

Report of the Head of Planning, Sport and Green Spaces

Address 77 EASTCOTE ROAD RUISLIP MIDDX

Development: Change of use from Use Class C3 (Dwelling House) to Use Class C3/D1 (Dwelling House/ Non-Residential Institutions) for childcare use during the day and as a residence at night. (Retrospective Application)

LBH Ref Nos: 62431/APP/2013/2341

Drawing Nos: statement of intent
Location Plan
3248/01

Date Plans Received: 15/08/2013 **Date(s) of Amendment(s):**

Date Application Valid: 21/08/2013

1. SUMMARY

The application seeks retrospective permission for the part change of use from C3 (Residential) to D1 (Non-Residential Institution) in order to provide a children's nursery.

The site comprises a two-storey semi-detached property with a hipped roof profile and finished in white render and brickwork, located on the northern side of Eastcote Road, north of the junction with Bishop Ramsey Close. Eastcote Road is a Local Distributor Road and connects Ruislip to the west with Eastcote to the west. To the east of the site is the adjoining semi-detached property, No. 79 Eastcote Road. To the west of the site is No. 75, the side flank wall of which is sited 1.6m away from the side flank wall of the application site.

The development is considered to be detrimental to the amenities of the adjoining and surrounding occupiers by reason of noise and general disturbance. Furthermore, the parking and drop-off arrangements are inadequate, leading to overspill parking in Eastcote Road, a Local Borough Distributor Road, which is be prejudicial to highway safety.

The use involves up to 20 children on site at any one time which is considered excessive given the residential surroundings within which the site is located.

As such the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The development is considered to represent an over-intensification of the use of the site, which results in undue noise and general disturbance through the scale and nature of activities involved, to the detriment of the amenities of nearby residential properties, and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to policies OE1, OE3 and R13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 **Non Standard reason for refusal**

The proposal provides insufficient parking for the D1 use and results in an increase in on-street car parking in an area where on-parking is limited, leading to conditions which are prejudicial to the operation of the highway network and pedestrian/highway safety. The proposal is therefore contrary to policies AM7, AM14 and R13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NON2 Non Standard reason for refusal

The development due to the lack of an on-site maneuvering area, the increased number of vehicular movements using the vehicular access point, and the average speed of vehicles within this part of Eastcote Road, results in a danger and inconvenience to highway users, to the detriment of public and highway safety. Therefore the proposal would not comply with policies AM7 and R13 of the Hillingdon Local Plan: Part Two - Saved UDP 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 (July 2011) and national guidance.

R12	Use of premises to provide child care facilities
R13	Use of residential accommodation for educational and child care premises
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 3.6	(2011) Children and young people's play and informal recreation (strategies) facilities

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.

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 site comprises a two-storey semi-detached property with a hipped roof profile and finished in white render and brickwork, located on the northern side of Eastcote Road, north of the junction with Bishop Ramsey Close. Eastcote Road is a Local Distributor Road and connects Ruislip to the west with Eastcote to the west.

The property has four bedrooms and two reception rooms. The property has been extended at the rear by way of a single storey rear extension beyond which is an area of raised decking. The property benefits from a large rear garden extending 53m deep. The property is set back from the highway by 12.5m and the front of the property is laid in hardstanding for parking purposes.

To the east of the site is the adjoining semi-detached property, No. 79 Eastcote Road. To the west of the site is No. 75, the side flank wall of which is sited 1.6m away from the side flank wall of the application site.

The site is situated within the within the Developed Area, and is located within an Archaeological Priority Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The site is covered by a blanket TPO 106.

3.2 Proposed Scheme

The proposed development is a retrospective application for the part change of use from C3 (Residential) to D1 (Non-Residential Institution) in order to provide a children's nursery.

The property was bought in June 2004 and was occupied as a family home. In January 2006 the applicant registered as an Ofstead childminder. At present the applicant is registered with Ofstead as a 'childcare provider on domestic premises'.

The current facility has 8 staff, 6 present at any one time. 40 children are cared for per month (however not all are present in the same day). There is capacity for 20 children at a time on site up to the age of 5, with a maximum of 4 children per key worker. There is also capacity for 6 children per key worker in the 5-7 years range. There is no limit for over 8 year olds.

The childcare facility (D1 use) operates (and is proposed to continue to operate) from 0700-1859 hours Monday to Friday. The domestic (C3 use) use operates between the hours of 1900 to 0659 Monday to Sunday. Essentially, the childcare facility runs from morning to evening, and the residential use operates from the evening, through the night and early morning. A Breakfast Club is provided in the early morning for school aged children, and an After School Club in run after school hours. At present a mini-bus shuttle service is provided and has 9 seats, to take the school aged children to school and collect them. The childcare service for under 5's is provided throughout the day.

The property has four bedrooms on the first floor. Three of the bedrooms are used as activity and sleeping areas with collapsible travel cots (observed whilst on site). One bedroom is used as a staff room /confidential meeting area. The other areas in the house are used as activity areas for the children. The kitchen/dinner is also used as a cooking/feeding area.

The hardstanding at the front of the property provides 3 spaces during the day whilst the childcare service operates. 1 space is allocated for the mini-bus and 2 spaces are allocated for parents collecting or dropping off their children. During the evening and early hours of the morning, 1 parking space is provided for the mini bus and 2 spaces for family cars.

The current traffic measures undertaken are as follows:

- Liaise with neighbours at 75 Eastcote Road when required
- Notify parents regarding good parking habits
- The service is prepared to terminate agreements with 'pushy parkers'
- The service only takes on new customers who drop off and collect outside busiest periods

Current measures undertaken to alleviate noise are as follows:

- Children are looked after in groups of 4 by a key worker
- The service does not offer places to children that do not settle after the short term
- The single storey rear extension is insulated and sound proof
- The garden is large and noisy activity is undertaken at the bottom of the 150ft garden

3.3 Relevant Planning History

62431/APP/2013/2066 77 Eastcote Road Ruislip Middx
PROPOSED CERTIFICATE OF LAWFUL DEVELOPMENT

Decision: 21-08-2013 Withdrawn

Comment on Relevant Planning History

An enforcement case was opened on the 11 July 2013 following a complaint that the premises was in operation as a Day Nursery (D1), which is now the subject of this current application.

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:

R12 Use of premises to provide child care facilities

R13 Use of residential accommodation for educational and child care premises

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 3.6 (2011) Children and young people's play and informal recreation (strategies) facilities

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 neighbours and Ruislip Residents Association have been consulted on the application and a site notice was erected on the 30 August 2013. 18 letters/emails of objection have been received and 14 letters/emails of support have been received. In addition, a petition with 75 signatories has been received in support of the application.

A Ward Councillor has objected to the development.

Another Ward Councillor has written in support of the application and would like the application to be deferred to committee if the application were to be recommended for refusal.

The main objections relate to highway safety, traffic, parking, noise and disturbance, loss of privacy and general loss of amenity.

18 letters/emails of objection were received, relevant comments are detailed below:

Loss of amenity, noise and disturbance

- i. The owner moved into 50 Eastcote Road in May 2013 where they spend much of their time including overnight. They have expanded the business at No. 77 since then.
- ii. Noise generation inside and out
- iii. We are often woken up at 7am the owner or her staff moving equipment around on the decking which is close to our bedroom window
- iv. During the day children play and staff congregate on the decking and in the garden
- v. The owner and staff frequently shout from the decking down the garden and vice versa.
- vi. We have even heard the children in the back garden of No. 77 from the pavement. often made to feel uncomfortable and feel unable to make full use of our own property.
- vii. Noise also comes from the house when their doors are fully open.
- viii. The property is semi-detached. Our only reception room is through the party wall of their downstairs activity room. Noise is often heard through the party wall and open front windows. The same is true of the room upstairs which is next to our bedroom.
- ix. This business is too big for a domestic property & would be better suited to appropriate business premise
- x. This business alters the character of the road and is a nuisance, annoyance and intrusive to its neighbours.
- xi. If this business continues in a residential property it will set a bad precedent
- xii. We strenuously object to this planning application on the following grounds; loss of amenity, privacy & noise.

Highways Issues

- i. Following an observation between 7.30am-9am 25 children were dropped off by parents. 22 by car 3 on foot.
- ii. Cars park illegally
- iii. Cars reverse from site onto Eastcote Road
- iv. Traffic generation outside property during peak hours
- v. "Although I do not live near this house I feel I must object about this as I pass this place everyday on my way to work. Several times now the people dropping off their children have parked on the pavement"
- vi. "Eastcote Road is an extremely busy road & there is several accidents there every year"
- vii. "This is just an accident waiting to happen"
- viii. " I have also seen Parents opening car doors onto the main road and children narrowly being missed by heavy traffic"
- ix. blocking access to other properties.
- x. "parents that have stopped on the road get children out of cars into the traffic where they are in danger of being hit by passing vehicles"
- xi. unsafe place for a nursery and unsuitable in a residential house.
- xii. "How can so many children be allowed in someones house?"
- xiii. "there is a constant noise from member of staff calling out to the children and the children crying/playing /screaming"

14 representations were made in support of the application, mainly in relation the quality of the service provided, benefits to local community and minimal impact on highway and noise. Relevant comments are detailed below:

- i. "The children are always kept busy with activities and often split up into small groups, it is never noisy and out of control and being part of the ofstead inspection which recently took place I can quote the inspectors words as she stated "The environment is well controlled and a pleasure to be in, the children are happy and all kept well entertained"
- ii. "As a key worker here within the setting I can tell you that the children have small activities to do and are moved around keeping them busy at all times this leaves little time for any children to get bored, boisterous and cause any disruption"
- iii. "We have outdoor play but this generally runs on a 20 minute slot for each group of small children. We also take them out to the parks and the local facilitates so we aren't even always in all together"
- iv. "Parents arrive staggered and collect staggered so never have I seen a build up of cars and traffic, the only traffic I have ever seen along eastcote road is just the normal build up to ruislip high street or the cars turning into the opposite estate across the road"
- v. Fantastic service the owner provides and the development of the children in her care is amazing
- vi. If this service was to be taken away, it would have a devastating impact on peoples everyday way of life.
- vii. My Mums Away is one of the best OFSTED-rated childcare facilities in the Hillingdon area, providing a consistent service based on a well-run, committed and organised team led
- viii. "Without this vital network, parents throughout the country would struggle to make ends meet, and this would undoubtedly have a severe impact on the economy, at both a micro and a macro level"
- ix. "As a local businessman, I struggle to understand why the council would question the benefits a local business and a local employer are bringing to the community"
- x. "There is risk of a dangerous precedent being set that may have huge ramifications not just within the borough of Hillingdon but throughout every town and city in the UK"
- xi. "The premises is on a busy main road and, as such, any traffic noise comes from the road rather than parents dropping their children off"
- xii. "house is never noisy despite there being several children at the premises"
- xiii. "The staff ensure that they are well behaved and I have always found it to be well supervised"
- xiv. "I am a Police Inspector in London and know how important it is to build solid community"

support services. The childminding provision adds significant value to the parenting services in Ruislip"

xv. "Being a working parent is very stressful and childcare is a vital part of our planning and ability to work in a way which is responsive to our Children's needs but also for our employment needs and we are extremely concerned that this may now be under threat"

xvi. The owner has created an amazing space for children and has an environment with great facilities

xvii. "I think it is outrageous. At a time when the government is going on about supporting working parents and how there is a lack of affordable child care, our councillor thinks it is a good use of their time to help harass someone providing just this service. We have no after school clubs available to us so what exactly do they expect us to do apart from use childminders. Without this valuable service, I know I would not be able to work.

xviii. "She provides the local community with high quality, affordable childcare, and without her, myself and many other parents would struggle"

xix. The service provided by the owner is exemplary, the need for good quality childcare is imperative in Ruislip, Hillingdon

xx. "Govt policy towards childcare provision and local communities as championed by Nick Hurd MP should have a positive effect on your decision making"

xxi. "Parents in the borough need childminders so they can work. This is an experienced childminder providing a valuable service"

Internal Consultees

Highways Officer:

The development is for a retrospective change of use of an existing dwelling, to allow the operation of a childcare facility within a domestic setting that will operate under the C3 and D1 Use Classes. There are two car parking spaces provided with the front of the site that serve the existing residential and commercial uses, which are accessed via an existing vehicle crossover located along Eastcote Road. There is no cycle parking provided within the site.

It is understood that the childcare facility operates with 8 full and part time staff, with 6 staff in attendance at the site at any one time. Under Ofsted capacity limits the existing childcare facility can accommodate 20 children up to the age of 5 years and up to 6 children per key worker, for those aged between 5 - 7 years. For children over the age of 8 years, there is no limit other than the physical size of the facility.

It is noted that Eastcote Road is a busy classified highway and a main distributor route. From speed surveys undertaken adjacent to the site, the 85th percentile speed has been identified 34 mph in both directions, which is in excess of the existing 30 mph speed limit. There are no formal pedestrian crossing facilities located along the highway adjacent to the site.

Parking along the carriageway adjacent to the site is uncontrolled and occupied on a first come first served basis, other than at the junction with Bishops Ramsey Close, where "No Waiting" at any time parking restrictions are provided. Due to the number of vehicle crossovers that provide access to adjacent dwellings along Eastcote Road, the number of kerbside parking spaces are limited.

When assessing the proposals, it is noted from observations that the site is operating close to or at its permitted capacity, based on the number of children that were brought to the site. In addition, it was observed that nearly all children arrived at the site by car, with parents/guardians parking along Eastcote Road or within the site itself. Those vehicles that park within the site were required to reverse on/off the carriageway, into oncoming traffic and within the mouth of the junction of Bishop Ramsey Close. Car parking at the kerbside was observed, which restricted the free flow of traffic along the carriageway. In addition, vehicles were observed illegally parking on the adjacent

footway, obstructing the path of pedestrians.

When undertaking assessment of the PTAL index within the area of the site, it is noted that this is rated as 2, which indicates that accessibility to public transport facilities is poor. Therefore, the residential use within the site requires a maximum car parking provision of 2 parking spaces to be provided while allowing vehicles to enter and exit the site in a forward gear.

While it is noted that 2 car parking spaces are provided, this will not allow formal car parking to be provided for the use of the childcare facility including for the dropping off/picking up of pupils or for staff parking and vehicles are required to either reverse in or out of the access, in to oncoming traffic and within the mouth of an adjacent junction. As a result, it is considered that the car parking provision within the site is not sufficient to serve the proposals.

Therefore, it is considered that the development would be contrary to Policies AM7 and AM14 of the adopted Hillingdon Local Plan, 2012, (Part 2) and an objection is raised in relation to the highway and transportation aspect of the proposals. In addition, it is considered that to allow the development, would set an unacceptable precedent within the surrounding area.

Environmental Health Officer:

Given the information provided we recommend refusal due to the noise and disturbance affecting nearby residential premises particularly the adjoining property.

The property is a semi detached residential property and I am not aware of any additional sound insulation between this property and the adjoining one. This is particularly important in this case due to the long hours and the use of the upstairs rooms.

The proposed hours start at 7am in the morning and there is the potential for disturbance as children are dropped off particularly given the large number of children proposed.

They have not submitted sufficient details to show how they propose to deal with noise of children in the garden for instance a solid close boarded fence and limits on the hours the garden is used for.

The numbers of children that would be on the premises at any one time has not been clearly stated however the numbers indicated suggest that it is likely to be well in excess of 20.

Access Officer

As the application appears to be for a straightforward change of use with no apparent material alterations proposed, 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: acceptable

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy R13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the use of residential accommodation for educational and childcare premises will be acceptable where the following requirements are met:

- i. Within residential areas, only part of a dwelling is used and the remainder is capable of residential use;
- ii. The proposal would not result in an overconcentration of similar facilities in any residential area;
- iii. The proposal would not have an unacceptable impact on the amenity of neighbouring properties arriving from:
 - (a) the size and relationship of properties and gardens
 - (b) car parking
 - (c) congestion and traffic generation
 - (d) and would not detract from the character of the area
- iv. The premises are accessible by public transport and the dropping off and collection of children can be carried out adequately and safely.

The development fails to meet the requirements of Policy R13 as it would have an unacceptable impact on the amenity of neighbouring properties arriving from the size and relationship of properties and gardens, car parking, congestion and traffic generation, and would therefore not be considered acceptable in principle.

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 located within an Archaeological Priority Area. Policy BE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that only in exceptional circumstances would the LPA allow development to disturb remains of importance within archaeological priority areas. The proposed development would not result in any additions or building work and as such would be unlikely to disturb any remains. Therefore, no objection is raised in this regard.

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. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area.

There are no external alterations proposed as part of this application and the existing residential frontage will be retained. However, as noted in Section 07.09 of this report, the

proposed development would detract from the residential character of the area by virtue of the intensity of the use and impact on adjoining residential occupiers. Therefore, the proposal would fail to comply with Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that would become detrimental to the amenity of the adjoining occupiers or surrounding area would not be approved. Policy OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

In terms of the impact on amenity, there are a number of important issues relating to the site. The site is a semi-detached property and shares a party wall and boundary with the adjoining semi-detached property. Furthermore, the adjoining building to the west, is separated from the application site by 1.63m. The applicant has noted that a single storey rear extension, has been sound insulated, however once the Patio doors are open, the sound would escape. It is also noted that the remainder of the property is not sound insulated.

The associated noise and activities generated by such a use may be controlled to a degree within the building, however the children would need to go into the rear garden for recreational time. The applicant has stated that the children go out in small groups with a key worker and often congregate at the bottom of the garden for noisy activities. In addition, the garden is extensive at 430 square metres. Although this would go some way into controlling the noise of the children, the bottom of the garden abuts the bottom of the gardens at 133 and 135 Evelyn Avenue to the north of the site and would be 6.85m away from the rear gardens in Blaydon Close to the north-west, which have relatively small gardens. In addition, there are no acoustic barriers in the rear garden (it is noted that the applicant has stated that the side/rear boundary between the application site and No. 75 was heavily treed prior to November 2013, and photographic evidence of this has also been provided) and there is no longer any form of tree or landscaping buffer.

The site is located within a residential area, and although it is acknowledged that Eastcote Road is a busy road, with associated noise from cars and traffic; however given the high numbers of children, the potential capacity, use of the rear garden, and number of customers entering and leaving the premises, the D1 use, if continued would likely result in noise and disturbance substantially over and above what would be acceptable in a residential locality. This would be compounded by the semi-detached nature of the property which shares a boundary party wall with the adjoining semi-detached property to the east, No. 75 and the limited separation distances with the adjoining property to the west, No 79. Moreover, the hours of operation, 12 hours per day Monday to Friday exacerbates the detrimental impact.

Overall it is considered that the proposed use would be detrimental to nearby residential occupiers, and adjoining the application site, by way of noise, disturbance. Environmental Health have raised an objection in this regard. Therefore the proposed development would be contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - 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

The Public Transport Accessibility Level (PTAL) of the site, is as 2, which indicates that

accessibility to public transport facilities is poor. Therefore, the residential use within the site requires a maximum car parking provision of 2 parking spaces to be provided while allowing vehicles to enter and exit the site in a forward gear. It is understood that these parking spaces are provided during the residential hours of use.

As noted by the Highways Officer, it was evident whilst conducting a site survey that the majority of children arrived by car and the parents/guardians were parking on Eastcote Road or within the site. 2 car parking spaces are provided for the childcare use, which would be insufficient for the dropping off/picking up of children, staff parking and the provision of a mini-bus space. As a result, it is considered that the car parking provision within the site is not sufficient to serve the proposals.

The number of kerb side spaces are limited in the vicinity is limited due to a lack of available spaces, waiting restrictions and the number of vehicular crossovers. In addition, the vehicles parking within the site were frequently required to reverse on/off the carriageway, into oncoming traffic on Eastcote Road, adjacent to the junction of Bishop Ramsey Close.

It is noted that Eastcote Road is a busy classified highway and a main distributor route. Surveys have been undertaken which demonstrate that the average speed (in both directions) is in excess of the existing 30 mph speed limit. In addition, there are no formal pedestrian crossing facilities located along the highway adjacent to the site. This excessive speeds on this part of Eastcote Road exacerbate the potential detrimental effects of kerbside parking and reversing onto Eastcote Road.

The car parking provision at the site is inadequate to serve the development, which in turn leads to pressure on on-street parking which in itself is limited and restricted. This has resulted in kerb side parking. These conditions have been worsened by the excessive vehicular speeds, lack of pedestrian crossings and reversing onto Eastcote Road.

Therefore, it is considered that the development would be contrary to Policies AM7 and AM14 of the adopted Hillingdon Local Plan, 2012, (Part 2). In this regard an objection has been raised by the Highways Officer in relation to the highway and transportation aspect of the proposals. In addition, it is considered that to allow the development, would set an unacceptable precedent within the surrounding area.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

As the application is for a change of use with no apparent material alterations proposed, no accessibility improvements could reasonably be required within the remit of planning, as noted by the Access Officer.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The application site is covered by an area blanket TPO, however the development would not and does not result in the removal or impact on any protected trees.

7.15 Sustainable waste management

Policy 5.6 of the London Plan requires development to have regard to and contribute to a

reduction in waste produced. This could have been conditioned had the scheme been recommended favourably.

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

Noise and disturbance has been considered in Section 7.08 of this report. Given the nature and intensity of the use, objection is raised in terms of noise.

7.19 Comments on Public Consultations

The comments made by the individual responses are noted and are considered within the main report, reflected in the refusal reasons, or are not material planning considerations.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Given the noise issues, and that this is a retrospective application, if refused it would be expedient to take enforcement action to ensure the use ceases.

7.22 Other Issues

The Council recognises the value and importance of suitable day care for pre-school children. However, the LPA will seek to ensure that suitable premises are utilised to prevent the establishment of facilities in inappropriate locations to the detriment of the local area.

The explanatory paragraph 9.24 of Policy R12 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) explains that the provision of full or sessional day care facilities for nurseries, creches and playgroups will normally require planning permission and states "Where such facilities are run from a private home the number of children allowed will be carefully controlled and 10 children will normally be regarded as the maximum".

Policy R13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the use of residential accommodation for educational and childcare premises will be acceptable where the following requirements are met:

- i. Within residential areas, only part of a dwelling is used and the remainder is capable of residential use;
- ii. The proposal would not result in an overconcentration of similar facilities in any residential area;
- iii. The proposal would not have an unacceptable impact on the amenity of neighbouring properties arriving from:
 - (a) the size and relationship of properties and gardens
 - (b) car parking
 - (c) congestion and traffic generation
 - (d) and would not detract from the character of the area
- iv. The premises are accessible by public transport and the dropping off and collection of children can be carried out adequately and safely.

The applicant has stated that the property will be used during the day (between the hours of 0700 and 1859) as a child care domestic premises, and at night and early morning (between the hours of 1900 and 0659) as a residential property. In this regard, each room in the property has a different use dependant on the time of day.

Although their appears to be 'day and night' shift patterns, the property is in residential use 50% of the time for a period of 12 hours Monday to Friday, and throughout the weekend, thus it is considered that the site is capable of retaining residential use, albeit in part.

The applicant has noted that the nearest childcare facilities in the vicinity are at least 5 minutes drive away from the site, and are currently operating at capacity. It has also been noted whilst on site that there are no apparent similar establishments on Eastcote Road or the immediate surroundings. Therefore, the development would not result in an overconcentration of similar facilities in any residential area.

The impact on the neighbouring occupiers is discussed in Section 07.08

The impact on parking, congestion and traffic generation is discussed in Section 07.10

It is therefore considered that the proposed development would have an unacceptable impact on the amenity of neighbouring properties arriving from the size and relationship of properties and gardens, car parking, congestion and traffic generation and would not detract from the character of the area; and would therefore fail to meet the provisions of Policy R13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

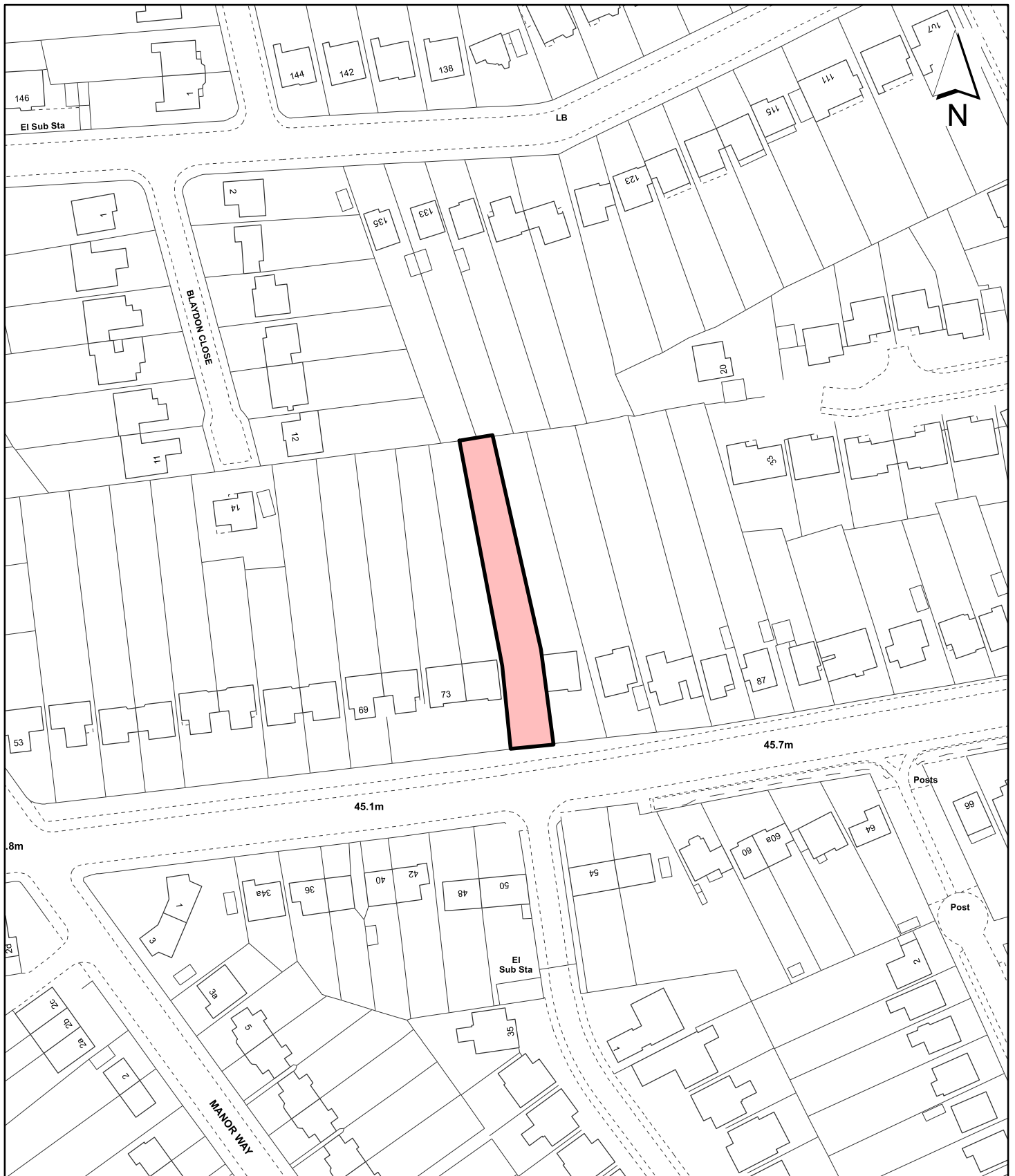
It is considered that overall the scheme is contrary to the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for refusal.



11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan 2011
Supplementary Planning Document 'Accessible Hillingdon'
National Planning Policy Framework

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>77 Eastcote Road Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>62431/APP/2013/2341</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North Application</p>	<p>Date</p> <p>March 2014</p>	
		 <p>HILLINGDON LONDON</p>	