

Report of the Head of Planning & Enforcement Services

Address	COLNE PARK HOUSE, 1 COLHAM MILL ROAD WEST DRAYTON
Development:	Alterations and extensions to existing premises, including additional third storey, extension over rear of the site, alterations to parking, access and landscaping as well as new boundary treatment. Change of use from an opticians with a dispensary (Class A1) to mixed use development accommodating Class D1 (non-residential institution) 408sqm of space used as Community and Educational Centre and Place of Worship, as well as 2 residential flats (Class C3) at upper level.
LBH Ref Nos:	44248/APP/2011/2028
Drawing Nos:	RK/TP/920/01: Existing Ground Floor Plan RK/TP/920/02: Existing First Floors & Roof Plans RK/TP/920/03: Existing Elevations RK/TP/920/04 Rev A: Proposed Ground Floor Plan RK/TP/920/05 Rev A: Proposed First Floor Plan RK/TP/920/06: Proposed Second Floor Plan RK/TP/920/07: Proposed Roof Plan RK/TP/920/08 Rev A: Proposed Elevations CGI Proposed Elevation CGI Proposed Elevation RK/TP/920/20.09.11: Design & Access Statement RK/TP/920/24.08.11: Transport Statement Flood Risk Assessment (RPS Consultants)

Date Plans Received: 18/08/2011 **Date(s) of Amendment(s):** 18/08/2011

Date Application Valid: 21/10/2011

1. SUMMARY

The proposal seeks to convert an existing shop (Class A1) into a community centre/educational facility/place of worship (Class D1) and carry out alterations and extensions to the building, including adding a mansard roof, accommodating two residential flats.

The premises are located within Yiewsley/West Drayton Town Centre's Primary Shopping Frontage. The Council's development policies contained in the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) (The UDP) seek to control changes of use within the Primary Shopping Frontage to ensure that town centres consist of enough shops to maintain the vitality and viability of the centre/shopping area.

The Council recognises that a proportion of suitable non-retail uses can complement and enhance the retail function of a town centre and the supporting text to policy S11 of the UDP sets out that retail frontage are vulnerable if less than 70% of the frontage is not in Class A1 use. In this case, the primary shopping frontage already contains significantly less than 70% of its frontages as Class A1 retail uses. Any further erosion of the amount of Class A1 retail frontages is not considered acceptable as it would further erode the retail function, vitality and viability of the centre.

The proposal is not considered to comply with Council policy relating to car parking, and the various alterations and additions are considered to detract from the appearance of the original building and street scene.

There are concerns that the amenity of near by occupiers would be adversely affected by parking overspill and traffic impacts associated with the increased intensity to which the site would be used.

The application is not considered to be accord with adopted policy and refusal is recommended.

2. RECOMMENDATION

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

A. No objections being received from within 7 days of the date of this resolution, which raise any significant planning issues not already addressed in the report;

B. That application be refused for the following reasons:

1 NON2 Design

The proposed extensions and alterations by reason of their size, height, scale, bulk, design (including the mansard roof form) would represent incongruous additions detrimental to the character of the existing property and the visual amenities of the street scene contrary to Policies R9, BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 NON2 Parking/Traffic

The proposed development fails to provide sufficient off street parking provision to meet the needs of the proposed development. The development would therefore lead to overspill of parking outside of the site, creating additional on street parking to the detriment of the free flow of traffic, highway and pedestrian safety and is therefore contrary to Policies R9, AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's adopted car parking standards.

3 NON2 Cycle parking

The proposal has failed to provide adequate cycle parking provision in accordance with the Councils adopted standards, and therefore the proposal is contrary to Policy AM7 of the Unitary Development Plan Saved Policies September 2007.

4 NON2 Loss of shop

The proposal by reason of the loss of a retail unit would further erode the retail function and attractiveness of the Yiewsley/West Drayton Town Centre primary shopping centre, harming its vitality and viability. The proposal is therefore contrary to Policies S6, S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and policies 4.8 and 4.9 of the London Plan (July 2011).

5 NON2 Disabled access

The proposed development, by reason of the lack of sufficient car parking facilities for people with disabilities; the overall failure to design a development which is accessible and inclusive results in a development which is contrary to the Local Development Framework Accessible Hillingdon Supplementary Planning Document and Policies R9 of

the Hillingdon Unitary Development Plan (Saved Policies September 2007) and policies 3.1, 7.1 and 7.2 of the London Plan (July 2011).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
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.
H8	Change of use from non-residential to residential
H9	Provision for people with disabilities in new residential developments
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 2.15	(2011) Town Centres
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 6.13	(2011) Parking
LPP 6.12	(2011) Road Network Capacity

LPP 6.9	(2011) Cycling
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.6	(2011) Architecture
LPP 8.2	(2011) Planning obligations
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
PPG13	Transport
PPS1	Delivering Sustainable Development
PPS20	Renewable Energy
PPS25	Development & Flood Risk
R16	Accessibility for elderly people, people with disabilities, women and children
S7	Change of use of shops in Parades
S9	Change of use of shops in Local Centres
S11	Service uses in Primary Shopping Areas
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
R9	Proposals for the use of buildings for religious and cultural purposes

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the western side of Station Road at its intersection with Colham Mill Road. The site is included within the Yiewsley/West Drayton Town Centre, and is designated in the Unitary Development Plan as part of the primary shopping centre.

The site comprises a detached 2 storey building, which has the appearance of a residential property (although it is adjacent to the commercial area fronting Station Road). To the north of the site (across Colham Mill Road) is the rail line, to the west (along Colham Mill Road) development is residential in character.

3.2 Proposed Scheme

The application seeks approval for alterations and extensions to existing premises, including creating an additional third storey (within a mansard roof), extension over rear of the site, alterations to parking, access and landscaping as well as new boundary treatment.

The application also seeks a change of use from an opticians with a dispensary (Class

A1) to mixed use development accommodating Class D1 (non-residential institution) 408sqm of space used as Community and Educational Centre and Place of Worship, as well as 2 residential flats (Class C3) at upper level.

A design and access statement was included with the application documentation which notes the following in relation to the way the site would be used:

Day	Activity	Numbers	Times
Mondays	Elderly groups	10 to 15	10.00 to 14.00
Tuesday	Advice service	10 to 15	11.00 to 16.00
Wednesday	Language classes	10 to 15	14.00 to 17.00
Thursday	Mother / ladies	8 to 12	10.00 to 15.00
Friday	Social support	5 to 7	11.00 to 16.00
	Prayer facilities	30 to 45	13.00 to 13.30
Saturday/Sunday			
	Computer classes	10 to 12	11.00 to 16.00
	Tutoring / homework for children.		

The plans show where activities would be undertaken, indicating some separation between male (ground floor) and female (first floor) prayer areas.

Three parking spaces would be provided between the extended building and the footway along Colham Mill Road.

3.3 Relevant Planning History

44248/90/0034 1 Colham Mill Road West Drayton

Retention of use of first floor from residential to opticians

Decision: 15-06-1990 Approved

44248/APP/2004/1622 Colne Park House, 1 Colham Mill Road West Drayton

CHANGE OF USE OF FIRST FLOOR FROM ANCILLARY OPTICIAN'S WORKSHOP AND OFFICES TO ONE-BEDROOM SELF-CONTAINED RESIDENTIAL FLAT

Decision: 09-11-2004 Approved

44248/APP/2010/2810 1 Colham Mill Road West Drayton

Use of the ground floor as a Surgery(Application for a Certificate of Lawful Development for an Existing Use)

Decision: 02-02-2011 Refused

44248/APP/2011/1229 1 Colham Mill Road West Drayton

Use of Ground Floor of Colne Park House (aka 1 Colham Mill Road) as a Ophthalmic Opticians and Optometrists, being a use that falls within Use class D1 (Application for a Certificate of Lawful Development for an Existing Development) (Resubmission)

Decision: 10-08-2011 Refused

Comment on Relevant Planning History

Application ref: 44248/APP/2010/2810 sought approval of a Lawful Development Certificate for the use of the ground floor as a Surgery(Application for a Certificate of Lawful Development for an Existing Use).

That application was refused on 02-02-2011. In essence the last recorded planning use was that of an opticians and not as a surgery, and that as the floor plans indicate a dispensing area together with a workshop, this would indicate a retail element to the site. This dispensing area was further confirmed from historical photographs shown of the site taken when the site was still in operation. This photographic evidence clearly shows a retail display window.

The Land Use Gazetteer lists the use of an opticians with a dispensary as an A1 (retail) planning use, and therefore the change from Class A1 would not be permitted.

Application ref: 44248/APP/2011/1229 also sought approval of a Lawful Development Certificate for the use of Ground Floor of Colne Park House (aka 1 Colham Mill Road) as a Ophthalmic Opticians and Optometrists, being a use that falls within Use class D1 (Application for a Certificate of Lawful Development for an Existing Development).

That application was refused on 10-08-2011. The evidence submitted was not considered adequate to demonstrate that a Class D1 use of the site would be lawful.

4. Planning Policies and Standards

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)

Planning Policy Statement 3 (Housing) (November 2006)

Planning Policy Guidance Note 13 (Transport) (April 2001)

The London Plan (July 2011)

Hillingdon Unitary Development Plan Saved Policies (September 2007)

Hillingdon Design and Accessibility Statement - Residential Layouts (July 2006)

Local Development Framework Accessible Hillingdon Supplementary Planning Document (January 2010)

Planning Obligations Supplementary Planning Document (July 2008)

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

AM14 New development and car parking standards.

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.

H8 Change of use from non-residential to residential

H9 Provision for people with disabilities in new residential developments

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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LPP 2.15 (2011) Town Centres

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LPP 7.1 (2011) Building London's neighbourhoods and communities

LPP 7.2 (2011) An inclusive environment

LPP 7.3 (2011) Designing out crime

LPP 7.6 (2011) Architecture

LPP 8.2 (2011) Planning obligations

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

PPG13 Transport

PPS1 Delivering Sustainable Development

PPS20 Renewable Energy

PPS25 Development & Flood Risk

R16 Accessibility for elderly people, people with disabilities, women and children

S7 Change of use of shops in Parades

S9 Change of use of shops in Local Centres

S11 Service uses in Primary Shopping Areas

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
R9	Proposals for the use of buildings for religious and cultural purposes

5. **Advertisement and Site Notice**

5.1 Advertisement Expiry Date:- **14th November 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. **Consultations**

External Consultees

Consultation Letters were sent to 27 local owner/occupiers on 24 October 2011. 2 responses were received before 3 November 2011, and raised the following issues:

- (i) Overlooking
- (ii) Danger to pedestrians crossing road
- (iii) Not enough parking. The parking at the rear, as shown on the plan, is for the sole use of the two shops on Station Road
- (iv) Not initially consulted with
- (v) Overdevelopment
- (vi) Negative impact on local shops
- (vii) Other places are more suitable for this use

The Ward Councillor requested that the application be determined by the Planning Committee and questioned neighbours consultation.

On 3 November 2011 346 local owner/occupiers and the Garden City Estate Residents' Association were consulted. At the time of writing this report 67 responses have been received raising the following issues:

- (i) Overdevelopment
- (ii) Traffic congestion especially on Colham Mill Lane, the only access road into the Garden City Estate
- (iii) Concern over impact of traffic on emergency vehicles entering the Garden City Estate
- (iv) Further works not included in the application are proposed
- (v) Lack of on-site parking and will have a negative impact on nearby parking
- (vi) Safety issues due to being near a main road and danger to pedestrians crossing road from increased traffic
- (vii) The proposed extension and change of use from an opticians would result in a loss of parking and high street trade
- (viii) The development will be overbearing and out of character with the street scene in general
- (ix) The development would be incompatible with existing high street trading and as such would result in a further deterioration in the prosperity of the high street
- (x) Does not make sufficient provision for bicycle parking
- (xi) No amenity land for the residents of the flats
- (xii) The proposed change of use has already occurred some time ago, following a previous planning refusal
- (xiii) The Transport Statement refers to an incorrect number of car parking spaces in the railway

station car park. The railway station car park is normally filled to capacity during the working day with cars belonging to commuters using the railway station. It is not, in any case, a public car park, being provided strictly for users of the railway.

(xiv) Not the right area for the development

(xv) Large impact on parking for local shoppers and the impact on local traders

(xvi) Concern over road closures on festival days, as happens in other areas with mosques

(xvii) Concern over noise disturbance

(xviii) There has been an obvious increase in the volume of cars, with little or no thought to other road users, pedestrians and cyclists when people accessing the site park their cars. Cars have been parked on yellow lines.

(xix) Impact on the neighbouring residential homes

(xx) Deterioration of the area

(xxi) Only for one particular group

(xxii) People were unaware of the plans to expand the development

(xxiii) One of the vacant warehouses or the vacant offices in High Street Yiewsley would be better suited

(xxiv) Properties in the Garden City Estate would decrease in value with a mosque as the entrance to the Garden City

(xxv) The hours of use will have a negative impact on local residents

(xxvi) An unlicensed/non planning approved mosque already exists less than half a mile from the proposed site surely another is unnecessary

(xxvii) They also want this to become an education centre

(xxviii) Car parking provision on the forecourt obstructs the free passage of foot traffic to and from the premises

(xxix) Negative assumption that users will mostly arrive by public transport

(xxx) No provision for drop off point for car passengers due to yellow line parking restrictions

(xxxi) If premises are receiving regular deliveries of food/catering supplies to feed upwards of 350 people per day then this must be considered as a commercial type venture and trade waste bins provided

(xxxii) Nearby roads cannot support a significant increase in stop/start traffic right on the corner of the main road

(xxxiii) No environmental impact statement and nothing to indicate the thermal effectiveness of the proposed extension

(xxxiv) The application is misleading and does not reveal the true scale of the development

(xxxv) The pavements are narrow and will be heavily congested with people attending the mosque

(xxxvi) Noise, pollution and dust from the proposed extension

(xxxvii) Wooden fence around the site restricts vision when turning in from Station Road to Colham Mill Road

GARDEN CITY ESTATE RESIDENTS ASSOCIATION

A letter received from the Garden City Estate Residents Association raised the following issues:

(i) Not initially consulted with

(ii) Complete and significant change of use

(iii) Lack of parking

(iv) No disabled parking

(v) Over reliance on public transport and nearby parking areas

(vi) Use of on street parking by visitors will reduce parking for shops

(vii) Noise from people leaving the centre late at night

(viii) Overdevelopment and will not be in keeping with neighbouring properties

(ix) Noise and disruption from the proposed activities

(x) Concern over appropriateness of use of the passageway between 1 and 2 Colham Mill Road for ablutions

(xi) It is unclear how many people will be using the site at one time

(xii) Traffic congestion

- (xiii) The only drop off point will be on Colham Mill Road as the parking spaces on the forecourt appear exceedingly tight to enter and exit
- (xiv) Plans appear incomplete as there seems to be no plans for the second floor
- (xv) Concern over impact on the financial viability on businesses and shops

The Garden City Estate Residents Association submitted a petition with 75 signatures raising the following issues:

- (i) Overdevelopment
- (ii) Removal of a retail unit
- (iii) No parking spaces for users of the community/education facilities and place of worship
- (iv) Car park spaces serving the high street will be used by people using the facility and will significantly affect the profitability and financial viability of neighbouring shops and businesses
- (v) Major traffic problems at the junction of Colham Mill Road and Station Road as there is no practical drop off facility
- (vi) The side passage would be used for ablutions so restricting parking to other shops and access for emergency vehicles
- (vii) Local residential roads would inevitably be used as nearest available free parking spaces for the proposed centre

ENVIRONMENT AGENCY

The site is located in Flood Zone 2, and as such the applicant submitted a Flood Risk Assessment which was referred to the Environment Agency (EA), who raised no objection to the proposals.

Internal Consultees

ACCESS OFFICER

The proposed mix of uses at the site include educational and community uses, which the Council would expect to be promoted to all sections of society, including people with a disability. The use of the site as a place of worship would likely mean older (less mobile) and disabled people could reasonably be expected to attend the site. It is therefore incumbent on the Council to consider the obligations of the Equality Act 2010 when considering the design of this type of building/facility and when determining the final planning decision.

As a minimum there should be 1 accessible car parking space. The proposed parking arrangement does not provide this, and additionally the position of one space would impede access through an entrance way. Removing the parking space would alleviate this issue (but could raise another issue in the form of a lack of car parking facilities). The Council would expect the facility to accord with BS8300 2009, and consideration of installation of a lift should be made, particularly given the separation of facilities for men and women (there is no accessible toilet facility on the first floor).

The proposed development, by reason of the lack of sufficient car parking facilities for people with disabilities; the overall failure to design a development which is accessible and inclusive, results in a development which is contrary to the Local Development Framework Accessible Hillingdon Supplementary Planning Document and Policies 3.1, 7.1 and 7.2 of the London Plan (July 2011).

ENERGY/SUSTAINABILITY OFFICER

No objection

LANDSCAPE/TREE OFFICER

There is no landscaping on the site at present, and as such it is considered important to take the opportunity (as is shown on the plans) to introduce some landscaping (where practicable). No objection subject to the imposition on any consent of conditions to secure landscaping.

HIGHWAYS OFFICER

The applicant has failed to submit a comprehensive assessment of the transportation aspect of the development.

The site is located on the south side of the junction of Station Road and Colham Mill Road. Station Road is a Classified Road and is designated as a London Distributor Road within the Council's UDP. The site has a rear car parking area accessed off Colham Mill Road, which allows access and egress in a forward gear. Most of this car park area will be lost as result of the proposed scheme and vehicles will be required to reverse on Colham Mill Road close to a junction, which is not desirable. Those dropping off passengers and waiting to pick up passengers are most likely to park at the front and/or side of the site close to the junction and the pedestrian crossing point, which is unacceptable from the highway and pedestrian safety point of view. Such parking in front of the site will obstruct the cycle lane, which is also unacceptable. No assessment has been carried out to demonstrate that the proposed parking and access arrangements, and the impact on the junction of Station Approach and Colham Mill Road, where a railway bridge lies to the north is satisfactory.

If the proposal were granted permission, the majority of the site could be utilised to maximum capacity on a regular basis as a Place of Worship and also as a Community and Educational Centre. It is not considered that the level of use of the site could be adequately controlled by condition, as this would not be practically enforceable throughout the life of the development.

The applicant has failed to submit a quantitative assessment of the trip generation and car parking to be associated with the proposed uses. With regards to car parking, the adopted standards state that for places of worship and community centres falling within Class D1, proposals will be assessed on an individual basis.

The three proposed car parking spaces would not meet the required car park design standards and there are no disabled parking space proposed. Parking is shown in such close proximity to doorways, which would act as a hindrance to persons entering and/or leaving the premises, in particular when groups of people would be entering and/or leaving the premises, the proposed layout would be impractical. The hardstanding area could and is most likely to be randomly parked, which is only going to worsen the access and egress situation.

No assessment has been made of the spare capacity of the parking feasibilities to cope with the demand associated with development. Additionally West Drayton Station car park is mainly for commuters, and Fairfield Road car park and Brandville Road car parks are considerably far away from the site and therefore may not be well used by persons attending the application site.

With regard to cycle parking, the Council's UDP standards require a minimum of 1 space per 8 sq.m of floor space for Place of Worship use and 1 space per 20 sq.m for Community use. This would equate to 51 cycle parking spaces. Some dispensation may be given in cycle parking on the basis of the estimated modal split based on a detailed assessment to be submitted. On the basis of the information submitted with the application, it is not considered that there is sufficient room on the site to provide an adequate level of cycle parking.

Considering the above, the application fails to demonstrate that the proposals are satisfactory from the transport point of view. In the absence of the information it is considered the proposals would have a detrimental impact on highway and pedestrian safety, and car parking and cycle parking both are unsatisfactory. The proposals are therefore considered to be contrary to the Council's policies AM7, AM9, AM14 and R9 of the UDP and the application should therefore be refused.

URBAN DESIGN

In terms of design, the building has sufficient architectural quality and contributes positively to the character and appearance of this part of Station Road and Colham Mill Road.

The proposed additions are substantial in nature and would alter to the appearance of the building considerably to its detriment. The extensions would be considered a bulky addition to the street scape and would be negative to the existing proportions of the building and its architectural quality.

The proposed mansard roof at the upper level would not harmonise with the roof scape of this part of the Station Road or Colham Mill Road, and the appearance of the new additions are considered to be at odds with the fenestration of the elevations as existing. The proposed extension to provide a new bay and entrance on Colham Mill Road would also appear overlarge and add considerable bulk to this elevation.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

LOSS OF SHOP (CLASS A1)

The application site is located within an area designated as a Primary Shopping Area, within the Yiewsley/West Drayton Town Centre. As such policies S6 and S11 of the London Borough of Hillingdon Unitary Development Saved Policies (September 2007) (the UDP) are relevant:

Policy S6 states the following:

'S6 to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use of class a1 shops if:

- (i) the proposal will not be detrimental to visual amenity where the premises form part of a statutory or locally listed building or are located within a conservation area;
- (ii) a frontage of a design appropriate to the surrounding area is maintained or provided (the local planning authority may impose conditions to ensure retention or installation of an appropriate frontage); and
- (iii) the proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems;
- (iv) has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.

The Local Authority may impose conditions covering restrictions on uses, opening hours, sound proofing, ducting, car parking, or other matters necessary to make the development acceptable.'

PLANNING OFFICER COMMENT:

In relation to policy S6 (i), the proposal is not a statutory or locally listed building, nor is it located within a conservation area.

Policy S6 (ii) relates to frontage design, where it is proposed simply to obscure glaze the front window of the former shop. Given the existing situation, there is not an objection raised to the proposed alteration to the frontage.

However, as is discussed in section 7.07, there are significant concerns in relation to the impact of the other alterations and additions (in particular at the upper level) which are proposed on the appearance of the original building and on the surrounding street scene.

With regard to policy S6 (iii), there are concerns with regard to impact on the amenity of nearby occupiers. The scheme would increase the intensity of the use of the site, without a commensurate increase in parking provision. This sort of situation is (as discussed in section 7.10) likely to lead to traffic and car parking issues. The scheme is considered contrary to policy S6 (iii) and (iv).

In summary, the scheme is not considered to accord with policy S6 and as such there is an in principle objection to the scheme.

Policy S11 is also relevant and states the following:

'S11 In primary shopping areas, the local planning authority will grant permission for the service uses set out below where it is satisfied that:

(a) The remaining retail facilities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including consumer interests; and

(b) The proposed use will not result in a separation of class a1 uses
Or a concentration of non-retail uses which might harm the Viability or vitality of the centre.

It will regard the following uses as acceptable at ground floor level within the shopping frontages of primary shopping areas, subject to the considerations set out in policy s6:-

- (i) class a1 shops;
- (ii) banks and building societies (but not other class a2 uses);
- (iii) class a3 food and drink uses.

The local planning authority may impose conditions on permissions for changes to Class A3 uses and to banks and building societies, restricting future changes of use to the uses listed at (i), (ii) and (iii) above.'

PLANNING OFFICER COMMENT:

The supporting text to Policy S11 notes the following:

'Primary areas appear to be vulnerable if Class A1 shops form less than 70% of the total frontage length and the Local Planning Authority will therefore seek to maintain at least 70% of the primary area frontage in Class A1 use.'

The Council undertook a survey of the Primary Shopping Centre in July 2011, and it was established that 52.4% of the primary area frontage in Class A1 use (well below the 70% threshold), as such it is clear that the existing primary retail frontage is vulnerable and it is not considered appropriate to allow the loss of the shop, as it would further erode the retail function and attractiveness of the primary shopping area of the Yiewsley/West Drayton Town centre, to the detriment of its vitality and viability.

The proposal is considered to be contrary to Policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Policy 4.8 and 4.9 of the London Plan (July 2011).

CHANGE OF USE

Policy R9 of the UDP is also relevant and states the following:

'R9 The Local Planning Authority will permit proposals for buildings to be used for religious and cultural purposes if:-

- (i) they provide adequate parking in accordance with the Local Planning Authority's adopted standards;
- (ii) any proposed new buildings or extensions harmonise with or complement the scale and appearance of existing and neighbouring properties;
- (iii) they are sited where they do not prejudice the amenities of neighbouring occupiers by reason of noise, traffic or visual amenity; and
- (iv) access arrangements are satisfactory.
- (v) the proposed use does not conflict with the other policies of this plan.'

PLANNING OFFICER COMMENT:

In relation to policy R9 (i) the Council's standards note that parking standards should be determined on an individual basis, based on the findings of a Transport Statement. The applicant has submitted a Transport Statement which acknowledges that parking at the site is to be reduced, but argues that given the PTAL (3) and the proximity nearby car parks, the on site parking arrangements would be acceptable. The near by car parking cited are:

- i) on street pay and display spaces,
- ii) the West Drayton Station car park,
- iii) the Brandville Road car park,
- iv) the Fairfield Road car park

The Council's Highways Officer has carefully considered the submitted Transport Statement, and does not consider that it provides an adequate justification for the level of parking provision on the site. This is set out in greater detail in section 7.10 of this report.

With respect to policy R9 (ii), there are significant concerns in relation to the proposed extensions which are not considered to harmonise with or complement the scale and appearance of existing and neighbouring properties.

In terms of policy R9 (iii), given the proximity of the site to residential occupiers in Colham Mill Road there are concerns with regard to impact on the amenity of near by occupiers due to noise and disturbance from car parking overspill and traffic.

Policy R9 (iv) relates to access, and in this regard the Council's Access Officer has provided advice which indicates that the proposed development, by reason of the lack of sufficient car parking facilities for people with disabilities; the overall failure to design a development which is accessible and inclusive, results in a development which is contrary to the Local Development Framework Accessible Hillingdon Supplementary Planning Document and Policies 3.1, 7.1 and 7.2 of the London Plan (July 2011).

Given the above, it is not considered that the proposal accords with policy R9, and objection is raised to the scheme in this regard.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (July 2011) advises that Boroughs should ensure that

development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to provide a strategic framework for appropriate densities at different locations.

It is considered that the guidance is not directly relevant to this scheme for a variety of reasons, namely that the guidance is primarily intended for use with new build schemes, the proposed studio flats are for visitor/staff accommodation, their typical habitable room size, both with two habitable rooms is well below the smallest 2.7-3.0 habitable room size range of units considered by Table 3.2 and the scheme is for a mixed use development where account must be taken of the fact that most of the site is not to be for residential use.

However, if the guidance was applied using the 2.7-3.0 habitable room typical unit size, given that the site is considered to have an urban setting given its town centre location and has a PTAL score of 3, the Mayor's guidance suggests an appropriate range of 70-170 u/ha and 200-450 hr/ha, whereas this scheme would achieve a residential density of 67 u/ha and 133 hr/ha, well below the Mayor's recommended guidance. However, given the reasons suggested above, the low density by itself is not to warrant a refusal of permission.

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

There are no archaeological or historic issues associated with this site.

7.04 Airport safeguarding

There are no airport safeguarding issues related to this development.

7.05 Impact on the green belt

There are no Green Belt issues associated with this site.

7.07 Impact on the character & appearance of the area

In terms of design, the building has sufficient architectural quality and contributes positively to the character and appearance of this part of Station Road and Colham Mill Road.

The proposed additions are substantial in nature and would alter the appearance of the building considerably to its detriment. The extensions would be considered a bulky addition to the street scape and would be negative to the existing proportions of the building and its architectural quality.

The proposed mansard roof at the upper level would not harmonise with the roof scape of this part of the Station Road or Colham Mill Road, and the appearance of the new additions are considered to be at odds with the fenestration of the elevations of the existing building. The proposed extension to provide a new bay and entrance on Colham Mill Road would also appear overlarge and add considerable bulk to this elevation.

As such the proposed development would result in an intrusive form of development, harmful to the appearance of the existing building and wider streetscene contrary to policies BE13 and BE15 of the UDP.

7.08 Impact on neighbours

OVERLOOKING AND OVERSDHADOWING

Objections have been received from near by residential occupiers raising concern that the scheme would result in overlooking. However taking into account the position of new

windows, as well as separation distances, the level of overlooking would not be considered excessive.

It is important to note that overlooking already occurs from the rear windows in the buildings along Station Road.

Given the adjoining context of commercial buildings along Station Road, and the separation from residential dwellings on Colham Mill Road, is it not considered that the extensions would result in any unacceptable impacts due to overshadowing.

NOISE AND DISTURBANCE

The advice from the Council's EPU is that conditions would need to be imposed on any consent granted to ensure that noise transmission (from plant equipment or the use) between the site and neighbouring properties is mitigated.

Subject to the imposition of conditions controlling the hours of use, the implementation of a noise insulation scheme to the building and preventing the use of public address systems and noise generating activities outside the building, it is not considered that the proposed use would be likely to prejudice the amenities of neighbouring occupiers by reason of noise. It is not considered that the development raises any particular air quality issues.

7.09 Living conditions for future occupiers

INTERNAL FLOOR SPACE

Table 3.3, relating to Policy 3.5, of the London Plan sets out minimum floorspace standards for new housing development. This requires a minimum provision of 37sq m for a one bed (1 person) flat and 50 sq m for a one bed (2 person flat). The plans show that while the larger of the two flats (Flat 1) would meet the requisite standard, Flat 2 would have 36sq m floorspace. Given the likely association between the flats and the rest of the site, it is quite possible that this flat would be occupied by a single person, and as such the 37sq m standard is considered applicable (against which the proposal would be 1sqm short of the minimum standard).

Given the minor nature of the departure, no objection is raised.

EXTERNAL AMENITY SPACE

Exceptions to garden area requirements only apply in circumstances such as the provision of small non-family housing, predominantly made up of 1 bedroom units, in town centres or the provision of small non-family housing above shops (such as are proposed in this application). Given the nature of the proposal no objection is raised in terms of external amenity space.

NOISE

The advice from the Council's EPU is that conditions would need to be imposed on any consent granted to ensure that noise transmission between the site and neighbouring properties and between the lower level uses and the upper level flats is mitigated.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Council's Highway Engineer raises no objection to the development in terms of the traffic generated on the highway network or the use of the existing vehicular access from Royal Lane. However he has concerns about the adequacy of the on-site car parking facilities to cater for the proposed use and the consequent impact on the adjoining

highways which are dealt with below.

With regard to car parking, the adopted standards state that for places of worship and community centres falling within Class D1, proposals will be assessed on an individual basis.

A transport statement has been submitted with the application which acknowledges that parking at the site is to be reduced, but argues that given the PTAL (3) and the proximity near by car parks, the on site parking arrangements would be acceptable. The near by car parking cited are:

- i) on street pay and display spaces,
- ii) the West Drayton Station car park,
- iii) the Brandville Road car park,
- iv) the Fairfield Road car park

The Council's Highway Engineer however considers that the proposed rear extensions remove existing parking spaces, and allow the site to be used more intensively. The three proposed car parking spaces would not meet required car park design standards.

No disabled parking would be provided, and parking spaces would be positioned in such close proximity to doorways (and to act as a hindrance to persons entering or leaving the premises).

The Council's Highway Engineer noted that the Transport Statement does not quantify likely parking demand. Rather the Transport Statement simply suggests that parking demand at the site could be met in off site car parks. No consideration of the capacity of the cars parks to cope has been made. Additionally the Fairfield Road car park is a considerable distance from the site (and therefore may not be well used by persons attending the application site).

There is concern that in practice the use would generate significantly more vehicles than could be accommodated on site. This is likely to result in overspill parking outside the site in the adjoining streets to the detriment of the free flow of traffic, highway and pedestrian safety and residential amenity. It is therefore recommended that planning permission be refused for this reason.

If the proposal were granted, the site could be utilised to maximum capacity on a regular basis which would be likely to give rise to un-met parking demand and conditions prejudicial to the free flow of traffic and safety of the highway network. It is not considered that the level of use of the site could be adequately controlled by condition, as this would not be enforceable, accordingly the application is considered unacceptable.

With regard to bicycle parking, a minimum of 1 space per 8 sq m of floor space would be required based on the Council's standards. This would equate to approximately 50 cycle parking spaces. It is not considered that there be sufficient room on the site to create a cycle store of sufficient size to accommodate this number of bicycles, and there is an objection to the scheme in this regard.

The application fails to provide a comprehensive assessment of the transportation aspect of the proposed development including trip generation, swept paths, car parking, pick-up and drop-off, and cycle parking, and as such the scheme fails to demonstrate that it would not be detrimental to highway and pedestrian safety and free flow of traffic, and it would not have an unacceptable parking provision, contrary to the Council's Policies AM7,

AM9,AM14 and R9 of the UDP.

7.11 Urban design, access and security

Urban design and access issues are considered elsewhere in the report. With regard to security, a condition should be imposed on any consent granted requiring the scheme to achieve Secure by Design accreditation. Subject to such a condition, it is not considered that the proposed use has any particular security implications.

7.12 Disabled access

Policy R16 of the Unitary Development Plan Saved Policies require all developments to meet the highest standards of accessibility and inclusion so that developments can be used safely, easily and with dignity by all regardless of disability, age or gender.

The Access Officer has raised concerns that the development fails to provide any disabled car parking, and additionally fails to propose a design which is accessible and inclusive, and as such it is considered that this proposal would result in a development which is contrary to the Local Development Framework Accessible Hillingdon Supplementary Planning Document and Policies 3.1, 7.1 and 7.2 of the London Plan (July 2011).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Unitary Development Plan Saved Policies states that development proposals will be expected to retain and utilise topographical features of merit and provide new planting and landscaping wherever it is appropriate. The existing site is devoid of landscaping of merit and subject to conditions being imposed on any consent granted requiring some landscaping treatment of the site boundaries (where practicable) then there would be no objection raised in terms of landscaping.

7.15 Sustainable waste management

It is considered that in this case, that there would be room to accommodate secure and covered refuse and recycling storage facilities. Subject to a condition being imposed on any consent, requiring the provision of refuse storage details before commencement, no objection would be raised.

7.16 Renewable energy / Sustainability

Policies within chapter 7 of the London Plan (July 2011) require developments to achieve sustainable design and contribute towards a reduction in carbon dioxide emissions.

In this instance, given that the development relates only to a change of use of an existing building and extensions of approximately 300sqm, it is not considered that it would be reasonable to require the applicant to implement any additional renewable energy or energy saving measures in this instance.

7.17 Flooding or Drainage Issues

The site is located in Flood Zone 2, and as such the applicant submitted a Flood Risk Assessment which was referred to the Environment Agency (EA), who raised no objection to the proposals.

7.18 Noise or Air Quality Issues

Noise and disturbance issues have been discussed in the impacts on neighbours section of this report. Subject to the imposition of conditions controlling the hours of use, the implementation of a noise insulation scheme to the building and preventing the use of any public address systems and noise generating activities outside the building, it is not considered that the proposed use would be likely to prejudice the amenities of neighbouring occupiers by reason of noise.

It is not considered that the development raises any particular air quality issues.

7.19 Comments on Public Consultations

In terms of concerns raised by residents during the first round of consultation, points (i), (ii), (iii), (v), (vi) and (vii) have been addressed in the report and some in the reasons for refusal.

Points (iv) raises a complaint regarding neighbour's consultation. This was addressed by additional consultation carried out by the Council.

In terms of the second round of consultation, points (i), (ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xiv), (xv), (xvii), (xviii), (xix), (xx), (xxv), (xxviii), (xxx), (xxxii), (xxxv), (xxxvi) and (xxxvii) have been addressed in the report and some in the reasons for refusal.

Point (iv) refers to further works proposed which are not included within the application. The council is not aware of additional work proposed and can only assess works proposed within the current application.

Point (xii) states that the change of use has already occurred following a previous refusal. The application refused was for a Certificate of Lawfulness and the property has been served with a stop notice which would be enforced following the outcome of the current application.

Point (xiii) states that the Transport Statement refers to an incorrect number of car parking spaces in the railway car park. This is noted.

Point (xvi) raises concern over road closures on festival days, as happens with other areas with mosques. This is noted.

Point (xxi) states that the use is only for a particular group. This is not considered to be a material planning consideration.

Point (xxiii) recommends other more appropriate areas for the use which is noted.

Points (xxvi), (xxix), (xxxiv) which relate to residents' feelings towards the scheme are noted.

Point (xxiv) raises concern over the impact of the development on property values. This is not considered to be a material planning consideration.

Point (xxvii) states that the site will also be used as an education centre. This is stipulated within the description of the proposal.

Point (xxxi) states that as regular deliveries of food/catering supplies are expected each day this should be considered as a commercial type venture. No details have been submitted to indicate this proposal.

Point (xxxiii) states that no environmental impact assessment and nothing to indicate the thermal effectiveness of the proposed extension has been submitted. Sustainability issues will be covered by condition attached to any approval.

In terms of concerns raised by Garden City Residents' Association, points (iii), (iv), (v), (vi), (vii), (viii), (ix), (xii), (xiii), have been addressed in the report and some in the reasons

for refusal.

Points (i) have been addressed above.

Points (ii) and (x) which relate to the nature of the proposal are noted.

Point (xi) states that it is not clear how many people will be using the site at any one time. No details have been provided other than numbers attending weekly activities.

Point (xiv) states that the plans seem to be incomplete as there are no plans for the second floor. A proposed second floor plan does form part of the application and has been uploaded onto the Council's website.

Point (xv) raises concern over the impact on the financial viability on businesses and shops. This is not considered to be a material planning consideration.

In terms of concerns raised by a petition received by Garden City Residents' Association, points (i), (ii), (iii), (iv), (v), and (vi) have been addressed in the report and some in the reasons for refusal.

Point (vii) which relate to the nature of the proposal is noted.

7.20 Planning obligations

Not relevant to this application.

7.21 Expediency of enforcement action

A Temporary Stop Notice has been issued to restrain the use of the site until a decision is made with regard to the planning application. The decision of the Planning Committee would be referred to the Enforcement Team.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

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

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

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

infringed and must not go beyond what is needed to achieve its objective.

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

9. Observations of the Director of Finance

Not relevant to this application.

10. CONCLUSION

The proposal seeks to convert an existing shop (Class A1) into a community centre/educational facility/place of worship (Class D1) and carry out alterations and extensions to the building, including adding a mansard roof, accommodating two residential flats.

The premises are located within Yiewsley/West Drayton Town Centre's Primary Shopping Frontage. The Council's development policies contained in the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) (The UDP) seek to control changes of use within the Primary Shopping Frontage to ensure that town centres consist of enough shops to maintain the vitality and viability of the centre/shopping area.

The Council recognises that a proportion of suitable non-retail uses can complement and enhance the retail function of a town centre and the supporting text to policy S11 of the UDP sets out that retail frontage are vulnerable if less than 70% of the frontage is not in Class A1 use. In this case, the primary shopping frontage already contains significantly less than 70% of its frontages as Class A1 retail uses. Any further erosion of the amount of Class A1 retail frontages is not considered acceptable as it would further erode the retail function, vitality and viability of the centre.

The proposal is not considered to comply with Council policy relating to car parking, and the various alterations and additions are considered to detract from the appearance of the original building and street scene.

There are concerns that the amenity of near by occupiers would be adversely affected by parking overspill and traffic impacts associated with the increased intensity to which the site would be used.

The application is not considered to be accord with adopted policy and refusal is recommended.

11. Reference Documents

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)

Planning Policy Statement 3 (Housing) (November 2006)

Planning Policy Guidance Note 13 (Transport) (April 2001)

The London Plan (July 2011)

Hillingdon Unitary Development Plan Saved Policies (September 2007)

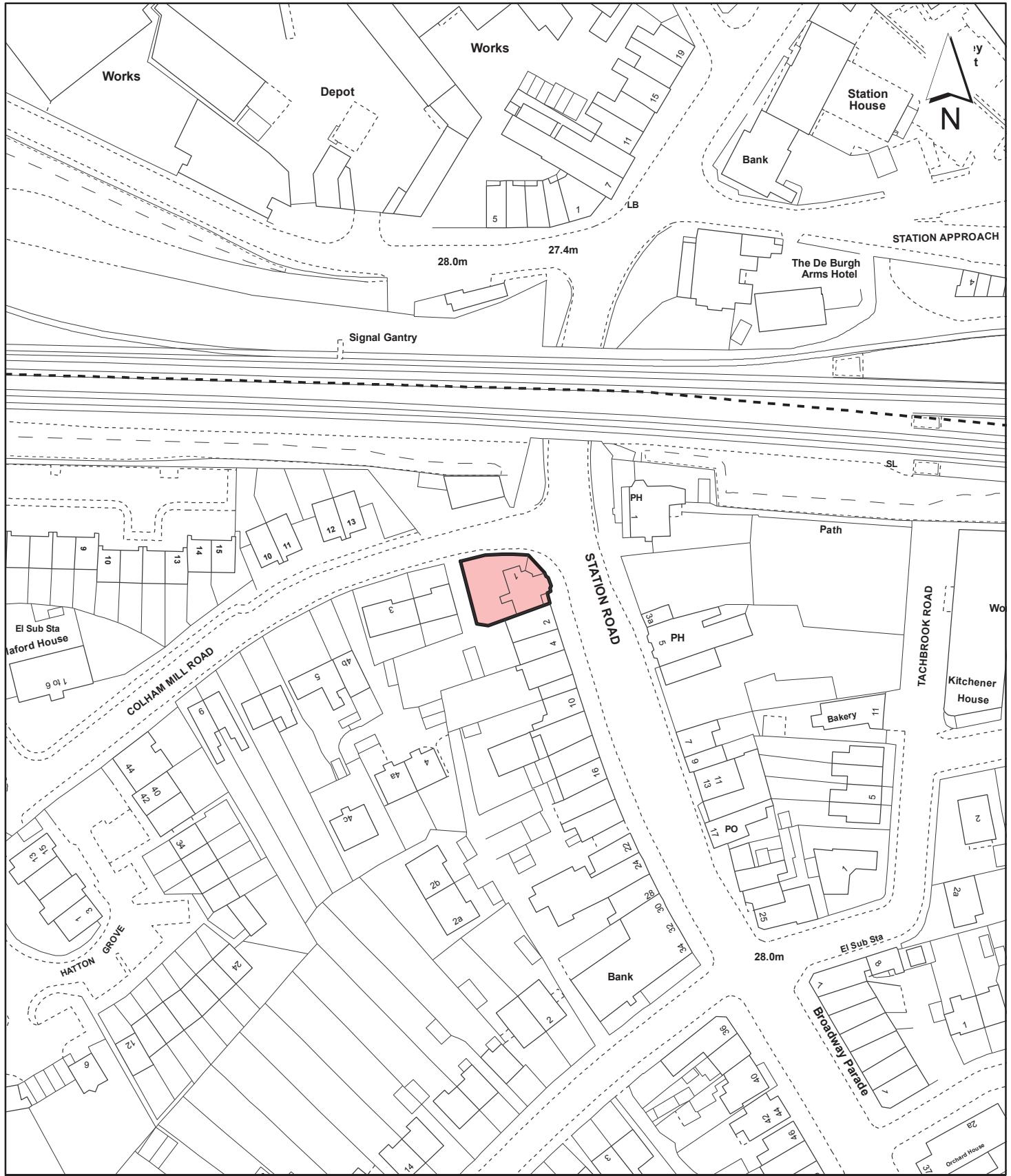
Hillingdon Design and Accessibility Statement - Residential Layouts (July 2006)

Local Development Framework Accessible Hillingdon Supplementary Planning Document (January 2010)

Planning Obligations Supplementary Planning Document (July 2008)

Contact Officer: Jacques du Plessis

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**Colne Park House
1 Colham Mill Road
West Drayton**

Planning Application Ref:

44248/APP/2011/2028

Scale

1:1,250

Planning Committee

Central and South

Date

**November
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



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