

Report of the Head of Planning, Transportation and Regeneration

Address 31 FRITHWOOD AVENUE NORTHWOOD

Development: Change of use of the building from a 12-bedroom bed and breakfast (Use Class C1) to a 7-bedroom care facility (Use Class C2) for persons with early onset dementia and dual diagnosis impairments

LBH Ref Nos: 8032/APP/2018/4117

Drawing Nos: Method Statement
0071-01
Planning Statement
Transport Statement
Arboricultural Impact Assessment
0071-02 Rev G
0071-03 Rev G
0071-04 Rev G
0071-05 Rev G
0071-06 Rev G
0071-07 Rev G
0071-08 Rev G

Date Plans Received:	22/11/2018	Date(s) of Amendment(s):	12/12/2018
Date Application Valid:	22/11/2018		15/01/2019
			22/11/2018

1. SUMMARY

This application is being reported to committee because it was called in by a ward councillor, and 2 petitions together with 167 objections have been received. This application seeks to convert the existing 12 room bed and breakfast accommodation (Use Class C1) to a 7 room care home (Use Class C2). The applicant has clarified that clients will have mental Health such as Dementia, depression and eating disorders and sometimes may have a Dual Diagnosis & Sensory Impairment (such as a physical disabilities), or may have a secondary health related issues such as Parkinson or need cancer care. As regards how the premises will be managed the applicant has stated that 'a competent manager will always be available to support the team with an out of hours on-call management system from 10pm- 8am'.

Officers have concerns that the level of care that is to be provided to future occupants will result in a facility with the potential for 24 hour noise disturbance in an entirely residential area and it is not considered that planning conditions could address such concerns. The applicant states security measures are to be implemented and a member of staff being present on site 24 hours a day. Unlike the existing bed and breakfast facility (which has no history at all of noise complaints) the proposed use is considered likely to have comings and goings of staff and possibly even emergency services over a 24 hour period. In a location with a low background noise this is considered likely to be to the detriment of neighbours amenity.

A very large number of objections have been received in relation to this application raising concerns about the perception of crime. The description of development of this proposal refers to persons with dual diagnosis impairments. This put simply means the building will

be used to look after persons with a history of drug dependency issues. Whereas the term dual disorder does not in itself mean the drug dependency would have involved use of needles it is typically a term used to describe those who have experienced serious mental health/drug dependency issues. The application has attracted very extensive objections (167 individual objections and two petitions), many objections are linked to their being a Primary school (Frithwood primary School) nearby. Fear of crime or public safety can be a material consideration when it has a clear rational basis. In this case locating a premises which looks after those who have had a history of drug dependency issues (hence might give rise to children coming into contact with drug users or drug paraphernalia) close to a Primary School is considered to represent a rational fear of crime/public safety and give rise to land use planning consideration concerns. Put simply the proposed change of use is considered unacceptable as it is not considered an appropriate location for a facility which looks after persons with possibly severe mental health issues such as dual diagnosis impairments.

Despite the applicant indicating they can implement a number of security measures (such as 24 hour care), there is no way of ruling out future incidents of crime. Given the nature of vulnerability of the occupants and the site's proximity to Frithwood Primary School, there is a reasonable basis that this could increase the perception of crime and undermine the quality of life of local residents.

For the reasons set out within this report, this application is recommended for refusal.

2. RECOMMENDATION

To refuse this application.

1 NON2 Non Standard reason for refusal

The proposal would result in noise and disturbance due to increased comings and goings of vehicles, particularly at unsociable hours given the changing level of care of the occupants to the detriment of residential amenities of the occupiers of surrounding properties by reason of noise and disturbance. Therefore the proposal would be contrary to policies BE19 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The proposal involves care of individuals with dual diagnosis disorder. It is considered that the location of a care home with persons potentially requiring a high level of support will lead to rational concerns, including a fear of crime, by the local community, in particular given the close proximity of Frithwood Primary School. In this case it is considered there are grounds to believe the perception of crime could undermine the quality of life of local residents. Furthermore the applicant has not fully address issues raised by the Metropolitan Police Crime prevention Officer. The proposal is therefore considered contrary to policies BE19 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), London Plan 2016 Policy 7.3 and Paragraph's 91 and 127 of the NPPF (2018).

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 (November 2012) 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 (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
R16	Accessibility for elderly people, people with disabilities, women and children
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.17	(2016) Health and social care facilities
NPPF7	NPPF - Requiring good design
NPPF8	NPPF - Promoting healthy communities

3. CONSIDERATIONS

3.1 Site and Locality

31 Frithwood Avenue is a substantial detached building that sits on a sloping site on a prominent corner bounded by Canterbury Close to the west and Frithwood Avenue to the South. The existing house is set away from the front boundary by approximately 20m. The site benefits from access to the rear, off Canterbury Close for car parking and bin storage. To the front is an area of lawn with 2 parking spaces and to the rear an area of patio and a car park with 3 parking spaces.

The existing house is used as a 12 room bed and breakfast (Use Class C1). The surrounding area is characterised by 2.5- storey residential dwellings set within generous

grounds. The site is located adjacent to the Northwood - Frithwood Conservation Area. The site is subject to a Tree Preservation Order (TPO) 49.

3.2 Proposed Scheme

Change of use of the building from a 12 bedroom bed and breakfast (Use Class C1) to a 7 bedroom care facility (Use Class C2) for persons with early onset dementia and dual diagnosis impairments.

The proposal would not involve any external alterations to the property and the use would be facilitated within the existing floor layout with the accommodation provided being arranged over 3 floors. The property already benefits from 5 off-street car parking spaces to the front and rear, this is unlikely to change within the new proposal.

Revised Plans

The internal layouts were altered in response to concerns raised by residents and the Metropolitan Police. The manager's office is now proposed to be located at ground floor level. The door leading out into the garden from a bedroom at ground floor level has also been removed.

A revised Method Statement was received on 14-01-2019 in response to concerns raised by local residents.

3.3 Relevant Planning History

8032/APP/2004/1904 31 Frithwood Avenue Northwood

RENEWAL OF PLANNING PERMISSION REF:8032/F/98/1853 DATED 14/07/1999 : ERECTIO
OF A PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION, SINGLE STOREY
SIDE EXTENSION AND FRONT PORCH EXTENSION TO GUEST HOUSE, INSTALLATION C
ON-SITE CAR PARKING AREA AND LANDSCAPING

Decision: 04-11-2004 Approved

8032/APP/2004/3228 31 Frithwood Avenue Northwood

PART CHANGE OF USE OF GROUND FLOOR (28m²) FROM CLASS C1 (GUEST HOUSE) TO
CLASS D1(a) (NON-RESIDENTIAL) TO PROVIDE 1 CONSULTING ROOM FOR
PHYSIOTHERAPY PRACTICE (INVOLVING DEMOLITION OF EXISTING KITCHEN)

Decision: 25-01-2005 Approved

8032/APP/2017/1671 31 Frithwood Avenue Northwood

Part two storey, part single storey side/rear extension, enlargement of roofspace involving
alterations to elevations and change of use from Class C1 (Hotels) to Class C2 (Residential
Institutions)

Decision: 08-09-2017 Withdrawn

8032/APP/2017/3739 31 Frithwood Avenue Northwood

Part two storey, part single storey rear extension, enlargement of roofspace involving alterations
to elevations and change of use from a Bed and Breakfast (Use Class C1) to extra care facility

comprising 13 units and an internal communal facility (Use Class C2).

Decision: **Appeal:** 20-12-2018 Withdrawn

8032/APP/2017/4601 31 Frithwood Avenue Northwood

Part two storey, part single storey rear extension and conversion of roofspace to habitable use to include the repositioning and enlargement of the front dormer and the repositioning and enlargement of the rear dormer.

Decision: **Appeal:** 18-12-2018 Dismissed

8032/APP/2018/2140 31 Frithwood Avenue Northwood

Change of use of the building from Use Class C1 (Hotels - currently a 12-bedroom bed and breakfast) to Use Class C2 (Residential Institution - 8-bedroom care home), involving a part two storey, part single storey rear extension, and enlargement of roofspace.

Decision: 30-10-2018 Refused

8032/B/88/1682 31 Frithwood Avenue Northwood

Conversion of single family dwelling into 3 1-bed room flats & 1 3-bedroom flat

Decision: 08-02-1989 Approved

8032/C/88/2505 31 Frithwood Avenue Northwood

Change of use of single family dwelling to 4 self contained flats & assoc parking

Decision: 11-11-1988 Withdrawn

8032/E/89/2437 31 Frithwood Avenue Northwood

Change of use from single family dwelling unit to guest house

Decision: 07-06-1990 Approved

8032/F/98/1853 31 Frithwood Avenue Northwood

Erection of a part two storey, part single storey rear extension, single storey side extension and front porch extension to guest house, construction of on-site car parking area and landscaping

Decision: 14-07-1999 Approved

8032/PRC/2016/110 31 Frithwood Avenue Northwood

Redevelopment of 5 flats

Decision: 15-03-2017 PRM

8032/PRC/2017/26 31 Frithwood Avenue Northwood
Conversion to 17 room care home

Decision: 11-04-2017 OBJ

Comment on Relevant Planning History

This application has been subject to several planning applications in the recent past. Details of the site's planning history is set out below:

8032/APP/2018/2140 - sought the change of use of the building from Use Class C1 (Hotels - currently a 12-bedroom bed and breakfast) to Use Class C2 (Residential Institution - 8-bedroom care home), involving a part two-storey, part single storey rear extension, and enlargement of roofspace.

OUTCOME - The application was refused for the following reason - the proposed part two-storey, part single storey rear extension, by reason of the size, scale and bulk of the single-storey element, would not be visually subordinate to the original building, would not respect the composition of the original building and would result in a further loss of garden openness at the rear of the site. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the Council's HDAS: Residential Extensions SPD.

APPEAL: Not at appeal.

OFFICER COMMENT: The difference is the application under consideration does not include external alterations and extensions.

8032/APP/2017/4601 - sought a part two storey, part single storey rear extension and conversion of roofspace to habitable use to include the repositioning and enlargement of the front dormer and the repositioning and enlargement of the rear dormer.

OUTCOME - The application was refused for the following reason: The proposed part single, part two storey rear extensions and roof alterations, by reason of their size, scale and prominence would represent incongruous additions to this property, fail to be visually subordinate to the original building, would not respect the composition of the original building. The proposal would result in an uncharacteristically small rear garden area when combined with the rear parking area. The proposals would therefore be detrimental to the character, appearance and visual amenities of the streetscene and surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE20, BE21, BE 22, BE23, BE24 and BE38 of the Local Plan: Part Two (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

APPEAL: Dismissed at appeal for design reasons.

OFFICER COMMENT: The application is currently under appeal. The key difference between the current application and this application is that the previous application did not include a change of use and merely sought extensions, it was proposed to remain as a bed and breakfast whereas this application does not include extensions and is simply for the

change of use to a care home.

8032/APP/2017/3739 - sought a part two storey, part single storey rear extension, enlargement of roofspace involving alterations to elevations and change of use from a Bed and Breakfast (Use Class C1) to extra care facility comprising 13 units and an internal communal facility (Use Class C2).

OUTCOME - The applications were refused for the following reasons:

1) The proposed two storey side/rear extension, by reason of its size, scale, bulk together with the size of the rear dormer would not be visually subordinate to the original building, would not respect the composition of the original building and would result in a further loss of garden openness particularly to the rear. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2) In the absence of a Section 106 legal agreement or unilateral undertaking securing a management plan and the use of the premise as a care facility, the proposal provides an indoor living area of an unsatisfactory size for the occupiers of the proposed units. The proposal therefore gives rise to a substandard form of living accommodation and fails to provide requisite accessibility requirements to the detriment of the amenities of future occupiers contrary to Policy 7.2 of the London Plan (2016), Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

APPEAL: Withdrawn at appeal.

OFFICER COMMENT: The key difference between the application that was refused and this application is that this proposal does not include an extension and seeks to provide an extra care facility for upto 7 people. Whereas the previous application sought consent for 13 units that were largely self contained and did not comprise of communal facilities.

8032/APP/2017/1671 - sought a part two storey, part single storey side/rear extension, enlargement of roofspace involving alterations to elevations and change of use from Class C1 (Hotels) to Class C2 (Residential Institutions).

OUTCOME - The application was withdrawn before it was heard at North Planning Committee.

4. Planning Policies and Standards

National Planning Policy Framework Paragraph 91 says:

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other -for example through mixed-use developments, strong neighbourhood centres, street layouts

that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion -for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

National Planning Policy Framework Paragraph 127 (f) says that planning policies and decisions should:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
 - (i) Dial-a-ride and mobility bus services
 - (ii) Shopmobility schemes
 - (iii) Convenient parking spaces
 - (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE18 Design considerations - pedestrian security and safety
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE23 Requires the provision of adequate amenity space.
- R16 Accessibility for elderly people, people with disabilities, women and children
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
- LPP 3.17 (2016) Health and social care facilities

NPPF7 NPPF - Requiring good design
NPPF8 NPPF - Promoting healthy communities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **27th December 2018**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

This application was consulted on between 04-12-2018 and 27-12-2018. 163 objections were received against this application including an objection from the Northwood Residents Association. 9 comments were received. The objections and comments are summarised below:

- A care home already exists on the street, there is no demonstrable need for a new care facility in this area;
- No in principle objections to the provision of a care home for individuals with early onset dementia, however having a mix of individuals with early onset dementia and dual diagnosis is inappropriate;
- The site is inappropriate for a new care home and is likely to result in highways and parking pressure;
- A ground floor office is essential;
- Concerned about the lack of a lift;
- Vehicular movement will result in noise and disturbance and the car park to the rear should not be used between 10pm and 6am each day.
- The proposal should not result in harm to the protected tree to the front of the site;
- This is an inappropriate use in such close proximity to a primary school;
- It is inappropriate to house people with dual diagnosis impairments so close to the primary school which significantly increases the risk of an incident or well being of the children attending the school;
- The proposed residents could easily watch the comings and goings of children out of the window of this property. There are significant concerns that the occupants could become fixated on a particular child knowing their movements;
- It is not safe to house individuals with dual diagnosis impairments in close proximity to a school. Significant concerns that this would result in children being exposed to harm;
- The proposed care facility is in close proximity to Frithwood Park, there is a risk that the patients could therefore relapse and become unsafe for the local community;
- Police resources in this area are already stretched, the needs of the vulnerable people would be best looked after elsewhere;
- There was an incident four years ago, an individual with mental health problems in a care facility nearby known to the police threatened and assaulted a child;
- The proximity of this care facility to a primary school is poses a risk to children;
- The proposal would result in over commercialisation of this street and would lead to a further loss to the quiet residential community that this part of the street currently is;
- It doesn't make sense (financially) to have a 7 bedroom care home in this location;
- Children will no longer be able to play or ride bikes on the street unsupervised.

Northwood Residents Association:

The NRA wrote to express concern over the proposed use catering for early onset dementia but also dual diagnosis impairments which is defined generally as severe mental health issues (Schizophrenia, delusional disorders etc) along with addiction issues (misuse of substances - legal or illicit drugs causing mental or physical damage). The NRA note the Local Plan Part 2 Policy

DMH8 which says care homes will be permitted so long as, among other things, it caters for a need identified in a local Housing Market Assessment. Such an assessment was not included in the application. Given the quiet nature of the surrounding residential area it is considered those close-by would be adversely affected by the proposed use. There is a traffic assessment which shows on-site parking is insufficient for staff and likely visitors. There is a traffic management scheme locally, but there will be a reliance on on-street parking, in addition to the movement of traffic identified during weekdays and weekends. The traffic assessment concludes that the proposed development would not have a 'severe' impact on transport, which by implication means there will be an adverse impact on what is a quiet residential area. Separately, there is concern regarding the location of the proposed use being close to Frithwood Primary School for 3-11 year olds. There is a gate from the school in Chartwell Road where parents drop children off and the older children go independently through the gate. The parking in Frithwood Avenue around Chartwell Road is taken up by parents cars for about an hour both in the morning and the afternoon as they drop off and collect the children. There is also concern that the primary school children will be walking passed the subject property generally, either with parents, or, in the case of the older children but still eleven or younger, independently. Therefore, the NRA advocates the planning application be refused.

Frithwood Primary School Board of Governors

Raised objection to the application noting one of the entrances to the school is on Chartwell Road, a few yards from 31 Frithwood Avenue. There are currently 400 pupils attending the school between the ages of 3-11. Many children and parents walk past the property daily including year 6 children who walk to school alone in preparation for the transition to secondary school.

It is understood that dual impairment refers to people with a severe mental illness (including schizophrenia, schizoaffective disorder, and delusional disorders and depressive episodes with or without psychotic episodes) combined with misuse of drugs or alcohol. Given the complex and serious nature of such impairments, the school is very concerned by this proposal in close proximity to the primary school.

Given its proximity to the school and the nature of residents proposed to live at the facility, there is a serious risk that the proposal could harm the future welfare of the children attending the school. The quiet residential area has little police surveillance during the day, given the severity of the mental illness, the proposal poses a very credible risk to children, parents and members of staff. The proposal is considered in this location opposite the local primary school. The school requests that the application is rejected for these reasons.

9 comments (where the residents are not considered to be objectors) were also received from local residents which are summarised below:

- local resident's concerns have been increased by a social media campaign; and
- The site should be converted to 3 flats instead a care home.

Metropolitan Police

No objection to this application subject to the following recommendations.

These recommendations are designed to make the site as robust as possible to crime, the residents as safe as possible in their home, assist the practical running and management of this venue and to assist police in any potential investigations

1. An access control (fob) system should be used for the main door and residents front door. This allied to a data management/storage which stores the data for 31 days, with staff on site having the data readily available to them.

2. All ground floor and first floor doors and windows to be PAS 24/2016 rated.
3. Front door to be self shutting and closing, with fob control for both entering and egressing the building.
4. All windows to have restrictors installed on them so that they cannot open wide enough for a person to fit through them.
5. Managers office - it is proposed that this is to be moved from its current location next to the main entrance, to a rear bedroom on the first floor. This will prevent the staff being able to comfortably monitor the front door. The office must remain in its current location.
6. Remove the door on bedroom 2.
7. CCTV system to be installed must have live feed in the management office to assist in the management of this site.
8. Install CCTV covering the front door - suitably zoomed in so that a facial image of everybody entering the address is achieved.
9. Concerns regarding amenity space - to assist the staff the management of residents, the residents should be given access to the area I have highlighted in red below. This area should be secured so that nobody can get into it or out of it without going through the building. To achieve this the surrounding building must be at least 2.4 metres tall, and no furniture in this area, such as benches or planters that could be used to climb up and escape. If such furniture is required then install in away from perimeter and it cannot be moved. This should be the smoking area, negating the need for residents to routinely go out the front of the address, making it easier for staff to manage. Install a CCTV camera covering this area.

Officer response: The applicant submitted amended plans which follows some, but not all of the recommendations given by the Metropolitan Police. The office has been moved to ground floor level next to the front entrance. The door leading to the garden from room two has been removed. The site is proposed to be secured with only one point of entry for occupants and visitors. The rear access is proposed to be used only in the event of an emergency and by members of staff.

Internal Consultees

Highways

There are currently 5 parking spaces that serve the C1 use with 2 spaces located on the frontage and 3 to the rear accessed from Canterbury Close. This quantum is proposed to be retained but with the inclusion of 2 disabled spaces.

The proposed C2 use would demand up to 4 on-site parking provisions in order to accord with the Council's parking standard. The standard is based on a 'level of care' provision of 1 staff member per 3 residents.

The level of proposed on-site provision therefore marginally exceeds the Council's parking standard as it now also includes 2 disabled compliant spaces situated on the frontage which may also be usefully utilised for short term ambulance parking when required. However, there appears to be no car parking available for visitors.

In terms of cycle parking there should be a provision of at least 1 space secure and accessible space per 2 staff equating to 4 spaces in order to conform to the adopted minimum borough cycle parking standard. This calculation is based on a maximum of 7 staff per shift of a total of 13 enrolled staff (covering a 24 hour period). A suitable cycle store accommodating 4 cycle spaces has been depicted on-plan and is located to the side of the building which conforms to the Council's requirements.

There are two existing carriageway crossings emerging onto Canterbury Close which serve as vehicular access points to the front and rear of the address. These are to remain without alteration which is considered acceptable given the level and proposed arrangement of on-site parking provisions.

In parking layout terms there is conformity to the design principles contained within the Department for Transport's - Manual for Streets (MfS) (circa 2007) best practice document for new development road and parking layouts. This is welcomed as the frontage layout also allows for the arrival and departure of ambulances and service vehicles on an 'as and when' basis without impediment with vehicles being able to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

There is conformity to the relevant visibility sight-line requirements at both access locations, in accord with MfS guidelines hence there are no envisaged highway safety related implications associated with this redevelopment.

On the above premise the arrangement of parking provision and internal road layout are considered acceptable within the design context.

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

On the basis of vehicle trip generation database evidence from established sources such as TRICS and TRAVL, it is expected that general activity would be relatively low given the 'dormant' nature of this type of C2 use.

A review of the TRICS database throughout the day time confirms the low use profile with an expected 'peak' mid-morning two-way movement of up to 4 vehicles with negligible activity for the remainder of the day. It is therefore considered that this level of trip generation can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Refuse collection from the rear of the site envelope will continue via Canterbury Close. A satisfactory bin store location in proximity of the public highway has been depicted on plan and therefore conforms to the appropriate refuse 'collection distance' standard. There are no further observations.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

Adult Social Care

The application was reviewed by the Director of Adult Social Care Services. It was highlighted that given the use proposed a number of safeguards are required. To ensure the site operates as a care home that must have a registered manager so the use is regulated. This will prevent it from becoming a supported living unit over which officers or the care commission would have little control. It was recommended that a condition be applied requiring a multi agency risk assessment. To ensure anybody that is known to have a history of offending will not be placed at this service. A condition should also require a local area risk assessment before the facility comes into operation. Once these measures are in place along with the recommendations made by the Metropolitan Police, the proposed care facility is unlikely to result in harm to the safety or amenities of local residents.

Officer comment: Officers have considered whether the conditions recommended would be enforceable and meet all the necessary condition tests. It is considered that such conditions would not be practicable or enforceable.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposal is for a 7 bedroom care facility to provide care for adults with mental health issues, young onset dementia and a dual diagnosis impairment. Individuals will be provided essential care and support (Use Class C2). The Planning Statement notes the design of the scheme has been informed through consultation with the Care Quality Commission (CQC).

There are some ambiguities within the method statement, on the one hand it notes there is a need within Hillingdon for elderly care, however the eligibility criteria for this care facility is to be 'over the age of 18 and have the means to pay rent or be in receipt of housing benefit'. It also makes reference to the need to 'support individuals in their own homes' however this application is for a care home falling into Use Class C2. There is a significant difference between caring for elderly people with frailty and adults over the age of 18 with dual diagnosis.

Use Class C2 is defined as 'use for the provision of residential accommodation and care to people in need of care'. The C2 use class encompasses a variety of uses, from large nursing homes and hospitals to much smaller residential uses. According to regulations under Section 20 of the Health and Social Care Act 2008. CQC regulates care homes according to a set of essential standards of quality and safety, which were published in March 2010. The standards set out what homes must do in order to comply with the regulations. All homes are subject to an inspection and a reporting regime.

The applicant explains that where a client has Dementia and a legal DOLS (Deprivation of Liberty) assessment is in place, they will be restricted from leaving the care service in line with social service requirements. Other clients who are able to access the local community safely will have their own key and will be supervised.

Whether a C2 use is considered acceptable in principle is considered to be dependent on detailed matters such as whether the proposal will give rise to noise disturbance and whether sufficient parking is provided.

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 approximately 30m east of the Northwood - Frithwood Conservation Area. Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to protect conservation areas from inappropriate development.

It is considered that the proposed works to the building and the change of use to a care home would not cause harm to the character and appearance of the Northwood - Frithwood Conservation Area, and so complies with BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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 BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance. Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of

the original building.

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

No external alterations are proposed as part of this application and will therefore not impact the character of the area.

7.08 Impact on neighbours

Policies BE20 and BE21 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Layouts SPD seek to ensure that new buildings and extensions maintain and allow adequate levels of daylight and sunlight to penetrate into and between them.

As no extensions are proposed officers have focussed on whether the proposals are considered likely to give rise to unacceptable noise disturbance.

Concerns are raised with regard to the level of noise and disturbance that would be generated from the proposed use. Particularly if/when residents use the garden and when members of staff arrive at/leave the property at the beginning/end of each shift and regarding the number of vehicular movements that might occur at anti-social times. The care home may generate some degree of noise, the property is within close proximity of residential houses on a quite cul de sac, where vehicle movements are much less than on a main through road. The level of movement to and from the property is considered likely to intensify as a result of this proposal. It is not considered that conditions could be used to control vehicles movement (such a condition would fail the tests set out in paragraph 55 of the NPPF (2018)). The use is considered incompatible with its location in a quiet residential cul-de sac.

Perception of Crime

Paragraph 91 of the NPPF (2018) notes that planning decisions should ensure development will create safe, inclusive and accessible places with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

There is some case law regarding fear of crime as a material planning consideration.

In *West Midlands Probation Committee v SSE* (1997) the Court of Appeal held that fear of crime could be a material planning consideration. In this particular case, there was evidence to support the argument that people's lives had been adversely affected by an existing bail hostel use and so the proposal to extend that use further meant that local residents' fears had a sound evidential base and were a legitimate planning objection.

In *Smith v FSS* (2005), the Court of Appeal quashed a decision on a gypsy caravan site because the Inspector treated local residents' fear of crime as a material consideration.... A caravan site was not like a bail hostel and it was not right to view the use of land as a caravan site as inherently creating the real concern that could be associated with land uses such as a bail hostel.

These cases simply re-inforce that fear of crime or public safety considerations can be a material planning consideration, but they need to be substantiated and cannot be based simply on prejudice.

A number of objections have been received with regards to safety and security of the children that attend Frithwood Primary School. The objections have raised significant concerns that the proposed use is in close proximity to a primary school and given the

nature of proposed occupants, could increase the risk of harm to children, parents and staff at the school.

Dual diagnosis is described by the NHS Hillingdon Clinical Commissioning Group (CCG) as 'people who have both mental health and drug or alcohol problems'. The National Institute of Clinical Excellence (NICE) notes dual diagnosis covers Mental health issues alongside alcohol use disorders, substance misuse, psychosis and schizophrenia in adults.

The applicant has set out in principle how the care home would function, including staffing levels. It is not within the remit of the planning system to seek to control the day to day functioning and management of the care home or its occupiers, as this is controlled by other legislation and inspected by the CQC (the CQC are similar to OFSTED in that inspections are not carried out daily or monthly, but less often). Nonetheless the premises is not a prison and it can be expected that some occupiers will come and go from the premises.

An Officer at the Metropolitan Police has reviewed the application and recommended a number of measures that should be implemented before the use of the site commences as a care facility. It is to be noted that this facility will be managed and a member of staff will be present on site 24 hours a day throughout the week. Within the revised plans, the office has now been moved so it is situated next door to the entrance at ground floor level.

The applicant also notes in a revised method statement that future occupants would not be from a forensic background on a Section 37/41 (hospital order given by the crown court). It notes that the client group will consist of people who can live integrated within their local community and will not have complex mental health needs which requires specialist medical intervention.

However this information is considered contradictory, as the proposal is for a care facility for those with dual diagnosis, which does relate to complex mental health needs.

It should also be noted that the method statement anticipates that whilst the premise would be staffed over 24 hours, the occupants would not be provided with 1 for 1 care at all times. It also notes that a competent manager 'would be available to support the team (if required) but the method statement does not make it clear that a competent manager will be present on site at all times which raises concern that an appropriately qualified manager may not be available to deal with a difficult situation immediately should this occur. It also notes that remotely operated doors 'will be considered' and additional monitoring equipment would be installed if necessary.

The response from the applicant in effect does not address concerns regarding whether the site is an appropriate location for such a use.

There are concerns that future occupants with a history of substance abuse could be placed within close proximity to Frithwood Primary School, this is considered to be a very rational conclusion to draw from the proposals. Officers therefore think it also rational to assume that there is a risk of children coming into contact with or witnessing drug taking if a premises housing persons with a history of substance abuse is proposed.

Given the nature of occupants proposed to be placed at the property and given the proximity of Frithwood Primary School, there is a reasonable basis that this would increase the perception and risk of crime and undermine the quality of life of local residents, for this reason the application is being recommended for refusal.

7.09 Living conditions for future occupiers

The proposal would provide seven bedrooms; two rooms at ground floor level, three rooms at first floor level and two rooms at second floor level. Communal space would be located on the ground floor. It is noted that there is proposed to be a storage room at first floor level that could be converted to form another room without planning consent. A condition is secured to ensure the development, if approved may only be used as a 7 bedroom care facility. Planning consent is required for additional rooms.

As this application falls under Use Class C2, there are no policy standards governing unit sizes, internal layout, outlook and living conditions. Notwithstanding this, the proposed rooms would vary in size from 18 sq.m to 34.8sq.m, thereby providing adequate space for residents.

The applicant has clarified that the building has been designed to accord with CQC standards for care homes and to comply with Part M of the Building Regulations with the ground and first floor being fully wheelchair accessible. All rooms will have access to a tele care overlay system, enabling additional items of monitoring equipment to be installed as necessary.

There are no concerns raised regarding living standards for occupiers, which will be subject to CQC standards in any case.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

On the basis of vehicle trip generation database evidence from established sources such as TRICS and TRAVL, it is expected that general activity would be relatively low given the 'dormant' nature of this type of C2 use.

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

There are currently 5 parking spaces that serve the C1 use with 2 spaces located on the frontage and 3 to the rear accessed from Canterbury Close. This quantum is proposed to be retained but with the inclusion of 2 disabled spaces.

The proposed C2 use would demand up to 4 on-site parking provisions in order to accord with the Council's parking standard. The standard is based on a 'level of care' provision of 1 staff member per 3 residents. This 'level of care' assumption tallies with the proposal which suggests a maximum staffing level of up to a '7 staff attendance per shift' of which approximately 40- 50% would travel to and from the site by means other than by 'single occupancy' private motor vehicle journeys. In practice this would equate to 3-4 staff members travelling by private motor vehicle during any one shift period. This is considered a reasonable assumption based on Care Home staff profiles and established travel databases for comparable C2 uses in other locations.

The level of proposed on-site provision therefore marginally exceeds the Council's parking standard as it now also includes 2 disabled compliant spaces situated on the frontage which may also be usefully utilised for short term ambulance parking when required. As the PTAL rating for the address is considered as low, this higher on-site provision is broadly welcomed as it will help discourage extraneous on-street parking to the benefit of the local highway network and community.

In terms of cycle parking there should be a provision of at least 1 space secure and accessible space per 2 staff equating to 4 spaces in order to conform to the adopted minimum borough cycle parking standard. This calculation is based on a maximum of 7 staff per shift of a total of 13 enrolled staff (covering a 24 hour period). A suitable cycle store accommodating 4 cycle spaces has been depicted on-plan and is located to the side of the building which conforms to the Council's requirements.

There are two existing carriageway crossings emerging onto Canterbury Close which serve as vehicular access points to the front and rear of the address. These are to remain without alteration which is considered acceptable given the level and proposed arrangement of on-site parking provisions.

In parking layout terms there is conformity to the design principles contained within the Department for Transport's - Manual for Streets (MfS) (circa 2007) best practice document for new development road and parking layouts. This is welcomed as the frontage layout also allows for the arrival and departure of ambulances and service vehicles on an 'as and when' basis without impedance with vehicles being able to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

There is conformity to the relevant visibility sight-line requirements at both access locations, in accord with MfS guidelines hence there are no envisaged highway safety related implications associated with this redevelopment.

On the above premise the arrangement of parking provision and internal road layout are considered acceptable within the design context.

Refuse collection from the rear of the site envelope will continue via Canterbury Close. A satisfactory bin store location in proximity of the public highway has been depicted on plan and therefore conforms to the appropriate refuse 'collection distance' standard. There are no further observations.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3,6.9, and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

Urban design:

See Section 7.07 of this report.

7.12 Disabled access

The proposal would provide 7 bedrooms with en-suites, of which 5 would be wheelchair accessible. Two wheelchair accessible bedrooms with individual wet rooms would be provided on the ground floor. At first floor level 3 wheelchair accessible bedrooms with individual wet rooms are provided. A lift from the ground floor to the first floor would be provided. The second floor would comprise of the remaining two bedrooms which would have en-suites. The proposal would provide two disabled parking spaces. This approach is considered acceptable.

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) states, amongst other things, that development proposals will be expected to retain and

utilise topographical and landscape features of merit.

No alterations are proposed to the hard and soft landscaping as part of this proposal.

7.15 Sustainable waste management

Refuse storage would be provided within the parking area at the rear of the site and the refuse would be collected from Canterbury Close. The location of the refuse storage is acceptable and would be within the standard refuse collection distance. The refuse storage area would need to be covered and secure; details of the refuse store can be provided by way of condition on any consent granted.

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

Officers have concerns that the level of care that is to be provided to future occupants will result in a facility with the potential for 24 hour noise disturbance in an entirely residential area and it is not considered that planning conditions could address such concerns. The applicant states security measures are to be implemented and a member of staff being present on site 24 hours a day. Unlike the existing bed and breakfast facility (which has no history at all of noise complaints) the proposed use is considered likely to have comings and goings of staff and possibly even emergency services over a 24 hour period. In a location with a low background noise this is considered likely to be to the detriment of neighbours amenity.

7.19 Comments on Public Consultations

Responses to the matters raised have been addressed throughout this report.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues identified.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

This application seeks to convert the existing 12 room bed and breakfast accommodation (Use Class C1) to a 7 room care home (Use Class C2). There is no objection in principle to this use.

The level of care required and the resultant movements of staff and visitors to and from the site is considered likely to give rise to noise and disturbance at a location with low background noise levels to the detriment of neighbours amenity.

Given that possible occupants will have a history of drug dependency issues concerns are raised whether it is a sensible location for such a use close to a primary school. This has given rise to very extensive objections and a fear of crime. It is considered that there is a

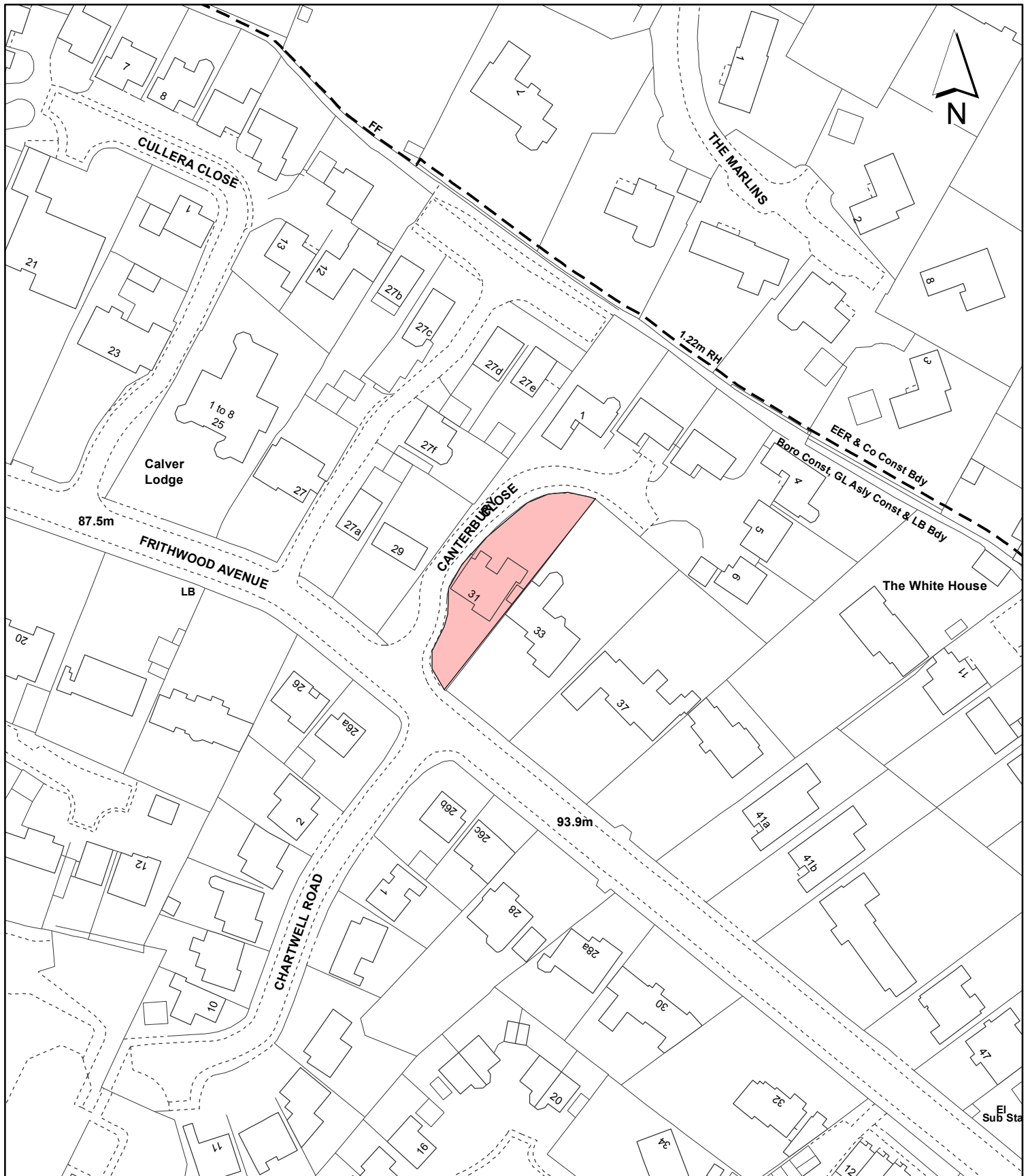
reasonable basis behind such concerns and that this could increase the perception of crime and therefore undermine the quality of life of local residents and school users. For the reasons outlined in this report, the application is being recommended for refusal.

11. Reference Documents

The Hillingdon Local Plan: Part One (November 2012)
Hillingdon Local Plan: Part Two (November 2012)
London Plan (2016)
National Planning Policy Framework (2018)

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Notes:

 Site boundary

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Site Address:

**31 Frithwood Avenue
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**LONDON BOROUGH
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 Telephone No.: Uxbridge 250111

Planning Application Ref:
8032/APP/2018/4117

Scale:
1:1,250

Planning Committee:
North

Date:
January 2019

