

## Report of the Head of Planning & Enforcement Services

**Address** 460 UXBRIDGE ROAD HAYES

**Development:** Part change of use of 1st, 2nd and 3rd floors from Class B1 (Office) to Class D1 (Non-residential Institutions) for use as a training / further education college and installation of refuse store to rear (Part Retrospective Application).

**LBH Ref Nos:** 1647/APP/2011/793

**Drawing Nos:** 789/05 Proposed Ground and 1st Floors  
789/08 Refuse Store Plan  
Design & Access Statement  
Waste Management Strategy  
Green Travel Plan  
Transport Statement  
789/01A Location & Site Plan  
789/03 Existing Second Floor  
789/06 Proposed Second Floor  
789/02 Existing Floor Plans  
789/04 Existing Third Floor  
789/07 Proposed Third Floor

**Date Plans Received:** 31/03/2011      **Date(s) of Amendment(s):** 01/04/2011  
**Date Application Valid:** 15/04/2011      15/04/2011

### 1. SUMMARY

Planning permission is sought for the change of use and retention of an educational training centre.

The application would involve up to 160 students on site at any one time and in addition 20 staff are envisaged to attend the site. The Highways Officer is concerned that there is likely to be a lack of onsite parking to meet the demands of both staff and students.

In the absence of any meaningful assessment of demand for on-site car parking, or any details of how drop-off/pick-up facilities would be managed there is considerable concern that the proposal would result in adverse traffic/parking impacts to the detriment of existing highway users. As such, the application fails to accord with Policies AM7 and AM14 of the UDP (Saved Policies September 2007).

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The application fails to demonstrate that the parking demand generated by the proposal can be met by the existing on site car parking provision. No pupil drop off facilities have been indicated, and no information has been provided to demonstrate how the existing car park would operate. The proposed development is considered likely to result in substandard car parking provision, leading to possible on-street parking /queuing to the detriment of public and highway safety and contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the

Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007).

## 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 (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
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
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
OE7	Development in areas likely to flooding - requirement for flood protection measures
LE2	Development in designated Industrial and Business Areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

## 3. **CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located on the north east side of Uxbridge Road and comprises a 4 storey building with an estate agent on the ground floor, and three upper floors in office use. However, the second and third floors are currently used as an educational training centre without planning consent and the first floor is currently vacant.

To the rear lies 20 car parking spaces associated with the application property. To the north west lies the Mecca Bingo Hall, which is separated from the application property by a access road leading to the rear of that property. To the south east lies 458 Uxbridge Road, a 3 storey building comprising a ground floor commercial unit with two upper floors in residential use. The street scene is commercial in character and appearance and the application site lies within the Uxbridge Road Hayes Town Centre, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

### **3.2 Proposed Scheme**

Planning permission is sought for the change of use of the first floor from offices within class B1 to an educational training college within class D1 and the retention of the second and third floors as a college providing educational training. The 3 floors will provide a single unit with a single occupier, known as CAMS training centre. No external alterations are proposed.

The parking spaces would be reduced to 18 spaces so as to provide for a disabled space and secure cycle storage for 12 bicycles.

The applicant has advised that it is envisaged that the proposed college will have capacity for up to 120 adult students, with 20 full time staff members made up of 10 teaching staff and 10 support and administration staff. The college provides job training for students, creating significant employment opportunities for graduates in the future in the local area. The first floor office unit was leased for 23 years for office use. The 2nd floor has been occupied by the college for 6 months. The space was previously vacant for 12 months. The 3rd floor has been occupied by the college for 2 years. The space was previously vacant for 9 months.

The college would be open from 9am to 6pm every weekday. Students would be sourced from the local area and the college trains unemployed and under educated adults, supporting them in their need to find jobs.

A Transport Statement has been submitted which states The location of the College on an important public transport corridor offers a realistic opportunity for staff and students to travel by non car modes. The existing car parking is likely to be used mostly by staff and disabled students. Effectively therefore the College will operate a no parking policy for students. Students will be made aware of this at enrolment and via the College website. With respect of the travel plan the only proposal for students are travel information and a cycle stand for 12 cycles.

### **3.3 Relevant Planning History**

1647/APP/2010/2895      460 Uxbridge Road Hayes

Conversion of existing first floor office space to Class D1 Non-Residential Education Use and retention of second and third floor office space for use as Class D1 Non-Residential Education Use (Part retrospective application.)

**Decision:** 14-02-2011    Refused

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

This proposal is a resubmission of a previously refused application (1647/APP/2010/2895) for the same development. This previous application was refused for the following reasons

- The application fails to demonstrate that the parking demand generated by the proposal can be met by the existing on site car parking provision. No pupil drop off facilities are proposed, and no information has been provided to demonstrate that service delivery vehicles associated with the proposal can be adequately accommodated on the site. The proposed development is considered likely to result in substandard provision of car parking and loading area, leading to possible on-street parking /queuing to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007).

- The proposal fails to make any provision for the secure and screened storage of waste and recycling. As such, refuse and recycling is likely to be left outside of the building in an exposed position, which would be likely to be detrimental to the visual amenities of the area, contrary to Policy OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

The current application seeks to overcome these reasons for refusal and a Revised Design and Access Statement, a Transport Statement, a Green Travel Plan and a Waste Management Plan have been submitted.

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

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

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

Part 1 Policies:

- |        |   |
|--------|---|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area.   |
| PT1.12 | To avoid any unacceptable risk of flooding to new development in areas already liable to flood, or increased severity of flooding elsewhere.  |
| PT1.31 | To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps. |
| PT1.32 | To encourage development for uses other than those providing local services to locate in places which are accessible by public transport.   |
| PT1.9  | To seek to preserve statutory Listed Buildings and buildings on the Local List.   |

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
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
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
OE7	Development in areas likely to flooding - requirement for flood protection measures
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## **5. Advertisement and Site Notice**

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

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

## **6. Consultations**

### **External Consultees**

23 adjoining owner/occupiers have been consulted. No comments have been received.

### **Internal Consultees**

#### **TREES/LANDSCAPE**

Although the application form indicates that there are 'no' trees on or close to the site, there is in fact one mature Ash tree on the site. The Ash tree is subject to TPO 276 (tree T1). Two other protected trees (T2 and T3 on TPO 276) on the site, which were retained as part of the development of the site in the 1980s, no longer exist. One of the missing trees was removed and should have been replaced in the 1990s, and there is no record of the removal of the second missing tree or the tree planted in the 1990s. Under the terms of the TPO, the owner of the land is under a duty to replace the trees.

As the site includes the car park and the areas where T2 and T3 should be, and the application involves changes to the car park associated with the proposed use of the site, the application should be amended to include the following information and details, so that the application complies with Saved Policy BE38 of the UDP (in relation to tree retention and landscaping).

1. The existing layout plan should show the location of the existing Ash tree (T1 on TPO 276).
2. The proposed layout plan should show (a) the existing Ash tree to be retained (within an area of soft landscaping as per the approved scheme), and (b) detail the planting of two new trees in replacement of T2 and T3 (within two areas of soft landscaping - one in the north-eastern corner of the site, and one in the north-western corner fronting the service road - as per the approved scheme/layout). Hornbeam (*Carpinus betulus*) and/or Field Maple (*Acer campestre*) would be a sensible choice for the two new trees, which should be specified as select standards, and short-staked.

Note: The retention of T1 and the planting of two new trees will reduce the space available for parking (by 2 or 3 spaces).

3. The proposed layout plan should also show soft landscaping (ground cover and/or shrubs) in the areas where the trees are retained and planted.
4. A schedule of tree and shrub/ground cover planting, and a specification of soft landscaping.

Please re-consult TLP when the amended drawings and additional information is received.

Planning Officer Comment: This is a resubmission of a previously refused application, similar comments were made by the Trees and Landscaping Officer on that application, however, this matter was not addressed at that time and therefore these details are considered to have been established as acceptable by that previous application.

#### ENVIRONMENTAL PROTECTION UNIT

Further to your memo dated 4th January, 2011 in respect of the above consultation.

I do not have any objection to the development, however it is noted that the design and access statement has stated that there will be a canteen on site. Therefore it is recommended that the following condition be imposed in any approval.

#### Condition1 - Air extraction system noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained 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).

#### Condition2 - Hours of operation

The hour of operation shall be restricted to 9:00 am 18:00, Monday to Friday, only. The premises shall not be used for the proposed use during weekends, public and bank holidays.

#### REASON

To safeguard the residential amenity of nearby residential properties in accordance with Policy OE3



of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Condition 3 - Delivery and waste collections;

The premises shall not be used for deliveries and collections, including waste collections, outside the hours of 08.00 hrs and 19:00 hrs, Monday to Saturday and not at all on Sundays, Public or Bank Holidays.

#### REASON

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

Should you have any queries concerning these comments, please do not hesitate to contact me.

#### HIGHWAYS OFFICER

No information has been provided to demonstrate that the parking demand generated by the proposal can be met by the existing parking provision on site, there is also concern over the lack of delivery and pupil drop off facilities.

#### ACCESS OFFICER

Plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

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

1. The application does not include sufficient information to ascertain the current arrangements for gaining access into the building. Details of the access arrangements for people with restricted mobility should be made available for consideration.
2. The existing accessible WC appears not to conform to current accessibility standards, i.e. BS8300:2009. Given the proposed use of the building, any grant of planning permission should be subject to a requirement to provide incorporate fully accessible toilet provision.
3. The accessible WC facilities throughout the college should be signed either 'Accessible WC' or 'Unisex'. Alternatively, a 'wheelchair' symbol and the use of the words 'Ladies' and 'Gentlemen' or 'Unisex' would be acceptable.
4. All learning activities should be accessible to disabled students and equipment, particularly within special curriculum rooms, should be designed to accommodate a diverse range of access requirements.
5. Alarm system should be designed to allow deaf people to be aware of an activation. Such provisions could include visual fire alarm activation devices, and/or a vibrating paging system linked to the alarm control panel.
6. Consideration should be given to ensure that arrangements exist to provide adequate means of escape for all, including wheelchair users. Fire exits should incorporate a suitable level threshold and should open onto a suitable level area.
7. A refuge area should be provided that is suitably sized and arranged to facilitate manoeuvrability by wheelchair users (Refer to BS 9999: 2008). Refuge areas must be adequately signed and accessible communication points should also be provided in the refuge areas.
8. An evacuation plan should be drawn up to ensure that those unable to use stairs can be sure of escape.

Conclusion: A condition(s) should be attached to any grant of planning permission to secure the above accessibility provisions.

## **7. MAIN PLANNING ISSUES**

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

The site is located within the Uxbridge Road Hayes Town Centre and lies within a secondary shopping area.

Policy LE2 of the Saved Policies UDP states that it will regard class A2 Financial and professional services as acceptable at ground floor level within the shopping frontages of secondary shopping areas. The existing A2 use at ground floor does not form part of the application and will be retained.

Policy R10 of the Saved Policies UDP states that: 'The Local Planning Authority Will regard proposals for new meeting halls, buildings for education, social, community and health services, including libraries, nursery, primary and secondary school buildings, as acceptable in principle subject to the other policies of this plan.'

London Plan Policies Policy 3.18 Education Facilities, 4.4 Managing Industrial Land and Premises, Policy 4.10 New and Emerging Economic Sectors and 4.12 Improving Opportunities for All are also relevant, as is Planning Policy Statement 4.

Policy 3.18 of the London Plan supports the provision of education facilities in general, including: 'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to education purposes....'; and

'Development proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college's offer. On-site or off-site sharing of services between schools and colleges should be supported.'

Policy 4.12 of the London Plan also seeks that: 'Strategic development proposals should support local employment, skills development and training opportunities.'

Planning Policy Statement 4 also indicates that Council's should "adopt a positive and constructive approach towards planning application for economic development. Planning applications that secure sustainable economic growth should be treated favourably" and the Governments recent Ministerial Statement on 'Planning for Growth' encourage local planning authorities to be sensitive to local economic changes, support enterprise and consider the range of likely economic benefits of proposals; including long term or indirect benefits such as the creation of more robust local economies.

In this respect it is noted that the proposal will create up to 20 full time equivalent staff. The training provided could also enhance employment prospects within the borough and elsewhere.

There are no policies within the Saved Policies UDP safeguarding class B1 (Office) use above commercial units and accordingly the principle of the proposal is considered acceptable.

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

The application seeks the change of use of 1st, 2nd and 3rd floors from Class B1 (Office) to Class D1 (Non-residential Institutions) for use as training / further education college. As such, residential density is not considered relevant to the proposal.



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

The proposal would not result in any works which would result in harm to archaeological remains, nor is the application site located within a Conservation Area or Area of Special Local Character.

The Mecca Bingo Hall adjacent to the application site is locally listed. The change of use itself would not impact on the setting of this building.

### **7.04 Airport safeguarding**

The proposal would not conflict with aircraft safeguarding criteria.

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

There is no designated green belt within the near vicinity of the application site.

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

There are no external alterations proposed as part of this application and therefore the existing frontage will be retained. As such the proposal is considered to comply with Policy BE13 of the UDP (Saved Policies September 2007).

### **7.08 Impact on neighbours**

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated. The nearest residential properties lie above 458 Uxbridge Road. As the proposed use would be contained within the building, it is not considered that it would harm the residential amenities of the occupiers of the adjacent residential properties. The Environmental Health Officer has raised no objection to the proposal subject to conditions relating to controls over air extract systems, hours of operation and deliveries and waste collections. As such, the proposal is considered to comply with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

The proposal is for a training centre, accordingly there will be no future residential occupiers.

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

The application site lies within the Uxbridge Road Hayes Town Centre. This is a resubmission of a previously refused application and the previous highway considerations were as follows:

No information has been provided to demonstrate that the parking demand generated by the proposal can be met by the existing parking provision on-site, there is also concern over the lack of delivery and pupil drop off facilities.

The Transport Assessment refers to pupils being told they cannot drive to the site. There is reference to students in the travel plan but this is quite limited. Officers consider that the applicant needs to properly explain how student parking demand will be controlled. No information on student travel patterns is provided, despite the College being operational. The applicant could have used comparable sites from TRICCS, TRAVL or a survey of an existing similar use, but has not done any form of detailed analysis to address officer concerns.

The current application contains a Transport Statement and a Green Travel Plan. The Highway Engineer has been consulted and does not consider these documents overcome the initial concerns and subject to the removal of the reference to 'service delivery

vehicles associated with the site being removed from that reason for refusal, it is considered the reason still stands.

This application is a resubmission of a previously refused application, one of the reasons for refusal stated that the proposal failed to make any provision for the secure and screened storage of waste and recycling. As such, refuse and recycling is likely to be left outside of the building in an exposed position, which would be likely to be detrimental to the visual amenities of the area, contrary to Policy OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007). The current application seeks to overcome this reason for refusal and a waste management strategy has been submitted together with details of a proposed refuse storage area. These details are now considered to address this issue and therefore this aspect of the application is considered to comply with the above policy.

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

Issues of design and access are addressed elsewhere within this report.

The application relates to an existing commercial building, which benefits from appropriate boundary treatments and security measures in the existing situation. It is therefore not considered that the proposal would give rise to any concerns in relation to security.

#### **7.12 Disabled access**

The Council's Access Officer has considered the application in detail and considers that the plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. Condition(s) should be attached to any grant of planning permission to secure the concerns raised regarding accessibility provisions.

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

The proposal seeks a change of use to a training centre, accordingly considerations relating to affordable or special needs housing are not relevant to the application.

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

There is one mature Ash tree on the site which is subject to TPO 276 (tree T1). Two other protected trees (T2 and T3 on TPO 276) on the site, which were retained as part of the development of the site in the 1980s, no longer exist. One of the missing trees was removed and should have been replaced in the 1990s, and there is no record of the removal of the second missing tree or the tree planted in the 1990s. Under the terms of the TPO, the owner of the land is under a duty to replace the trees.

The Council's Trees and Landscaping Officer has considered the application and requested additional information which can be dealt with by condition(s) should the application be granted planning permission.

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

The existing commercial aspect and Class A2 ground floor unit is serviced by an area set aside for the storage of waste and recycling to the rear of the building.

The current application proposes a refuse store to the rear of the property. The Council's Waste Development Manager has considered the application and stated that the proposed arrangements for storage of waste and recycling are appropriate in terms of design and capacity to accommodate the needs arising from the proposed training facility. The development would therefore comply with Policy 5.17 of the London Plan 2011.

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

Policies within chapter 7 of the London Plan seek to minimise the impact of developments on climate change, encouraging sustainable design and reductions in energy use.

These policies apply to change of use applications, however determining whether it is appropriate to impose such requirements in such instances it is important to consider to what extent the energy requirements or impacts of the proposed use differ from those of the existing use, to what extent the matter could be addressed within the scope of the application, and to what extent requiring any such measures would be reasonable.

In this instance the actual operation of the centre and its energy use are considered likely to be very similar to that of a Class B1(Office) use which could make use of the building in the existing situation. In addition no alterations to the building envelope or fabric are proposed and internal alterations are limited, meaning that there are limited efficiency improvements which could be made in the course of the proposed works.

In addition while it may be feasible to incorporate renewable technology at the site this can often have cost and structural implications which are likely to be unreasonable in this particular instance having regard to the limited scope of works and the similarities between the proposed and existing uses.

In this particular instance it is not considered that the proposal would justify the need for substantive works to reduce energy demand and the application would comply with the intention of policies within chapter 7 of the London Plan. However, an informative is recommended encouraging the applicant to minimise energy use and carbon dioxide emissions where possible.

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

The application site is not located within a flood zone. The proposal would not result in any alterations to levels on the site, the permeability of the surface treatments, drainage facilities or any alterations to the footprint of the existing building. It is therefore not considered that the proposal would result in any increased risk of flooding.

Accordingly, the proposal is not considered to give rise to any concerns relating to flood risk and would comply with Policy OE8 of the Saved Policies UDP.

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

The Council's Environmental Protection Unit has been consulted on the application and raised no concerns regarding noise. However they have noted that the design and access statement states that there will be a canteen on site and has stipulated that condition(s) should be attached to any grant of planning permission to secure the concerns raised regarding the proposed canteen.

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

The comments have been addressed within the body of the report.

#### **7.20 Planning obligations**

The proposal would not necessitate any planning obligations to mitigate its impact.

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

Not applicable.

#### **7.22 Other Issues**

None.

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to

make an informed decision in respect of an application.

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

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

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

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

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

## **10. CONCLUSION**

Planning permission is sought for the change of use and retention of an educational training centre. The application would involve up to 160 students on site at any one time and in addition 20 staff are envisaged to attend the site.

There are no policies within the Saved Policies UDP safeguarding class B1 (Office) use above commercial units and accordingly the principle of the proposal is considered acceptable.

The Highways Officer is concerned that there is likely to be a lack of onsite parking to meet the demands of both staff and students. In the absence of any meaningful assessment of demand for on-site car parking, or any details of how drop-off/pick-up facilities would be managed there is considerable concern that the proposal would result in adverse traffic/parking impacts to the detriment of existing highway users. As such, the application fails to accord with Policies AM7 and AM14 of the UDP (Saved Policies September 2007).

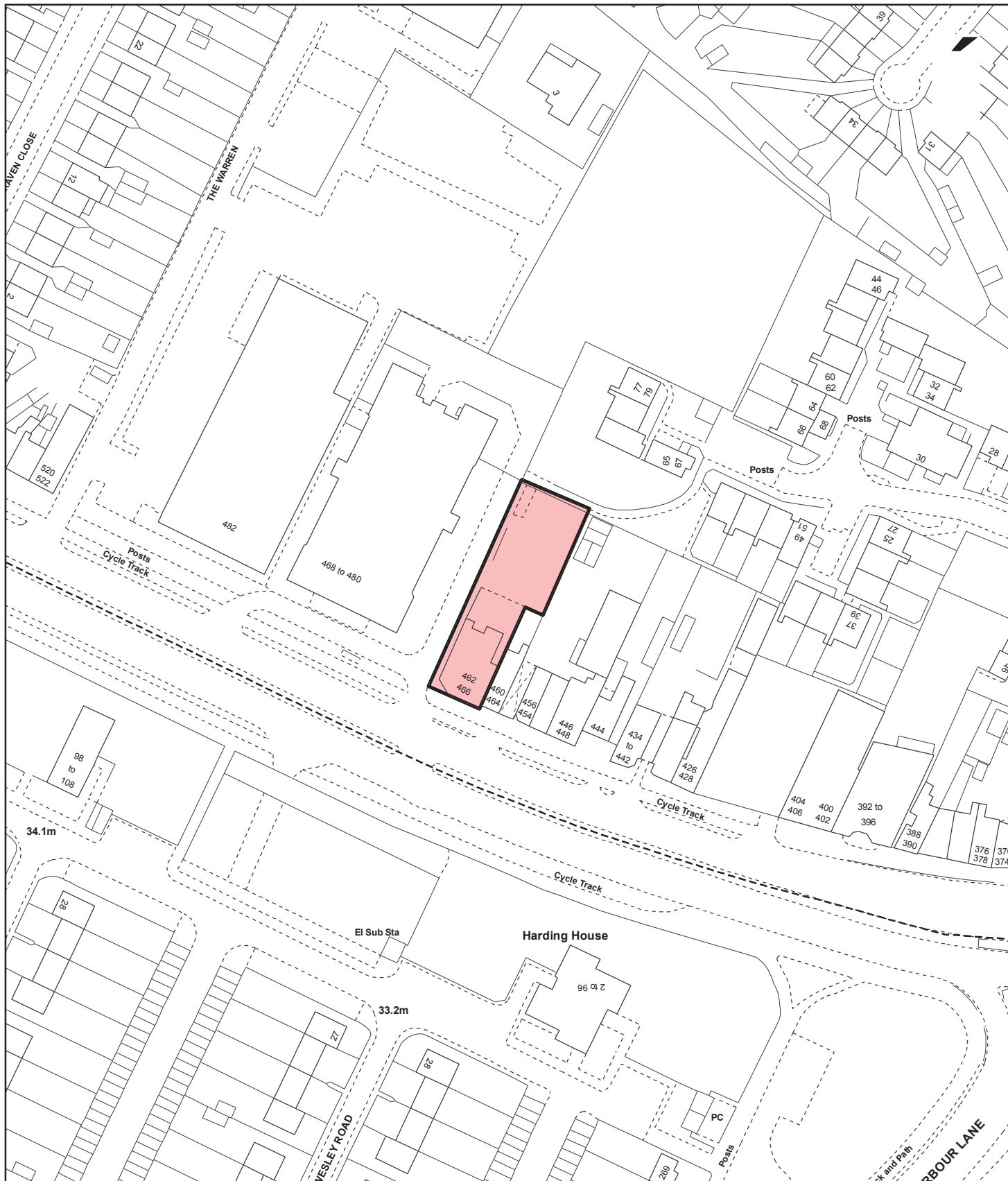
Accordingly, the application is recommended for refusal.

## **11. Reference Documents**

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

**Contact Officer:** Jacques du Plessis

**Telephone No:** 01895 250230



## Notes



Site boundary

For identification purposes only.

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Site Address

**460 Uxbridge Road,  
Hayes**

Planning Application Ref:

**1647/APP/2011/793**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**August  
2011**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
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