

Report of the Head of Planning & Enforcement Services

Address THE HALLMARKS 146 FIELD END ROAD EASTCOTE PINNER

Development: Change use from Class A2 (Financial and Professional Services) to Class D1 (Non-Residential Institutions) for use as a Education Institute.

LBH Ref Nos: 3016/APP/2010/2159

Drawing Nos: 2166-01
2166-02
Design & Access Statement
2166-03A
Transport Statement (March 2011)
Green Travel Plan (March 2011)

Date Plans Received: 13/09/2010 **Date(s) of Amendment(s):** 13/09/2010
Date Application Valid: 28/09/2010 20/12/2010
29/03/2011

1. SUMMARY

Planning permission is sought for the change of use of a 3 storey office building to an educational training centre with associated parking. No external alterations are proposed and the use has already commenced.

The application fails to demonstrate that the proposal would not harm highway and pedestrian safety and would provide sufficient amenities for wheelchair users.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal fails to provide adequate information to demonstrate that it does not result in an increase in on street demand for parking in surrounding streets to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

2 NON2 Non Standard reason for refusal

The proposal fails to provide adequate facilities for people with disabilities contrary to policy R16 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), the London Plan Policies 3.8 and 7.2 and the adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

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.

OE1	Protection of the character and amenities of surrounding properties and the local area
R16	Accessibility for elderly people, people with disabilities, women and children
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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Field End Road and comprises a detached 3 storey building previously used for offices within class A2, however, it is now in use for educational purposes, the subject of this application. To the north lies The Manor Public House, to the south lies 148-150 Field End Road, an office building, and to the rear lies the rear garden of 26 Crescent Gardens. The street scene is commercial in character and appearance and the application site lies within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Retrospective planning permission is sought for the change of use from class A2 to an educational training centre, within class D1. The applicant has advised that the centre provides Health & Safety, ITC and development training workshops. The applicant also advises that there will be up to 30 people on the premises at any one time, however, the submitted plans show that the first and second floor conference rooms will provide some 194 student places excluding staff.

The submitted plans show that the ground floor will provide a reception area with staff facilities, such as a general office and staff rooms. The first floor will provide 3 conference rooms providing 99 student spaces, WC facilities and 3 unidentified rooms. The second floor would provide the same, but 2 unidentified rooms are shown.

The submitted block plan shows 4 off-street parking spaces in the front forecourt including 1 disabled space, while 21 spaces are shown at rear including 2 disabled spaces. 30 cycle parking stands are also proposed at the rear. The applicant has advised that the off-street space will be for staff and students.

No external alterations are proposed.

3.3 Relevant Planning History

Comment on Relevant Planning History

There are no relevant planning decisions.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

OE1	Protection of the character and amenities of surrounding properties and the local area
R16	Accessibility for elderly people, people with disabilities, women and children
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.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

31 adjoining owner/occupiers have been consulted. No objections have been received however a comment has been received advising that the use has commenced.

Eastcote Residents' Association:

Whilst there is no objection in principle to the change of use of this building, there is scant information in some areas, and the disabled access is not satisfactory.

- It is stated that there are 30 parking spaces for this building, but there is no drawing to show these spaces, nor the access to these spaces;
- There is no provision for bicycle storage;
- Any proposed provision for bin stores is not shown, nor is access for refuse collection vehicles.
- It is stated that it is not possible to make the entrance steps to the building suitable for disabled and wheelchair users, although there are lifts inside the building. This needs to be looked at again, and a fully accessible entrance provided;
- The SPD Accessible Hillingdon states that a wheelchair accessible WC should be no more than 40m away at a given point in the building. Where a platform lift is used vertical travel to toilet accommodation is limited to one storey. It is not clear from the documents whether the proposal is a platform lift or not. This needs to be looked at very carefully, and preferably more disabled WCs added to the upper floors.
- Please can this application be drawn to the attention of Hillingdon Accessibility Officer

Hopefully, these questions can be answered and alterations carried out before permission is granted.

Ward Councillor: Requests that this application is reported to the planning committee for determination.

Internal Consultees

Highways:

The revised Transport statement is in response to comments previously made by highway officer. The total capacity of the proposed educational centre according to the Transport Statement is 194, whilst 240 pupil places are shown on the plans which is clearly contradictory to the Transport Statement.

The Transport Statement also indicates that there will be a maximum of 20 employees at any one time including part time and admin staff, and 100 students per session, with a maximum of 2 sessions per day.

The traffic assessment fails to address transport issues related to the total capacity of the site and should be based on full occupancy and its highways impacts in particular parking, by providing a detailed and robust Traffic Statement addressing the applicant's proposal for 240 teaching places and sample sites/data to justify any assumptions.

The proposed maximum number of staff including teaching, admin etc, is twenty and the existing 21 parking spaces at the rear are to be allocated to staff, with four parking spaces at the front to be used by visitors. The proposal being for an adult education centre, car parking demand for students in addition to staff car parking demand needs to be properly addressed.

A Travel Plan has been submitted for the proposed development, which is a long term strategy for encouraging use of the sustainable modes of transport if implemented rigorously. However, submission of a travel plan does not deal with the issues discussed above relating to inconsistencies in site capacity, impacts of the site being used at its full capacity and sample sites to justify the assumptions made in the Transport Statement and Travel Plan.

In the absence of these issues being satisfactorily addressed, the proposal cannot be supported on Highways grounds and is therefore considered to be contrary to the Council's Policies AM7 and AM14 and refusal is recommended.

Environmental Protection Unit:

No objections subject to conditions relating to Hours of operation and deliveries and waste collection, plant and equipment, and a restriction on the use of the premises.

Access Officer:

The following observations are based on a site visit and desk-based assessment of existing and proposed plans is submitted.

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. Accessible parking bays should be available and a minimum of 4.8m x 2.4m and otherwise marked and signed in accordance with BS 8300.
2. The existing entrance ramp should be fitted with handrails and guardrails as the existing

entrance arrangements are considered hazardous and not conducive to the principles of access and inclusion.

3. To assist blind and visually impaired people to gain convenient and safe access into the building, the existing steps should be fitted with appropriate step nosings that contrast in luminance with the stair treads. Crucially, retrofitted nosings must be flush, or otherwise appropriately designed, not to be a trip hazard.

4. The presence of a glass door should be made apparent with permanent strips on the glass (manifestation), contrasting in colour and luminance with the background seen through the glass in all light conditions. The edges of a glass door should also be apparent when the door is open. If a glass door is adjacent to, or is incorporated within a fully glazed wall, the door and wall should be clearly differentiated from one another, with the door more prominent.

5. Part of all reception desks should be provided at a height of 750-800mm.

6. An assisted listening device, i.e. infra-red or induction loop system, should be fitted to serve all reception areas.

7. Seating of varying heights should be provided and sited within close proximity to the reception, as appropriate.

8. All signage for directions, services or facilities should be provided in a colour contrasting with the background. Signage and lighting levels should be consistent throughout the building and care taken to avoid sudden changes in levels.

9. Internal door widths should provide a minimum clear opening width of 800 mm to facilitate adequate access for wheelchair users. Internal doors should also have 300 mm unobstructed space to the side of the leading edge.

10. Internal doors should be held open using fire alarm activated magnetic closers whilst the building is in use.

11. Signs indicating the location of an accessible lift should be provided in a location that is clearly visible from the building entrance.

12. The principles of access and inclusion should be carried through to all teaching and 'backstage' staff areas to promote employment opportunities for disabled people. Similarly, resting facilities should also be fully accessible.

13. Contrary to the information within the Design & Access Statement there is no accessible toilet on the proposed ground floor plan. The building alterations associated with the change of use application do not include an accessible toilet facility that would cater for wheelchair users in accordance with BS 8300:2009. This lack of provision alone could prevent a disabled person from partaking and, given that change of use application would involve building alterations, at least one accessible toilet should be required as part of any planning approval.

14. 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.

15. Whilst the classroom layout may be for illustrative purposes, it should be noted that such a layout would be unwelcoming to wheelchair users. Wheelchair users should be facilitated to gain unhindered access to all teaching environments, and empowered to interact with their peers on an

equal basis, without potential embarrassment whilst classrooms are re-organised. Cabling and sockets for IT equipment etc, are likely to be installed when partitions are installed, making it difficult or impossible to alter the layouts at a later date. It is therefore imperative to design, at this stage, a layout conducive to access and inclusion principles.

16. 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.

17. 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 suitably level threshold and should open onto a suitable level area.

18. A refuge area should be provided that is suitably sized and arranged to facilitate maneuverability 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.

19. An evacuation plan should be drawn up to ensure that those unable to use stairs can be sure of escape.

NB: The applicant is reminded of the duties set out in the Disability Discrimination Act 1995, with regard to employment and service provision. Whilst an employer's duty to make reasonable adjustment is owed to an individual employee or job applicant, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. The failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider, if/when challenged by a disabled person. It is therefore recommended that the applicant takes full advantage of the opportunity that this development offers, to improve the accessibility of the premises to people with mobility and sensory impairments.

Conclusion: unacceptable

Further details should be submitted which include the above observations and/or details, as appropriate, submitted as part of a revised Design & Access Statement.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There are no policies in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) that protect the loss of class A2 uses. As such, the use is acceptable in principle, subject to compliance with other policies in the Plan.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

The Environmental Protection Officer has raised no objections to the use subject to conditions that would minimise noise and disturbance to nearby residential properties. This is further addressed below.

7.07 Impact on the character & appearance of the area

There are no external alterations proposed and therefore, the proposal does not harm the appearance of the street scene.

7.08 Impact on neighbours

The nearest residential properties lie above the commercial units on the opposite side of the road and to the rear in Crescent Gardens. The use is contained within the building and therefore does not have a detrimental impact on the residential amenities of nearby properties, in terms of noise or disturbance. The proposal complies with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application is supported by a Transport Statement and Green Travel Plan, both of which have been assessed by the Council's Highways Officer.

The assessment has highlighted some inconsistencies in the submitted information and is not considered to fully address the Council's concerns. In particular, the revised Transport Assessment indicates that there will be a maximum of 100 students per session with a maximum of 2 sessions per day. However, the submitted plans indicate that there is capacity within the classrooms to cater for some 240 students. The revised transport statement therefore fails to address transport issues related to the total capacity of the teaching establishment.

The proposed maximum number of staff including teaching, admin etc, is twenty and the existing 21 parking spaces at the rear are to be allocated to the employees, with four parking spaces at the front to be used by visitors. The proposal being for an adult education centre, car parking demand for students in addition to staff car parking demand needs to be properly addressed. The likely outcome of the site being used at capacity is that student parking would spill over onto adjoining residential streets to the detriment of highway and pedestrian safety and the free flow of traffic.

A Travel Plan has been submitted for the proposed development, which is a long term strategy for encouraging use of sustainable modes of transport if implemented rigorously. However, submission of a travel plan does not deal with the issues discussed above relating to inconsistencies in site capacity, impacts of the site being used at its full capacity and sample sites to justify the assumptions made in the Transport Statement and Travel Plan and do not warrant an unacceptable development to be acceptable.

It is therefore considered that the planning application fails to demonstrate that the proposal will not result in additional on street parking to the detriment of highway and pedestrian and does not comply with sustainability objectives, contrary to policies AM7 (ii), AM9 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

The Access Officer considers that the building is not fully accessible for wheelchair users. In particular, there is no accessible toilet on the proposed ground floor plan. The building alterations associated with the change of use does not include an accessible toilet facility that would cater for wheelchair users in accordance with BS 8300:2009. This lack of provision alone could prevent a disabled person from partaking and, given that change of use application would involve building alterations, at least one accessible toilet should be required as part of any planning approval.

Furthermore, whilst the classroom layout may be for illustrative purposes, it should be noted that such a layout would be unwelcoming to wheelchair users. Wheelchair users should be facilitated to gain unhindered access to all teaching environments, and empowered to interact with their peers on an equal basis, without potential embarrassment whilst classrooms are re-organised. Cabling and sockets for IT equipment etc, are likely to be installed when partitions are installed, making it difficult or impossible to alter the layouts at a later date. It is therefore imperative to design, at this stage, a layout conducive to access and inclusion principles.

It is therefore considered that the proposal does not provide sufficient amenities of wheelchair users, contrary to policy R16 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), to London Plan Policies 3.8 and 7.2 and to the adopted Hillingdon Design & Accessibility Statement: Accessible Hillingdon.

7.12 Disabled access

The building has an existing entrance ramp, which allows access for wheelchair users. Subject to the installation of handrails, it would become accessible for all people with disabilities. This could be secured by way of a suitably worded planning condition, should planning permission be granted. However, in terms of its usability by disabled persons the application is recommended for refusal, as set out above.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

No details of refuse storage have been submitted. However, this could be secured by way of a suitably worded planning condition, should planning permission be granted.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The third party comments have been addressed in this report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The use has commenced and as permission has not been granted, if this application is refused then the matter will be further investigated, prior to the submission of an enforcement report to your committee.

7.22 Other Issues

There are no other relevant issues.

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

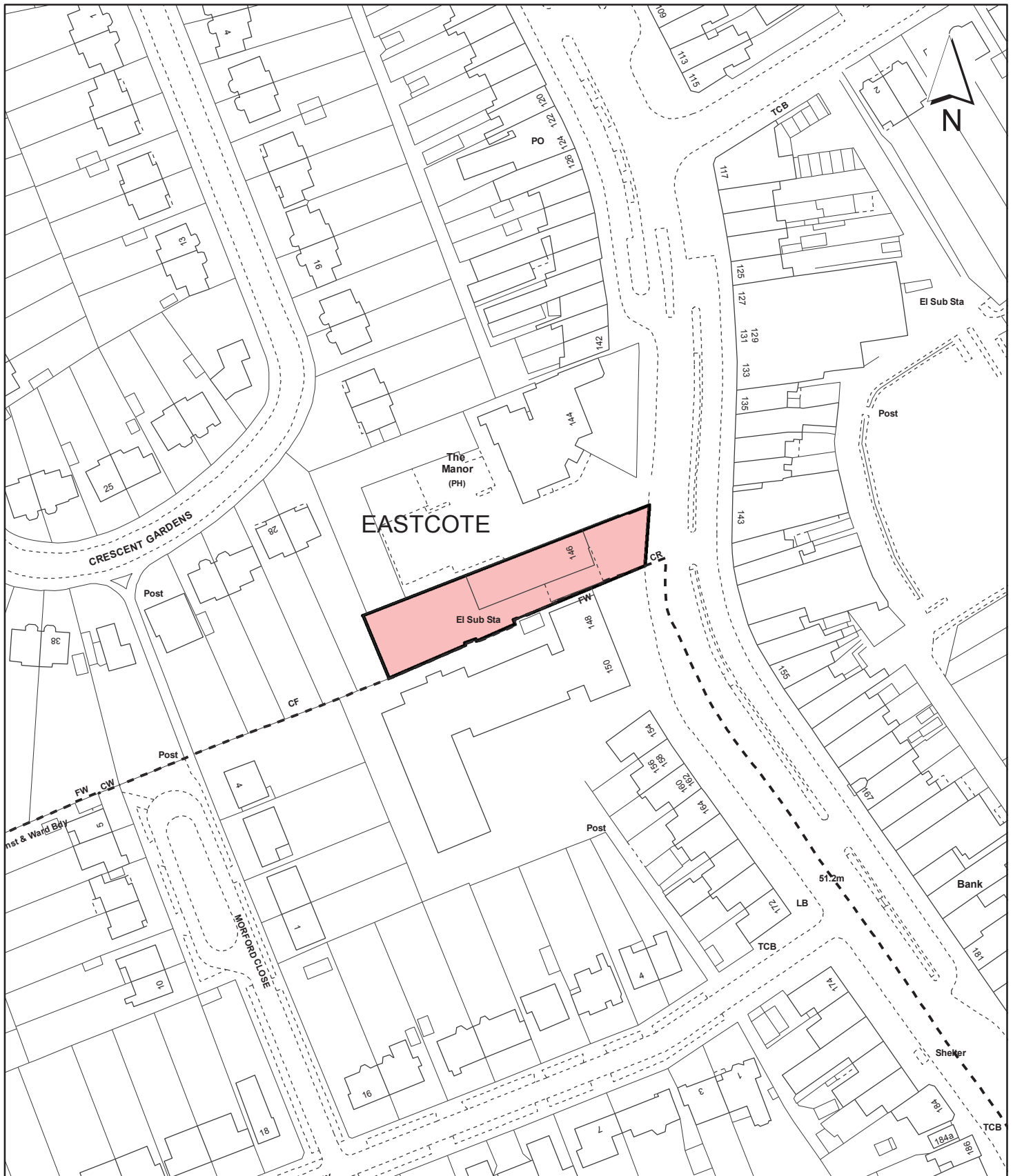
For the reasons outlined above and that the development fails to comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for refusal.

11. Reference Documents


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

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Notes

 Site boundary

For identification purposes only.

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Site Address	
The Hallmarks 146 Field End Road Eastcote	
Planning Application Ref:	Scale
3016/APP/2010/2159	1:1,250
Planning Committee	Date
North	December 2011

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