

Report of the Head of Planning and Enforcement Services

- Address:** LONDON BOROUGH OF EALING
SHREE KUCH LEVA PATEL COMMUNITY CENTRE,
INDIA GARDENS, WEST END ROAD, NORTHOLT
- Development:** Use of existing community facility building as a mixed use comprising indoor market/community facility for a temporary period expiring April 2011 (Amended Description) at SKLPC Community Centre and Sports Ground, India Gardens, Northolt. (Consultation by Ealing Council)
- LBH Ref Nos:** 39704/APP/2010/2599
- Drawing Nos:** Site Plan showing proposed car parking and traffic flows arrangement.
- Date of receipt:** 11/11/2010:

SUMMARY

Ealing Council seeks comments from this Council on a planning application for the use of an existing community facility building as a mixed use comprising indoor market/community facility for a temporary period expiry April 2011. As this report relates to the request from the London Borough of Ealing for observations and comments in relation to the planning application it has received, the issue for consideration by the North Planning Committee is the impact of the proposed development on the London Borough of Hillingdon (rather than the determination of the application itself). The use of the site for mixed use comprising indoor market/community facility is considered contrary to policies AM2 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

RECOMMENDATION:

That the London Borough of Ealing be informed that the London Borough of Hillingdon raises an objection to the proposed scheme on the following two grounds:

- 1) The applicant has failed to submit adequate information to demonstrate that acceptable traffic management measures would be in place to manage the safe and free flow of vehicular traffic as it enters and exits from the site and whether the traffic associated with the development will cause congestion on the adjoining highway network. The development is therefore considered likely to be detrimental to highway safety and is contrary to Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).**

- 2) **The proposal would result in a materially greater impact and an unacceptable intensification of use (than the existing authorised uses) of the site and as such is inappropriate development in the Green Belt for which no case of very special circumstances has been demonstrated. The proposal is therefore considered to be contrary to Policy OL1 of the Hillingdon Unitary Development Plan Saved Policies September 2007, London Plan Policy 3D.9 (Consolidate with Alterations since 2004), and Planning Policy Guidance 2: Green Belts.**

Site and locality

The application site is an approximately 2 hectare site located on a corner of land bounded by West End Road on its eastern boundary and the slip road off the A40 trunk road serving the Polish War Memorial roundabout on its northern boundary. Vehicular access to the site is off West End Road approximately 11 metres from the Polish War Memorial roundabout. The northern, western, and southern boundaries of the site all form the legislative boundary between the London Borough of Ealing and the London Borough of Hillingdon. To the south of the site is Harvey Road a residential street located within the Borough of Hillingdon. Harvey Road is a cul de sac entered from West Road at a junction approximately 400 metres south of the Polish War Memorial roundabout. There is no vehicular or pedestrian access from Harvey Road onto the application site. On the west side of West End Road, within the London Borough of Hillingdon and opposite the site is the C& L Country Club and a 9 hole golf course both located in the Green Belt

The application site form parts of the SKLPC Sports Ground and Community Centre, the main playing fields also under the ownership of the applicant and which form part of the complex, are on land adjacent to the site to the east but are not within the red line. Beyond these playing fields to the east of the whole site is the Lime Tree Golf Course. The site consists of a series of buildings used in respect of the sport facilities including a clubhouse, two large spaces that serve as special event and function spaces to the sports club and community centre, a bowling green and 2 tennis courts that appear to have fallen into disuse. The site is occupied by large areas of tarmac and other forms of hard-standing that are used as car parking in connection with events on the site. A residential bungalow and associated outbuildings that appear to pre-date the sports club and would have once served as a farm are located on the site in close proximity to the southern site boundary with Harvey Road.

Scheme

The documentation forming the planning application lodged with Ealing Council is very limited and provides no fuller written description of the proposed scheme than is contained within the application description, namely for the use of an existing community facility building as a mixed use comprising indoor market/community facility for a temporary period expiry April 2011 and the sought hours of operation are 7:00 to 13:00 hours Saturdays, Sundays and Bank Holidays.

No new buildings or other alterations to the buildings on the site are proposed as part of the application.

A site plan accompanies the application that shows a one way traffic arrangement will be set up to manage the traffic on the day of indoor market/community events. The site plan shows a new vehicular exit would need to be created to enable the proposed one way traffic flow into, through, and exit from the site. This new entrance would exit onto the existing small feeder road to the site and accordingly would share the current existing junction arrangement with West End Road itself but the vehicular exit from the site would be located approximately 30 metres south of the current main vehicular gates to the site after traffic flowed along a track on the site running adjacent and parallel with the western site boundary.

Planning History

The site has not had any recent previous planning application history that is of relevance to the consideration of the current application.

It is understood from a conversation with the case officer dealing with this current application for Ealing Council that consideration is being given by a would be applicant for a future distinct planning application for the site. This proposal would be for use of the site for outdoor car boot sales, utilising the existing longstanding informal parking areas serving the existing sports and community centre function.

Planning Policies and Standards

The following policies of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are considered to be relevant:

- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL4 Green Belt - replacement or extension of buildings
- AM7 Consideration of traffic generated by proposed developments.
- OE1 Protection of the character and amenities of surrounding properties in the area

The following documents are also relevant:

- Hillingdon Unitary Development Plan Saved Policies (September 2007)
- London Plan (Consolidate with Alterations since 2004)
- Planning Policy Statement 1 (Delivering Sustainable Development)
- Planning Policy Guidance 2 (Green Belts)
- Planning Policy Guidance Note 13 (Transport)

CONSULTATIONS

External consultees:

The duty lies with the London Borough of Ealing to advertise the proposal and notify third parties and statutory consultees so there is no requirement for this Council to publicise this proposal. Ealing Council have consulted all the owners/occupants of the residential properties in Harvey Road, the road adjoining the southern side of the site and located within this borough. Comments received by residents of Harvey Road will be considered by Ealing in the course of determination of the planning application.

Internal consultees:

Highway Engineer: Object.

There are concerns regarding the traffic impact of the proposal on the already saturated highway network including the Polish War Memorial roundabout, and particularly in relation to the intensification of use of the access which lies in close proximity to the roundabout.

No Transport Assessment or statement has been provided addressing these concerns and as such objections are raised on highway grounds.

TFL should be consulted over the potential implication to the strategic road network which is managed London wide.

Principal Planning Considerations

Given that the application is a consultation proposal, the main issue for consideration is the impact on the London Borough of Hillingdon of the development, rather than a determination of the application itself. Matters of (i) the principle of the mixed uses proposed, (ii) the impact upon the open character and setting of the Green Belt (iii) whether the scheme would represent a significant intensification of the use of the site within the context of the Green Belt, (iv) whether it would encourage the use of private motor car contributing to increased congestion and pollution to the detriment of the area, (v) noise and disturbance are issues for London Borough of Ealing to consider, as part of its determination of the application. In this regard, the main planning issues for London Borough of Hillingdon are:

- (i) Whether the proposal would have a detrimental impact on the operation of the public highway within the London Borough of Hillingdon and the related matter whether the traffic implications will have an adverse impact on the amenity of the residents of this borough who live in the road adjoining the site to the south.
- (ii) The failure of the applicant to provide evidence to quantify the degree to which the proposal represents an intensification of use of the site and provide an exception to support an intensification of use within Green Belt .

- (iii) The potential visual amenity impact of the scheme from Harvey Road and West End Road.

Traffic Concerns

Policy AM7 of the Hillingdon Unitary Development Plan does not allow development that would unacceptably increase demand along roads or through junctions that are already used to capacity.

The vehicular access to the site off West End Road is approximately 10 metres to the south of the A4180 entrance/exit to the Polish War Memorial roundabout with the A40 Trunk road. The Polish War Memorial Junction with the A40 experiences congestion at peak periods. Transport for London can confirm whether congestion is also experienced at this road junction over the weekend.

The events related with this proposed mixed operation may lead to a conflict as cars coming to and from the events conflict with the flow of traffic along this section of A4180 and with the traffic entering and existing Polish War Memorial.

As the Highway Engineer's comments state without the provision of a Transport Assessment or Transport Statement and without further details of the new vehicular exit from the site it is not possible to assess whether the scheme would result in significant additional traffic congestion and may risk traffic queuing from the roundabout and the exit entrances from the A40 itself in both directions.

In conclusion in the absence of a Transport Assessment or Transport Statement and details of the new vehicular exit from the site it is considered the scheme raises serious issues over flow and management of traffic to and from the site during the time of events and may lead to potential traffic congestion on the already saturated highway network including the Polish War Memorial roundabout contrary to Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Provision of exceptions case for a proposed intensification of use within the Green Belt.

UDP policy OL1 defines the types of development considered acceptable within the Green Belt. These are predominantly open land uses including agriculture, horticulture, forestry, nature conservation, open air recreational activities and cemeteries. This is reiterated in Planning Policy Guidance 2: Green Belts (PPG2) and in London Plan policies. The site has an on-going history as an open air sports and recreational use and as a venue for community events. The proposal for mixed use of the community building comprising of an indoor market use and community facility use for a period running until April 2011 represents an intensification in the use of the site.

The combined mix of uses do not taken together fall within the uses listed in Policy OL1, or Planning Policy Guidance 2 (PPG2) as exceptions to restrictions on development in the Green Belt. No special circumstances case has been provided by the applicant to justify granting planning permission. No details of the management of the site for these mixed use events has been provided, or any assessment of the scale of intensification the scheme would represent measured in terms of visitor numbers/car movements for the community events and for the indoor

market use. Having regard to PPG2, it is considered that insufficient details has been provided to assess the measures necessary to mitigate the adverse impact that the proposed intensification of these inappropriate uses would have in the Green Belt. The proposal is therefore considered contrary to Policy OL1 of the Hillingdon Unitary Development Plan Saved Policies September 2007, The London Plan (amended 2004), and Planning Policy Guidance 2.

Visual Amenity Impact

In regard to the visual amenity impact of the proposal as viewed from this Borough it is not considered the scheme will have any adverse impact. It would involve no new buildings on the site and the scheme would not impact upon the extensive screening provided by evergreen trees along the site boundary to West End Road.

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 of 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 those rights protected under these articles 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.

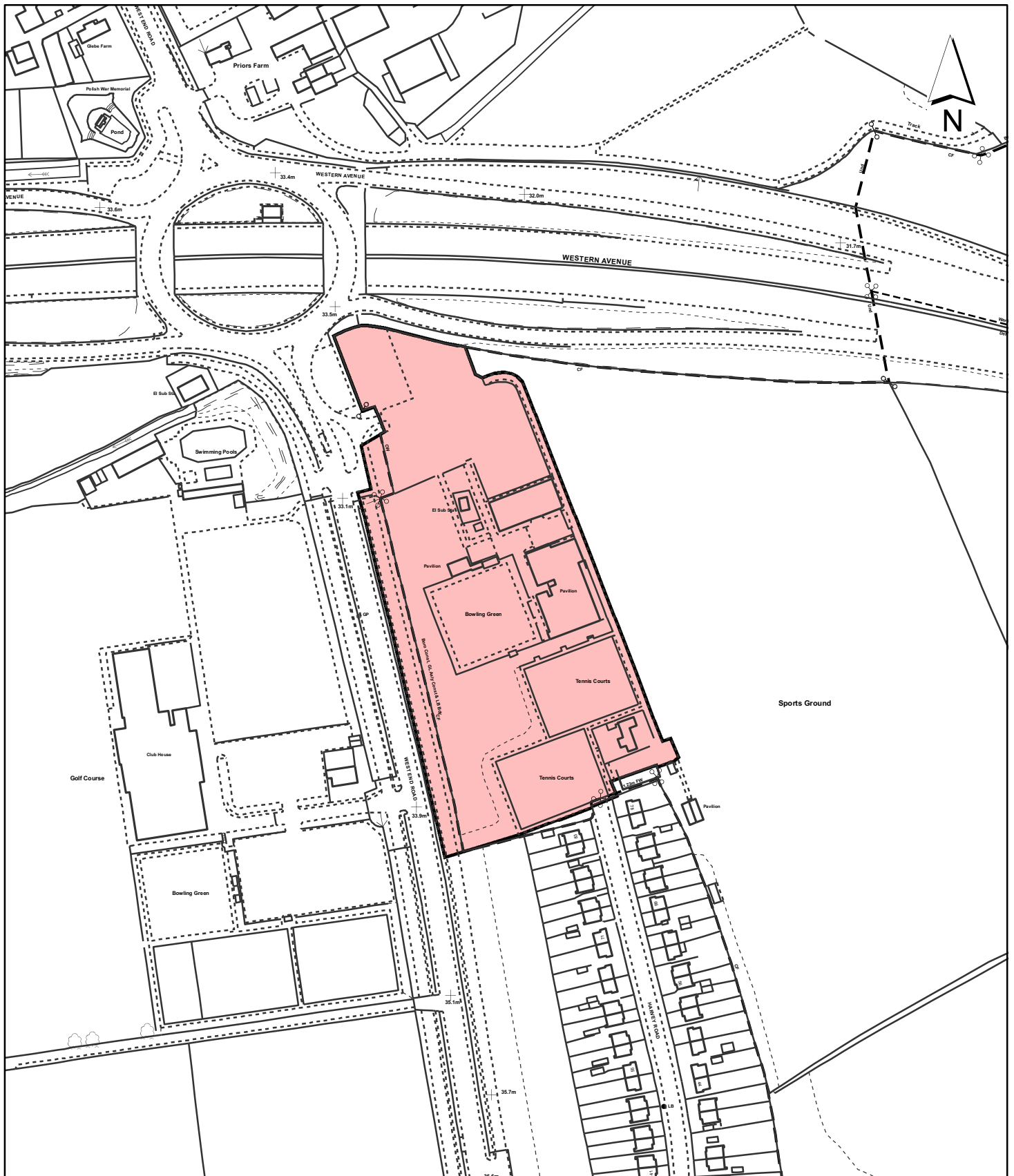
Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

CONCLUSION


There is minimal information in support of the application and it fails to provide a transport assessment to demonstrate the scheme would not result in highway safety issues or traffic congestion on the surrounding road network. The proposed uses of the community facility buildings would represent an intensification in the uses of the site. The applicant has failed to provide any justification for the scheme in the context of its Green Belt location. The uses do not fall within acceptable uses within Green Belt as laid out in Planning Policy Guidance 2: Green Belts (PPG2) and in London Plan policies. Based on these two grounds it is advised the London Borough of Hillingdon object to the scheme for the reasons laid out within the recommendation section of this report.

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Notes

 Site boundary

For identification purposes only.

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Site Address	
London Borough of Ealing (SKLPC Community Centre and Sports Ground, India Gardens, Northolt)	
Planning Application Ref:	Scale
39704/APP/2010/2599	1:2,500
Planning Committee	Date
North	December 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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