

## Report of the Head of Planning & Enforcement Services

**Address** ST DUNSTANS CHURCH HALL CARFAX ROAD HAYES

**Development:** Variation of condition 7 (to allow for longer opening hours) of planning permission ref. 64608/APP/2010/2229 dated 18/01/2011 (Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front)

**LBH Ref Nos:** 64608/APP/2011/1280

**Drawing Nos:** Application for Variation of Hours of Operation Letter from Applicant

**Date Plans Received:** 25/05/2011 **Date(s) of Amendment(s):**

**Date Application Valid:** 02/06/2011

### 1. SUMMARY

Planning permission is sought to vary condition 7 of planning permission 64608/APP/2010/2229 to allow an extension to the hours of use. The variation to the hours of use by staff and occasional night time vigils is unlikely to harm the residential amenities of the occupiers of adjoining residential properties, subject to implementation of details relating to sound insulation (Condition 5).

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 NONSC Non Standard Condition

The development hereby permitted shall be begun before 06 October 2013.

#### REASON

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

#### 2 NONSC Non Standard Condition

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 NONSC Non Standard Condition

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

#### REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 NONSC Non Standard Condition**

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 NONSC Non Standard Condition**

The development shall not begin until a sound insulation scheme for the control of noise transmission to nearby residential premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained permanently in full compliance with the approved measures.

**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).

**6 NONSC Non Standard Condition**

A method statement shall be submitted to, and approved by, the Local Planning Authority, before the development is commenced for a management scheme whose purpose shall be to control and minimise emissions of dusts and pollutants from and attributable to the demolition and/or construction phases of the development. The scheme shall set out the secure measures, which, can and will, be put in place, including a dust-monitoring regime, to be agreed with the Local Planning Authority.

**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).

**7 NONSC Non Standard Condition**

No persons shall be permitted to be on the premises between the hours of 22.00 to 09.00 hrs, Monday to Friday and 21.00 to 09.00 on Saturdays, Sundays, Public and Bank holidays. The premises shall be permitted to be open to a maximum of 20 members between the hours of 22.00 and 07.00 for night Vigil/prayers on any day not more than once in any one calendar month. Use of amplified sound during those times shall be prohibited.

**REASON**

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

**8 NONSC Non Standard Condition**

A 1.8 metre high close boarded fence or imperforate wall shall be maintained on the boundary with of No 57 Carfax Road and 175 Roseville Road for the full depth of the development hereby approved, and shall be permanently retained for so long as the development remains in existence.

**REASON**

To safeguard the privacy and amenity of neighbouring occupiers in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**9 NONSC Non Standard Condition**

Development shall not begin until details of all traffic arrangements (including where appropriate footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

**10 NONSC Non Standard Condition**

The first floor windows in the east elevation shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**11 NONSC Non Standard Condition**

Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include: (1) targets for sustainable travel arrangements to - a. avoid the need for people to travel to the church by private motor vehicle b. discourage the patrons of the church using on-street parking in the vicinity c. to secure the use of mini buses to transport people to and from the church who are unable to use public transport, cycle or walk (2) effective measures for the ongoing monitoring of the Travel Plan; (3) a commitment to delivering the Travel Plan objectives; and (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development. The development shall be implemented only in accordance with the approved Travel Plan.

**REASON**

To promote sustainable transport and reduce the impact of the development on the

surrounding road network in accordance with Chapter 6 of the London Plan (July 2011).

## **12 NONSC Non Standard Condition**

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site. (ii) A clear indication of trees, hedges and shrubs to be retained and removed. (iii) Existing and proposed site levels. (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction. (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

### **REASON**

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **13 NONSC Non Standard Condition**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

### **REASON**

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

## **14 NONSC Non Standard Condition**

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing

shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas: 1. There shall be no changes in ground levels; 2. No materials or plant shall be stored; 3. No buildings or temporary buildings shall be erected or stationed. 4. No materials or waste shall be burnt; and. 5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **15 NONSC Non Standard Condition**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate, · Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts, - Other vehicle and pedestrian access and circulation areas, - Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures).

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **16 NONSC Non Standard Condition**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained. Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

#### REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **17 NONSC Non Standard Condition**

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

#### REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

#### **18 NONSC Non Standard Condition**

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 Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policies 3.8, 3.1 and 7.2.

#### **19 NONSC Non Standard Condition**

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) 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 Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policies 3.8, 3.1 and 7.2.

#### **20 NONSC Non Standard Condition**

Development shall not commence until details of parking provision for wheelchair users, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until all the approved details have been implemented and thereafter these facilities shall be permanently retained.

#### REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy AM5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007). Note: wheelchair users are not the only category of people who require a 'disabled' parking space. A Blue Badge parking space can also be used by people who have a mobility impairment (full-time wheelchair users account for only a small percentage of this category) including elderly



people, visually impaired people having a sighted driver, children having bulky equipment such as oxygen cylinders that have to be transported with them, etc

**21 NONSC Non Standard Condition**

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 phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) 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.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) 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).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) 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).

**22 NONSC Non Standard Condition**

Before development commences, plans and details of one electric vehicle charging point, serving the development and capable of charging multiple vehicles simultaneously, shall be submitted to and approved in writing by the Local Planning Authority.

**REASON**

To encourage sustainable travel and to comply with London Plan (July 2011) Policy 5.3.

**23 NONSC Non Standard Condition**

Prior to commencement of development full details showing how grey water recycling facilities will be built into the design of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved grey water recycling facilities shall be maintained and retained for the lifetime of the building.

**REASON**

In order to provide a sustainable form of development and promote water conservation in compliance with policies 5.9, 5.10, 5.11 and 5.13 of the London Plan (July 2011).

**24 NONSC Non Standard Condition**

Prior to the commencement of development a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must demonstrate that there will be a 20% CO<sub>2</sub> reduction over the 2010 building regulation baseline. The assessment must also fully detail the types of renewable energy to be installed, including specifications as well as other measures to be used in order to achieve a 20% reduction on CO<sub>2</sub> emissions. The development should be completed and operated in accordance with the approved details.

REASON

To ensure the development is completed in accordance with the outline energy strategy and policy 5.7 of the London Plan (July 2011).

**25 NONSC Non Standard Condition**

The floorspace hereby permitted to be used as a book shop shall be used only for purposes ancillary to the use of the premises as a church and shall not be expanded, nor shall the book shop be made open to members of the general public.

REASON

To ensure that the retail component remains ancillary to the main use of the premises as a church, and to prevent any unacceptable traffic or car parking impacts that may be generated by having a larger retail component as part of the scheme and to accord with policy AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**26 NONSC Non Standard Condition**

The building hereby approved shall only be for the purpose(s) stated on the application form and approved drawings. It shall not be used for purposes such as a separate unit of accommodation.

REASON

The building is not suitable for use as a residence and to prevent adverse impact on the amenity of nearby occupiers and to comply with Policies BE19 and BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**27 NONSC Non Standard Condition**

Use of the building hereby approved shall not commence until details of measures to prevent the unauthorised overnight parking of vehicles on the site have been submitted to, and approved in writing by, the Local Planning Authority and installed in accordance with the approved details.

REASON

To prevent adverse impact on the amenity of nearby occupiers and to comply with Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**28 NONSC Non Standard Condition**

The sliding gate at the entrance to the site shall be kept shut and locked at all times when the development is not in use.

REASON

To prevent adverse impact on the amenity of nearby occupiers and to comply with Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**29 NONSC Non Standard Condition**

No development shall take place until details of covered and secure facilities to be provided for the screened storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. 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

To ensure a satisfactory appearance and in the interests of the amenities of the



occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **30 NONSC Non Standard Condition**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

#### **REASON**

To safeguard the amenity of surrounding properties in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and in the interests of highway safety.

## **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 (July 2011) and national guidance.

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LPP 3.14	(2011) Existing Housing - Efficient use of stock
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R10	Proposals for new meeting halls and buildings for education, social, community and health services
R16	Accessibility for elderly people, people with disabilities, women and children
R9	Proposals for the use of buildings for religious and cultural purposes

### 3

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

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

### 5

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).

### 6

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

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.

## 8

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.

## 9

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development. You are advised that the scheme is required to comply with either:- · The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with · BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005. These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences. You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable. The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: - · The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk) · Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org). · Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org). · Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org). This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

## 10

Given the nature of the proposed development it is possible that a crane may be required

during construction. Your attention is drawn to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This advice is further explained in Advice Note 4 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

## **11**

You are advised this development is on a former National Filling Factory based on information from the local heritage centre. There is a possibility there may be some contaminating substances present in the ground. We have no specific information on the ground conditions. We would advise persons working on site to take basic precautions in relation to any contamination they may find. Please contact the Environmental Protection Unit on 01895 250155 if you require any advice. Reason: National Filling Factory Number 7 was located in Hayes from late 1915 and is thought to have been in operation until the end of the Great War in 1918. We have no detailed information about this former use, and it is thought due to the short life of the factory and the layout of the factory that large areas are unlikely to be affected by contamination.

## **12**

In complying with condition 24 you are advised to actively consider measures such as passive building design, natural light and ventilation, improvements in the insulation properties of the building fabric, low energy lighting and appliances and solar renewable energy technologies. Primary heating systems such as high efficiency gas boilers or air source heating linked to an under floor distribution system are considered more efficient but alternatives should be considered if they present greater carbon savings. If this target cannot be met, then suitable justification should be provided.

## **13**

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).

## **14**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application relates to a Church Hall, which is located at the southern end of Carfax Road in Hayes. The rear boundary joins the M4 motorway. The frontage has been laid to hardstanding which provides limited off street parking and to the rear there is a large open area mainly laid to grass. The site is currently vacant, having a run-down appearance and the building has been vandalised. The Green Belt boundary runs through the site, and

follows a line between the rear boundary of properties on Roseville Road and the rear corner of the communal garage block to the west. This results in the single storey front entrance wing of the existing building being in the developed area, whilst the main church hall is within the Green Belt, as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

### **3.2 Proposed Scheme**

The parent planning permission, reference 64608/APP/2010/2229 was approved on 18/01/2011 for the following development:

Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front.

The approval was subject to a number of conditions. Condition 7 related to hours of opening/use and was worded as follows:

The Premises shall not be used outside the hours of 09:00 and 22:00, Monday to Friday, and between the hours of 09:00 and 21:00 on Saturdays, Sundays and Public/Bank Holidays.

#### **REASON**

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

The current application seeks to vary Condition 7 to allow the following:

- Use by members of the Church between 9am and 10pm throughout the week including Saturday, Sunday and Bank Holidays. This would mean an extra hour during the evening on weekends and Bank Holidays over and beyond that as approved.
- Use by staff to set up in mornings and clear up at night between the hours of 07:30am and 11:30pm throughout the full week and on Bank Holidays.
- It is also sought to keep the premises open between 22:00 and 07:00 for occasional use by members or any recognised small groups (20 maximum) who may want to meet for prayers/vigil in the premises. It has been advised that this kind of use will be pre-authorised by the board of trustees. In order to mitigate against human and vehicular traffic noise during this period, it has been stated that no entrance to the premises/meeting will be allowed after 23:00 and the associated car parking spaces shall not be used between 23:00 and 07:00.

### **3.3 Relevant Planning History**

64608/APP/2010/1116     St Dunstons Church Hall Carfax Road Hayes

Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front.

**Decision:** 12-07-2010     Withdrawn

64608/APP/2010/2229     St Dunstons Church Hall Carfax Road Hayes

Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front.

**Decision:** 18-01-2011    Approved

64608/APP/2011/1270    St Dunstons Church Hall Carfax Road Hayes

Details in compliance with conditions 1-30 excluding 6, 7, 11 and 21 of planning permission ref: 64608/APP/2010/2229 dated 18/01/2011; Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front

**Decision:**

64608/APP/2011/1377    St Dunstons Church Hall Carfax Road Hayes

Change of external cladding from 'cedar cladding' to wood plastic composite cladding. Repositioning of windows and door to east elevation. Repositioning of rooflight on west elevation and reconfiguration of four windows on the north and south elevations.. (Application for non-material amendment following grant of planning permission ref: 64608/APP/2010/2229 dated 18/01/2011; Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front.)

**Decision:** 26-07-2011    Approved

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

Planning permission, reference 64608/APP/2010/2229 was approved on 18/01/2011 for the following development:

Two storey building for use as church hall with associated parking and amenity space, involving demolition of existing building and alterations to existing vehicular crossover to front.

The current application seeks variation of condition 7 of the above consent.

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

Not applicable to a variation of condition application.

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

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

Part 1 Policies:

Part 2 Policies:

- AM13            AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
- (i) Dial-a-ride and mobility bus services
  - (ii) Shopmobility schemes
  - (iii) Convenient parking spaces



	(iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LPP 3.14	(2011) Existing Housing - Efficient use of stock
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R10	Proposals for new meeting halls and buildings for education, social, community and health services
R16	Accessibility for elderly people, people with disabilities, women and children
R9	Proposals for the use of buildings for religious and cultural purposes

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

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

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

## **6. Consultations**

### **External Consultees**

Twenty eight local addresses were consulted on 06/06/2011. Four objections were received, summarised as follows:

- On the original application that was withdrawn, the applicants had later opening hours which being a resident I am against, on the revised application the applicants opening hours were reduced. The applicants have wasted no time in reapplying for an extension to opening hours with building works not yet even started. Totally against the extended opening hours, as no one will be able to give any assurances that there will be no noise emanating from the building.
- Concerned about the parking for this building and the long hours that it will be used for, as this is a residential estate, the noise from the building late at night will cause a disturbance we have had it before when the existing building was let out.
- As this is going to be a church, how many people do they expect to attend on a Sunday as this is a residential area. I know from attending a large church myself how they can grow and really there

is not going much parking. Also the extended usage seem to go late every evening and it is the noise that will bring.

- Biggest problem is the parking. On their first application they showed parking to the side which was disallowed. The only parking now is for disabled. Therefore we will have the cars parking in the streets nearby, which are overcrowded all ready. Not to mention they will also be parking in front of the garages opposite and blocking the entrance to them as did the last owners. In the Planning Policies and Standards section R9(i) it states they provide adequate parking in accordance with local authority's adopted standards. If you had allowed their first application this would have met these requirements.

Officer comment: Objections/comments noted. The Council's Transportation and EPU have not objected to the proposal, as discussed later.

A petition with over 170 signatures was received on 19/10/2011. However, the petition makes no reference to the current application and infact is related to the original planning permission for the development, 64608/APP/2010/2229. The petition merely states that the signatories 'wish to object' to the planning application reference 64608/APP/2010/2229.

### **Internal Consultees**

EPU:

The supporting letter by Dale Venn Architects dated 25th May 2011 states that the proposed variation to condition 7 is required to provide for staff who arrive for duties prior to church programme and for cleaning and closing duties following church activities. However, I have considered the proposed hours of operation sought by the applicant including supplementary hours for night time etc. The applicant has stated that no amplified music will be used during Vigil, however EPU's concerns are other potential sources of noise breakout during these activities which may have detrimental impact on the nearest residential receptors, more importantly during low background levels during the night. It is therefore our recommendation that the condition be varied to provide for the additional hours inclusive of the proposed 'occasional' night time Virgil/prayers whilst ensuring that residents are adequately protected from any residual noise disturbance.

#### **Condition 7**

No persons other than staff shall be permitted to be on the premises between the hours of 22.00 to 09.00 hrs, Monday to Friday and 21.00 to 09.00 on Saturdays, Sundays and Bank holidays. The premises shall be permitted to be open to members between the hours of 22.00 and 07.00 for night Vigil/prayers on any day not more than once in any one calendar month. Use of amplified sound during those times shall be prohibited.

#### **Reason**

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

Officer comment: A restriction on numbers of persons attending the night time Vigils shall be added, restricting numbers to a maximum of 20.

Highways/Transportation:

No objections from a highways perspective.

## **7. MAIN PLANNING ISSUES**

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

The principle of the development has already been established in the previous application

64608/APP/2010/2229. The current application is for a variation of condition relating to opening hours.

**7.02 Density of the proposed development**

Not applicable to this type of application/development.

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

There would be no impact on any Conservation Areas, Areas of Special Character or Listed Buildings as a result of this proposal.

**7.04 Airport safeguarding**

There would be no impact on Airport safeguarding as a result of this proposal.

**7.05 Impact on the green belt**

Although the original building lies within the Green Belt, the main principle of the development has been established under planning permission 64608/APP/2010/2229. It is considered that the variation of opening hours would not have any significant impact on the openness of the Green Belt.

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

There would be no impact on the character and appearance of the area as a result of this proposal.

**7.08 Impact on neighbours**

As advised within the comments from the Council's Environmental Protection Unit, considering the impact on the residential dwellings adjacent the site, the condition should be varied as advised by the Council's EPU as follows (a restriction of up to 20 members of the Church has been added to the condition as advised by the Council's EPU):

Condition 7

No persons other than staff shall be permitted to be on the premises between the hours of 22.00 to 09.00 hrs, Monday to Friday and 21.00 to 09.00 on Saturdays, Sundays and Bank Holidays. The premises shall be permitted to be open to a maximum of 20 members between the hours of 22.00 and 07.00 for night Vigil/prayers on any day not more than once in any one calendar month. Use of amplified sound during those times shall be prohibited.

Reason

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

**7.09 Living conditions for future occupiers**

The development is not for residential development hence there would be no impact in this regard.

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

The Council's Highways/Transportation team have raised no objection in regard to the impact of the variation of opening hours on traffic in the locality.

**7.11 Urban design, access and security**

The proposal would not have a material impact from an urban design, access or security perspective; these issues have been addressed in the previous application 64608/APP/2010/2229.

**7.12 Disabled access**

There would be no changes to disabled access to the proposed building due to the proposed variation of opening hours.

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

This is not applicable to this type of application.

**7.14 Trees, landscaping and Ecology**

In comparison to the approved scheme 64608/APP/2010/2229, no impact is envisaged from a trees, landscaping or ecology perspective as a result of this application.

**7.15 Sustainable waste management**

This is not applicable to this type of application.

**7.16 Renewable energy / Sustainability**

This is not relevant to this type of application.

**7.17 Flooding or Drainage Issues**

There are no flooding/drainage issues arising as a result of this application.

**7.18 Noise or Air Quality Issues**

Noise containment has been dealt with by condition as part of the parent application 64608/APP/2010/2229.

**7.19 Comments on Public Consultations**

As per response in External Consultees section.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

No enforcement action on this site.

**7.22 Other Issues**

No other issues to note.

**8. Observations of the Borough Solicitor**

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

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

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

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

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

**9. Observations of the Director of Finance**

**10. CONCLUSION**

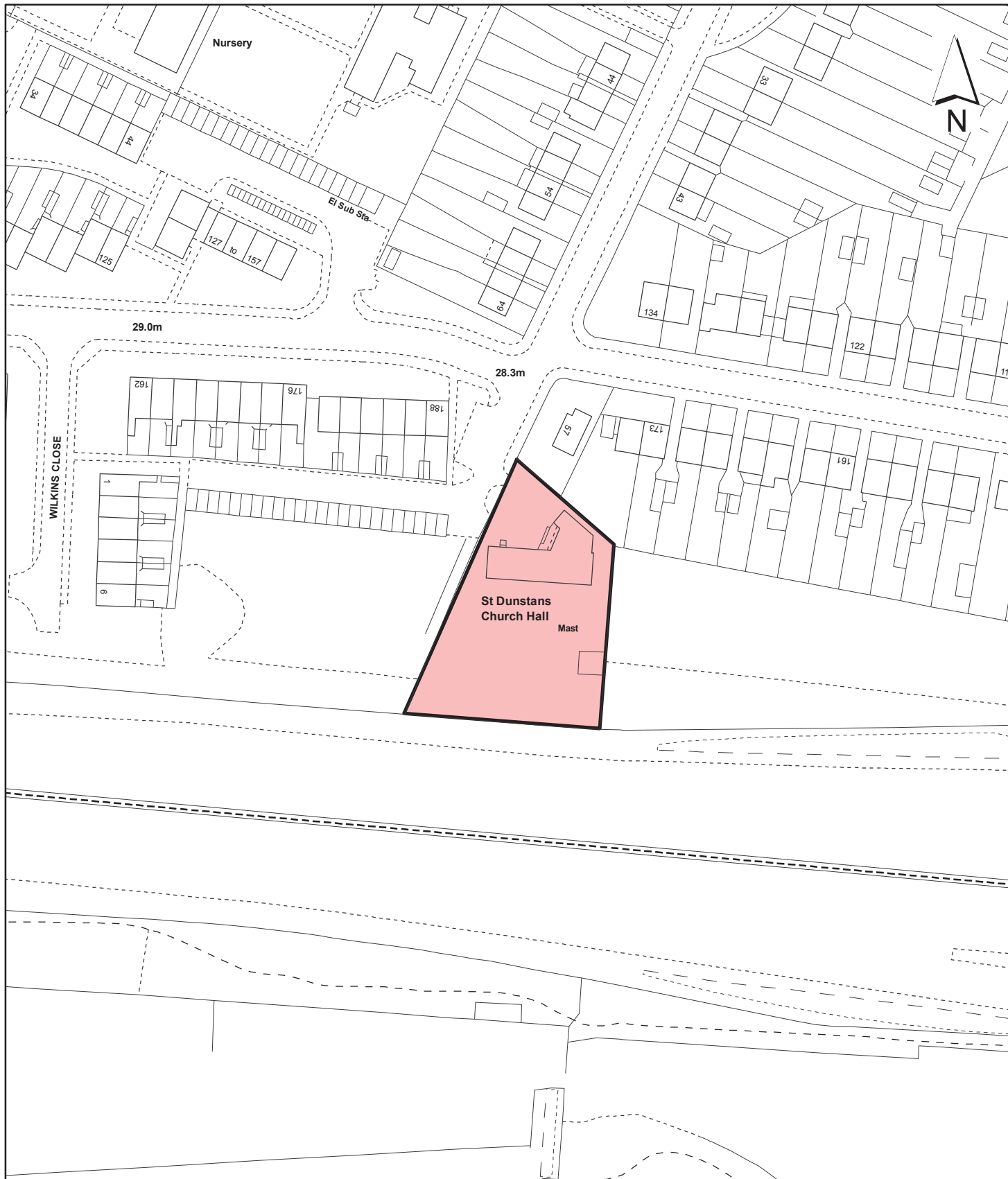
The variation to the hours of use by staff and occasional night time vigils is unlikely to harm the residential amenities of the occupiers of adjoining residential properties over and beyond that as currently permitted, subject to implementation of details relating to sound insulation (Condition 5).

**11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
The London Plan (2011)

**Contact Officer:** Jazz Ghandial

**Telephone No:** 01895 250230



# Notes



Site boundary

For identification purposes only.

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.

© Crown copyright and database rights 2011 Ordnance Survey 100019283

Site Address

**St. Dunstons Church Hall  
Carfax Road  
Hayes**

Planning Application Ref:

**64608/APP/2011/1280**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**November  
2011**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services

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



**HILLINGDON**  
LONDON