

## Report of the Head of Planning, Transportation and Regeneration

**Address** FORMER CHANTRY SCHOOL SITE FALLING LANE YIEWSLEY

**Development:** Demolition of the existing school and a comprehensive redevelopment of the site to provide a new two storey school building; provision of a Multi-Use Games Area (MUGA); an All Weather Pitch (AWP); increased car and cycle parking facilities; landscaping; and associated works. Provision of temporary construction access across Philpots Farm and a temporary compound and associated development.

**LBH Ref Nos:** 5746/APP/2019/2403

**Drawing Nos:** Air Quality Screening Assessment dated June 2019  
Arboricultural Impact Assessment dated August 2017  
Archaeological Desk Based Assessment dated June 2019  
BRUKL Outputs dated October 2019  
Transport Statement  
Feasibility Study by Education Funding Authority dated July 201  
Flood Risk Assessment dated December 2019  
Noise Impact Assessment  
GLA Carbon emission reporting  
Ground Investigation Factual Report dated September 2017  
Site Context Plans  
ORC\_ATK\_ZZ\_XX\_DR\_A\_PL003 Rev. P02  
Drainage Maintenance Plan  
Visuals of the Proposal  
Ecology Report  
Feasibility Study  
Ground Investigation Factual Report Ref: R17-12386  
Preliminary Ground Contamination Risk Assessment Report Ref: R17-12386/ds  
Traffic Routes from M40\_A40  
ORC\_ATK\_Z1\_ZZ\_SK\_C\_(95)\_0002 Rev. P02  
Design and Access Statement - dated June 2019  
Noise Baseline Monitoring Report  
Planning Statement dated June 2019  
ORC\_ATK\_ZZ\_XX\_DR\_A\_PL002 Rev. P01  
ORC\_ATK\_ZZ\_XX\_DR\_A\_PL013 Rev. P01  
ORC\_ATK\_Z1\_00\_DR\_A\_PL010 Rev. P01  
ORC\_ATK\_Z1\_01\_DR\_A\_PL011 Rev. P01  
ORC\_ATK\_Z1\_RL\_DR\_A\_PL012 Rev. P01  
ORC\_ATK\_ZZ\_XX\_DR\_A\_PL004 Rev. P01  
ORC\_ATK\_ZZ\_XX\_DR\_A\_PL005 Rev. P01  
ORC\_ATK\_Z1\_XX\_DR\_A\_PL006 Rev. P01  
ORC\_ATK\_Z1\_XX\_DR\_A\_PL007 Rev. P01  
ORC\_ATK\_Z1\_XX\_DR\_A\_PL015 Rev. P01  
ORC\_ATK\_Z1\_XX\_DR\_A\_PL016 Rev. P01  
ORC\_ATK\_ZZ\_XX\_DR\_A\_PL014 Rev. P01  
External Works Schedule  
ORC\_LOR\_ZZ\_00\_DR\_A\_(90)\_0001  
Construction Logistics Plan Rev. 0

<b>Date Plans Received:</b>	17/07/2019	<b>Date(s) of Amendment(s):</b>	24/07/2019
<b>Date Application Valid:</b>	17/07/2019		23/07/2019
			24/12/2019
			17/07/2019

## 1. SUMMARY

This application seeks full planning permission for the demolition of the existing school and the erection of a 2-storey building to facilitate the expansion and co-location of the Young People's Academy and Young People's Hub. The new building would be provided on the playing field situated to the north of the existing school. Once construction of the new school is complete, the existing school would be demolished and the southern part of the site would be resurfaced to provide an All Weather Pitch (AWP) and a Multi Use Games Area (MUGA) with a reconfigured car park, cycle parking, refuse storage and ancillary development.

The proposal would enable the expansion of Special Educational Needs (SEN) provision and Alternative Provision (AP) allowing the school to cater for a total of 230 pupils.

The Education Act 1996 states that Local Authorities have a duty to educate children within their administrative area. The proposal would enable the Council to meet the legal requirement and the educational needs of the Borough.

In the main metropolitan areas throughout the country there has been a significant increase in the need for school places and this holds true for London. This increase reflects rising birth rates, migration changes and housing development. Many mainstream schools have already expanded, however there is a growing need to accommodate children and young people with more complex needs. To that end, the proposal fully complies with the aims of paragraph 94 of the National Planning Policy Framework (NPPF), London Plan policy 3.18 and Policy DMC11 and DMC11A of the Local Plan: Part Two which seek to encourage the provision of new and/or enhanced educational facilities.

Whilst the proposal would result in loss of playing field, it is considered that the provision of alternative high quality sporting facilities would be of sufficient benefit to both school and community sports provision. Furthermore the need for this school provision is considered sufficiently acute to outweigh this loss, such that the proposal is contrary to policies that seek to protect playing fields but this is outweighed by other material considerations which in this case is meeting the educational need.

It is not considered that the proposed development would result in an unacceptable impact on the visual amenities of the school site or the surrounding area. Furthermore, it is not considered that the proposal would have any significant detrimental impact on the amenities of the occupiers of neighbouring residential properties.

The proposal is supported by a detailed Transport Assessment and provides for mitigation measures to reduce its impact on the local highway network. The Council's Highway Engineer has reviewed this information in detail and confirmed that the proposed development would be acceptable in terms of traffic impact, pedestrian and highway safety.

It should be noted that the scheme is referable to the Secretary of State due to an objection from Sport England related to the loss of playing field. Notwithstanding this, the proposal is considered to comply with relevant Local Plan and London Plan policies and, accordingly, it is recommended that delegated powers be given to the Head of Planning, Transportation and Regeneration to approve the scheme, subject to the appropriate referral to the Secretary of State.

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant planning permission, subject to the following:**

**A. That the application be referred to the Secretary of State for Housing, Communities and Local Government.**

**B. That should the Secretary of State not call in the application, the application be deferred for determination by the Head of Planning, Transportation and Regeneration for an approval.**

**C. That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:**

**1. To secure all necessary highway works including written agreement from the Local Planning Authority on the final proposed public realm improvements to the pedestrian environment.**

**2. The provision of a Green School Travel Plan: Prior to first occupation a full travel plan to be submitted to and approved in writing by the council. Thereafter, the Travel Plan is required to be reviewed at regular intervals to monitor its impact and, if required, it shall be updated and/or amended in order that its aims and objectives are achieved. Therefore, a travel plan review should be undertaken and submitted to the Local Planning Authority for approval at 25%, 50%, 75% and 100% occupation of pupils and staff. The Travel Plan shall demonstrate a commitment to the ongoing provision and expansion of the existing school bus service to cater for the growing number of pupils and also a commitment to the ongoing review of and provision of additional cycle parking provision should demand dictate. A Travel Plan bond in the sum of £20,000 is also to be secured.**

**3. Community Use Agreement: Prior to occupation of the development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hours of use, access to the grass pitches, all weather pitch, MUGA and sports hall (including WCs and changing rooms) by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.**

4. **Employment Strategy and Construction Training** - either a contribution equal to the formula within the Council Planning Obligations Supplementary Planning Document (SPD) 2014, or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development. Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered.

5. **Air Quality damage cost linked to the failure to be air quality neutral of £53,454 to deliver mitigation measures along the road network affected by the proposal and reduce human exposure to pollution levels.**

6. **Project Management & Monitoring Contribution equal to 5% of the total cash contributions. Details shall be in accordance with the Council Planning Obligations Supplementary Planning Document 2014.**

D. That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed.

E. That the officers be authorised to negotiate the terms of the proposed agreement and conditions.

F. That, if the S106 agreement has not been finalised within 31-08-2020, under the discretion of the Head of Planning, Transportation and Regeneration, the application is refused under delegated powers on the basis that the applicant has refused to address planning obligation requirements.

G. That if the application is approved, the following conditions be attached:

**1 T8 Time Limit - full planning application 3 years**

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: ORC\_ATK\_ZZ\_XX\_DR\_A\_PL001 Rev. P01, ORC\_ATK\_Z1\_ZZ\_SK\_C\_(95)\_0002 Rev. P02, ORC\_ATK\_Z1\_00\_DR\_A\_PL010 Rev. P01, ORC\_ATK\_Z1\_01\_DR\_A\_PL011 Rev. P01, ORC\_ATK\_Z1\_RL\_DR\_A\_PL012 Rev. P01, ORC\_ATK\_Z1\_XX\_DR\_A\_PL006 Rev. P01, ORC\_ATK\_Z1\_XX\_DR\_A\_PL007 Rev. P01, ORC\_ATK\_Z1\_XX\_DR\_A\_PL015 Rev. P01, ORC\_ATK\_Z1\_XX\_DR\_A\_PL016 Rev. P01, ORC\_ATK\_Z1\_ZZ\_SK\_C\_(95)\_0001 Rev. P02, ORC\_ATK\_Z1\_ZZ\_SK\_C\_(95)\_0002 Rev. P02 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 Development Management Policies (2020) and the London Plan (2016).

### **3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Air Quality Screening Assessment dated June 2019  
Arboricultural Impact Assessment dated August 2017  
Archaeological Desk Based Assessment dated June 2019  
BRUKL Outputs dated October 2019  
Construction Logistics Plan Rev 0 dated June 2019  
Design and Access Statement dated June 2019  
Drainage Maintenance Plan dated December 2019  
Education Funding Authority Feasibility Study dated July 2018  
Energy Strategy Report  
External Works Schedule  
Flood Risk Assessment dated December 2019  
Flood Risk Assessment and Drainage Strategy dated June 2019  
GLA Carbon emission reporting  
Ground Investigation Factual Report dated September 2017  
Noise Baseline Monitoring Report  
Noise Survey Report dated July 2018  
Noise Impact Assessment dated December 2019  
Planning Statement dated June 2019  
Preliminary Ecological Appraisal dated August 2017  
Preliminary Ground Contamination Risk Assessment Report dated September 2017  
Statement of Community Engagement  
Traffic Routing Plan  
Transport Assessment dated February 2020  
Tree Schedule ref: E17865

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Development Management Policies (2020) and the London Plan (2016)

### **4 NONSC Non Standard Condition**

The Multi Use Games Area and All Weather Pitch shall be delivered and available for use for pupils within 6 months of occupation of the school hereby approved.

#### **REASON**

To ensure the Phase 2 of the development is delivered within a reasonable time frame and ensuring appropriate sport and recreational facilities are available for pupils in accordance with Policies DMCI 1A of the Hillingdon Local Plan: Part Two Development Management Policies (2020) and Policy 3.19 of the London Plan (2016) and Policy S4 of the draft London Plan (2019).

### **5 M1 Details/Samples to be Submitted**

Prior to the commencement of above ground construction works, detailed plans of the facing materials, collapsible railings and elevations annotated to show where the materials are to be located and a sample of external materials and other external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

## REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 11 and DMHB 12 of the Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2016).

### **6 COM8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
  - 2.b No materials or plant shall be stored;
  - 2.c No buildings or temporary buildings shall be erected or stationed.
  - 2.d No materials or waste shall be burnt; and.
  - 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.

## REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020).

### **7 COM9 Landscaping (car parking & refuse/cycle storage)**

Prior to the relevant part of the work, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate to include pollution absorbing tree species.
2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments including shutters to the car parking area and gates/boundary fencing across the development
- 2.d Car Parking Layouts (including the layout of 6 car parking spaces reserved for blue badge holders, 7 spaces designated for taxis, 5 spaces for minibuses and 12 car parking spaces served by electrical charging points and 12 car parking spaces served by passive electric charging points)
- 2.e Hard Surfacing Materials
- 2.f External Lighting
- 2.g Other structures such as play equipment

### 3. Living Walls and Roofs

- 3.a Details of the inclusion of living walls and roofs that include nectar rich planting on two or more elevations
- 3.b Justification as to why no part of the development can include living walls and roofs

### 4. Details of Landscape Maintenance

- 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

### 5. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 12, DMHB 14 and DMT 6 of the Local Plan: Part Two - Development Management Policies (2020) and Policies 5.11 and 5.17 of the London Plan (2016).

### **8 COM10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'.

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first

planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policy DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

### **9 NONSC External Fixtures**

No additional lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.

#### REASON

To protect the character of the area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

### **10 COM26 Ecology**

Prior to above ground works, a full ecological protection and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include a clear and appropriately scaled plan showing the retention of the ecological features of interest and the specific measures to enhance opportunities for wildlife, including but not limited to; bat and bird boxes appropriately located, artificial refugia within the landscaping areas; wildlife specific planting (i.e. nectar rich planting) and a specific area within the landscaping that is developed specifically to enhance opportunities for wildlife.

The scheme shall also incorporate a report with a commentary on the proposed enhancement features, how these will benefit wildlife and how the scheme will be managed and maintained to maximise the opportunities for wildlife over the lifetime of the development. The development thereafter proceed in accordance with the approved scheme.

#### REASON

To ensure the development protects and enhances ecology in accordance with the national planning policy framework and EM7 of the Local Plan Part One (November 2012)

### **11 COM30 Contaminated Land**

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination and the Environment Agency document 'Model procedures for the Management of Land Contamination' (CLR11). All works which form part of a remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

a) An interpretive report produced by a competent person, and submitted to the LPA for approval; the report is to include suitably updated conceptual model and risk assessment along with detailed conclusions and recommendations based on findings within the previously submitted Preliminary Ground Contamination Report and the Ground

Investigation Factual Report), and also including, where relevant, details of soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(b) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

(ii) If during remedial or development works contamination, not addressed in the submitted remediation scheme, is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DME1 12 of the Local Plan: Part Two - Development Management Policies (2020).

#### **12 COM31 Secured by Design**

The building, car park and site shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with Policies 7.1 and 7.3 of the London Plan (2016).

#### **13 SUS1 Carbon Reduction**

Prior to above ground works, an energy assessment for the works hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The assessment

shall set out the annual baseline regulated energy demand (kwhr) as per 2013 Building Regulations (or subsequent amendments) and associated carbon emissions (kgCO<sub>2</sub> and tCO<sub>2</sub>). The assessment shall then set out the measures and technology required to achieve a 100% reduction (zero carbon) in the CO<sub>2</sub> associated with the baseline regulated energy demand; these measures must be sufficiently evidenced with corresponding details and specifications including the location of low and zero carbon technology (i.e. roof plans showing the inclusion of PV panels). The updated Energy Assessment must clearly set out any shortfall (tCO<sub>2</sub>) of the zero carbon standard. The development must proceed in accordance with the approved updated Energy Assessment.

#### REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy 5.2 of the London Plan (2016).

#### **14 SUS5 Sustainable Urban Drainage**

Prior to commencement, (excluding demolition and site clearance) a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall follow the strategy set out in 'Flood Risk Assessment' and 'Drainage Statement', produced by Infrastruct CS Ltd dated August 2019 Ref: 3478. The scheme shall clearly demonstrate how it, Manages Water and demonstrate ways of controlling the surface water on site by providing information on: a) Suds features: i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.13 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided, ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change, iii. where identified in an area at risk of surface water flooding, include additional provision within calculations for surface water from off site iv. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, ( safe access and egress must be demonstrated). v. Where infiltration techniques (soakaway) or a basement are proposed a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate). vi. Where groundwater is found within the site and a basement is proposed suitable mitigation methods must be provided to ensure the risk to others is not increased. vii. identify vulnerable receptors, ie WFD status and prevent pollution of the receiving groundwater and/or surface waters through appropriate methods; b) Minimise water use. i. incorporate water saving measures and equipment. ii. provide details of how rain and or grey water will be recycled and reused in the development. Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to: Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy DMEI 10 Water Management, Efficiency and Quality in Hillingdon Local Plan Part 2 Development Management Policies

2020), Policies 5.12, 5.13 and 5.15 of the London Plan (2016), National Planning Policy Framework (2019), and the Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

**15 NONSC Non Standard Condition**

The use of the external play areas hereby permitted shall take place only between the hours of 08.00 and 22:00 from Monday -Sunday.

**REASON**

To ensure that the development protects the amenities of neighbouring residents in accordance with Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2016).

**16 OM19 Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management and logistics plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur.
- (iii) Measures to mitigate against noise during construction.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

**REASON**

To safeguard the amenity of surrounding areas and manage highways impacts in accordance with Policy DMHB 11, DMT2 and DME14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

**17 NONSC Servicing and Delivery Plan**

Prior to occupation of the development hereby approved a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall:

- i) rationalise the number of delivery and servicing trips, particularly during peak traffic periods;
- ii) ensure there is provision of adequate loading facilities;
- iii) ensure that the delivery space and time is actively controlled through a site booking plan; and
- iv) Provide details of measures which will be implemented to reduce neighbourhood impacts.

Operators should also be able to demonstrate their sustainability through membership of the Freight Operators Recognition Scheme (FORS) or similar.

**REASON**

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy DMT1 and DMT2 of the Local Plan: Part Two - Development Management Policies (2020).

**18 NONSC Staggered Start and Finish Times**

The development hereby permitted shall strictly operate and enforce the following staggered start and finish times for the lifetime of the development unless otherwise agreed in writing by the local planning authority:

- Key Stage 1 and 2 - Start Time: 08:30 and Finish Time: 14:30
- Key Stage 3 - Start Time: 09:00 and Finish Time: 15:00
- Key Stage 4 - Start Time: 09:30 and Finish Time 15:30
- Key Stage 5 - Start Time: 10:00 and Finish Time 16:00

**REASON**

To manage traffic flows and mitigate against congestion on the local highway network in accordance with Policy DMT 1 and DMT 2 of the Local Plan: Part Two - Development Management Policies (2020) and Policy 6.12 of the London Plan (2016).

**19 OM2 Levels**

No development shall take place (other than site clearance and demolition) until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

**REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy DMHB 11 and DMHB 12 of the Local Plan: Part Two - Development Management Policies (2020).

**20 NONSC Lighting**

Measures shall be put in place to ensure that lights, including car park lighting, are automatically turned off when the buildings are not in use.

**REASON**

To safeguard residential amenity in accordance with policies DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and to reduce energy demands in accordance with Policy 5.2 of the London Plan (2016) .

**21 NONSC Anti Climb Boundary Fencing**

Before the development is brought into use the site be adequately fenced along all boundaries and access routes into and out of the school with anti-climb welded mesh fencing/gates to a height of 2.4m in accordance with details to be submitted and thereafter such fencing shall be installed maintained as approved.

**REASON**

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with Policy DMHB 11, DMHB 12 and DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020).

**22 NONSC External Noise**

External noise level emitted from plant, machinery/ equipment shall be lower than the lowest existing background noise level by at least 5dBA, where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. The noise levels shall be maintained for the lifetime of the development.

**REASON**

To safeguard the amenity of the surrounding area in accordance with Policy DME 4, DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

**23 NONSC NRMM**

All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIA of EUDirective 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.

**REASON**

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Policies policy DMT 2, DMEI 1, and DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

**24 NONSC Control of Noise**

Prior to occupation, a scheme which specifies the provisions to be made for the control of noise from the All Weather Pitch from the site has been submitted to and approved in writing by the Local Planning Authority. In particular the scheme shall consider where noise reduction fencing should be installed to reduce noise around goal areas for hockey and football. The scheme shall include such combination of physical, administrative measures, noise limits and other measures as may be approved by the Local Planning Authority. Thereafter, the 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 policies DMHB 11 of the Hillingdon Local Plan: Part Two (2020).

**25 OM11 Floodlighting**

Prior to the relevant part of the works isolux diagrams and illumination calculations based on the actual external lighting products to be used on the site shall be submitted to and approved, in writing, by the Local Planning Authority. Once approved the development should be completed fully in accordance with the approved details

**REASON**

To protect neighbouring amenity and the character of the surrounding Conservation Area in accordance with Policy DMHB 4 of the Local Plan: Part Two - Development Management Policies (2020).

**26 DIS2 Access to Buildings for People with Disabilities**

Prior to occupation, details of a dedicated dial-a-Ride or taxi/cab vehicle stop and wait

facility, accessible toilet facilities and changing places 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 DMCI 2 of the Local Plan: Part Two - Development Management Policies (2020).

#### INFORMATIVES

##### 1 152 **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).

##### 2 153 **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.

LPP 5.1	(2016) Climate Change Mitigation
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.15	(2016) Water use and supplies
LPP 6.1	(2016) Strategic Approach
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 6.11	(2016) Smoothing Traffic Flow and Tackling Congestion
LPP 6.13	(2016) Parking
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
NPPF	National Planning Policy Framework
DMAV 1	Safe Operation of Airports
DMCI 1A	Development of New Education Floorspace New Community Infrastructure

DMCI 2	
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 3.18	(2016) Education Facilities
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 7.18	(2016) Protecting open space and addressing deficiency
LPP 7.6	(2016) Architecture

### **3            I24            Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

### **4            I3            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5            I15            Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of

08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays or Bank Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### **6            118            Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

#### **7            119            Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

#### **8            160            Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp))

### **3.            CONSIDERATIONS**

#### **3.1        Site and Locality**

The proposal site comprises an approximately 1.2 hectare irregularly shaped plot located on the northern side of Falling Lane in Yiewsley and currently occupied by The Young People's Academy (formerly known as Chantry School), a 60 place special educational needs school.

The site currently accommodates a predominantly single-storey main school building and school hall, a number of temporary classroom buildings, car parking, playground, playing

field and ancillary facilities. The built elements of the site are predominantly located towards the front (south) and middle of the site, with the more open playground and playing fields located towards its north.

The school falls on the edge of a predominantly residential area. It is bounded to the west by Rabbsfarm Primary School; to the north by public open space; and to the east and south by residential properties along Leacroft Close and Falling Lane, respectively. Philpots Farm falls within the Green Belt as designated in the Local Plan.

The sole vehicular and pedestrian access to the site is gained via a service road, which runs parallel with Falling Lane and also serves the adjoining residential properties.

The adjoining public open space falls within the Green Belt and is designated as a Nature Conservation Site of Borough Grade II or Local Importance.

### **3.2 Proposed Scheme**

Orchard Hill Special Free School Young People's Academy and Orchard Hill Alternative Provision Free School - Young People's Hub, will be two Free schools with a combined pupil capacity of 230 - full-time primary, secondary and sixth form places for pupils who require alternative provision or have social emotional and mental health difficulties (SEMH) in association with a range of learning needs, including a high proportion with Autistic Spectrum Disorder (ASD). The school would be supported by 115 staff. This represents a net increase of 164 pupils and 75 staff.

The existing school sites are located on Falling Lane and Providence Road and both schools would be closed to create the new Free Schools under this application that extends to Alternative and SEMH provision in the area from primary through to post 16.

The proposed fully ambulant new Orchard Hill Special Free School - Young People's Hub will admit pupils with Education and Health Care Plans (EHCPs) identifying one or more of two needs:

- Autistic Spectrum Disorder (ASD)
- Social Emotional and Mental Health needs (SEMH)

The second new fully ambulant Orchard Hill Alternative Provision Free School (Hillingdon) Young People's Hub will provide full time education to pupils that are not able to attend mainstream school, either long-term or short term due to exclusion.

Many of these pupils will display extremely challenging behaviour and / or high levels of sensory need / anxiety. All pupils will have additional and significant learning needs, which will be often specific in nature and typically concern numeracy and literacy issues. The majority of children will have language and communication problems. As such the proposed development has been designed to cater to the particular needs of these pupils.

Amount

The proposal would involve the erection of an 2 storey building measuring 68.5 m width and upto 46.5m depth and a height of upto 10.8m. The school would comprise 5,618 sq.m of new floorspace.

Layout

The building would be split into two zones. Young People's Academy (YPA) and Young People's Hub (YPH). Students, staff and visitors enter each school zone separately. The proposal includes some shared facilities such as the hall at the centre of the school, the Multi Use Games Area (MUGA) and the All Weather Pitches (AWP). Each school would have access to its own play area around the perimeter of the built footprint.

The proposal has been developed with the needs of the children in mind. Though consolidated into one block, the proposal includes two schools (Young People's Academy and Young People's Hub) that cater for the two needs groups, which requires a secure line between each school with limited and operationally controlled shared use of PE facilities externally.

### Design

The buildings would be of a modern design. The proposed building would be pre-fabricated to enable onsite assembly and it would feature colour cladding panels contrasted with blast finished concrete facade panels. Brise Soleil would be mounted to windows and full height curtain wall glazing would be used to mark the school entrance.

### Play Spaces

The proposal results in the loss of an existing grassed playing pitch measuring approximately 4,000 sq.m. The informal play spaces would be replaced by:

- Approximately 2,100 sq.m of play spaces along the perimeter of the built footprint of the school;
- A new artificial grass All Weather Pitch (AWP) capable for use for a number of sports would be provided on the playing field. This would be bounded by 3m high fencing and it would measure 1,620 sq.m; and
- A multi-use games area measuring 720 sq.m.

No floodlighting is proposed, but the applicant has confirmed that the facilities would be available for community use outside school hours.

### Car Parking

The existing car park includes 27 car parking spaces, however 17 of the existing spaces are double parked and require the space in front of it to be vacant to allow access to the space. The proposal seeks to provide the following:

- 63 car parking spaces which include 6 accessible car parking spaces and 6 electric car parking spaces
- 7 drop off bays at the entrance of the school

The car parking layout would provide a clockwise car parking system so that it functions seamlessly and provides adequate manoeuvring space for minibuses for student pick ups and drop offs.

- 5 minibus spaces are proposed to be provided on a permeable surface adjacent to the entrance of the school.

### Cycle Parking

The proposal seeks to provide 16 secure cycle parking spaces for staff and 32 secure cycle parking spaces for students.

#### Temporary Haul Road

During construction a temporary haul road is proposed across Philpots Farm so as not to add to the Falling Lane traffic issues during this period. After construction, the temporary track will be removed and replaced with vegetation to enhance the area. The main pedestrian access is sited alongside the vehicular access off Falling Lane. There are no secondary access points from other boundaries.

#### Construction Phasing

Due to the constrained nature of the site and the fact the existing school will need to remain operational during construction the development will occur on a phased basis. Phase 1 would consist of the creation of the temporary construction access through Philpots Farm and the construction of the school.

Phase 2 proposes the construction of the two storey block, the removal of all the mobile classrooms, demolition of the existing main school building, development of the MUGA and AWP, construction of car parking, landscaping of the site and the removal of and landscaping of the temporary construction access.

#### Refuse and Recycling

Refuse and recycling is proposed to be placed within a secured waste storage area adjacent to the all weather pitch and cycle stores.

### 3.3 Relevant Planning History

5746/AA/94/1987                      Chantry Special School    Falling Lane Yiewsley  
Retention of mobile classromm unit; Renewal of planning permission ref. 5746T/91/1546 dated 06/12/91

**Decision:** 27-02-1995    ALT

5746/AC/95/0280                      Chantry Special School    Falling Lane Yiewsley  
Replacement of a mobile classroom

**Decision:** 19-07-1995    ALT

5746/AG/98/1585                      Chantry School    Falling Lane Yiewsley  
Erection of two single storey extensions

**Decision:** 21-09-1998    Approved

5746/APP/2004/412                      Chantry School    Falling Lane Yiewsley  
ENCLOSURE OF EXISTING INTERNAL COURTYARD FOR EDUCATIONAL USE

**Decision:** 02-04-2004    Approved

5746/APP/2006/2666 Chantry School Falling Lane Yiewsley  
ERECTION OF A MODULAR CLASSROOM ACCOMMODATION AND ADDITIONAL PARKING SPACES

**Decision:** 09-01-2007 Approved

5746/APP/2007/3545 Chantry School Falling Lane Yiewsley  
ERECTION OF A SINGLE STOREY FRONT EXTENSION TO PROVIDE ADDITIONAL STAFF FACILITIES

**Decision:** 15-01-2008 Approved

5746/APP/2013/1221 Chantry Special School Falling Lane Yiewsley  
Installation of single storey (temporary) mobile classroom

**Decision:** 19-07-2013 Approved

#### **Comment on Relevant Planning History**

The school buildings have been significantly altered and extended since originally built and the site has an extensive planning history. However, none is directly relevant to the current application.

#### **4. Planning Policies and Standards**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
West London Waste Plan (2015)  
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### **Emerging Planning Policies**

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this

Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

#### **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.CI1 (2012) Community Infrastructure Provision
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM5 (2012) Sport and Leisure
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation

Part 2 Policies:

- LPP 5.1 (2016) Climate Change Mitigation
- LPP 5.2 (2016) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2016) Sustainable design and construction
- LPP 5.7 (2016) Renewable energy
- LPP 5.11 (2016) Green roofs and development site environs
- LPP 5.12 (2016) Flood risk management
- LPP 5.13 (2016) Sustainable drainage
- LPP 5.15 (2016) Water use and supplies

LPP 6.1	(2016) Strategic Approach
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 6.11	(2016) Smoothing Traffic Flow and Tackling Congestion
LPP 6.13	(2016) Parking
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
NPPF	National Planning Policy Framework
DMAV 1	Safe Operation of Airports
DMCI 1A	Development of New Education Floorspace
DMCI 2	New Community Infrastructure
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 3.18	(2016) Education Facilities
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 7.18	(2016) Protecting open space and addressing deficiency
LPP 7.6	(2016) Architecture

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **4th September 2019**

5.2 Site Notice Expiry Date:- **27th January 2020**

## 6. Consultations

### External Consultees

This application was consulted upon between 13-08-19 and 04-09-19. 1 objection was received from a neighbouring resident which is summarised below:

- a proper management plan is required as there have been instances where children have caused anti-social behaviour.
- residents would like assurances that the proposed fencing is anti climb.
- concerns about the proposed MUGA in close proximity to neighbouring property.
- concerns the proposed MUGA would result in additional traffic and noise.
- the application is unclear about the hours the proposed MUGA is proposed to be used.

Officer comment: Anti climb fencing will be subject to a planning condition. All other matters raised are addressed within the main body of the report or by way of condition.

### RE-CONSULTATION

Following the receipt of additional information, the application was consulted on between 13-01-2020 and 03-02-2020. 2 objections were received to the application which are summarised as follows:

- The walkway into the school is adjacent to private residential gardens, the school should ensure there is appropriate and secure boundary fencing along all private gardens to prevent anti-social behaviour;
- There are concerns relating to traffic, noise, nuisance, anti-social behaviour;
- Falling Lane is a narrow road with cars parked on the road, during school times, there is a lot of noise and congestion and residents find it difficult to park unless there is a garage or driveway, where there are driveways, these are often blocked;
- Residents do not want permits along Falling Lane which consequently requires residents to pay for parking spaces, whereas the impacts are generated entirely by the school.

Officer comments: The concerns raised are addressed within the main body of the report or by way of condition.

### STATUTORY CONSULTEE COMMENTS

Sports England (09-10-2019)

The Proposal and Impact on Playing Field The application proposes a replacement school on the site which would result in the loss of the existing playing field. The proposed school would have an Artificial Grass Pitch (AGP), Multi-Use Games Area (MUGA) and a sports hall.

Assessment against Sport England Policy/NPPF The existing playing field is a good size that would allow a range of sports to be played although aerial photographs suggest that only a football pitch has been marked in the past. The playing field, however, would be lost but an AGP, MUGA and sports hall would be provided. Although the proposed facilities would allow some sport at the site, Sport England does not consider, on balance, that these facilities would adequately mitigate the loss to sport caused by the proposed loss of playing field. The proposed AGP does not appear to meet

FA/Football Foundation dimensions (including run-off) for any pitch while its proposed surface is unclear as the documentation indicates that football and hockey would be played on it. These sports require different types of artificial surfaces to be played adequately. Furthermore, the proposed sports hall is a limited size and does not reflect the sizes in Sport England's Sports Hall guidance thereby limiting its ability to be used for a range of sports. The documentation, however, does state that the proposed MUGA would be designed and constructed in accordance with Sport England guidance which is welcomed. Sport England also notes that both the proposed MUGA and AGP would not have sports lighting thereby limiting its benefits to the wider community if the school does allow any community use of its facilities. Sport England would also like to highlight that the proximity of both these facilities to the residential properties could increase the risk of noise and disturbance experienced by local residents. Sport England would also like to highlight that the drawings show trees over-hanging the proposed AGP which is likely to cause a safety hazard due to leaves falling onto the surface. Overall, Sport England acknowledges that the proposed school would have some sports provision however it is considered that given the concerns highlighted above it is not considered to mitigate the harm caused by the loss of the playing field therefore Sport England does not consider that the proposal would meet any of the exceptions in its Playing Field Policy. Sport England would therefore advise that the playing field is retained or replaced or the sport provision facility proposed is reconsidered. Conclusion In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, reports and committee dates.

Sport England Revised (22-10-2019)

All parts of the NPPF should be read equally and it does advocate strong support for the protection of playing fields with paragraph 97 broadly reflecting Sport England Playing Field Policy. This aspect appears to be omitted from the consultants letter. As set out in Sport England's previous comments, the proposed Artificial Grass Pitch does not appear to meet FA/Football Foundation requirements and the sports hall is not large enough to accommodate a broad range of sports. The playing field is also a more flexible space that can be adaptable for a range of sports and is therefore more beneficial than smaller fixed spaces. The quality of the playing field expressed in the letter is noted however measures such as improved drainage could be explored before considering the loss of what is essentially a finite resource.

In relation to community use, while entering into a Community Use Agreement is positive and encouraged, given the lack of floodlighting the only benefit to community sport would be the small sports hall proposed as this would be the only facility available throughout the peak period for community sport participation all year round (weekdays between 6:30/7pm - 10pm and at weekends). Sport England does not consider this of sufficient benefit to outweigh the loss of playing field that could accommodate a range of sports and informal play which would be more adaptable to future needs.

Sport England Revised (16-01-2020)

No further comments to make in addition to previous comments.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company

("NERL") has no safeguarding objection to the proposal.

#### Transport for London

The development site is located in an area with a Public Transport Access Level of 2 (PTAL) on a scale of 1-6b where 6b is the highest. Draft London Plan policy T6 states that when calculating general parking provisions within the relevant standards, the starting point for discussion should be the highest existing or planned PTAL at the site, although, consideration should be given to local circumstances and the quality of public transport provision, as well as, conditions for walking and cycling. It is evident that there is a low PTAL in the area, however, the development proposes 57 car parking spaces which is an over provision of spaces when compared to adopted policy. Hillingdon's parking standards (UDP, 2001) requires for Land Use D1, Education, 1 space per 3 staff should be provided. Based on 115 staff this would equate to 43 spaces (115 staff / 3 = 38 spaces + 5 visitor spaces. = 43 spaces).

Notwithstanding the above objection to the level of parking, the school should implement a site wide car parking management plan to manage and regulate the use of the car park, this is to ensure the safety of pupils, visitors and staff to the school, the layout of the car park is detailed in the TA but a full management plan should be secured by appropriate planning obligation/ condition and monitored.

A total of 6 disabled parking spaces are proposed. Draft London Plan policy T6.5 states that Education use class must ensure that 5% of total parking provision is for designated bays, with a further 5% provided for enlarged bays. Disabled parking bays should be located on firm and level ground, as close to the building entrance or facility they are associated with. In order to meet the Mayor's target for carbon-free travel by 2050, all operational parking must provide infrastructure for electric or other Ultra-Low Emission vehicles.

Policy 6.13 (Parking) of the draft London Plan states that the Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use, therefore a robust Travel Plan should be submitted to provide detailed information on the various modes of sustainable travel to and from the school. The Travel Plan chapter in the TA sets out the basic travel planning information, however a full Travel Plan should be secured by appropriate planning/obligation/condition and monitored.

The applicant proposes to provide cycle parking in conformity with draft London Plan standards outlined in Policy T5 of the draft London Plan which is welcomed with a total of 48 cycle spaces. The provision of stands should be in line with the London Cycling Design Standards (LCDS). Please note that LCDS refers to the need for easy access, and cycle parking should cater for cyclists who use adapted cycles, as this is an accessibility requirement. The LCDS states that 5% of stands ought to be able to accommodate larger cycles. Staff showers, lockers and storage facilities should also be provided to encourage the uptake of cycling. To summarise, for the development to be acceptable in strategic transport terms the car parking should be reduced and a robust Car Park Management Plan and Travel Plan should be secured through condition.

#### Transport for London (January 2020)

It is understood that the application comprises of demolition and redevelopment of a school on land accessed from Falling Lane, Yiewsley which is a borough road, managed by Hillingdon Council. TfL work to implement the Mayor's Transport Strategy and the Draft London Plan and have a responsibility to make sure new development in London meets strategic transport policy objectives.

- The development site is located in an area with a Public Transport Access Level of 2 (PTAL) on a

scale of 1-6b where 6b is the highest. Draft London Plan policy T6 states that 'when calculating general parking provisions within the relevant standards, the starting point for discussion should be the highest existing or planned PTAL at the site, although, consideration should be given to local circumstances and the quality of public transport provision, as well as, conditions for walking and cycling.' It is evident that there is a low PTAL in the area, however, the development proposes 57 car parking spaces which is an over provision of spaces when compared to adopted policy. Hillingdon's parking standards (UDP, 2001) requires for Land Use D1, Education, 1 space per 3 staff should be provided. Based on 115 staff this would equate to 43 spaces (115 staff / 3 = 38 spaces + 5 visitor spaces. = 43 spaces). The development is still providing 57 car parking spaces which is not in line with DLP Policy T6.

- Notwithstanding the above objection to the level of parking, the school should implement a site wide car parking management plan to manage and regulate the use of the car park, this is to ensure the safety of pupils, visitors and staff to the school, the layout of the car park is detailed in the TA but a full management plan should be secured by appropriate planning obligation/ condition and monitored.

- A total of 6 disabled parking spaces are proposed. Draft London Plan policy T6.5 states that Education use class must ensure that 5% of total parking provision is for designated bays, with a further 5% provided for enlarged bays. Disabled parking bays should be located on firm and level ground, as close to the building entrance or facility they are associated with. The provision of 6 spaces is in line with DLP Policy T6.5.

- In order to meet the Mayor's target for carbon-free travel by 2050, all operational parking must provide infrastructure for electric or other Ultra-Low Emission vehicles. All car parking should have provision for electric or other Ultra-Low Emission vehicles.

- Policy 6.13 (Parking) of the draft London Plan states that the Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use, therefore a robust Travel Plan should be submitted to provide detailed information on the various modes of sustainable travel to and from the school. The Travel Plan chapter in the TA sets out the basic travel planning information, however a full Travel Plan should be secured by appropriate planning/obligation/condition and monitored. A Travel Plan has not been submitted.

- The applicant proposes to provide cycle parking in conformity with draft London Plan standards outlined in Policy T5 of the draft London Plan which is welcomed with a total of 48 cycle spaces. The provision of stands should be in line with the London Cycling Design Standards (LCDS). Please note that LCDS refers to the need for "easy access" and cycle parking should cater "for cyclists who use adapted cycles" as this is an accessibility requirement. The LCDS states that 5% of stands ought to be able to accommodate larger cycles. Staff showers, lockers and storage facilities should also be provided to encourage the uptake of cycling.

To summarise, for the development to be acceptable in strategic transport terms the car parking should be reduced and a robust Car Park Management Plan and Travel Plan should be secured through condition.

Metropolitan Police

I recommend that a condition is applied to it that the site must achieve Secured By Design accreditation. I have met the applicant and explained to them what this will entail. Of note to achieve accreditation a secure line around the community use will be required. This will mean numerous internal doors needing to be security rated which had not been planned for. This is not incorporated in plans within this application but is vital to ensure the school is not vulnerable during the hours that

the school is open to the community. Subject to a secured by design condition, there are no significant objections to this application.

#### Historic England - GLAAS

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The application does not lie within an Archaeological Priority Area and although it does involve built development on previously undeveloped land I agree with the applicant's desk-based assessment when it concludes that there is overall a low archaeological potential.

#### **Internal Consultees**

##### Access Officer

The proposed redevelopment of the former Chantry School site would function as two separate, independently functioning zones, namely a Young People's Academy (YPA) and Young People's Hub (YPH) that will be one of fourteen Special Education Needs (SEN) schools operated by Orchard Hill College Academy Trust (OHCAT). Having reviewed the proposed plan, the redevelopment is considered to be acceptable to support pupils, students and staff with a range of impairments, and is otherwise in keeping with the principles of Inclusive Design.

##### Flood Water Management Officer (October 2019)

The application should be refused as the submitted information has not demonstrated that a Sustainable Drainage System can be implemented within the current site layout. See more detailed observations below.

A Flood Risk Assessment (FRA) and Drainage Strategy (Atkins Report revision 1.0 dated 6th June 2019) has been provided to support the application at the site.

Firstly, the Flood Risk Assessment references the National Planning Policy Statement that was published in March 2012. There have been numerous revisions to the NPPF since this edition, most recently in February 2019. The report should take into account the most recent policies in the NPPF.

The FRA confirms that the site is located in Flood Zone 1 and is not identified to be at risk of flooding from all other sources. While the FRA includes references to the London Plan and the West London Strategic Flood Risk Assessment (SFRA), the FRA does not reference any local planning policies related to the management of water and flood risk (including Local Plan Part 1 and emerging Local Plan Part 2), which have been used as the basis to assess the suitability of the proposals.

The FRA states that "Flood risk should be considered alongside other spatial planning matters such as transport, housing, economic growth, natural resources, regeneration, biodiversity, the historic environment and the management of other hazards". While these issues will be discussed in more detail at a later stage, there has been little regard to the consideration of natural resources and biodiversity in particular within the proposals.

Pre-application advice was given to the applicant in June 2019 for the proposals at the site. This information is different from that quoted in Section 6.2 of the Drainage Strategy and places additional expectations on the information that is provided at this stage of the application.

More specifically, the advice from LBH states that, "Sustainable Drainage Systems (SuDS) should be incorporated into every drainage strategy and should, where possible, be integrated into the soft

landscaping rather than relying on below-ground measures that do not provide wider biodiversity or amenity benefits." In addition, the advice states that, " It is understood that the new school building will be constructed while the existing school is in operation. The management of surface water during construction is therefore of importance, when any drainage infrastructure proposed within the car parking area will not be constructed. This should be addressed in any submission to accompany an application."

Table 6-1 of the Drainage Strategy addresses each of the stages in the drainage hierarchy presented in London Plan Policy 5.13. The Drainage Strategy has discounted the potential to store water for use completely, quoting "space planning, building services or budgetary constraints". Policy EM1 of the Hillingdon Local Plan Part 1 requires major developments to consider the whole water cycle impact of the proposals, including water consumption. Further, emerging Local Plan Part 2 Policy DMEI 10 (G) requires all new development proposals to include the collection and reuse of rainwater. The current proposals are therefore not in line with local planning policy.

The Drainage Strategy has also discounted the potential for infiltration based on a single soakage test carried out in the adjacent site. Given the scale of the development, we would expect infiltration tests to be undertaken at detailed design on the site to confirm the assumptions. While this could be required as part of a planning condition, it is disappointing that this approach isn't reflected in the proposed drainage strategy.

The Drainage Strategy states that there is insufficient space available in the site boundary for above ground open water features. While this may be the case for large attenuation basins, this is not considered to be sufficient justification for excluding any above ground drainage features. Despite the recommendations of the pre-application advice, there is no reference in the Drainage Strategy to the landscape masterplan (Atkins drawing number ORC\_ATK\_Z1\_XX\_DR\_L\_PL008 dated May 2019) and consequently any opportunities to align the drainage infrastructure with the landscaping have been lost. Even though the detailed design of specific drainage elements may be conditioned post-planning, the drainage strategy at this stage should incorporate as many sustainable elements as possible so that these can be incorporated into the detailed design of the other elements (e.g. detailed landscaping and highway design). The current design is contrary to Part F of emerging Local Plan Part 2 Policy DMEI 10.

While the drainage strategy currently seeks to provide permeable surfacing in limited areas, all attenuation is currently proposed to be located in below-ground tanks with a final discharge to the surface water sewer to the north of the development. While they control the quantity of surface water runoff, below-ground attenuation connected with pipes is not considered to be classed as a Sustainable Drainage System. The Drainage Strategy states that the discharge will be controlled to existing greenfield rates but such a rate has not been provided in the report.

While the drainage strategy quotes a discharge rate of 5l/s, the HR Wallingford calculation states that QBAR is 1.9l/s. In order to mitigate for the increase in runoff volume from the development, we would expect a peak runoff rate of 1.9l/s leaving the site and not 5l/s as shown on the drainage strategy plan. The discharge location is also shown to be to the Thames Water surface water sewer to the north of the site within the green open space between Coltsfoot Drive and the River Pinn. The Drainage Strategy states that discharging to a watercourse would require negotiation with the landowner. The Council is the landowner for the green space to the north of the site and may welcome the creation of a swale/watercourse to the River Pinn that will provide wider amenity or biodiversity benefits.

An indication of the potential maintenance requirements of the drainage system has not been provided. The ongoing maintenance of the drainage system should be a fundamental aspect of the choice of approach to take. The school would need to have appropriate long-term budgets in place to maintain the highly engineered network, such as regular inspections of the tanks and potential

clearance of the drainage pipes. With full application, we expect an indicative maintenance plan to have been provided, noting the expected authority or company that will be maintaining the whole system.

Flood Water Management Officer (February 2020)

The applicant has revised the proposed drainage strategy based on discussions held with the Flood and Water Management Officer. The proposals now include more green infrastructure within the outline drainage strategy.

There are aspects of the drainage design for which additional information is required post-planning and therefore the detail of the drainage design should be secured by way of a surface water management condition.

Highways Officer (February 2020)

The application site is situated on the northern side of Falling Lane, Yiewsley, approximately 350 metres west of the A408 Yiewsley High Street. Falling Lane is a classified road with a 30mph speed limit and street lighting. There is a housing estate to the east of the application site and Rabbsfarm Primary school to the west. The northern rear boundary of the site backs onto Philpots Farm, an area of public open space.

Access to the site is provided by a driveway leading off a residential service road that runs parallel to Falling Lane. The driveway is unadopted measuring 4 metres wide and 28 metres long.

A close boarded fence has been erected in-between the service road and Falling Lane. This service road varies in width - at its narrowest point being not more than 4.4 metres wide. Where the driveway intersects with the service road school 'Keep Clear' markings have been provided, these are enforced by CCTV cameras. Parking here is prohibited Monday to Friday 8.00 am to 10.00 am and 2.30pm to 4.30 pm. Aside from the school 'Keep Clear' markings the service road has no parking restrictions, cars have been observed parking on-street, where this takes place the carriageway is not wide enough for two cars to pass.

Vehicles leaving the school heading towards the A408 westbound must turn right out of the driveway and proceed for 200 metres before reaching Falling Lane. Drivers heading eastbound do not have a direct route to Falling Lane, 75 metres east of the school access from the service road onto Falling Lane has been closed. Vehicles heading eastbound must now drive a further 265 metres around a housing estate before they are able to join Falling Lane and the classified road network.

Transport for London use as system called PTAL (Public Transport Accessibility Level) to measure access the public transport network. PTAL assesses walk times to the nearest public transport location taking into account service frequency. The location is then scored between 0 and 6b where 0 is the worst and 6b the best. According to the Transport for London WebCAT service the application site has a PTAL ranking of 2 indicating access to public transport is poor compared to London as a whole

The proposed demolition of the Young Peoples Academy and the construction of Orchard Hill Special Free School in its place would considerably increase the number trips the site would generate as the number of pupils would increase from 66 to 230 and the number of teachers would increase from 40 to 115 (full time and part time). Because Orchard Hill Special Free School is a Special Educational Needs (SEN) school, the ratio of staff to pupils is higher than at a conventional school. The majority of car trips to the school are made by teachers.

Access to the new school would remain in the existing position. The driveway would however be widened to 6 metres. Policy AM14 of the Hillingdon Local Plan: Part 1 - Strategic Policies

(November 2012) state that new development will only be permitted where it is in accordance with the Council's adopted parking standards. These parking standards are those that are contained in the document titled London Borough of Hillingdon Unitary Development Plan (Adopted 1998) Saved Policies 27th September 2007. These require that for Use Class D1 Schools (day): nursery, primary, secondary and special that car parking is provided on 'an individual basis using a transport assessment and travel plan'.

The new school would have 63 car parking spaces of which 6 would be accessible and 6 electric vehicle charging bays. There would be a minibus parking zone with capacity for 5 vehicles as well as 7 spaces for taxis to wait and 4 spaces for taxis to pick up/set down. Cycle parking for 48 bicycles would be provided; the Highway Authority requires that these are covered and secure. This should be secured by a suitably worded condition.

A Transport Statement has been submitted alongside the application for planning permission. This includes the results of a school travel survey undertaken to determine how pupils and staff travel to school. The results of this travel survey have been used by the Highway Authority to calculate the number of trips by mode Orchard Farm would generate. A worst case scenario has been used; one where it is assumed that all full time and all part time staff are at the school all at the same time, car sharing takes place on a one driver one passenger basis and each school minibus carries 8 students.

The applicants report that because the Young Peoples Academy is a SEN school the majority of pupils travel using home to school transport services with pick up/drop off taking place within the school campus. Of a school role of 66 pupils, the travel surveys show that just 3 are driven to school in a private car. However, these trips are described as 'park and stride' meaning that the car is parked away from the school gates, the final leg of the journey is completed on foot.

The surveys show that 17 (44%) members of staff drive to school alone and 6 (15%) car share, these results indicate that 20 staff vehicles enter the site each day. These survey results have been used to calculate the forecast the number of trips the development would generate for each mode. Of 115 members of staff 49 would drive and 17 would car share. This suggests that 58 cars would enter the site each day, an increase of 38 staff cars.

As well as there being an increase in the number of staff driving to school there would also be an increase in the number of pupils arriving by taxi and mini bus. The travel survey has shown that 5 (8%) pupils currently arrive at the Young People Academy by a school organised taxi. This figure would increase to 17 if the Orchard Hill Special School were to be built.

In addition to staff arriving by car and pupils by school organised taxis there would also be an increase in the number of school organised buses arriving at the site. Results of the travel survey shows that 23 (35%) pupils arrive by school organised bus, the capacity of these buses is not known but in a worst case scenario this would be 3 buses based on 8 pupils per bus. Highway engineers visited the site at the end of the school day and 3 mini buses were observed. Assuming the mode split stays the same with the Orchard Hill Special School development then 10 school organised buses would arrive at the site.

Based on the survey results, 20 staff cars, 5 school organised taxis and 3 school organised buses currently arrive at the site each day, 28 vehicles in total. With the new Orchard Hill Special School these figures would increase to 58 staff cars, 17 school organised taxis and 10 school organised buses, 85 vehicles in total an increase of 57 vehicles.

Whilst the Orchard Hill Special Free School would generate a greater number of vehicular trips, how these vehicles are managed on site would be considerably better than in the existing situation. Highway Engineers have visited the site at the end of the school day and witnessed themselves a

high level of traffic activity taking place on-site within a confined space. Vehicles were double parking and all being dependant on each other to give way allowing them to manoeuvre. Just two cars that appeared to be school related were observed to be waiting outside the school on the service road. The grounds to the Orchard Hill Special Free School would be much better laid out and the above problems addressed.

As mentioned above the Orchard Hill Special Free School would have 63 car parking spaces, in a worst case scenario 58 staff cars would be on site. The quantum of staff parking is considered satisfactory though the drawings submitted do not show any visitor parking. The Highway Authority requires this matter to be addressed. Again as mentioned above a minibus parking zone would be provided with space for 5 vehicles to park. Based on the uplift of pupil numbers up to 10 minibuses will arrive at the school everyday. However again this is a worst case scenario where each minibus is occupied by just 8 pupils. Furthermore it is not necessarily the case that all minibuses will be on-site all at the same time. The Highway Authority require the applicant to demonstrate that the quantum of minibus parking provided and forecast demand will not lead to vehicular conflict, a Service and Delivery Plan is required show how the arrival of minibuses will be managed. The new school would have 6 electric vehicle charging points, 10% of the total. The Highway Authority requires that 12 active electric vehicle and 12 passive electric vehicle charging points are provided. Both the Service and Delivery Plan and electric vehicle charging point requirements should be secured by way of a suitably worded condition.

Alongside the application for planning permission the developers have submitted a Framework Travel Plan. This has been reviewed and is considered satisfactory overall though the mode share targets proposed need clarification/further work. The Highway Authority require that it be made of condition of any planning permission that a full Travel Plan is submitted and a £20k bond secured through a S106 agreement as surety that the Travel Plan will be delivered and its targets achieved.

To build the new school it will be necessary to build a haul road from the A408 High Street Yiewsley across Philpots Farm public open space to the application site at the rear of the existing school. It is proposed that this haul road will intersect with High Street Yiewsley by utilising an existing 10 metre wide vehicle crossover that provides vehicular access into Philpots Farm. This access is just 50 metres north of the busy A408 High Street/Falling Lane/Trout Road signalised crossroads junction, during peak hours the queue of traffic waiting at these signals will sometimes tail back as far as this access. Taking into account that this point of access is already used by vehicles, the Highway Authority can not object given that its use and location is already established. However, using this point of access for construction traffic will increase the frequency that it is used; the developer is required to submit a comprehensive Construction Logistics Plan setting out how construction traffic will be managed to reduce the risk to road safety and delay to other road users. This should be drafted based upon the guidance produced by Transport for London that is available on their website address <http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>

Contaminated Land Officer

The following reports were submitted with the application and reviewed accordingly:

- a) Preliminary Ground Contamination Risk Assessment Report; Ref. R17-12386/ds; Dated September 2017; Prepared by Ashdown Site Investigation Limited
- b) Ground investigation Factual Report; Ref. R17-12386; Dated September 2017; Prepared by Ashdown Site Investigation Limited

The previously submitted Ground Investigation report (dated September 2017) provided factual details relating to observations and results of site investigation works. However, the LPA requires

further information, as detailed interpretation of the factual data concerning land condition, including conclusions, requirements and recommendations relating to identified contaminants at the site.

As the planning application is not supported by the necessary detail it does not meet the requirements set out in paragraphs 170 and 178 of the National Planning Policy Framework.

The current use of the development site is as an education facility and thereby groups of highly sensitive receptors are present.

The applicant should submit an updated conceptual model and risk assessment and the information must demonstrate to the LPA that the risks have been fully understood and can be addressed through appropriate measures.

If the application receives approval then the following condition is recommended:

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination and the Environment Agency document 'Model procedures for the Management of Land Contamination' (CLR11). All works which form part of a remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

a) An interpretive report produced by a competent person, and submitted to the LPA for approval; the report is to include suitably updated conceptual model and risk assessment along with detailed conclusions and recommendations based on findings within the previously submitted Preliminary Ground Contamination Report and the Ground Investigation Factual Report), and also including, where relevant, details of soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(b) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

(ii) If during remedial or development works contamination, not addressed in the submitted remediation scheme, is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy contaminated land policies.

Air Quality Officer (October 2019)

The application site is within West Drayton/Yiewsley Focus Area, (see attached map) with wider impacts throughout the network as parents drop/pick up the children at school and drive to/from their workplaces. The proposed development is estimated to generate 85 vehicle movements / day on the effected road network. There is no transport assessment however to confirm the trip generation of the proposed development nor providing suitable information on travel plan, mitigation measures.

Whereas the proposal may not generate a significant number of additional vehicles on the local road network, it is important to control and minimise to the possible maximum extent the impacts within Focus Areas where several exceedances to the annual mean limit value for nitrogen dioxide are observed.

Therefore, a section 106 agreement with the LAP of £53,454 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

In addition, a travel plan is required to minimise any vehicle emissions and promote the use of public transport into sensitive locations.

Air Quality Officer - Revised Comments (November 2019)

In terms of quantifying the impacts on air quality, the transport comments have confirmed the estimated transport impacts arise from approximately 85 additional vehicles/day on the effected road network. As the attached air quality observations have been calculated on this basis the Air Quality Observations as attached to this email can be confirmed as the final comments. The s106 contribution sought is in this case is £53, 454, the calculations are all attached. I have no objection if the contribution to be sought by other means than s106 eg unilateral undertaking, subject to the necessary legal approval.

Support is given to the increased provision of electric vehicle points, the travel plan should seek to prioritise the uptake of cleaner vehicle technology in the associated traffic eg private cars and minibuses, where possible.

In addition please can the following condition be added:

No development shall commence until a CEMP has been submitted to, and approved in writing by, the LPA. The Plan must be drawn up in accordance with the GLA Control of Dust and Emissions from Construction and Demolition SPG or any successor document.

Reason: Compliance with London Plan Policy 7.14

Sustainability Officer (October 2019)

The Energy Assessment contains a significant amount of information but unfortunately not the important elements to make it compliant with policy. The report has no front cover, no contents page, no executive summary, and no conclusions. This make it extremely difficult to determine what the strategy is to reduce the emissions by 35% in line with the London Plan (Policy 5.2).

The applicant needs to provide a much clearer strategy that accurately reflects the requirements of

energy assessments as set out in the London Plan. The assessment needs to include clear details of the baseline annual regulated energy demand and associated carbon emissions; the efficiency measures (be lean) to be adopted to reduce the baseline level and then whatever low and zero carbon technology (be clean and be green) is necessary to achieve the total 35% reduction. The report does suggest that 550m<sup>2</sup> of PV panels are required and these are shown indicatively on the roof plan but do not appear on the elevations.

Sustainability Officer Revised Comments - (November 2019)

The updated energy assessment is still not sufficient. The guidance of how to undertake an energy assessment is clear and it is surprising that an adequate assessment is still not available.

The SAP calculations can inform a proper report but there needs to be a clear presentation of the data and what is intended.

The report needs to provide evidence of the baseline position and where this is taken from as it appears very low. Furthermore, the submission provides different calculations on the savings. It is also not clear what 'lean' measures (i.e. specifications) will be used to reduce the baseline level. Finally, no information is provided on the PVs which appear to be the only low or zero carbon technology to be used and are not shown on the roof plan.

An updated energy assessment in line with the guidance is still required.

Ecology Officer Comments - (November 2019)

The following condition is required:

Condition: Prior to above ground works, a detailed ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall clearly detail the enhancement measures to be incorporated into the landscaping plan and the fabric of the building. The enhancement measures shall include, but not limited to, bat and bird boxes, enhancement of the northern landscaped buffer, an area of landscaping specifically for a wildlife garden (for ecological and educational purposes), reptile and invertebrate refugia and living walls (particularly on featureless facades), roofs and screens. The development must proceed in accordance with the approved plan.

Reason: To ensure the development contributes to the protection and enhancement of biodiversity.

EPU Officer (November 2019)

The information on noise is not acceptable. It amounts to a very basic presentation of a baseline assessment. There is no assessment of the impacts of the proposed development on the nearby residential receptor and consequently no understanding of the mitigation required.

There is no acknowledgement of how the school will be used (i.e. out of school time) or the impact of the multi use games area to the south eastern part of the site. The baseline information is also very poorly presented with analysis of the findings. A full noise impact assessment is required.

EPU Officer - Revised Comments (February 2020)

I have read through the Noise Impact Assessment for the proposed Orchard School, the report details the design noise criteria for the building fabric and the ventilation systems.( in relation to the surrounding ambient noise levels from the existing primary school activities. Proposed plant noise rating levels cited in item 5.2 , when operating simultaneously will meet with the recommended

criteria of BS4142 : 2014, plant noise levels at the identify receptors will not have an adverse impact on the nearest sensitive receptors and are very unlikely to lead to complaints. The noise levels are indicative and for design purposes.

Proposed noise from the Outdoor activity ( break times), MUGA ( games /football) area and playground area) have stated measured noise levels of 55 dB(A) ,this is 15 metres from the MUGA within the site boundary, but have also stated the higher outdoor noise levels for gardens and external places criteria of 58 dB(A).The assessment and guidance from Artificial Grass Pitch (AGP) Acoustic\_Planning Implications 2015, which cites a higher external level of 58 dB(A). The assessment of various noise sources on the proposed school and the identified sensitive residential receptors is deemed satisfactory.

#### Trees and Landscaping Officer

1. The preferred option for the haul route is via Philpotts Farm (Council-owned Green Belt) and via a temporary ramp from the north of the site - to span the change in level of approximately 1 metre. A small site compound will also be required on Philpotts Farm for the duration of the project. A licence agreement for the use of Philpotts Farm is subject to ongoing discussion with LBH.

2. A tree report and arboricultural impact assessment, by The Landscape Partnership, dated August 2017, is technically out of date. While still relevant the trees should be re-surveyed. The survey has identified and assessed 17 individual trees, groups and hedges which are on, or close to, the site.

The single 'A' grade tree is T6, a Tree of Heaven, located on the east side of the campus. There are three 'B' grade trees T7, an alder, T10 Weeping willow and T11 Tree of Heaven. - According to BS5837:2012, 'A'grade trees should be retained on development sites, as should 'B' grade trees, if possible.

The remaining trees are all 'C' grade trees of less individual merit - albeit their group presence may raise their amenity / ecological value. No up to date Arboricultural Impact has been submitted, however, it is evident that the 'A' Tree of Heaven will be removed to facilitate the development according to the current site layout.

The three 'B' grade trees and many of the 'C' grade boundary trees may be retained, subject to an Arb. Method Statement and appropriate Tree Protection Measures - not yet specified.

3. Tree replacement is indicated on plan, albeit no replacements can compensate for the loss of T6. The car park is characterised by a massive area of hard surfacing which would benefit from additional tree planting. This could be achieved using diamond-shaped tree pits with underground engineered cells to provide adequate volumes of soil for the trees, while contributing to SUDS and supporting the car park surfacing.

4. If SUDs is an issue, the tree pits and underground cells could also contribute to the strategy to attenuate surface water run-off.

5. Defensible space along the drop off area was discussed with the design team. The space shown for planting is too narrow to support planting and needs to be reviewed to ensure that it has the desired effect as a green barrier - without obstructing sight lines.

6. The mini-bus parking area was also discussed. The area provided for five mini-buses is excessive and the specification of re-inforced grass is unlikely to survive regular parking and foot traffic. Alternative material ought to be considered which should be submitted to for approval.

In all other aspects the landscape strategy and layout described is understood to have been carefully considered in order to meet the operational requirements of the school and provide an attractive and stimulating environment for the children using the site. It would have been helpful to have had The

success of this will depend on the detailed design and quality of implementation and future management.

Details of the re-instatement of the haul route on public open space / Green Belt land to the north and west will also be required. Any off-site re-instatement of Philpotts Farm may be mitigated by additional landscape enhancement.

The loss of the 'A'grade tree cannot be underestimated. The only reason that it was not TPO'd is because it is located on former Council-owned land. Otherwise there is no objection subject to details outlined above and appropriate conditions. Pre-commencement condition COM8 is required (to include an updated survey). Post-commencement conditions: COM9 (parts 1,2,3,4,5 and 6) and COM10.

Waste Officer

The doors for the refuse storage area should open outward so that bins are accessible for collection. On the proposed plan, the collection crew would have to pull the bins across parking spaces (which may be in use when collections take place). There should be an unobstructed 2 metre wide path with suitable dropped kerbs between the RCV stopping point and the bin store. Otherwise, suitable for waste and recycling requirements.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Whilst the site accommodates an established educational facility, it also comprises an area of playing field.

Accordingly, the key issues pertaining to the principle of development relate to the continued educational use of the site and the loss of the existing playing field.

New Educational Facility

In respect of new developments for educational facilities there is strong support for this at local, regional and national level. On 15/08/11 the Ministry of Housing, Communities and Local Government (MHCLG) (formerly known as DCLG), published a policy statement on planning for schools development, which is designed to facilitate the delivery and expansion of state-funded schools. It states:

"The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards."

It goes on to note that "it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together pro actively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The statement clearly emphasises that there should be a presumption in favour of the development of schools and that "Local Planning Authorities (LPA) should make full use of their planning powers to support state-funded schools applications."

Paragraph 94 of the NPPF (2019) reiterates the objectives set out in the Policy Statement on Planning for Schools Development. It gives great weight to the delivery of sufficient choice of school places to meet the needs of existing and new communities and it requires LPAs to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

Policy 3.18 of the London Plan (2016) supports proposals for new schools, including free schools. It notes proposal for new schools shall only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.

Policy 3.18 of the London Plan (2016) also encourages the co-location of services between schools and other provision in order to maximise land use, reduce costs and develop the extended schools offer.

Policy CI1 of the Local Plan: Part One (2012) seeks to ensure that community and social infrastructure is provided in Hillingdon to cater for the needs of the existing community and future populations by supporting extensions to existing schools and the development of new schools and youth facilities.

Policy DMCI 1A of the Local Plan: Part Two (2020) requires development proposals for new schools to take into account the size of the site, its location and suitability to accommodate a new school or school expansion taking account of compatibility with surrounding uses, and the local highway network and its ability to accommodate new or additional school trips without adverse impact on highway safety and convenient walking and cycling routes to schools.

The proposal seeks to provide a new school for upto 230 pupils following the redevelopment of the Former Chantry School site which currently accommodates approximately 60 pupils. It is proposed to be a special school that supports the learning and educational needs of children and young people that require Alternative Provision (AP) or Social, emotional and mental health (SEHM). The Local Education Authority (LEA) has verbally commented on this application highlighting the London Borough of Hillingdon has the largest number of students across London on the school roll (approximately 52,000). There are a number of students that are diagnosed with special needs of which SEHM students are growing. In May 2019, the Council produced an 'Additional Needs Data Review Summary' which highlighted that there is a 48% increase in forecast demand for SEHM places for primary and secondary aged children. Furthermore, in response to this application, the LEA has confirmed there is a proven and unmet need for the school in this location.

The Council has a statutory duty to ensure there is a school place available for every resident child who requests one between the ages of 5 and 17. There is an identified and documented need for SEHM and AP school places. In the short term, this need has been met through temporary and bulge classrooms at the Former Chantry School Site and The Skills Hub on Providence Road. As part of this proposal, The Skills Hub would co-locate to this site. Both the Chantry School site and the Skills Hubs are in a poor state of repair, not

fit for purpose and have come to the end of their life. The redevelopment of the site would allow the provision of purpose built school accommodation to meet the specific needs of pupils with AP and SEHM needs. Furthermore, it would allow for the co-location of The Young People's Academy (currently occupying the application site) and the Skills Hub along Providence Road at this site. It would allow the two schools to maximise land use, share resources and reduce costs which is supported by Local and London Plan policies.

#### Loss of Playing Field

The proposed footprint of the new school would occupy the existing playing field and the footprint of the existing school would be reconfigured to provide sufficient car parking for staff and visitors and an All Weather Pitch (AWP) and Multi Use Games Area (MUGA).

Paragraph 92 of the NPPF (2019) seeks to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Paragraph 97 of the NPPF (2019) seeks to protect open space and playing fields unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policy 3.19 of the London Plan (2016) expects development proposals to increase or enhance the provision of sports and recreation facilities. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted.

Policy S5 of the draft London Plan (2019) seeks to retain existing playing fields unless (amongst other criteria) the loss resulting from the proposed development would be replaced by equivalent or other better provision in terms of quantity and quality in a suitable location or the development is for an alternative sports and recreational provision and the benefits of which clearly outweigh the loss of current and former use.

Policy DMCI 1A of the Local Plan: Part Two (2020) requires new schools to consider their impact on green open space, games pitches, outdoor play and amenity space, taking account of the character of the area, whether the site is within an area of open space deficiency and whether the school has sufficient outdoor space for play and games.

In a meeting with Sport England and Officers, the Applicant has clarified the overall condition of the existing playing field. This is used by the Skills Hub and it is in a poor condition and undrained. The playing field would require intervention in order to improve and increase its usage. Alternative sport provision is proposed however this is not in the form of a playing field. The school are supportive of community use of the site. An out of hours use of the AWP and MUGA is being provided which will need to be carefully managed through a community use agreement in order to ensure it does not adversely impact on the amenity of neighbouring residents. The school argue that the existing pitch which is undrained does not lend itself to be used in all weathers and is seldom used by the pupils that attend the school as it is unsuitable for their complex and special needs.

A community use agreement would be secured by way of S106 agreement to ensure opportunities for community use of the site are maximised but carefully managed with residents in mind. The benefits of the proposed AWP and MUGA, which unlike the existing

school playing field, could be used all year round are considered sufficient to offset the loss in usability of the playing field and officers consider these benefits outweigh the conflict with policy in this regard. However, notwithstanding this, Sport England have raised an objection.

Sport England object to the loss of playing field despite their acknowledgement of the site constraints and consideration which has been clearly given to alternative enhanced provision, Sport England maintain their objection noting that the proposed Artificial Grass Pitch does not meet FA/Football Foundation requirements and the proposed indoor sports hall is not large enough to accommodate a broad range of sports. Whilst Sport England acknowledge the quality of the existing playing field, they are of the view that the size of the pitch should be increased before considering the loss of what is essentially a finite resource. Sport England does not consider this of sufficient benefit to outweigh the loss of playing field that could accommodate a range of sports and informal play which would be more adaptable to future needs. Officers did discuss enlarging the artificial grass pitch with the applicant, but it is not possible on the constrained site without reducing the site of the expanded school.

Officers acknowledge Sport England's objection to this application and note that notwithstanding current planning policies relating to playing fields and sports provision, the operational needs of the school are an important material planning consideration. In this instance, due to the limited use of the existing playing field both due to lack of drainage and usage because of the pupil's needs; the proposed MUGA and AWP which could be used all year round by pupils and the local community is a material consideration that weighs in favour of the development.

The above mitigates against the loss of the playing field. Officers are satisfied that an appropriate balance has been struck between planning and educational policy requirements such that the development meets the practical needs of the school whilst ensuring there is no overall loss in quality sports provision. Officers are of the view that the educational need for the proposals carries significant weight, which would outweigh any loss in sports provision Sport England may argue.

The application site lies in close proximity to Yiewsley Recreation Ground and Philpotts Farm. However, it must be noted that the further creation of formal sports provision at these sites could not be supported. These are areas of public open space and it is important that a balance is struck between formal sports provision and less informal recreational activities such as walking, jogging, etc. A pitch is already present at Yiewsley Recreation Ground and there is limited capacity at this space to create additional or enhanced sports facilities. Philpotts Farm is a less formal, semi-wild space which falls within the Green Belt and is designated as a Nature Conservation site. The creation of formal sports provision here would therefore be inappropriate for environmental and ecological reasons.

The Ministerial Statement on planning for schools is clearly an important material planning consideration. It is important to understand the 'weighting' that should be given to this as a material planning consideration. Officers have undertaken a search of appeal decisions concerning new education developments that affect either playing fields or open space to understand how Planning Inspectors have interpreted the Ministerial Statement.

A search of a national appeals database identified 4 appeal cases where loss of open space or playing field was involved.

Where the schemes are of direct relevance is that in each case the decision maker had, in effect, to decide whether a clear education need outweighed other strong material planning considerations. All 4 appeals (namely the appeal by Chapel Street Community Schools Trust for a free school on open space in Oxfordshire, a new free secondary school by 'Great Schools for all Children' in Warrington on public open space involving the loss of a sports pitch and Poulton Church of England Primary and Nursery School's planning application in Gloucester for a school on open space was allowed and significant weight was given by the appeal inspector to the education need in every case.

In the Warrington case (which is a 2014 case and therefore was based on the NPFF, Ministerial statement and most up to date national Planning Policies) the Council in refusing the planning application stated:

"The playing fields offer significant benefits to the local community due to the sports pitches available and their accessibility and close proximity to residents, community groups and schools."

Sport England did not object subject to conditions regarding the submission, agreement and implementation of a sports development plan and community use agreement, the details and specifications of the sports hall, changing rooms and artificial grass pitch and a scheme for the improvement of the remaining playing fields are required to ensure that there is sufficient benefit to the development of sport, suitable arrangements for community access and that the loss of the existing playing fields on the site is effectively mitigated.

It should be noted that Sport England therefore appear to have been satisfied that conditions could be used to address potential policy conflicts. The Inspector in allowing the appeal stated;

"There are differing views as to the potential effects on existing schools and the justification for the proposed school in terms of the need to raise educational standards. What is clear however is that the proposal will create an additional school, increasing the number of school places available and creating greater choice and diversity for secondary education in the area. In the context of the Framework and the Ministerial Policy Statement, this constitutes a significant benefit that carries substantial weight."

What these recent appeal cases show is that decision makers are expected to place substantial weighting on the Ministerial Statement and that it is a very important material planning consideration. As such, officers consider that the educational need argument outlined by the applicant with respect to schools should be given substantial weighting as a material planning consideration.

Taking all matters into consideration, including current planning policy wording at local, regional and national level, the applicant's and Sport England's arguments, it is very difficult to see how an objection from Sport England could be upheld in this instance. This application is supported by a well reasoned justification that demonstrates there would be no loss in overall sports provision in terms of quality.

#### **7.02 Density of the proposed development**

The application relates to new educational development. Residential density is therefore not relevant to the consideration of this application.

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

There are no Conservation Areas, Listed Buildings or Areas of Special Local Character within the vicinity. Although the application site does not fall within a designated

Archaeological Priority Area, there is a requirement to consult Historic England's Greater London Archaeological Advisory Service (GLAAS) due to the size of the site. An Archaeological Desk-Based Assessment has been submitted in support of the application and GLAAS have been consulted. No objection has been raised and there is no further requirement for conditions.

#### **7.04 Airport safeguarding**

No airport safeguarding objections were raised in response to this application.

#### **7.05 Impact on the green belt**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Local Plan policies specify that there is a presumption against inappropriate development. The proposed development is not considered inappropriate as it maintains the openness of the Green Belt and does not involve any building works.

As discussed in part 7.01 of this report, the proposed temporary access road falls within the Green Belt. However, as this would only be temporary, and does not involve any permanent building works on the Green Belt, this would limit any potential impact it could have on the openness of the wider Green Belt. The access would then be removed and reinstated as landscaping following the completion of the new school. It is not considered that the proposal would have any significant impact on the visual amenities or the openness of the Green Belt in this location due to its temporary nature.

In terms of the visual impact of the development on the openness of the Green Belt, this is considered to be limited. The proposal is bound by Philpots Farm which is designated as Green Belt to the north. Philpots Farm is separated from the site by scrubland and mature trees. The size, scale and height of the proposed building would not be out of character with that of the existing Rabbsfarm Primary School to the east. The proposal seeks to provide a set back from the northern edge and provide new trees along the boundary. Whilst the built footprint of the site would become visible from the Green Belt, due to the setback, its impact would be limited. It would also be seen in the context of with existing built development, including Rabbsfarm Primary School. It is also of note that the same access and construction route was used to aid the redevelopment of the adjacent Rabbsfarm Primary School. The Green Belt has been successfully restored following the completion of that development several years ago. Overall, given the developed nature of the surrounding area, it is not considered that the proposed development would have any significant adverse impact on the visual amenities of the openness of the green belt in this location.

#### **7.07 Impact on the character & appearance of the area**

Paragraph 131 of the NPPF (2019) requires that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy 7.6 of the London Plan (2016) requires new developments to make be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Policy D1 of the London Plan (2019) requires all development to make the best use of land by following a design led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth

Policy BE1 of the Local Plan: Part One (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) re-emphasises the importance of good design in new development by A) requiring all new buildings and extensions to be designed to the highest standards, which incorporate principles of good design, such as harmonising with the local context by having regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure; B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space; C) safeguarding the development potential of adjoining sites and D) making adequate provision for refuse and recycling storage.

Policy DMHB 12 of the Local Plan: Part Two (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The proposal seeks a comprehensive redevelopment of the site in two phases to allow the school to continue to operate during the construction process. The proposal would involve the erection of an 2 storey building measuring 68.5 m width and upto 46.5m depth and a height of upto 10.8m comprising 5,618 sq.m of new education floorspace. The building would be split into two zones: Young People's Academy (YPA) and Young People's Hub (YPH). Students, staff and visitors would enter each school zone separately. The proposal includes some shared facilities such as the hall at the centre of the school, the Multi Use Games Area (MUGA) and the All Weather Pitches (AWP). Each school would have access to its own play area which is pepper potted around the perimeter of the built footprint and designed to meet the specialist educational needs of the pupils. It is noted that the proposal includes plant equipment that would occupy a central position on the roof to limit views of equipment. The proposal includes secure walkways separating the car parking area from the MUGA and AWP. A 3m in height anti climb fence is proposed to be provided across the perimeter boundary of the school.

The proposed development would provide a building of a considerable footprint, it would be one consolidated building on the former playing field. Its form would be utilitarian and functional, though the stepped plan form along the front elevation adds a degree of depth and some articulation. The proposed built form would have a very institutional and functional look, particularly in views from Leacroft Close, however the design is dictated by the very specialist educational and behavioural needs that this school must cater for and overall the layout and scale of the proposal is considered acceptable.

The application proposal seeks to provide a very contemporary design which includes pre-fabricated building that would be assembled onsite and it would feature colour cladding panels contrasted with blast finished concrete facade panels. Brise Soleil would be mounted to windows and full height curtain wall glazing would be used to mark the school entrance. The architectural details such as difference in materials help to break up the facade.

Due to its siting off a private road, there would be limited views of the building from the

surrounding public realm and its layout is an improvement to the disparate clutter of temporary buildings that currently occupy the site. The proposal whilst substantial would have a neutral impact on the area and it is considered that a reason for refusal based on its functional and utilitarian appearance could not be sustained at appeal especially given the requirements and specialist nature of the school.

Details of collapsible railings, boundary treatments, colour and materials of external finishes would be required by condition to ensure the proposal does not compromise the visual appearance of the building and the setting of the wider area. Overall, the proposal meets the objectives of the Local Plan (2020), London Plan (2016) and the NPPF (2019).

#### **7.08 Impact on neighbours**

Policy DMHB 11 (2020) requires that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The nearest residential property is situated to the east and to the south.

The proposed built footprint would be situated 16.1m from No. 7 Leacroft Close and 19m from No 1 Coltsfoot Drive. These properties are predominately orientated north-south with flank/end walls facing the site.

In terms of overlooking, given the orientation of the dwellings to the school there will not be any direct window to window overlooking or adverse impacts. The eastern elevation of the new school building has been designed to centralise the proposed windows to avoid any potential views of private amenity spaces.

The schools' hours of use are day time only and not during the evenings and weekends when a greater degree of privacy is expected by local residents and as such, the proposal is unlikely to result in significant harm to the amenities of neighbouring residents through noise and disturbance.

In respect of the residential properties backing on to the site from Falling Lane and Leacroft Close, these will be nearer to the all-weather pitch and the MUGA. There will be some intervening vegetation between them. There may be a degree of noise generated when these facilities are in use either by the school or community groups however, it is not considered that there would be undue harm to residential amenity as a result of this use. The hours of use of the MUGA and AWP is proposed to be controlled by way of planning condition to minimise noise and disturbance to neighbouring residents. Subject to the recommended conditions, the proposal is considered to comply with Policy DMHB 11 of the Local Plan: Part Two (2020).

#### **7.09 Living conditions for future occupiers**

This consideration relates to the quality of residential accommodation and is not applicable to this type of development. However, it is considered that the proposed development, which has been designed to accord with Department for Education standards, would provide an appropriate environment for the future staff and pupils.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy DMT 2 of the Local Plan: Part Two (2020) notes development proposals must ensure that safe and efficient vehicular access to the highways network is provided to the Council's standards.

Policy DMT 6 of the Local Plan: Part Two (2020) sets maximum car parking standards. For a development of this type it is required that the quantum of car parking provided is determined 'on an individual basis using a transport assessment and a travel plan, and in

addition provision for taxi and bus/coach access and parking'.

The application site is situated on the northern side of Falling Lane, Yiewsley, approximately 350 metres west of the A408 Yiewsley High Street. Falling Lane is a classified road with a 30mph speed limit and street lighting. There is a housing estate to the east of the application site and Rabbsfarm Primary school to the west. The northern rear boundary of the site backs onto Philpots Farm, on an area of public open space. Access to the site is provided by a driveway leading off a residential service road that runs parallel to Falling Lane. The driveway is unadopted measuring 4 metres wide and 28 metres long.

A close boarded fence has been erected in-between the service road and Falling Lane. This service road varies in width - at its narrowest point being not more than 4.4 metres wide. Where the driveway intersects with the service road school 'Keep Clear' markings have been provided, these are enforced by CCTV cameras. Parking here is prohibited Monday to Friday 8.00 am to 10.00 am and 2.30 pm to 4.30 pm. Aside from the school 'Keep Clear' markings the service road has no parking restrictions, cars have been observed parking on-street, where this takes place the carriageway is not wide enough for two cars to pass.

Vehicles leaving the school heading towards the A408 westbound must turn right out of the driveway and proceed for 200 metres before reaching Falling Lane. Drivers heading eastbound do not have a direct route to Falling Lane, 75 metres east of the school access from the service road onto Falling Lane has been closed. Vehicles heading eastbound must now drive a further 265 metres around a housing estate before they are able to join Falling Lane and the classified road network. According to the Transport for London WebCAT service the application site has a PTAL ranking of 2 indicating access to public transport is poor.

The proposed demolition of the Young Peoples Academy and the construction of Orchard Hill Special Free School in its place would increase the number trips the site would generate as the number of pupils would increase from 66 to 230 and the number of teachers would increase from 40 to 115 (full time and part time). Because Orchard Hill Special Free School is a Special Educational Needs (SEN) school, the ratio of staff to pupils is higher than at a conventional school. The majority of car trips to the school are made by teachers.

Access to the new school would remain in the existing position. The driveway would however be widened to 6 metres. Policy DMT6 of the Local Plan: Part Two (2020) requires that for Use Class D1 Schools (day): nursery, primary, secondary and special that car parking is provided on 'an individual basis using a transport assessment and travel plan'.

The new school would have 63 car parking spaces of which 6 would be accessible and 6 electric vehicle charging bays. There would be a minibus parking zone with capacity for 5 vehicles as well as 7 spaces for taxis to wait and 4 spaces for taxis to pick up/set down. Cycle parking for 48 bicycles would be provided; the Highway Authority requires that these are covered and secure. This should be secured by a suitably worded condition.

A Transport Statement has been submitted alongside the application for planning permission. This includes the results of a school travel survey undertaken to determine how pupils and staff travel to school. The results of this travel survey have been used by

by the Highway Authority to calculate the number of trips by mode Orchard Farm would generate. A worst case scenario has been used; one where it is assumed that all full time and all part time staff are at the school all at the same time, car sharing takes place on a one driver one passenger basis and each school minibus carries 8 students.

The applicants report that because the Young Peoples Academy is a SEN school the majority of pupils travel using home to school transport services with pick up/drop off taking place within the school campus. Of a school role of 66 pupils, the travel surveys show that just 3 are driven to school in a private car. However, these trips are described as 'park and stride' meaning that the car is parked away from the school gates, the final leg of the journey is completed on foot.

The surveys show that 17 (44%) members of staff drive to school alone and 6 (15%) car share, these results indicate that 20 staff vehicles enter the site each day. These survey results have been used to calculate the forecast the number of trips the development would generate for each mode. Of 115 members of staff 49 would drive and 17 would car share. This suggests that 58 cars would enter the site each day, an increase of 38 staff cars.

As well as there being an increase in the number of staff driving to school there would also be an increase in the number of pupils arriving by taxi and mini bus. The travel survey has shown that 5 (8%) pupils currently arrive at the Young People Academy by a school organised taxi. This figure would increase to 17 if the Orchard Hill Special School were to be built.

In addition to staff arriving by car and pupils by school organised taxis there would also be an increase in the number of school organised buses arriving at the site. Results of the travel survey shows that 23 (35%) pupils arrive by school organised bus, the capacity of these buses is not known but in a worst case scenario this would be 3 buses based on 8 pupils per bus. Highway engineers visited the site at the end of the school day and 3 mini buses were observed. Assuming the mode split stays the same with the Orchard Hill Special School development then 10 school organised buses would arrive at the site.

Based on the survey results, 20 staff cars, 5 school organised taxis and 3 school organised buses currently arrive at the site each day, 28 vehicles in total. With the new Orchard Hill Special School these figures would increase to 58 staff cars, 17 school organised taxis and 10 school organised buses, 85 vehicles in total an increase of 57 vehicles.

Whilst the School would generate a greater number of vehicular trips, how these vehicles are managed on site would be considerably better than in the existing situation. As mentioned above the School would have 63 car parking spaces, in a worst case scenario 58 staff cars would be on site. The quantum of staff parking is considered satisfactory though the drawings submitted do not show any visitor parking. The Highway Authority requires this matter to be addressed. Again as mentioned above a minibus parking zone would be provided with space for 5 vehicles to park. Based on the uplift of pupil numbers up to 10 minibuses will arrive at the school everyday. However again this is a worst case scenario where each minibus is occupied by just 8 pupils. Furthermore it is not necessarily the case that all minibuses will be on-site all at the same time. The Highway Authority require the applicant to demonstrate that the quantum of minibus parking provided and forecast demand will not lead to vehicular conflict, a Service and Delivery Plan is required show how the arrival of minibuses will be managed. The new school would have

6 electric vehicle charging points, 10% of the total. The Highway Authority requires that 12 active electric vehicle and 12 passive electric vehicle charging points are provided. Both the Service and Delivery Plan and electric vehicle charging point requirements would be secured by way of a suitably worded condition.

Alongside the application for planning permission the developers have submitted a Framework Travel Plan. This has been reviewed and is considered satisfactory overall though the mode share targets proposed need clarification/further work. The Highway Authority require that the Travel Plan is secured by way of a planning obligation and a full Travel Plan is submitted and a £20k bond secured through a S106 agreement so that the Travel Plan will be delivered and its targets achieved.

To build the new school it will be necessary to provide a temporary haul road from the A408 High Street Yiewsley across Philpots Farm public open space to the application site at the rear of the existing school. It is proposed that this haul road will intersect with High Street Yiewsley by utilising an existing 10 metre wide vehicle crossover that provides vehicular access into Philpots Farm. This access is just 50 metres north of the busy A408 High Street/Falling Lane/Trout Road signalised crossroads junction, during peak hours the queue of traffic waiting at these signals will sometimes tail back as far as this access. Taking into account that this point of access is already used by vehicles and the temporary access road was used for the neighbouring Rabbsfarm Primary School when it was redeveloped, the Highway Officer raised no objection to this proposal.

Using this point of access for construction traffic will increase the frequency that it is used; the highways authority has requested a comprehensive Construction Logistics Plan setting out how construction traffic will be managed to reduce the risk to road safety and delay to other road users.

The highway officer notes the revised Transport Statement states the proposed development would load additional vehicle trips on a road network that during the AM and PM peak is already at capacity. However, the applicant advises that the morning drop-off usually takes place between 09:15 and 09:30 hours with the afternoon pick-up taking place between 14:45 and 15:00 hours; this is outside both the AM and PM peak hours. The adjacent Rabbsfarm Primary School school day begins 08:30 to 08:45 hours and finishes 15:10 to 15:30 hours. Therefore the 'peak hours' for both schools do not overlap spreading the demand for road space over a longer period. On this basis, the proposal is not considered to result in detrimental harm to the local highway network subject to a condition requiring details of staggering in addition to a School

Policy DMT 2 of the Hillingdon Local Plan: Part Two Development Management Policies (2020) states that development proposals must 'ensure that they do not contribute to the deterioration of air quality, noise, local amenity or safety of all road users and residents'. Providing that the school drop off and pick up times remain outside the network AM and PM peak. Following a review of the revised Transport Statement, the highways authority notes a highway impact reason for refusal could not be sustained and as such there is no objection to the application subject to a suitably worded condition requiring the school to provide details of staggered start and finish times that would remain in place for the lifetime of the development.

## **7.11 Urban design, access and security**

Urban Design

This issue has been addressed in parts 7.05 and 7.07 of the report. Taking into

consideration the site constraints and the character and appearance of the surrounding area, the size, scale, height and design of the proposed development is considered to be visually acceptable in this instance.

## Security

The submitted Design and Access Statement confirms that security has been carefully considered by the applicant. The Metropolitan Police has reviewed the application and raised no objection subject to the inclusion of a Secured by Design condition attached to the proposal.

### **7.12 Disabled access**

Policy 7.2 of the London Plan (2016) require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design which seek to ensure that developments:

- a) can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- b) are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- c) are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- d) are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

The Access Officer has commented on the application noting that having reviewed the proposed plan, the redevelopment is considered to be acceptable to support pupils, students and staff with a range of impairments, and is otherwise in keeping with the principles of Inclusive Design required by Policy 7.2 of the London Plan (2016).

### **7.13 Provision of affordable & special needs housing**

Not applicable to this type of development.

### **7.14 Trees, landscaping and Ecology**

The NPPF states that development proposals should seek to respect and retain, where possible, existing landforms and natural features of development sites, including trees of amenity value, hedges and other landscape features. It states that development should make suitable provision for high quality hard and soft landscape treatments around buildings.

Policy DMHB 14 of the Local Plan:Part Two (2020) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

The development would result in the loss of two existing trees. However, given the education need for the development, the existing site constraints and proposed new tree planting, the loss of these two trees is justified in this instance. Notably, the Council's Trees/Landscape Officer has raised no objections subject to standard landscaping conditions.

The trees and landscaping officer has confirmed that a licence agreement for the use Philpotts Farm as a haul route and site compound makes provision for all necessary restoration and re-planting. A separate condition or legal agreement is not required.

## Ecology

In terms of ecological impacts, an Ecological Appraisal, Woodland Survey and Nature Conservation Assessment with accompanying Advice Note, a Bat Building and Tree Inspection Report and a Bat Emergence/Re-entry and Activity Survey has been submitted in support of the application. These confirm that there are no protected species present on site, which would pose any significant constraint to the development proposals given that building works would be to existing developed areas and maintained playing field only.

A range of ecological enhancements are recommended in the reports to ensure that biodiversity features and enhancement of opportunities for wildlife are provided. Although limited details have been provided at this stage, the applicant has confirmed their commitment to taking on board the recommendations of the reports in their Design and Access Statement. Accordingly, a scheme of ecological enhancements would be secured by way of condition should approval be granted.

### **7.15 Sustainable waste management**

Policy 5.17 of the London Plan (2016) sets out the Mayors Spatial Policy for Waste Management including the requirements for new developments to provide appropriate facilities for the storage of refuse and recycling. The applicant has demonstrated the proposal would include a secure waste storage area within the proposed plan. However the bin storage layout requires amendment along with the car parking area adjacent to the proposed bin store, details of which is secured by way of a suitably worded condition.

### **7.16 Renewable energy / Sustainability**

Policy 5.2 of the London Plan (2016) requires developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

Be lean: use less energy

Be clean: supply energy efficiently

Be green: use renewable energy

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (2016).

Policy DME1 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that: A) All developments make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets; B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved; C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, if the Council is minded to approve the application despite not meeting the carbon reduction targets, then it will seek an off-site contribution to make up for the shortfall. The contribution will be sought at a flat rate at of £/tonne over the lifetime of the development, in accordance with the current 'allowable solutions cost'.

The development as submitted does not comply with the above mentioned policies however the sustainability officer considers the proposal has scope to provide further energy saving measures. Should the application be considered acceptable, an appropriately worded condition should be secured requiring further details of sustainability and energy efficiency measures the school will implement.

## **7.17 Flooding or Drainage Issues**

Policy 5.13 of the London Plan (2016) states that development proposals should use sustainable urban drainage systems (SuDs) unless there are good reasons for not doing so and that developments should aim to achieve green-field run-off rates. Policy 5.15 goes on to confirm that developments should also minimise the use of mains water by incorporating water saving measures and equipment.

Policy DMEI 10 of the Local Plan: Part Two (2020) applications for all new build developments are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.

Following a review of the revised drainage strategy, the flood water management officer has removed their objection to the application. The proposals has increased green infrastructure across the site including the car park within the outline drainage strategy. There are aspects of the drainage design for which additional information is required post-planning and therefore the detail of the drainage design should be secured by way of a surface water management condition.

## **7.18 Noise or Air Quality Issues**

Noise

Policy DMCI 1A of the Local Plan: Part Two (2020) requires new schools and school expansions to take into account the size of the site, its location and suitability to accommodate a new school or school expansion taking account of compatibility with surrounding uses, and existing planning policy designations.

The EPU officer reviewed the submitted Noise Impact Assessment and commented on the application noting:

- the report details the design noise criteria for the building fabric and the ventilation systems;
- The proposed plant noise rating levels cited, when operating simultaneously will meet with the recommended criteria of BS4142 : 2014; and
- the plant noise levels at the identify receptors will not have an adverse impact on the nearest sensitive receptors and are very unlikely to lead to complaints. The noise levels are indicative and for design purposes.

Proposed noise from the Outdoor activity (break times), MUGA/AWP ( games /football) area and playground area) have stated measured noise levels of 55 dB(A), the nearest neighbouring residential property is sited 15 metres from the MUGA, the proposal is unlikely to result in undue noise and disturbance to the neighbouring residential property. However, the report also observed the noise levels within outdoor garden spaces when the MUGA/AWP is used. The impact of various noise sources produced by the proposed school would have an acceptable impact on the amenity of neighbouring occupiers and the proposal complies with the provision of Policy DMCI 1A of the Local Plan: Part Two (2020).

Air Quality

Policy DMEI 1 of the Local Plan: Part Two (2020) requires major development in Air Quality Management Areas to provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

The Local Plan recognises that living walls and roofs allow a number of environmental goals to be achieved in a relatively small space. They also remove particulates that improve local air quality. The Sustainability Officer has requested that a condition is added to the decision notice to ensure the proposal contributes to Air Quality enhancements.

Policy DMEI 14 of the Local Plan: Part Two (2020) requires development proposals to demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. Developments are expected to be:

- Air quality neutral;
- include mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors; and
- actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

The air quality officer has commented on the application noting the application site is within West Drayton/Yiewsley Focus Area with wider impacts throughout the network as parents drop/pick up the children at school and drive to/from their workplaces. The proposed development is estimated to generate 85 vehicle movements each day. Given the increase in trip rates and the impact on the air quality on local roads, a contribution of £53,454 is required to deliver mitigation measures along the road network affected by the proposal and reduce human exposure to pollution levels. The contribution is secured by way of a clause within the Section 106 legal agreement.

#### **7.19 Comments on Public Consultations**

The objections to this application have been addressed within the main body of the report.

#### **7.20 Planning obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonably related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

At a regional level, policy 8.2 'Planning Obligations' of the London Plan (2016) stipulates that when considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary

by the proposal.

Relevant Officers have reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impact of the development.

1. To secure all necessary highway works including written agreement from the Local Planning Authority on the final proposed public realm improvements to the pedestrian environment.

2. The provision of a Green School Travel Plan: Prior to first occupation a full travel plan to be submitted to and approved in writing by the council. Thereafter, the Travel Plan is required to be reviewed at regular intervals to monitor its impact and, if required, it shall be updated and/or amended in order that its aims and objectives are achieved. Therefore, a travel plan review should be undertaken and submitted to the Local Planning Authority for approval at 25%, 50%, 75% and 100% occupation of pupils and staff. The Travel Plan shall demonstrate a commitment to the ongoing provision and expansion of the existing school bus service to cater for the growing number of pupils and also a commitment to the ongoing review of and provision of additional cycle parking provision should demand dictate. A Travel Plan bond in the sum of £20,000 is also to be secured.

3. Community Use Agreement: Prior to occupation of the development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hours of use, access to the grass pitches, all weather pitch, MUGA and sports hall (including WCs and changing rooms) by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.

4. Employment Strategy and Construction Training - either a contribution equal to the formula within the Council Planning Obligations Supplementary Planning Document (SPD) 2014, or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development. Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered.

5. Air Quality damage cost of £53,454 for failing to be air quality neutral and so that mitigation measures along the road network affected by the proposal and reduce human exposure to pollution levels can be met.

6. Project Management & Monitoring Contribution equal to 5% of the total cash contributions. Details shall be in accordance with the Council Planning Obligations Supplementary Planning Document 2014.

A Community Infrastructure Levy contribution would not be required for this development which seeks to provide an educational use.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

Land Contamination

Policy DMEI 12 of the Local Plan: Part Two (2020) requires proposals for development on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants. Conditions will be imposed where planning permission is given for

development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

The Contaminated Land Officer commented on the application noting the applicant's reports were reviewed, however further details are required by condition. As such a condition is attached to the draft decision notice requiring further details to be submitted.

## **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**

The current Local Plan, London Plan and national planning policies which seek to encourage the expansion of the existing educational facilities to meet need. The applicant has sufficiently demonstrated that there will be no overall loss in the quality of sports provision by providing play spaces adjacent to classrooms, an AWP and MUGA. Notwithstanding Sport England's objection, the educational need and the alternative sport provision outweighs the loss of the playing field.

It is not considered that the proposed development would result in an unacceptable impact on the visual amenities of the school site or on the surrounding area. The proposal would not have any significant detrimental impact on the amenities of the occupiers of neighbouring residential properties and it is not considered that the development would lead to such a significant increase in traffic and parking demand that refusal could be justified on highway grounds.

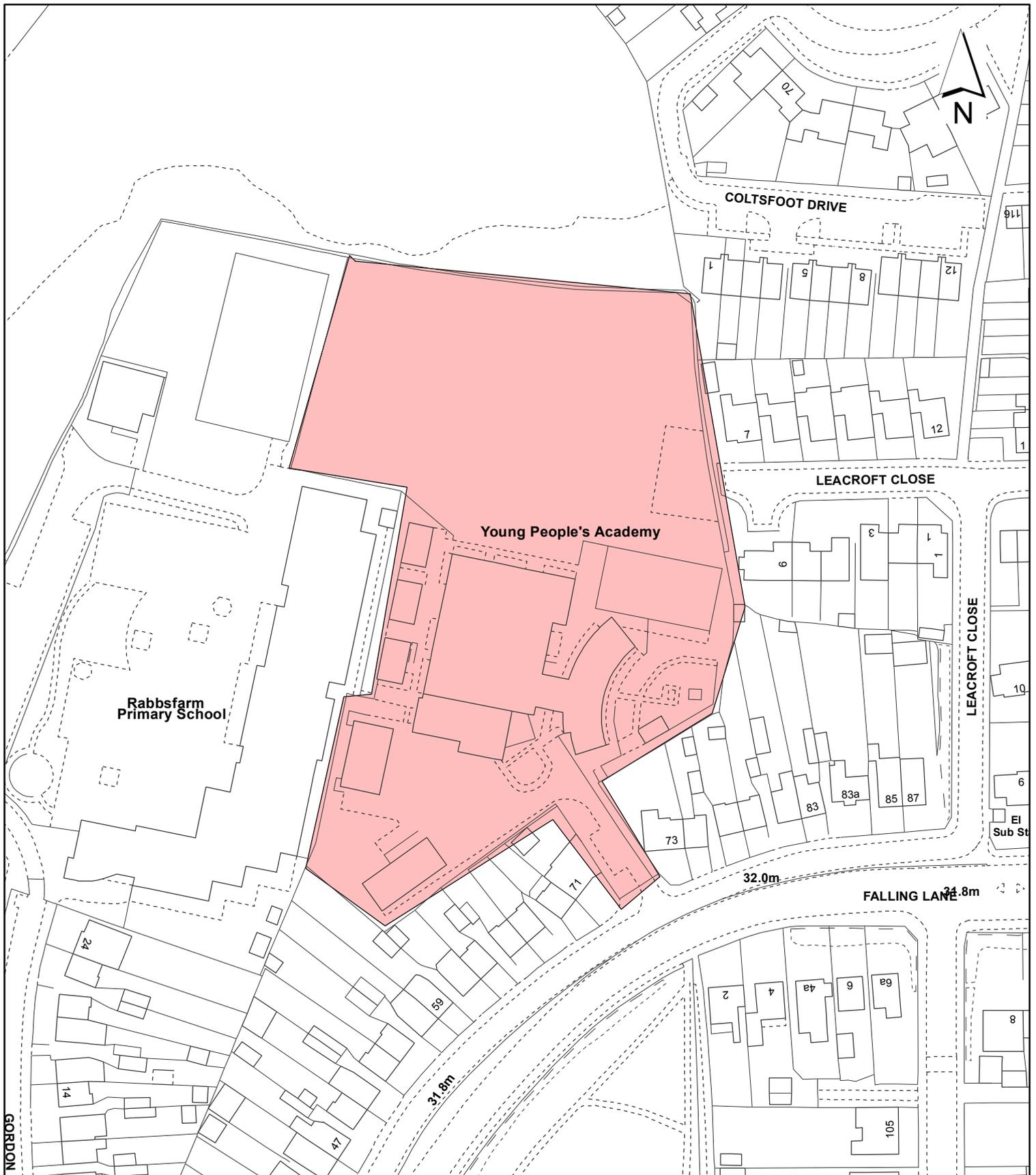
Accordingly, approval is recommended, subject to referral of the scheme to the Secretary of State.

#### **11. Reference Documents**

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 Site Allocations and Designations (2020)  
Hillingdon Local Plan: Part 2 Development Management Policies (2020)  
Hillingdon Local Plan: Policies Map (2020)  
London Plan (March 2016)  
National Planning Policy Framework (2019)  
Policy Statement - Planning for Schools Development (DCLG, 15/08/11)  
Council's Supplementary Planning Document - Planning Obligations

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**Notes:**

 Site boundary

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Site Address:  
**Former Chantry School  
 Site Falling Lane  
 Yiewsley**

Planning Application Ref:  
**5746/APP/2019/2403**

Planning Committee:  
**Major**

Scale:  
**1:1,250**

Date:  
**March 2020**

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