

Report of the Head of Planning, Transportation and Regeneration

Address 124A FIELD END ROAD EASTCOTE

Development: Change of use from Use Class A1 (Shops) to Use Class D1 (Non-residential institution) for use as a nursery

LBH Ref Nos: 72371/APP/2016/4200

Drawing Nos: ASB464-01
ASB464-02
ASB464-03
Location Plan

Date Plans Received: 18/11/2016 **Date(s) of Amendment(s):**

Date Application Valid: 12/12/2016

1. **SUMMARY**

The site is located on the West side of Field End Road. Vacant since at least March 2016, the ground floor was last used as a post office, with the use ceasing in March 2016. The main planning issues are considered to be:-

- (1) The principle of development.
- (2) Transport and parking.
- (3) Potential impact on residential amenity.

The site has an authorised use as Class A1 (retail). It was last used as a post office but has been vacant since March 2016, the use having relocated to an alternative premises nearby. The site has been subject of extensive marketing for Class A1 purposes and it has not proved possible to find a suitable occupier. One overriding reason has been the large overall size of the unit compared to the anticipated footfall. It is considered, on balance, that it would be difficult to sustain a refusal based on loss of retail. There is a shortfall of childcare facilities in this part of the Borough and this needs to be balanced against a long term vacancy which does nothing for the vitality and viability of this secondary shopping centre. On balance it is considered that the principle of the proposed use is acceptable.

Impact on local traffic and car parking provision has been subject of extensive discussion with the applicant. The site has a PTAL value of 3 (moderate) meaning that it will be reliant on private vehicles by staff and parents of the children at the proposed nursery. As such it is considered that there is a need to provide off-street car parking so that existing parking stress is not exacerbated. The applicant does not intend to provide off street parking and has submitted a travel plan which includes provision of a mini bus to deliver and take children and parents from the site. However, notwithstanding this, it is considered, on the basis of provided information, that the scheme still requires off-street parking and, in the absence of this is likely to result in additional parking stress. As such , the proposal is considered to be contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The submitted Acoustic report made several recommendations which include both management and physical measures to control noise and disturbance which may

otherwise adversely impact on occupants of residential units above and adjoining the proposed use. These matters could be conditioned if the application was to be approved. Given the various highway and parking concerns the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The application fails to provide an accurate assessment of transportation and parking impacts associated with the proposed development including trip generation, car parking, cycle parking, loading/unloading, refuse provision 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 that it would have acceptable parking provision, refuse and loading & Unloading arrangements contrary to policies AM7, AM9 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 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 (2016). 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.

2 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).

3 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

**

Pt 1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area

Pt 1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards

Pt 1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing

Pt 1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations

	Pt 1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.
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
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.
BE18	Design considerations - pedestrian security and safety
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
NPPF	National Planning Policy Framework
NPPF8	NPPF - Promoting healthy communities
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S8	Change of use of corner shops

4 I71 LBH worked applicant in a positive & proactive (Refusing)

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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

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 is located within Eastcote Town Centre and is on the West side of Field End Road. It comprises a ground floor Class A1 unit with residential over. Formerly a Post Office, it has been closed since March 2016.

The site lies within the Secondary Shopping Area of the Eastcote Town Centre as identified in the policies of the adopted Hillingdon Unitary Development Plan (Saved Policies November 2012). The surrounding shopping frontage has a mix of A-class uses.

3.2 Proposed Scheme

The proposal involves change of use of the ground floor from Use Class A1 (Shops) to Use Class D1 (Non-residential institution) for use as a nursery. It will have a total internal space of 200 square metres and an external play space of approximately 42 square metres. The nursery will be open between 7am and 7 pm (Monday to Fridays) and will operate 4 sessions with an estimated total of 50 children attending over a typical day.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history.

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:

**	Pt 1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area
	Pt 1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards
	Pt 1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing
	Pt 1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations
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S8 Change of use of corner shops

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbours were notified on 15/12/2016 and a site notice was displayed on 19/12/2016.

By the end of the consultation period 12 objections/comments were received raising the following issues -

- (1) Not a suitable location for a nursery.
- (2) Traffic generation and additional car parking will be unacceptable.
- (3) Noise and disturbance for residents as a result of intensity of activity.
- (4) Concern for the safety of children due to proximity of open play area to rear service yard.
- (5) Internal staff and other facilities do not appear to be accurately shown.
- (6) The travel plan includes several inaccuracies.

Officer comments - The planning issues raised are dealt with elsewhere in the report. The travel plan has been subject of discussion between the applicant and Highway Officers. In terms of the internal arrangements the general subdivision of the space is shown on the submitted drawing. The actual day to functioning and operational requirements are matters of detail beyond the scope of this application. However, overall there appears to be sufficient space to accommodate the activities.

Internal Consultees

Highways and Traffic

1. TRICS data. The applicant provided a summary table in the Travel Plan but did not cite the data sources from the TRICS database. I am concerned that for a nursery of 50 children and 12 staff that there are only 12 car trips in the peak hour so I wanted to know what nursery locations (Road, Borough, Number of pupils, PTAL, car parking etc) were used to create this estimate of trip generation to ensure the estimates are robust. That information has not been provided. I am concerned that trips generated by the proposed use could cause delays to traffic in the service road and could generate illegal parking on Field End Road.

2. Mini bus service - the applicant has offered to provide a mini-bus service to pick up and set down children at the site from a 5 mile radius. I am concerned that if the mini-bus service stopped in the service road there would be further delays in an already congested facility. The latest response suggests that the rear access could be used as a place where children can be set down and picked up in a mini-bus and this could be conditioned if other issues were resolved.

3. Off-street parking - the site has a PTAL value of 3 (moderate) so there will be a reliance on private vehicles by staff and parents of the children at the proposed nursery so there is a need to provide off-street car parking so that existing parking stress is not exacerbated.

4. NPPF- we are aware of the NPPF and particularly para 32 but I am not aware of the requirement of an 'LPA to provide evidence to demonstrate that a tangible and very significant highway problem would indeed flow directly from the proposed development.' (as quoted by the applicant) Perhaps the

agent could direct me to the reference where such action is required by the LPA.

5. Victoria Road application - each application is dealt with on its own merits and in the case of the Victoria Road nursery proposal the application for 35-45 pupils had 5 dedicated set-down/pick-up spaces provided. The applicants for this proposal in their response quoted paragraphs of the officer's report on the Victoria Road application but omitted to cite the paragraph above that set out the requirement for 5 set-down spaces for 35-45 pupils.

6. Connectivity - the site has a current PTAL value of 3 (moderate) which is midway between 'very poor' and 'excellent'. It is clear from the level of parking stress in the area close to the site that car use is high and local shoppers rely on cars for trips to local centres. It is likely that parents of pupils at the proposed nursery would require car parking spaces to be available so that they could set down or pick up their children which could take 10 minutes.

The applicant's comments have not provided any further data so I would suggest unless there is further forthcoming information that you refuse this application.

Retail Policy

The proposal would be in contradiction to the 50% threshold outlined in the subtext of the UDP for maintaining Class A1 usage in secondary shopping areas of town centres. We have the following evidence taken from our Town Centre Survey October 2016:

By Frontage: 43.1%

By Units: 45%

Despite this, there will need to be material consideration given to the length of vacancy (which in turn provides nothing for vitality and viability of the town centre) and the need for new childcare provision in this specific part of the borough.

Environmental Protection Unit

Very concerned about the application for a change of use; because the proposed location is not ideal for a nursery due to the likely occurrence of noise disturbance at the entrance as well as the immediate vicinity. A robust noise mitigation measures by the applicant may allay concerns. The applicant has not provided any details for instance floor plans, numbers of children, whether they will be using any outside space, any noise mitigation measures. The only information provided is the hours 7-7 Mon to Sat which are quite long.

Officer comments - the applicant subsequently submitted a noise and general acoustic report . This concluded that it was unlikely that residents would suffer an unacceptable level of noise and disturbance but made several recommendations to respond to concerns. This included management to ensure that children are hastily admitted and discharged to minimise noise of children at the front of the premises, that a new insulated ceiling should be installed below the existing as this will tidy up and cosmetically repair the existing, erection of a new fence around the outside play area at the rear which should be 1.8 m high and measures to control children when running from building to the play area. It is now considered that enough information is provided that a suite of conditions could address noise issues.

Access Officer

As the application appears to be for a straightforward change of use with no apparent physical

alterations to the building, no accessibility improvements could reasonably be required within the remit of planning. However, the following informative should be attached to any grant of planning permission: 1. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from 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. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. Conclusion: no objection is raised from an accessibility perspective.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 8.24 of the adopted Hillingdon Unitary Development Plan (Saved Policies November 2017) defines secondary shopping areas as peripheral to the primary areas in which shopping and service uses are more mixed although Class A1 shops should still be the majority use. Class A1 shops should remain the predominant use in secondary areas and the Local Planning Authority will expect at least 50% of the frontage to be in Class A1 use. The proposal would not comply with this policy as it would remove an existing Class A1 retail use. However, it is material that the unit has been vacant for over two years. The submitted marketing report indicates that unit has been extensively marketed over that period without success. This included advertising on 4 different marketing portals and contacting known potential occupiers. There were viewings by 30 potential occupiers. One potential A1 use made an offer but subsequently withdrew. The overall concern was the size of the unit with none considering they could achieve the necessary footfall.

The former use of the unit was as a Post Office. This has been re-provided within the local area.

On balance, the principle of this proposal is therefore considered to be acceptable and would comply with Policy S6 of the Adopted Hillingdon Unitary Development Plan (Saved Policies November 2012).

7.02 Density of the proposed development

Not applicable.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

The proposals would not materially alter the external appearance of the building and therefore no issues arise.

7.08 Impact on neighbours

There are residential occupiers above the shops. Whilst an acoustic report was submitted which indicates that it is unlikely that the development will result in undue noise and disturbance, the report also indicates a requirement for additional measures to be put in place to ensure residents will not suffer loss of amenity. These would suggest the need for a management plan and / or conditions to control these matters. The applicant did not make amendments as a result of these recommendations or submit a management plan. In view of the recommendation to refuse it is considered that it has not been demonstrated that the development has achieved an acceptable level of amenity for residents and an

additional reason for refusal is recommended.

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site has a PTAL value of 3 (moderate) meaning that there will be a reliance on private vehicles by staff and parents of the children at the proposed nursery. As such there is a need to provide off-street car parking so that existing parking stress is not exacerbated. In the absence of this and notwithstanding the submitted traffic management plan and other submitted data, the proposal is contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). As part of a travel plan the applicant is proposing a mini-bus to bring children and parents to the site. If Members were minded to approve the proposal this matter would need to be conditioned or agreed, so as to ensure the drop off is from the service road in order to avoid conflict with other users of the on street parking to the front.

(see full Highways comments above).

7.11 Urban design, access and security

The only external changes are to the rear where an open play area would be provided. It is indicated that this would be fenced. Overall the changes are modest and as children are involved, security measures are paramount. The children will be subject to close supervision by staff. The proposed fencing of the open play area will add to security. No significant issues are considered to arise.

7.12 Disabled access

The Access Officer has no objections. (see internal consultation responses)

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, Landscaping and Ecology

Not applicable.

7.15 Sustainable waste management

Not applicable

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Not applicable.

7.18 Noise or Air Quality Issues

The proposal would give rise to noise issues, however, subject to conditions such as a management plan and noise insulation measures together with the Town centre location, it is not considered a noise reason for refusal could be substantiated at appeal.

7.19 Comments on Public Consultations

See summary above. The matters raised have been considered throughout the report.

7.20 Planning Obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

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

None

10. CONCLUSION

The site is located on the West side of Field End Road. Vacant since at least March 2016, the ground floor was last used as a post office, with the use ceasing in March 2016.

It is considered, on balance, that it would be difficult to sustain a refusal based on loss of retail. There is a shortfall of childcare facilities in this part of the Borough and this needs to be balanced against a long term vacancy which does nothing for the vitality and viability of this secondary shopping centre. On balance it is considered that the principle of the proposed use is acceptable.

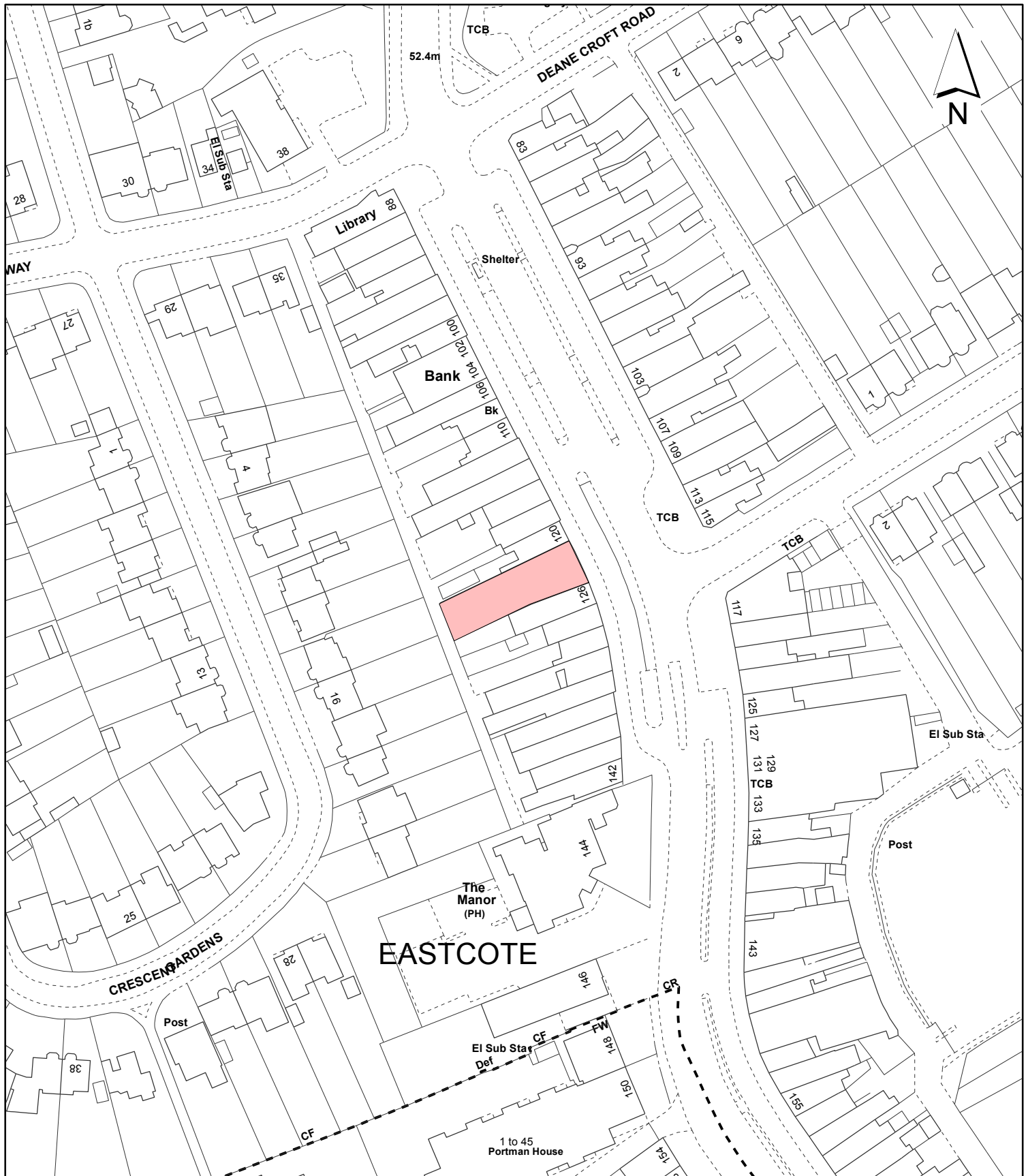
The applicant does not intend to provide off street parking and has submitted a travel plan which includes provision of a mini bus to deliver and take children and parents from the site. However, notwithstanding this, it is considered, on the basis of provided information, that the scheme still requires off-street parking and, in the absence of this is likely to result in additional parking stress. As such, the proposal is considered to be contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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)
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

**124A Field End Road
 Eastcote**

**LONDON BOROUGH
 OF HILLINGDON**
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 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
72371/APP/2016/4200

Scale:
1:1,250

Planning Committee:
North

Date:
**September
 2018**



HILLINGDON
 LONDON