

Report of the Head of Planning, Transportation and Regeneration

Address 15 AND 16 WELBECK COURT WELBECK AVENUE HAYES

Development: Change of use from office (Use Class B1a) to education centre (Use Class D1)

LBH Ref Nos: 62373/APP/2019/575

Drawing Nos: 101 Rev. P1
1048/101 Rev. P1
1048/103 Rev. P1
1048/103 Rev. P1
Planning Statement

Date Plans Received: 15/02/2019 **Date(s) of Amendment(s):**

Date Application Valid: 07/03/2019

1. SUMMARY

The application seeks planning permission for a change of use from office (Use Class B1a) to education centre (Use Class D1). Whilst there is no objection to the principle of the change of use, the applicant has failed to adequately address the impact of the proposed change of use upon highways safety. The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

In the absence of a Transport Statement, the proposal has not demonstrated that sufficient off street parking/manoeuvring/access or servicing arrangements would be provided. In addition the application fails to demonstrate that the proposal would not result in an unacceptable rise in traffic in and around the application site. It is, therefore considered that the proposal would be detrimental to highway and pedestrian safety contrary to policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

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

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE5	New development within areas of special local character
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
R10	Proposals for new meeting halls and buildings for education, social, community and health services
LPP 3.18	(2016) Education Facilities

3 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.

4 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises two vacant units in Welbeck Court, a local shopping parade. The subject units are on the northern end of the parade. The units were last used as a Metropolitan Police Safer Community Office. The parade is three-storey and all units have two-storeys of residential above. The parade sits in the centre of a long terrace of

properties with two-storey dwellings to either side. The site immediately adjoins No. 23 Welbeck Court, a terraced two-storey dwelling which is separated from the parade by a substantial brick wall to the front. There is a canopy over the front of the parade.

3.2 Proposed Scheme

The application seeks planning permission for a change of use from office (Use Class B1a) to education centre (Use Class D1).

The applicant has advised that the centre would employ the equivalent of 5 full time persons and the centre would operate the following working hours:

Monday to Friday 9am - 8pm
Saturday 9am-8pm
Sundays - 9am-5pm

Ward Councillor requests that the application is reported to committee for consideration.

3.3 Relevant Planning History

62373/ADV/2008/61 15 And 16 Welbeck Court Welbeck Avenue Hayes

INSTALLATION OF INTERNALLY ILLUMINATED IDENTITY SIGN ON NEW FASCIA BOARD, L.E.D. STRIP LIGHT, VINYL STICKER DOOR SIGN, AND LCD INFORMATION SCREEN INSIDE WINDOW.

Decision: 23-06-2008 Approved

62373/APP/2006/2967 15 And 16 Welbeck Court Welbeck Avenue Hayes

CHANGE OF USE FROM CLASS A1/A3 TO CLASS B1(a) (GENERAL OFFICE - METROPOLITAN POLICE SAFER NEIGHBOURHOOD UNIT). ALTERATION TO REAR ELEVATION AND INSTALLATION OF NEW SHOPFRONT WITH EXTERNALLY MOUNTED PERFORATED ROLLER SHUTTERS AND 10 BIKE LOCKERS IN THE REAR YARD.

Decision: 30-03-2007 Approved

62373/APP/2007/828 15 And 16 Welbeck Court Welbeck Avenue Hayes

DETAILS OF PARKING ARRANGEMENTS AND MATERIALS IN COMPLIANCE WITH CONDITIONS 5 AND 7 OF PLANNING PERMISSION REF. 62373/APP/2006/2967 DATED 30/03/2007: CHANGE OF USE FROM CLASS A1/A3 TO CLASS B1(a) (GENERAL OFFICE - METROPOLITAN POLICE SAFER NEIGHBOURHOOD UNIT). ALTERATION TO REAR ELEVATION AND INSTALLATION OF NEW SHOPFRONT WITH EXTERNALLY MOUNTED PERFORATED ROLLER SHUTTERS AND 10 BIKE LOCKERS IN THE REAR YARD.

Decision: 30-07-2007 Approved

62373/APP/2008/2869 15 And 16 Welbeck Court Welbeck Avenue Hayes

Details in compliance with conditions 2 and 3 (disabled access) and 7 (materials) of planning permission ref.62373/APP/2006/2967 dated 30/03/2007: Change of use from Class A1/A3 to Class B1(a) (General Office - Metropolitan Police Safer Neighbourhood Unit), alteration to rear elevation and installation of new shopfront with externally mounted perforated roller shutters and 10 bike lockers in the rear yard.

Decision: 14-10-2011 Approved

Comment on Relevant Planning History

Planning permission was granted in 2007 under reference 62373/APP/2006/2967 for the change of use from A1/A3 to B1(a) (General office Metropolitan Police Safer Community Office).

The units have been vacant for a number of years.

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.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE5 New development within areas of special local character

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.

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

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

OE5 Siting of noise-sensitive developments

R10 Proposals for new meeting halls and buildings for education, social, community and health services

LPP 3.18 (2016) Education Facilities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd April 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

4 neighbouring properties were consulted by letter dated 11.3.19 and a site notice was displayed to

Central & South Planning Committee - 4th June 2019

PART 1 - MEMBERS, PUBLIC & PRESS

the front of the site which expired on 3.4.19.

Hayes Conservation Area Advisory Panel:

We have no objection in principle to a change of use but have some reservations about the implementation of this proposal. Car parking in the area is limited. The room plans show places for around 25 students, with staff in addition. Are the two small external doors adequate for speedy evacuation in an emergency? The plans indicate the windows (with exception of a small window to a store room at the rear) are all on the front elevation meaning that there will be little natural light in the middle and rear of this property.

Internal Consultees

Highways Officer:

The application proposes a change of use of an existing office premises (Use Class B1a) to an educational facility (Use Class D1).

There appears to be somewhat limited information provided alongside the submissions. As per the currently adopted Unitary Development Plan (UDP) and the soon to be adopted Local Plan- Part 2, it is suggested that this scheme be submitted alongside a Transport Statement in order to highlight and justify any impacts along the network.

No information pertaining to the number of pupils, age range, class operating hours and type of educational facility has been provided. I would therefore request that this information be made available.

Until, such a time where I am receipt of this information, I will withhold my final comments.

Highways Officers revised comments: The additional supporting information does not provide sufficient detail to assess the impact of the proposed change of use on the highway network.

EPU - No response received.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012) where there is no objection in principle to a change of use subject to compliance with other policies in the Development 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

The site is within the Barnhill Estate Area of Special Local Character, however there are no proposed external alterations to the building and thus there would be no impact on the character and appearance of the Area of Special Local Character.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to 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 all new development to maintain the quality of the built environment including providing high quality urban design. Local Plan Policy BE13 states that development will not

be permitted if the layout and appearance fail to harmonise with the existing street scene or other features in the area which the Local Planning Authority considers it desirable to retain or enhance.

There are no proposed external alterations to the building.

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.

There are residential properties both above and to the side of the units. It is estimated that up to approximately thirty 30 students could be present on site at any one time with the equivalent of 5 staff. The planning application form indicates that the facility would operate up to 8pm six days a week and 5pm on Sundays. In response to concerns raised about the level of noise generated by the proposed use, the applicant has advised that an Eye Level Centre serves the sole purpose of allowing our students to study Eye Level programmes independently in a library-style layout and atmosphere. Students receive 1:1 instruction and then work independently for the rest of the session from desks with distraction barriers. The distraction barriers help students to focus without getting distracted by other students entering/leaving the classroom.

The main room study areas will not be directly adjacent to the residential property, which will further reduce the risk of noise disturbance to surrounding residential property. The shower room will cease to be in use, and the main toilet in use will be towards the rear of the property.

Since there is no waiting area for adults, this will further reduce the risk of noise disturbance to local residents - instructors can consult with parents online.

It is considered on balance, that the applicant has demonstrated that the proposed use of the property will not result in an unacceptable loss of amenity to occupants of neighbouring properties. In the event of an approval It is considered reasonable to impose a condition restricting opening/operating hours to ensure that the proposal does not result in an unacceptable loss of amenity to neighbouring occupiers by way of noise and disturbance. The application is considered acceptable in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to 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 Local Plan (Part Two) specifies that new development will only be permitted where it is in accordance with the Council's adopted car parking standards.

The site is located in an area with a public transport accessibility level (PTAL) of 1, which is considered to be very poor, and thus it is likely that students/staff will come to/leave from the site by means of private vehicles. The site does not benefit from off street parking and

the site visit indicated that Welbeck Avenue and the roads opposite suffer from some level of parking stress, as many of the properties on the estate also do not benefit from off street parking.

The application is not supported by a Transport Statement detailing the number of students/customers expected and their modes of travel to the proposed educational use. Consideration is also required in relation to the on-street and off-street car parking demand and capacity throughout the day to demonstrate that the proposals will not adversely impact on local highway conditions. The additional information submitted by the applicant throughout the course of the application is not considered sufficiently detailed or a robust assessment. The application has not therefore demonstrated that either sufficient parking for vehicles associated with the use would be provided or sufficient manoeuvring and access arrangements for service delivery vehicles. In addition the application fails to demonstrate that the proposal would not result in an unacceptable rise in traffic in and around the application site. It is considered that the proposal would be detrimental to highway and pedestrian safety contrary to policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) and to the Hillingdon's Adopted Parking Standards.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility issues are raised.

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

It is considered reasonable to impose a condition to secure details of waste management.

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

The issues are addressed in the sections above.

7.19 Comments on Public Consultations

The issues raised by consultation are addressed in the sections above.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

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

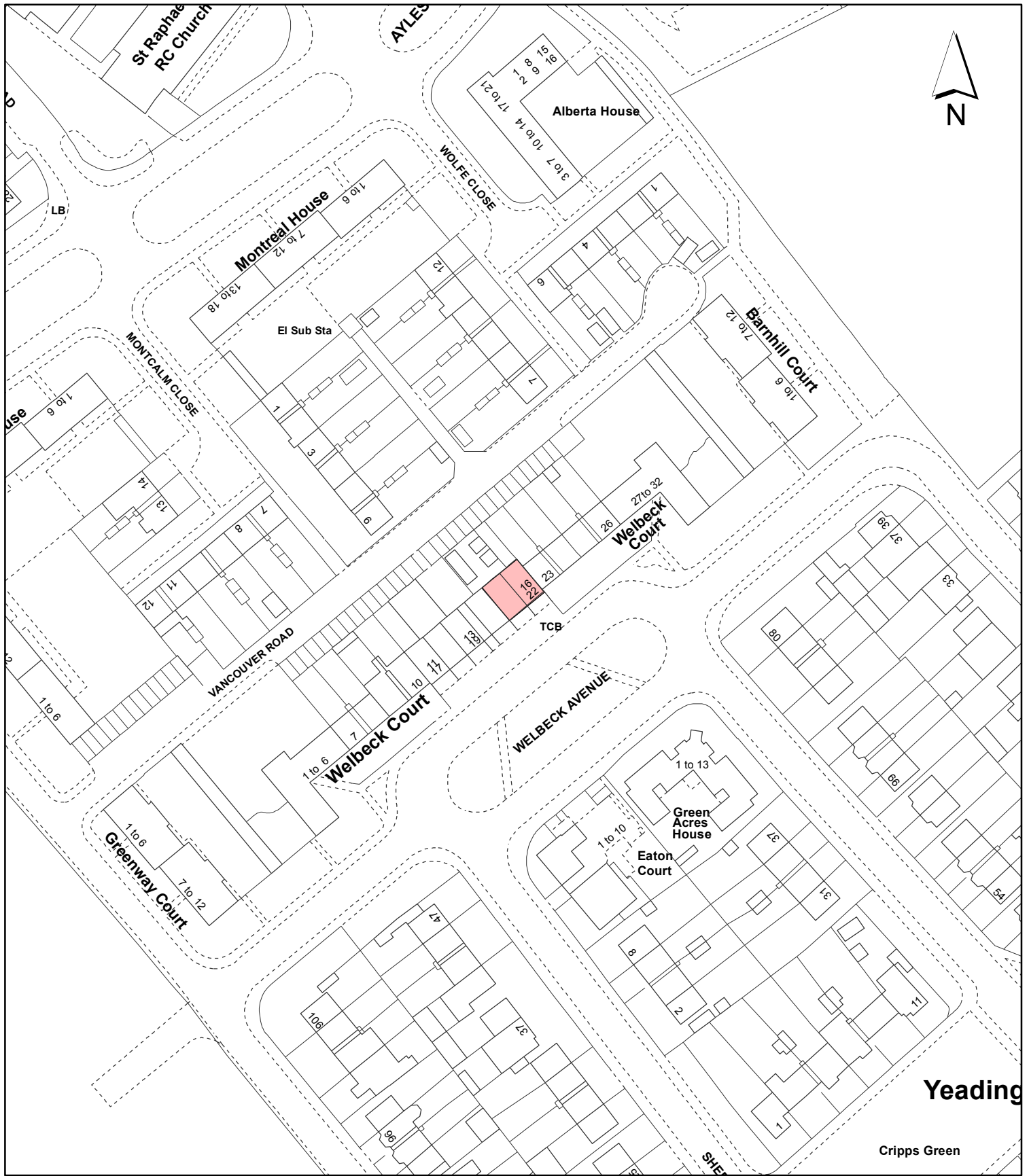
The application seeks planning permission for a change of use from office (Use Class B1a) to education centre (Use Class D1). Whilst there is no objection to the principle of the change of use, the applicant has failed to adequately address the impact of the proposed change of use upon highways safety. The application is therefore 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)
London Plan (2016)
NPPF (2018)

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Notes:

 Site boundary

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Site Address:

**15 and 16 Welbeck Court
 Welbeck Avenue
 Hayes**

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

Planning Application Ref:

62373/APP/2019/575

Scale:

1:1,250

Planning Committee:

Central & South

Date:

June 2019



HILLINGDON
 LONDON