



Appeal Decision

Site visit made on 15 October 2012

by Anthony Lyman BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2012

Appeal Ref: APP/R5510/A/12/2176941

CAMS College, 7 Nestles Avenue, Hayes, UB3 4SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Jatinder Kaur against the Council of the London Borough of Hillingdon.
 - The application Ref 49059/APP/2011/2790 is dated 15 November 2011.
 - The development proposed is a change of use from B8 (storage and distribution) to Class D1 (non-residential institution) for use as an educational college.
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Procedural Matter

1. Part of the building is already in use as an educational college and the application has been made retrospectively in respect of that change of use.
2. On 8 November 2012 the Council adopted the Hillingdon Local Plan Part 1: Strategic Policies. The London Borough of Hillingdon Unitary Development Plan Policies referred to in this Decision, are identified as retained in Appendix 5 of the new Local Plan document.

Decision

3. The appeal is allowed and planning permission is granted for a change of use from B8 (storage and distribution) to Class D1 (non-residential institution) for use as an educational college at 7 Nestles Avenue, Hayes, UB3 4SA in accordance with the terms of the application, Ref 49059/APP/2011/2790 dated 15 November 2011, subject to the conditions set out in the attached schedule.

Main Issues

4. The main issues are, i) whether the change of use would be appropriate having regard to local planning policies which seek to protect employment land, ii) the effect of the proposal on the safety of users of the highway with regard to potential traffic congestion.

Reasons

Employment land

5. The appeal property comprises a warehouse (Use Class B8) with an associated office building within the Nestles Avenue/Bulls Bridge Industrial and Business Area (IBA) as designated in the London Borough of Hillingdon Unitary Development Plan (UDP). The area also forms part of the Hayes Industrial

Area Preferred Industrial Location within The London Plan. The proposal is to use the building as an educational college delivering courses in, amongst other things, accountancy and management studies. Although part of the premises has already been converted for college purposes, the proposed change of use would also include the conversion of an area of vacant storage space.

6. Policy LE2 of the UDP restricts the use of land and buildings within the IBA to business, industrial and warehousing (Use Classes B1-B8) and appropriate sui generis uses. Other activities are not permitted unless a number of criteria are satisfied, including that there is no realistic prospect of the land being used for the permitted purposes in the future, and the proposed alternative use does not conflict with the policies and objectives of the UDP. The Mayor of London's Supplementary Planning Guidance (SPG) – *Industrial Capacity* contains similar provisions.
7. The appellant argues that the buildings had been vacant since 2005/6, and has submitted letters from the estate agents confirming the lack of interest in the property for its authorised use. Part of the problem is said to be the size of the associated office building in relation to the available warehouse space. Given the configuration of the buildings and the length of time that the site had been vacant and marketed without apparent interest, I am satisfied that the issues set out in the supporting text to Policy LE2 would be met by the proposal.
8. Concern has also been raised by the Council that the use of the property as an educational college might jeopardise the ability of the IBA to function effectively by *neutralising existing industrial uses within the estate*. However, the 1920/30s style office building, which has some architectural merit, faces extensive housing development immediately on the opposite side of the road, which would in any case, limit the type of industrial activity which would be acceptable on the appeal site in such close proximity. Furthermore, the use of the appeal buildings for the proposed use would act as a transition buffer between the housing area and the more extensive industrial area beyond. No evidence has been presented that the existing industrial uses in the immediate vicinity of the appeal property have been hindered by the existing use of part of the building as an educational establishment.
9. One of the objectives of Policy LE2 and the SPG is to retain land for employment purposes. However, I note the appellant's argument that the college, with 15 full time and 31 part time jobs, would provide greater employment opportunities for the available floor space than the average in the surrounding IBA. Therefore, given the specific circumstances of this case, I conclude that the use of the buildings for an educational college would satisfy the exception criteria set out in Policy LE2 and the SPG and that the overall objective of the policy and the SPG would not be compromised.

Highway Safety

10. The college is said to have a total student enrolment of over 450 pupils, although through timetabling and course scheduling the appellant says that there would be no more than about half this total on site at any one time. The site is well located close to public transport services and a Transport Statement submitted by the appellant indicates that a high proportion of students would access the site either by walking or by public transport. The assessment concludes that the traffic generated by the college would not have an adverse impact on the local road network. The Council's highway engineer confirms

that subject to the implementation of the submitted Travel Plan and restricting the number of students and staff at the college by conditions, there are no objections to the proposal on highway safety grounds. I have no good reason to disagree with that conclusion. The Council argue that the ratio of car owning students could change in the future resulting in an increase in demand for on-street parking. However, I noted on my site visit that parking on significant lengths of the nearby roads is already controlled by yellow lines. The development would not prejudice the free flow of traffic or highway safety and would accord with the objectives of Policy AM7 of the UDP.

Conditions

11. The Council have suggested a list of twenty two conditions. I will consider them with reference to Circular 11/95 – *The Use of Conditions in Planning Permissions*. In addition to the conditions referred to above, it is necessary that the development shall be undertaken in accordance with the approved plans for the avoidance of doubt. In order to protect the amenities of surrounding residents, conditions will be imposed, restricting the use to that of an educational college within Class D1; controlling the storage and collection of refuse; and restricting the hours of operation of the college and of deliveries to and from the site.
12. In the interests of highway safety details of cycle storage and car parking provision, including parking for the disabled, will also be required by condition. Details of measures to minimise the risk of crime to ensure a safe and secure environment will also be necessary. In the interests of sustainability, a condition will be imposed requiring the submission of a scheme to promote energy efficiency and the use of renewable energy on the site. A scheme for insulating the property from the noise of adjoining uses to protect the amenity of occupants of the building will also be required. To preserve the character and appearance of the area a landscaping condition will be imposed.
13. I do not consider it necessary to impose the suggested condition requiring a management plan for the site, as many of the items suggested for inclusion in such a plan will be covered by other conditions. The suggested condition restricting the amount of noise from plant and machinery within the building also does not seem appropriate or reasonable for an educational college and in any case is controlled by other legislation. Given the surrounding backdrop of the existing industrial landscape the suggested condition restricting roof antennae also would be unreasonable as it has not been shown to be necessary. The provision of adequate access to the building for people with disabilities is covered by other regulations.

Conclusions

14. The re-use of the property will help to maintain the positive contribution that the office building makes to the street scene. The development will create new employment opportunities and wealth in the local economy which will offset the loss of the land for industrial and warehouse use. The proposal accords with the objectives of the National Planning Policy Framework which amongst other things, advocates that significant weight should be placed on supporting sustainable economic growth, and that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site or buildings being used for that purpose should be avoided.

15. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is allowed, subject to the conditions imposed.

Anthony Lyman

INSPECTOR

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AB:001; AB-004 Revision A; AB-005.
- 3) The total number of students enrolled at the college shall not exceed 500 and no more than 300 students shall be in attendance at the site at any one time. The total number of staff shall not exceed 35 full-time equivalents. An up to date copy of the student and staff roll shall be maintained on site and shall be made available to view by officers of the Council on request.
- 4) The development shall be implemented in complete accordance with the measures, initiatives and timetable set out in the approved Travel Plan dated November 2011.
- 5) The premises shall be used for a higher educational college and for no other purpose, including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order).
- 6) Within three months of the date of this permission, a scheme for the collection of litter, the on-site storage of refuse (including any open air storage) together with details regarding method and times for collection and disposal and an implementation timetable shall be submitted for approval in writing by the local planning authority. The scheme and all works which form part of it shall be implemented in accordance with the approved details and timetable and thereafter retained.
- 7) No deliveries shall be taken at or despatched from the site outside the hours of 08.00 to 19.00 Mondays to Fridays and 10.00 to 16.00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
- 8) The use of the premises hereby permitted shall not take place other than between the hours of: 08.00 to 19.00 Mondays to Fridays and 10.00 to 16.00 on Saturdays. The premises shall not be open to the public, including students of the college on Sundays, Bank or Public Holidays.
- 9) Within three months of the date of this permission, a scheme for the parking of vehicles, including parking for wheelchair users and the provision of cycle storage facilities, together with a timetable for implementation shall be submitted for approval in writing by the local planning authority. The scheme and all works which form part of it shall be implemented in accordance with the approved details and timetable and thereafter retained and used for no other purpose.
- 10) Within three months of the date of this permission, a scheme to minimise the risk of crime and to meet the specific security needs of the application site, together with a timetable for implementation, shall be submitted for approval in writing by the local planning authority. The scheme and all works which form part of it shall be implemented in accordance with the approved details and timetable and thereafter retained.
- 11) Within three months of the date of this permission, a scheme to promote the use of renewable energy and energy saving measures, together with

an implementation timetable, shall be submitted for approval in writing by the local planning authority. The scheme and all works which form part of it shall be implemented in accordance with the approved details and timetable and thereafter retained.

- 12) Within three months of the date of this permission, a scheme for protecting the occupants of the college hereby permitted from noise from the neighbouring premises, together with an implementation timetable, shall be submitted for approval in writing by the local planning authority; all works which form part of the scheme shall be completed in accordance with the approved details and timetable and thereafter retained.
- 13) Within three months of the date of this permission, a scheme of hard and soft landscaping shall be submitted for approval in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained together with measures for their protection in the course of development, a timetable for implementation and a schedule of future landscape maintenance. The scheme and all works which form part of it shall be implemented in accordance with the approved details and timetable and thereafter retained.