

Report of the Head of Planning, Sport and Green Spaces

Address 114 HARMONDSWORTH ROAD WEST DRAYTON

Development: Change of use from doctors surgery (Use Class D1) to a mixed use comprising education/training centre and ancillary video production (Use Class B1/D1) and installation of solar panels to side roof (Retrospective)

LBH Ref Nos: 52467/APP/2016/3892

Drawing Nos: Location Plan (1:1250)
16/114/HRWD/102
4304/10
16/114/HRWD/101 Rev. B

Date Plans Received: 21/10/2016 **Date(s) of Amendment(s):** 20/10/2016

Date Application Valid: 02/12/2016 28/11/2016

1. SUMMARY

The application seeks retrospective planning permission for the change of use from doctors surgery (Use Class D1) to a mixed use comprising education/training centre and ancillary video production (Use Class B1/D1) and installation of solar panels to side roof. Whilst the proposal would have an acceptable impact upon the character and appearance of the property and street scene and subject to a number of conditions restricting the hours of operation, would not result in a loss of residential amenity to occupants of neighbouring properties or an increased demand for on street parking, concerns are raised about the loss of the health facility. The application does not confirm that the property has been marketed for a similar or other community use. As such, given the failure to provide justification to demonstrate that there is no requirement for the existing facility or that adequate alternative provision is available to meet the foreseeable needs of existing and potential users, the proposal is considered to result in the unacceptable loss of a health service. The proposal is therefore contrary to Policy R11 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The applicant has failed to provide sufficient information to show that the doctors surgery/community use is no longer viable or required by any other such users or where the previous occupiers have been relocated to. The proposal, therefore, results in the unacceptable loss of a health service use and important community facility, contrary to Policy CL1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy R11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.16 and 3.17 of the London Plan (2016) and the NPPF.

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
R11	Proposals that involve the loss of land or buildings used for education, social, community and health services
LPP 3.16	(2015) Protection and enhancement of social infrastructure
NPPF1	NPPF - Delivering sustainable development
NPPF8	NPPF - Promoting healthy communities

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a two storey building, formerly used as a doctors surgery which is located on the Western side of Harmondsworth Road which lies within a residential area within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The building does not benefit from any off street parking. The frontage of the site has a pedestrian access over a paved yard to the front. Solar panels have been installed on the Southern roofslope. The building is being used as a training centre/video production.

3.2 Proposed Scheme

The application seeks retrospective planning permission for change of use from doctors surgery (Use Class D1) to a mixed use comprising education/training centre and ancillary video production (Use Class B1/D1) and installation of solar panels to side roof.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no recent planning history of relevance to this application site.

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.CI1 (2012) Community Infrastructure Provision

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

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.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

R11 Proposals that involve the loss of land or buildings used for education, social, community and health services

LPP 3.16 (2015) Protection and enhancement of social infrastructure

NPPF1 NPPF - Delivering sustainable development

NPPF8 NPPF - Promoting healthy communities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

6 neighbouring properties were consulted by letter dated 6.12.16 and a site notice was displayed to the front of the site which expired on 5.1.17

1 letter of objection has been received raising an objection to the extension of this building. The letter of objection also raises concerns about occupants of the building banging the fence.

Officer note: The application does not seek permission for extensions to the property.

A petition of objection has been received raising concerns about the existing hours of operation and the impact upon parking in a residential area.

Internal Consultees

HIGHWAY OFFICER:

This (retrospective) application is for a change of use from D1 (Doctor's Surgery) to non-residential business (B1/D1) at a property in Harmondsworth Road West Drayton.

The property has been used as a doctor's surgery for some considerable time. There is no off-street parking available at the front or rear of the property so any parking will add to the existing parking stress in the locality. There is already significant existing parking stress in the surrounding roads as not all properties have off-street car parking. It is proposed to change the use from a doctor's surgery to a video production use. This section of Harmondsworth Road is the service road part and there are no on-street parking restrictions in place. There are 2 staff offices shown on the plans and in the application form the number of employees is listed as 2 full-time and 1 part-time which should not create significantly greater traffic and parking than the existing surgery use. However there are 4 training rooms shown on the plans which suggests that there is the potential for a larger number of visitors. I am concerned that the hours of operation are from 0830 am to 0830 pm Monday to Saturday in a predominantly residential area. If the times were reduced to 6:00 or 6:30 pm then this would help with on-street parking turnover. Is there anyway we can limit the number of visitors to the site as this would obviously limit the traffic and parking numbers? The application shows no provision for off-street secure covered cycle parking nor any refuse facilities but these facilities can be conditioned. There should be at least 2 secure covered cycle parking spaces provided on site. On the basis of the above comments if the number of employees/visitors and the hours of operation can be limited this would restrict the possibility of on-street parking stress being increased. If such conditions can be implemented I am not unduly concerned over the potential impacts of such a development.

EPU

No objection subject to a condition restricting the hours of use: 08:30 to 20:30 Monday to Saturday not on Sundays or bank holidays.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

THE PRINCIPLE OF THE USE

The National Planning Policy Framework emphasises the role of the planning system in enabling the provision of homes and buildings which are consistent with the principles of sustainable development.

Policy CL1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), states that:

"The Council will ensure that community and social infrastructure is provided in Hillingdon to cater for the needs of the existing community and future populations by:

1. Resisting the loss of community facilities, and where the loss of these facilities is justified it will seek to ensure that resulting development compensates these uses to ensure no net loss."

Policy R11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks justification for the loss of community/health use, which applies to current D1 uses or sites currently vacant and previously in D1 use.

London Plan policies 3.16 and 3.17 reiterate the need to resist the loss of existing health care facilities unless alternative provision of sufficient justification for their loss can be demonstrated. Policy 3.16 states:

"Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for reprovision should be resisted."

Policy 3.17 goes on to say:

"Where local health services are being changed, the Mayor will expect to see replacement services operational before the facilities they replace are closed, unless there is adequate justification for the change."

No evidence of any marketing of the property for its authorised use, including the length of time such marketing may have taken place and the avenues that this took has been provided. It is, therefore, considered that the application has not demonstrated that there is sufficient justification for the loss of this community facility. As such, the proposal results in the loss of a health service use, but fails to provide justification to demonstrate that there is no requirement for the existing facility or that adequate alternative provision is available to meet the foreseeable needs of existing and potential users. The proposal is therefore contrary to Policy CL1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy R11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.16 and 3.17 of the London Plan (2016).

7.02 Density of the proposed development

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application.

7.05 Impact on the green belt

Not relevant to the consideration of this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'

The application seeks retrospective planning permission for the installation of the solar panels on the Southern roof slope. It is considered that the solar panels do not represent an incongruous addition to the property and as such the proposal does not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development protects the amenities of existing dwellings in terms of sunlight, outlook and privacy.

The existing building has not been extended and no additional windows are proposed. As such, the proposal would not result in additional loss of daylight and/or sunlight to adjoining residential properties. Any outlook from the new dwelling would be similar to the outlook from the existing consultation rooms. As such, it is considered to be consistent with Policy BE20 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Policy OE1 states permission will not normally be granted for uses and structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally due to their siting or appearance, the storage or display of items, traffic generation and congestion, and noise and vibration emissions. The application property is located in a residential area in close proximity to residential properties. The use of the property as a doctors surgery would have been previously restricted to Monday to Friday day time hours. Concerns have been raised that the current unauthorised use of the property operates 7 days a week and day time and evening hours. It is considered that the hours of operation could cause a loss of residential amenity to occupants of neighbouring properties by way of noise and disturbance. The Council's EPU Officer has recommended imposing a condition to restrict the hours of operation of the facility. The applicant has agreed to a condition restricting the hours of use to between Monday - Saturday 08.30 - 18.30. If the application were considered acceptable in all other respects, it is considered that it would be reasonable to restrict the hours of operation by condition.

7.09 Living conditions for future occupiers

Not relevant to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway

or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

There is no off-street parking available at the front or rear of the property so any parking will add to the existing parking stress in the locality. There is already significant existing parking stress in the surrounding roads as not all properties have off-street car parking. This section of Harmondsworth Road is the service road part and there are no on-street parking restrictions in place. There are 2 staff offices shown on the plans and in the application form the number of employees is listed as 2 full-time and 1 part-time which should not create significantly greater traffic and parking than the authorised surgery use. The Highways Officer has suggested that a condition limiting the hours of operation would limit the demand for on street parking in peak times (evenings and weekend) and that there should be at least 2 secure covered cycle parking spaces provided on site. The applicant has confirmed agreement to a condition restricting the hours of operation and has provided a revised plan to show the provision of secure cycle storage. As such it is considered that if the application proposal were considered acceptable in principle, conditions could be imposed to ensure that the proposal complied with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

No issues raised.

7.12 Disabled access

No issues raised.

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of this application.

7.14 Trees, landscaping and Ecology

Not relevant to the consideration of this application.

7.15 Sustainable waste management

No issues raised.

7.16 Renewable energy / Sustainability

Not relevant to the consideration of this application.

7.17 Flooding or Drainage Issues

Not relevant to the consideration of this application.

7.18 Noise or Air Quality Issues

The issues are addressed in the section above.

7.19 Comments on Public Consultations

The comments raised within the consultation process are addressed in the sections above.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. In this case officers have no indication that this was an intentional breach of planning control. However, should members agree to the recommendation then the expediency of enforcement action will need to be considered through the provision of an additional report.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in

particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

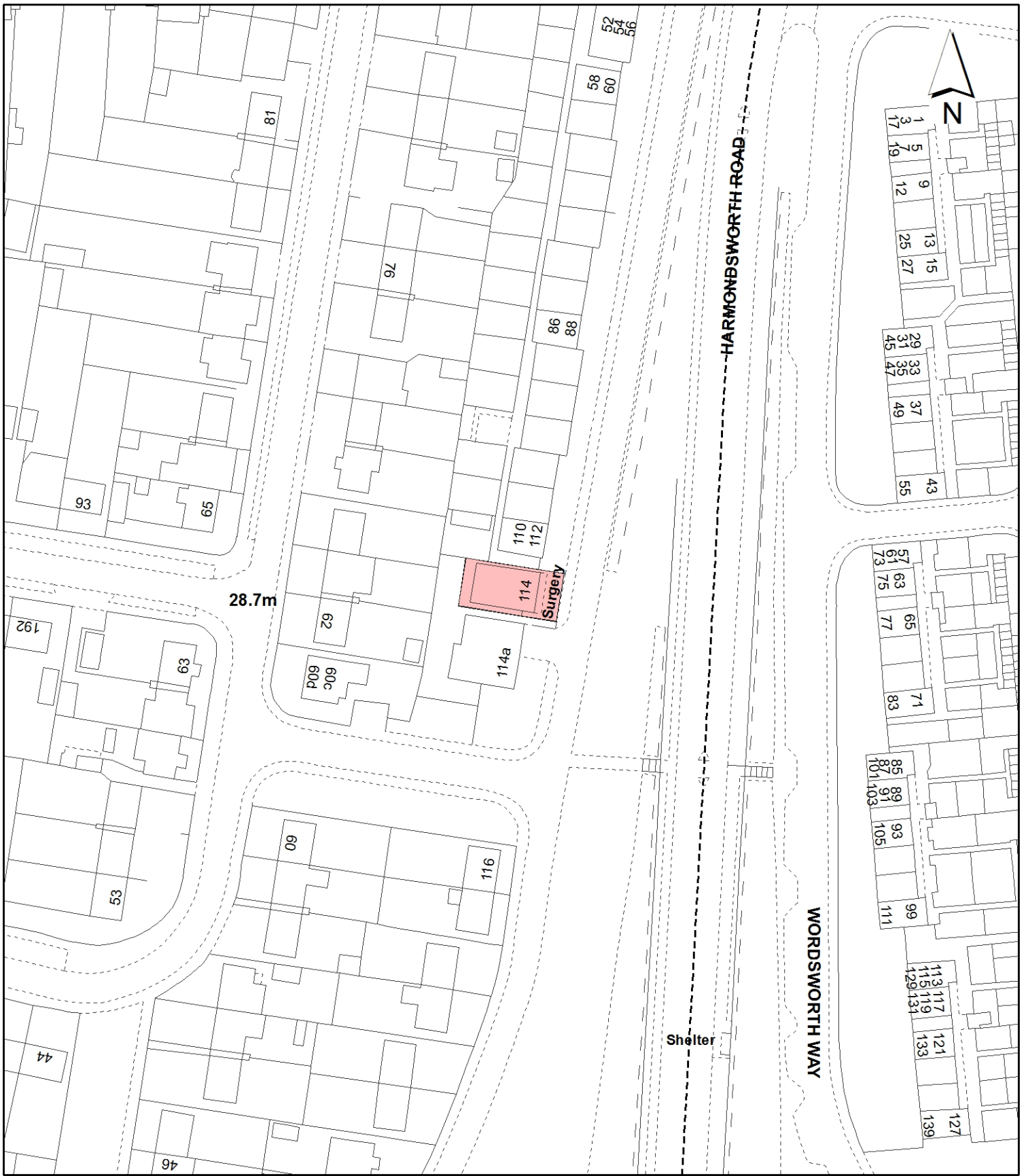
Whilst the proposal would have an acceptable impact upon the character and appearance of the property and street scene and subject to a number of conditions restricting the hours of operation, would not result in a loss of residential amenity to occupants of neighbouring properties or an increased demand for on street parking, concerns are raised about the loss of the health facility. The application does not confirm that the property has been marketed for the same or a similar community use. As such, given the failure to provide justification to demonstrate that there is no requirement for the existing facility or that adequate alternative provision is available to meet the foreseeable needs of existing and potential users, the proposal is considered to result in the unacceptable loss of a health service facility and the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

114 Harmondsworth Road

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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

Planning Application Ref:
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Scale:
1:950

Planning Committee:
Central & South

Date:
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HILLINGDON
 LONDON