facility, in accordance with the London Plan, PPS4 and borough-wide objectives.

Planning Obligations Officer

A planning obligation is required to secure car parking (which is to be located on a site outside of the 'Red Line' plan).

The heads of terms would require:

- i) The provision of 24 car parking spaces are provided at the existing health centre adjacent to 52 Station Road. Of these 24 spaces, 18 are permanent, including two spaces to be reserved for disabled drivers and six doubled up spaces.
- ii) That the applicant meets the Council's reasonable costs in the preparation of the Section 106 Agreement or other similar associated documentation and any abortive work as a result of the agreement not being completed.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies within the primary shopping area of the Hayes town centre. Paragraph 8.24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) defines primary shopping areas as the focus of retail activity in the centres and are either already generally dominated by retail shops or are areas which the Local Planning Authority considers have prime retail potential. Paragraph 8.26 states that as a guideline, the Council will normally seek to prevent a separation or an increase in the separation of class A1 units of more than approximately 12m which is broadly the width of two typical shop fronts. Class A1 shops should remain the predominant use in primary areas and the Local Planning Authority will expect at least 70% of the frontage to be in class A1 use.

Policy S11 establishes the change of use from class A1 to non class A1 uses in primary frontages where there remains adequate retail facilities to accord with the character and function of the shopping centre in order to maintain the vitality and viability of the town centre.

The 2009 shopping survey shows that within the primary frontage of the Hayes town centre, class A1 uses make up 63% of the frontage. The proposal would reduce this further and as such, it would not meet this criterion. The proposal would not however result in a separation of class A1 uses.

In principle, Policy R10 encourages proposals for community and health uses subject to other policies in the Plan. Paragraph 9.28 states that "increasing demands on primary health care services will require improvements to the existing primary care facilities and additional premises, particularly in the south of the Borough where facilities are poorer. The need for premises to be easily accessible to meet the needs of disadvantaged groups will be borne in mind." The application meets a number of these objectives as it is in the south of the borough, it is in an easily accessible location, and it will improve existing primary care facilities.

The Council carried out a Retail Study in 2006. This study provides a health check on Hayes using data collected in 2004. It concludes that key opportunities to improve Hayes include improving the health and beauty, and electrical goods offer in the town, developing the convenience market, and improving the appeal of Hayes as a place to live by introducing a suitable metro grocery format store. In the long term, a residential-led regeneration strategy is recommended.

New health care facilities are also supported by the Council's Annual Monitoring Report which assesses how far planning policies are meeting related borough-wide targets from the Sustainable Community Strategy and the Local Area Agreement. One of the main aims and objectives include "A borough with improving health, housing and social care

where first class health and social care .. is available to all" and "Create new hospital and primary care facilities serving the north and south of the borough".

With regards to national and regional policy, the London Plan strongly promotes consumer activity in town centres which provides a mixture of uses and offers a focal point for their surrounding communities. In particular, Policies 2A.8 and 2A.9 seek to enhance the vitality and viability of town centres, and the quality of life, economy and environment of suburban London, by focusing uses such as community services in town centres. Furthermore, Policy 3D.1 explicitly endorses DPD policies that require to the location of appropriate health, education and other public and community services in town centres. Hayes is classified as a District centre in the London Plan.

Policy EC13.1 of Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009) addresses planning applications affecting shops and services in local centres. It states that local planning authorities should take into account the importance of the shop or service to the local community or the economic base of the area if the proposal would result in its loss or change of use. Applications which fail to protect existing facilities which provide for people's day-to-day needs should be refused.

It is accepted that the proposed development would further erode the retail character and function of the Hayes town centre. However, the above demonstrates that there is strong borough wide strategic support through the Council's aims and objectives to improve the health of its population and strong policy support at regional and national level, particularly where such uses would provide a vital service and underpins the local community.

It is therefore considered that on balance, the proposed change of use would enhance the vitality and viability of Hayes town centre by providing a community facility, in accordance with the London Plan, PPS4 and borough-wide objectives. Therefore, an exception to established UDP Saved shopping policies can be made in this particular case.

7.02 Density of the proposed development

This is not applicable to this application for a change to medical use.

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

The proposal would not affect any listed buildings, conservation areas or any archaeological remains.

7.04 Airport safeguarding

This is not applicable to this application for a change of use to a medical centre.

7.05 Impact on the green belt

The application site does not lie within the Green Belt.

7.07 Impact on the character & appearance of the area

No external alterations are proposed and therefore, the proposal would not harm the appearance of the street scene in accordance with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise and general disturbance. The nearest residential properties are situated above the ground floor unit. The proposed use is not likely to generate any significant noise over and above the previous use of a post office. However, it is considered that planning conditions requiring the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries to match those for the adjoining health care unit would be sufficient to maintain the residential amenity of the occupiers of adjoining and nearby

residential properties, should planning permission be granted.

The proposal would therefore comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and 4A.20 of the London Plan (February 2008).

7.09 Living conditions for future occupiers

This is not applicable to this application for a change of use to a medical centre.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Council's car parking standards do not stipulate a parking requirement for medical and other health practice uses. The car parking requirement would normally be determined on an individual basis using a transport assessment and/or travel plan. The application has not been accompanied by a transport assessment or travel plan.

The application site lies within the Hayes Town Centre and there are 18 existing on site parking spaces, including 2 disabled bays. A further 6 spaces can be accommodated in the parking area in a stacked arrangement (in total, the proposal will be supported by 24 spaces.

There are also 13 disabled parking bays adjoining but outside the site frontage which are managed by the Council. There are also pay and display parking bays in Nield Road and the application site lies on the main bus routes on Station Road. Hayes & Harlington Station is also some 300m to the south.

In these circumstances, the Highway Engineer raises no objection on highway grounds. The Council's minimum cycle parking standard for Class D1 uses is 2 spaces per consulting room. 5 consulting rooms are proposed and as such, 10 spaces are required. This can be secured by way of a planning condition. The scheme is considered acceptable in accordance with policies AM7(ii), AM9 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

This is addressed at section 07.10.

7.12 Disabled access

The proposal would provide a disabled persons' toilet and the existing ramp would be utilised. The proposal would therefore comply with the above guidance and policy R16 of the saved UDP.

7.13 Provision of affordable & special needs housing

This is not applicable to this application for a change of use to a medical centre.

7.14 Trees, landscaping and Ecology

This is not applicable to this application for a change of use to a medical centre.

7.15 Sustainable waste management

This is not applicable to this application for a change of use to a medical centre.

7.16 Renewable energy / Sustainability

This is not applicable to this application for a change of use to a medical centre.

7.17 Flooding or Drainage Issues

This is not applicable to this application for a change of use to a medical centre.

7.18 Noise or Air Quality Issues

This is not applicable to this application for a change of use to a medical centre.

7.19 Comments on Public Consultations

3 objections have been received.

7.20 Planning obligations

A planning obligation is required to secure car parking (which is to be located on a site outside of the 'Red Line' plan).

The heads of terms would require:

i) The provision of 24 car parking spaces are provided at the existing health centre adjacent to 52 Station Road. Of these 24 spaces, 18 are permanent, including two spaces to be reserved for disabled drivers, a further 6 spaces would be provided in a stacked arrangement.

ii) That the applicant meets the Council's reasonable costs in the preparation of the Section 106 Agreement or other similar associated documentation and any abortive work as a result of the agreement not being completed.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

There are no other relevant matters to be addressed under this application.

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

This is not applicable to this application.

10. CONCLUSION

The proposed development would result in the loss of a retail unit, however in this particular case, the proposal would meet borough-wide strategic objectives, and accord with regional and national policies. The Hillingdon Primary Care Trust has confirmed that the proposed unit is vital to meeting the growing demand in for health care provision in Hayes.

The use as a medical centre is an appropriate town centre use facility which would serve the existing health centre. Any adverse impact upon neighbouring residential properties can be mitigated through appropriate planning conditions.

There would be 24 car parking spaces provided to serve the proposal, which would be secured by a S106 legal agreement. The application site lies within a town centre, adjacent to the main bus routes and is close to pay and display parking in Nield Road. Given the obvious community benefits of such a use, it is considered that on balance, an exception can be made to established UDP Saved shopping policies and therefore, this application is recommended for approval.

11. Reference Documents

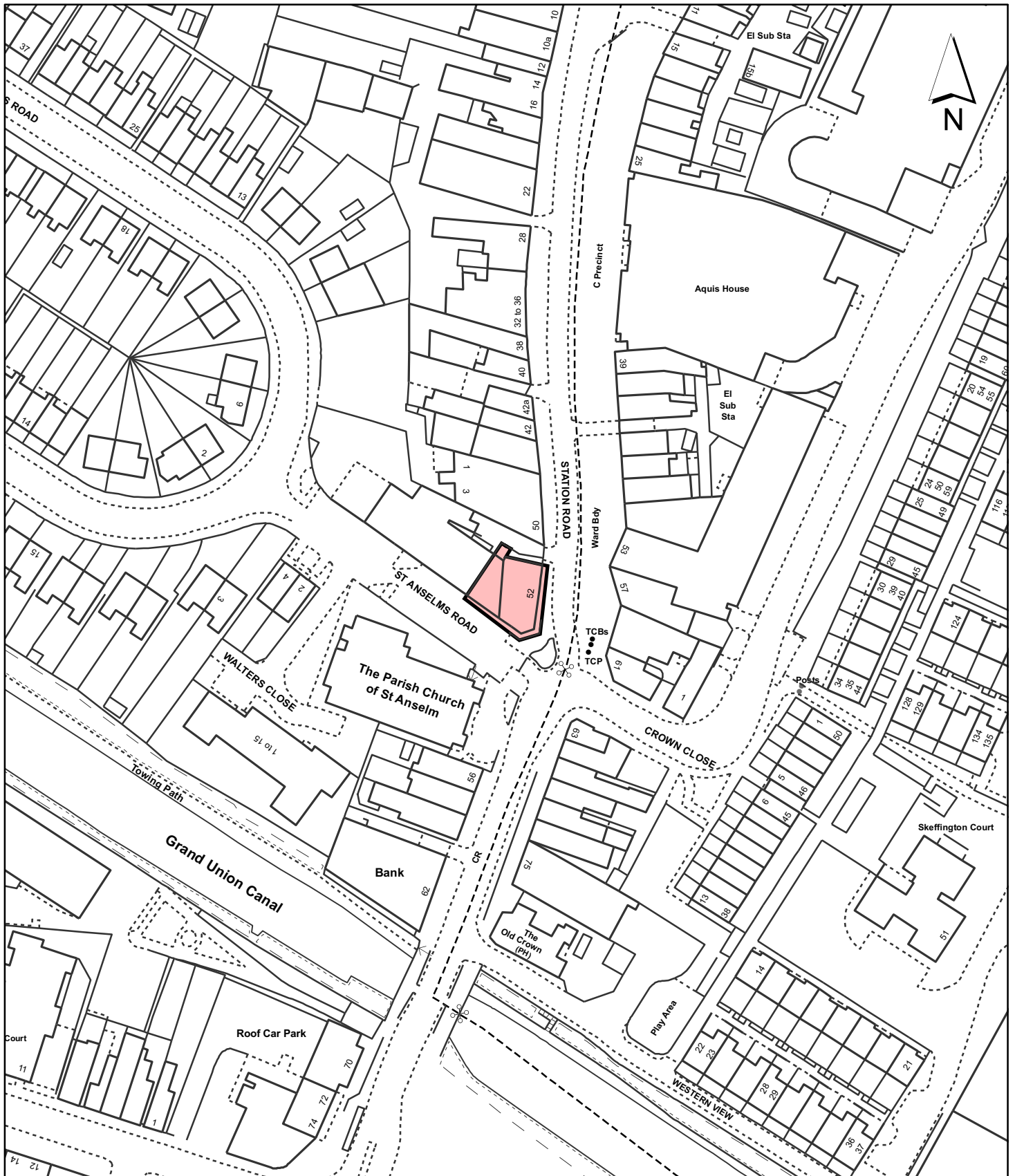
PPS4: Planning for Sustainable Economic Growth (2009)

London Plan 2008


Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

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Notes

 Site boundary

For identification purposes only.

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Site Address

**52 Station Road
Hayes**

Planning Application Ref:

35807/APP/2009/2363

Planning Committee

Central and South

Scale

1:1,250

Date

January 2010

**LONDON BOROUGH
OF HILLINGDON
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