

Report of the Head of Planning, Sport and Green Spaces

Address CORNERWAYS GREEN LANE GREEN LANE NORTHWOOD

Development: Variation of condition No. 6 (Attendance Numbers) of planning permission ref: 18414/APP/2016/2486 dated 07/10/2016 to increase enrollment numbers from 30 to 60 (Change of use from Use Class C3 (Dwellinghouse) to Use Class D1 (Non-Residential Institutions) for use as a children's day nursery with associated parking and landscaping.)

LBH Ref Nos: 18414/APP/2016/3792

Drawing Nos: 020 P1
010 P1
000 P1
Noise Assessment
113 P1
112 P1
111 P1
103 P1
102 P1
101 P1
100 P1
110 P1
Supporting Statement

Date Plans Received: 12/10/2016

Date(s) of Amendment(s):

Date Application Valid: 12/10/2016

1. SUMMARY

This application seeks to vary condition No. 6 (Attendance Numbers) of planning permission ref: 18414/APP/2016/2486 dated 07/10/2016 to increase enrolment numbers from 30 to 60 (Change of use from Use Class C3 (Dwellinghouse) to Use Class D1 (Non-Residential Institutions) for use as a children's day nursery with associated parking and landscaping)

The main determining issues are considered to be the impact on highways and traffic and parking and impact on neighbours amenities.

As a result of discussions with officers, the applicant submitted a Technical Note by Transport Planning Consultants from the agent which addresses initial highways safety concerns which were the dropping off of children on the Rickmansworth Road frontage whereby traffic would conflict with parents getting in and out of cars and possibly taking children out of car seats and the impact of parked vehicles on the performance of the existing traffic signals. It is considered that the most appropriate manner to control traffic and movement is through conditions and a Section 106 Legal Agreement

With regard to neighbours amenities the application does not seek to vary Condition 4 of the planning permission which restricts opening hours to 08.00 to 18.00 Monday to Friday and at no time on Saturday and Sunday. Additionally Condition 5 of the planning permission restricts use of the garden to between 09.00 and 18.00 and no more than 12

children at any one time. This will be unchanged by the variation. Condition 7 requires submission of a noise management plan. This remains a requirement and the applicant has confirmed an intention to submit this plan. As such, no adverse amenity issues are raised.

It is recommended that planning permission be granted subject to prior completion of a Section 106 agreement to require a transport/traffic management plan.

2. RECOMMENDATION

That delegated powers be given to the Director of Planning and Community Services to grant planning permission, subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 020 P1;102 P1;103 P1;110 P1;111 P1;112 P1;113 P1, and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

3 NONSC Non Standard Condition

The premises shall be used as a Children's Nursery and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

REASON

To ensure the appropriate use of the building in this location in accordance with the NPPF and Policy OL1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 NONSC Non Standard Condition

The use of the property for Class D1 day nursery shall only take place between the hours of 08.00 and 18.00 on Monday to Friday only and at no time on Saturday and Sunday.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 NONSC Non Standard Condition

The garden shall not be used in connection with use as a day nursery (Class D1) before the hours of 09.00 and after 18.00, Monday to Friday and at no time on Saturday or Sunday and not more than 12 children shall use the garden at any one time and at no time will they be left unsupervised.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

6 NONSC Non Standard Condition

The Class D1 nursery use hereby approved shall be limited to a maximum enrolment/attendance of 60 children at all times.

REASON

To ensure that the development does not have an unacceptable impact on residential amenity and in the interests of highway and pedestrian safety in accordance with policies OE1, AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 NONSC Non Standard Condition

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site and affecting the nearby residential properties Tudor Lodge and 1-59 Myrtleside Close has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation of all available physical mitigations, administrative measures, and noise limits with the most applicable being collated in a Noise Management Plan that specifies the responsible person for its implementation and monitoring. Prior to the first use of the building for the D1 use hereby approved, the approved Noise Management Plan scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

8 NONSC Non Standard Condition

Prior to the commencement of development a traffic management scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details in relation measures to ensure the safety of children, access (vehicular and pedestrian) and the parking provision for the nursery, including details of the measures to enforce staggered drop off and pick up times to ensure the avoidance of queuing or the necessity to pick up or drop off in the road. Upon the first use of the building for the D1 use hereby approved, the approved scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure that the development does not have an unacceptable impact on residential amenity and in the interests of highway and pedestrian safety in accordance with policies AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

9 NONSC Non Standard Condition

The development hereby approved shall not be occupied until the car parking spaces as shown on plan reference number 20 Rev P1 have been laid clearly marked out for use by staff in association with the D1 use hereby approved. Details of the allocation of all parking spaces within the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the use. A minimum of five of the parking spaces shall be reserved at all times for use by parents for the picking up and dropping off of children enrolled in the nursery hereby approved.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016)

10 H16 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for at least 3 cycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (November 2012) and Chapter 6 of the London Plan (2016).

11 NONSC Non Standard Condition

No part of the development hereby permitted shall be commenced until details of a covered storage for children's buggies have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To encourage parents to adopt sustainable modes of transport in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (November 2012) and Chapter 6 of the London Plan (2016).

12 DIS2 Access to Buildings for People with Disabilities

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (November 2012) and London Plan (2016) Policies 3.1, 3.8 and 7.2

13 H14 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for staff and visitors to the nursery have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and

hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (2016).

INFORMATIVES

1 147 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

2 152 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

3 153 Compulsory Informative (2)

The decision to GRANT 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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE19	New development must improve or complement the character of the area.
BE12	Proposals for alternative use (to original historic use) of statutorily listed buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
H2	Restrictions on changes of use of residential properties
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF12	NPPF - Conserving & enhancing the historic environment
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
R12	Use of premises to provide child care facilities

4

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. The Council's supports pre-application discussions. In this case negotiation was necessary to deal with issues relating impact on neighbours amenities

3. CONSIDERATIONS

3.1 Site and Locality

The property is a large detached white-rendered two-storey dwelling on a generous corner plot at the junction of Green Lane and Rickmansworth Road. Vehicle and pedestrian access is via Green Lane, although there is also a pedestrian access via Rickmansworth Road. The site benefits from extensive natural screening along the boundaries. The site is adjoined by Tudor Lodge, a large detached dwelling which fronts Green Lane and Myrtle Court which is a flatted development to the south which fronts Rickmansworth Road.

The site is within the developed area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

3.2 Proposed Scheme

The application seeks planning permission for a variation of condition No. 6 (Attendance Numbers) of planning permission ref: 18414/APP/2016/2486 dated 07/10/2016 to increase enrolment numbers from 30 to 60 (Change of use from Use Class C3 (Dwellinghouse) to Use Class D1 (Non-Residential Institutions) for use as a children's day nursery with associated parking and landscaping)

3.3 Relevant Planning History

18414/APP/2005/223 Tudor Lodge And Cornerways Green Lane Northwood Middx
RESIDENTIAL DEVELOPMENT IN A PART TWO/ PART THREE STOREY BUILDING TO PROVIDE 21 RESIDENTIAL UNITS WITH ASSOCIATED CAR PARKING AND ACCESS (INVOLVING DEMOLITION OF EXISTING HOUSES)(OUTLINE APPLICATION)

Decision: 16-08-2005 Not Determined **Appeal:** 16-08-2005 Dismissed

18414/APP/2016/2486 Cornerways Green Lane Green Lane Northwood
Change of use from Use Class C3 (Dwellinghouse) to Use Class D1 (Non-Residential Institution: for use as a children's day nursery with associated parking and landscaping.

Decision: 04-10-2016 Approved

18414/C/77/1567 Cornerways Green Lane Green Lane Northwood
Householder dev. (small extension,garage etc) (P)

Decision: 03-01-1978 Approved

18414/D/78/0519 Cornerways Green Lane Green Lane Northwood
Householder dev. (small extension,garage etc) (P)

Decision: 15-05-1978 Approved

18414/E/79/1722 Cornerways Green Lane Green Lane Northwood
Householder dev. (small extension,garage etc) (P)

Decision: 16-11-1979 Approved

18414/F/81/0510 Cornerways Green Lane Green Lane Northwood
Householder development - residential extension(P)

Decision: 28-04-1981 Approved

58600/PRE/2003/49 Land At Tudor Lodge And Cornerways Green Lane Northwood
TP PRE-CORRES: REDEVELOPMENT OF 24 APARTMENTS

Decision:

64246/APP/2008/775 Santa Rosa, Tudor Lodge & Cornerways Green Lane Northwood
ERECTION OF A NEW BUILDING COMPRISING 14 SELF-CONTAINED FLATS WITH SURFA
PARKING (INVOLVING DEMOLITION OF THE 3 EXISTING DWELLINGS).

Decision: 25-06-2008 Refused

9925/B/85/0836 Cornerways, No.95 Swakeleys Road Ickenham
Householder development - residential extension(P)

Decision: 27-06-1985 Approved

Comment on Relevant Planning History

Planning permission was recently granted for change of use from Use Class C3 (Dwellinghouse) to Use Class D1 (Non-Residential Institutions) for use as a children's day nursery with associated parking and landscaping. The intention was to have a maximum of 30 children on site at any one time which will include babies and toddlers up to the age of 5.

Condition 06 restricted the enrolment number to 30.

4. Planning Policies and Standards

The dwelling is on the local list. Saved Policy BE12 states that, inter-alia, locally listed buildings should preferably remain in their historic use. Where planning permission is required an alternative use will be permitted if it is appropriate to secure the renovation and subsequent preservation of the building, features of architectural or historic interest and setting.

Saved Policy H2 states that the local planning authority will not normally grant planning permission for a change from residential use of any building or part of a building that is suitable with or without adaptation for residential uses. The applicant is currently based close by at No. 15 Green Lane. (Wetherby House Montessori). In response to the issue of loss of residential use, the applicant has confirmed that this property will be returned to residential use. As stated above, no material changes are proposed to the structure of the property and the ability to return to residential use remains.

The Hillingdon Families Information Service commented in respect of the application for change of use and confirmed that in terms of the supply and demand for childcare in this area, there are 6 Ofsted registered day nurseries already operating within a mile of this site. However demand for childcare in this part of the borough is high.

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE19	New development must improve or complement the character of the area.
BE12	Proposals for alternative use (to original historic use) of statutorily listed buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
H2	Restrictions on changes of use of residential properties
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF12	NPPF - Conserving & enhancing the historic environment
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
R12	Use of premises to provide child care 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

Neighbours were notified on 24/11/2016 and a site notice was displayed on 27/11/2016.

Five objections and two conformations of support were received by the end of the consultation period.

Objections:

- (1) A number of the writers do not accept the applicants contention that the number applied for originally was a mistake.
- (2) The increase will materially intensify traffic at the Green Lane / Rickmansworth junction which is already very congested.
- (3) Doubling the numbers will double the parking on Rickmansworth Road.
- (4) There is insufficient time due to phasing of the traffic lights to allow for safe pedestrian crossing.
- (5) The high hedges on the edge of the site obstruct driver's views exiting from Green Lane.
- (6) Although the number of children is increasing there is no increase in the size of the property, this may follow, resulting in over-development.
- (7) It would appear that there are too few staff for the number of children, it has been pointed out that the existing nursery appears to employ more staff.
- (8) The current site has 4 classrooms, the proposal has 3 which seems illogical.
- (9) There is no guarantee that the existing nursery will close.
- (10) Use of a Section 73 application is inappropriate as this is clearly a material intensification, the objector refers to 'non-material amendments' and suggests that this would not meet the criteria.

Officers comments:- The applicant's motivations or intentions are not a material consideration in determination of a planning application. (1).

Issues of traffic, highway and pedestrian safety are dealt with elsewhere in the report (2;3;4;5).

Any increase in the size of the property would require planning permission where all planning issues including potential over-development can be assessed. (6).

Staff ratio is a management rather than planning matter. The number of staff is relevant since it has implications for parking and traffic and is considered below. However, in response to the apparent reduction in the number of staff, the applicant has commented that the use will operate with 13 staff which is in compliance with OFSTED requirements (7).

The applicant has also responded to the issue of reduction in the number of classes and has indicated correctly that this is a management rather than a planning matter (8)

The issue of whether the existing site will cease was only one factor in determination of the previous application and the principle of change of use is established by the extant permission. Further research indicates that the development of which this site is a part has commenced (9).

The objector appears to confuse the general use of Section 73 to vary conditions with its use to consider potential 'non-material amendments' which are subject of a different form of application. Whilst it is right and proper to consider the materiality of any changes as a result of the application, it is not inappropriate to use Section 73 in the current manner. (10)

Support

- (1) The proposal represents a community benefit and will assist working people by providing additional child care places.
- (2) The proposal replaces an existing nursery closeby.

All other matters are considered elsewhere within the report.

Internal Consultees

Highways and Transportation Officer: We have now received a Technical Note by Transport Planning Consultants via the agent which addresses the issues discussed in our previous meeting and my earlier comments regarding the expansion of the existing nursery permission.

The information provided can be summarised as follows:

The current application is to vary condition 6 to allow the maximum enrolment/attendance of 60 children.

The proposal will allow the applicant to move their existing children's day nursery from Wetherby House (325 metres away to the East) and operate from the site at the corner of Green Lane and Rickmansworth Road adjacent to the existing traffic signals. This proposal will result in a geographical shift of trips.

The main highways safety concern was the dropping off of children on the Rickmansworth Road frontage and close to a traffic signal controlled junction, whereby traffic would conflict with parents getting in and out of cars and possibly taking children out of car seats. There was also the issue of the impact of parked vehicles on the performance of the existing traffic signals.

The proposal is for a maximum of 60 babies and toddlers under 5 years of age with as many as 13 staff (9 full time and 4 part-time) at the site. Only 4 of the current staff drive and yet there are 9 car parking spaces on site.

The drop off times for children varies from 0800 to 1100 with approximately 10% walking.

At the existing Weatherby House site there are 56 children enrolled and from a plot of the existing home addresses show the site is slightly west of the centroid and under 2's making up approximately 25% of enrolments.

At the proposed site there is on-street car parking available in Green Lane which is only a short walk from the site's vehicular entrance in Green Lane.

A condition should be attached to provide children buggy storage area, which would help encourage parents/carers walking to/from the nursery.

A condition should be attached to provide cycle parking, which would help reduce reliance on car use for staff in particular.

In order to mitigate against the possible impact I suggest the following measures are instigated via a S106 agreement:

Five of the parking bays within the site are allocated for parents pick up and drop off/visitors. This will allow child drop off to take place within the site. Details of parking allocation shall be submitted to and approved by the Council.

A Travel Plan will operate at the site for at least 5 years whereby a Travel Plan Co-ordinator will have targets and measures to adhere to. The main targets are to achieve a higher level of sustainable

modes of transport for both parents and staff. If greater levels of walking were achieved for both staff and parents there would be less concern over safety issues at this location

The nursery should provide a Unilateral Undertaking that it (the nursery) will have an agreement with staff not to park on-street and that disabled staff will be given priority on the allocation of staff parking spaces.

The operators of the nursery have an existing agreement with each parent and this could be extended to ensure only children under 2 (currently 15 children) will be dropped off at the Rickmansworth Road pedestrian gate. The remaining parents who drive will be asked to drop off within the site or park in the bays on Green lane or in the nearby Myrleside Close.

This legal agreement regarding their child's attendance at the nursery and a revised version of the document has been provided that requests parents to adhere to a drop off regime. This will not be part of the S106 agreement but is seen as another action that will help to improve safety and reduce traffic impact at the site

Officer Comment:

These measures will be secured as part of the Travel Plan.

Trees and Landscape: No objections.

Conservation Officer: - No comments.

Hillingdon Families Information Service: The Service confirmed in relation to the previous application that, in terms of the supply and demand for childcare in this area, there are 6 Ofsted registered day nurseries already operating within a mile of this site. However demand for childcare in this part of the Borough is high.

Environmental Protection Unit - The acoustic report is based on around 25 children in the outdoor area, not the number of children specified by the applicant in their variation. Therefore a further noise report is requested to deal with the increase in child numbers and details of the noise barrier are sought. Officers comments - The application increases the overall number of children but does not seek to amend the conditions which control the number of children in the garden at any one time, hours of use of the garden or overall opening hours for the nursery.

Access Officer - No comments.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the use of Cornerways for a day nursery was established by the planning permission for which this application seeks to vary the condition. That permission is extant.

This scheme proposes a change of use of an existing two-storey dwelling to provide a children's nursery in an area identified in need for additional nursery school provision.

In this case the proposal is a replacement nursery school for one further along Green Lane. It is noted and accepted that there is a wide range of non-residential institutions that fall within use Class D1 which may not be acceptable or appropriate in this location within a residential area. However, in this case, the use can be conditioned to restrict any subsequent change within Class D1 and further conditions can deal with the specifics of

the application in terms of matters such as the intensity of the development, use of the garden and the hours of operation.

The proposed would lead to the loss of a residential dwelling contrary to Policy H2 of the Hillingdon Local Plan: Part Two-Saved UDP Policies (November 2012). Whilst this policy seeks to retain residential accommodation in the Borough, in this instance the significant need for nursery places identified by the Council's Families Information Service is considered to carry more weight.

7.02 Density of the proposed development

Not applicable.

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

The proposal does not raise any archaeological issues and is not within a Conservation Area or an Area of Special Character.

7.04 Airport safeguarding

Not relevant.

7.05 Impact on the green belt

Not relevant.

7.07 Impact on the character & appearance of the area

There are no external changes to the building. The changes to the car park and to the garden are within the body of the site, which is well-screened from public view. It is recommended that the proposed cycle store, to the edge of the site be covered and a condition is proposed. It is considered that this will be low key and would not have an external impact due to the strong screening along the boundaries with Green Lane and Rickmansworth Road.

7.08 Impact on neighbours

Policies BE19, BE20 and BE24 of the Hillingdon Local Plan: Part Two-Saved UDP Policies (November 2012) seek to ensure the amenities of adjoining occupiers are protected in new developments. Policy OE1 advises that planning will not normally be approved for uses which are likely to become detrimental to the amenity of surrounding properties because of noise.

There are no changes to the building meaning that no issues of overlooking or loss of privacy will arise. However, there is potential for noise as a result of the proposed increase in the number of children on site. This issue has been discussed with the Environmental Protection Unit.

Condition 4 of the planning permission restricts opening hours to 08.00 to 18.00 Monday to Friday and at no time on Saturday and Sunday. Condition 5 of the planning permission restricts use of the garden to between 09.00 and 18.00 and no more than 12 children at any one time. Condition 7 requires submission of a noise management plan. None of these conditions will change as a result of the current application to vary condition 6. As such, no adverse amenity issues are raised.

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, car/cycle parking, pedestrian safety

See Transport comments above which recommend a Section 106 legal agreement to secure a travel plan and conditions.

7.11 Urban design, access and security

This is a change of use only. There are no changes to the building itself and only minimal

changes to the car park layout. A pond in the rear garden of the property is to be in-filled for safety reasons.

7.12 Disabled access

Policy 7.2 of the London Plan (2016) requires all new development to provide an inclusive environment that achieves the highest standards of accessibility and inclusive design. The Council's Supplementary Planning Document (SPD) 'Accessible Hillingdon' (May 2013) provides detailed design guidance on accessibility issues.

Parking for people with disabilities is provided and a condition is recommended to deal with issues of access the building itself.

7.13 Provision of affordable & special needs housing

Not relevant.

7.14 Trees, Landscaping and Ecology

The Trees and Landscape Officer has confirmed no objections

7.15 Sustainable waste management

Not applicable to this application.

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 site has an extensive rear garden. The applicant has suggested that access to this be limited to after 9:00 am and that the number of children using it at any one time is also limited. The Council's Environmental Protection Unit has raised no objections subject to suitable controls. Conditions are recommended to control matters including noise. No air quality issues are raised.

The proposal does not seek to amend Conditions 4, 5 or 7 of the permission which control hours, use of the garden and require submission of a noise management plan.

7.19 Comments on Public Consultations

The planning issues raised following public consultation have been addressed within the report.

7.20 Planning Obligations

In order to mitigate against possible highways and traffic impact it is recommended that the following measures are secured via a S106 agreement:

(1) Five of the parking bays within the site are allocated for parents pick up and drop off/visitors. This will allow child drop off to take place within the site. Details of parking allocation shall be submitted to and approved by the Council.

(2) A Travel Plan will operate at the site for at least 5 years whereby a Travel Plan Co-ordinator will have targets and measures to adhere to. The main targets are to achieve a higher level of sustainable modes of transport for both parents and staff. If greater levels of walking were achieved for both staff and parents there would be less concern over safety issues at this location

(3) The nursery should provide a Unilateral Undertaking that it (the nursery) will have an agreement with staff not to park on-street and that disabled staff will be given priority on the allocation of staff parking spaces.

7.21 Expediency of enforcement action

Not relevant.

7.22 Other Issues

None 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

No comments received.

10. CONCLUSION

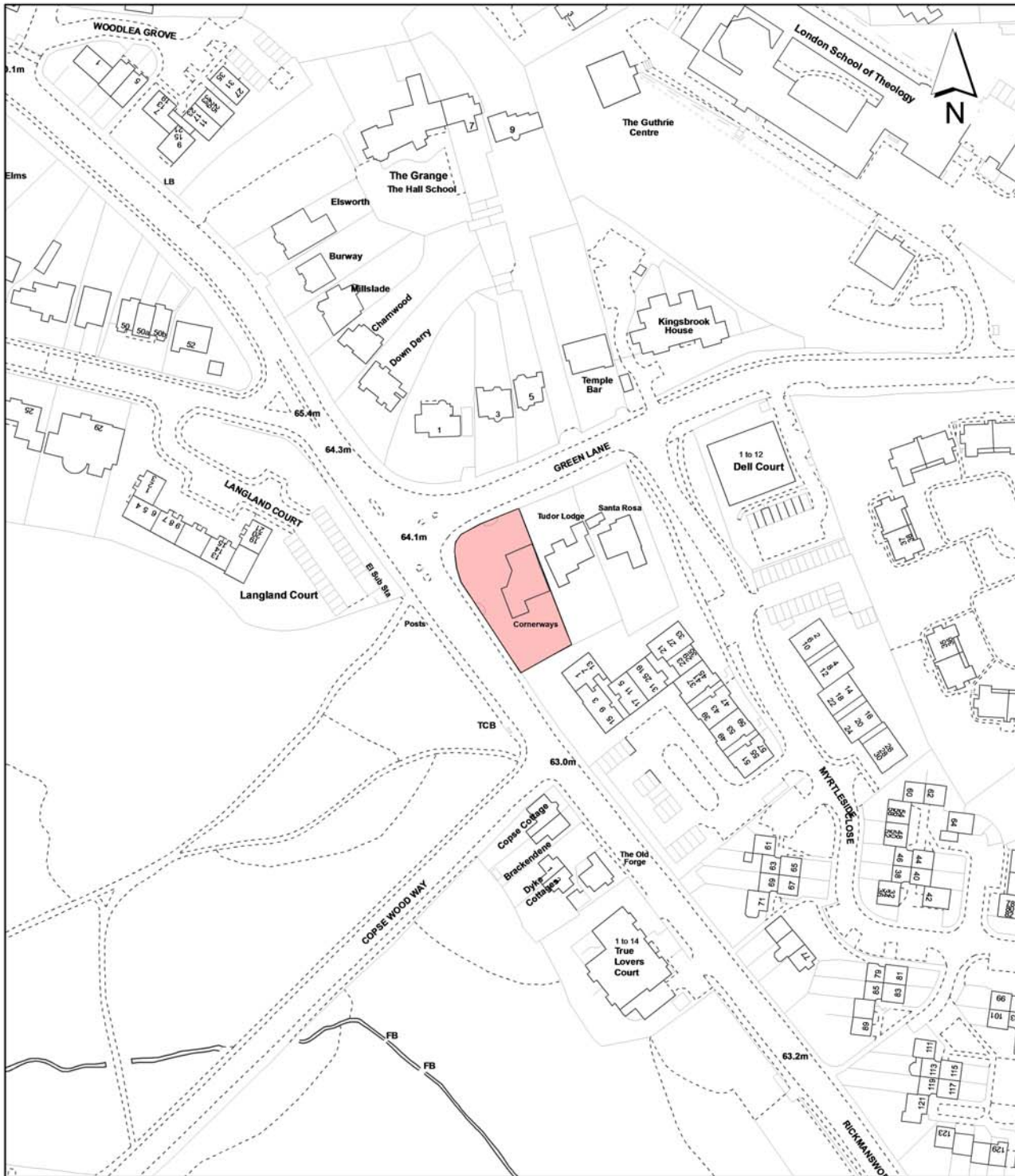
It is recommended that planning permission be granted subject to prior completion of a Section 106 agreement.



11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Minor Alterations to the London Plan - Parking Standards (March 2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Cris Lancaster

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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). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2016 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p style="text-align: center;">Cornerways Green Lane</p>		<p>LONDON BOROUGH OF HILLINGDON Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">18414/APP/2016/3792</p>	<p>Scale:</p> <p style="text-align: center;">1:1,750</p>	
	<p>Planning Committee:</p> <p style="text-align: center;">North</p>	<p>Date:</p> <p style="text-align: center;">January 2017</p>	