

## **Report of the Head of Development Management and Building Control**

**Address:** CHILDRENS HOME CHARVILLE LANE HAYES

**Development:** Redevelopment of an existing Children's Home to provide new build residential institution development (Use Class C2). Erection of 3no. 2 storey buildings, providing accommodation for 12 young people and 6 household staff and an Educational building; hard and soft landscaping, communal and private garden areas and a Multi-Use Games Area.

**LBH Ref Nos:** 26544/APP/2023/2303

**Drawing Nos:** APL001 Rev. A  
APL002 Rev A  
APL003 Rev. A  
APL004 Rev. C  
APL005 Rev. A  
APL006 Rev. B  
APL007 Rev. B  
APL008 Rev A  
APL009 Rev A  
APL010 Rev. A  
APL011 Rev A  
APL012 Rev. A  
APL013 Rev. A  
APL014 Rev. A  
Tree Protection Plan  
Arboricultural Report, Andrew Day Arboricultural Consultancy, 30th July 2023  
Flood Risk Assessment and Drainage Statement, Infrastruct CS Ltd, August 2023  
SuDS Maintenance Guide, 5469-CHAR-ICS-XX-RP-C-07.002  
CHAR ICS 01 XX DR C 0200 P02  
Dusk Emergence & Dawn Re-entry Bat Surveys, Middlemarsh, Report Number: RT-MME-161373 Date: September 2023  
Phase I Preliminary Risk Assessment, CGL, July 2023  
Phase I Preliminary Risk Assessment, Card Geotechnics Limited, Ref: CG/00808 Rev 1, July 2023  
Heritage Assessment, KM Heritage  
Planning Statement, Hunters  
Transport statement, Motion, 28th July 2023, 1st Draft  
Preliminary Ecology Assessment, Middlemarch, August 2023, RT-MME-161166-

01

Preliminary Bat Roost Assessment, Middlemarch, August 2023, RT-MME-161166-02

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Daylight Sunlight and Overshadowing Assessment, XCO2, dated 04/08/2023, Ref: 9.971

Design and Access Statement, Hunters

Air Quality Assessment, XCO2, dated 21/08/2023

Energy Statement, XCO2, dated 10/08/2023, Ref: 9.971

**Date Plans received:** 04-08-2023

**Date Application valid** 04-08-2023

## 1. SUMMARY

The proposal has been carefully designed following pre-application discussions. The scheme as presented provides a suitable layout including extensive green spaces, a needs-based level of parking provision and a sufficient level of private and communal amenity space that would provide much improved living conditions and considerably enhance the end-user experience.

The scheme would retain all protected trees and the proposed additional landscaping would further enhance the visual amenity of the site. Satisfactory information has been received with regards to achieving an air quality neutral development, land contamination, energy efficiency and sustainable urban drainage.

Relative to the existing site context, the scheme provides notable improvements to the design and appearance of the built form. The redevelopment of the site offers significant public benefits and a much-improved high-quality facility.

The application is recommended for approval subject to conditions.

## 2. RECOMMENDATION

**APPROVAL** subject to the following:

### 1. COM3 Time Limit

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

REASON

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**PART 1 - MEMBERS, PUBLIC & PRESS**

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 APL001 Rev. A, APL004 Rev. C, APL005 Rev. A, APL006 Rev. B, APL007 Rev. B, APL008 Rev A, APL009 Rev A, APL010 Rev. A, APL011 Rev A, APL012 Rev. A, APL013 Rev. A, APL014 Rev. A 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 Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

## **3. COM7 Materials (Submission)**

Notwithstanding the approved plans, prior to any above ground works for the development hereby approved (excluding demolition), details of all exterior materials, windows, doors and external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

### **REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

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

Notwithstanding the approved plans, prior to any above ground works for the development hereby approved (excluding demolition), 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

### **2. Details of Hard Landscaping**

- 2.a Refuse Storage
- 2.b Means of enclosure/boundary treatments
- 2.c Hard Surfacing Materials
- 2.d External Lighting
- 2.e Other structures (such as play equipment and furniture)

### **3. Details of Landscape Maintenance**

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

damaged or diseased.

4. Schedule for Implementation having regard to 1-3 above and the requirements of Conditions 5, 6, 7, 8 and 9.

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 14, DMEI 1 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

#### **5. COM8 Arboricultural Method and Tree Protection**

The development hereby permitted, shall be carried out in strict accordance with the Method Statement for Tree Protection Measures detailed in the approved Arboricultural Report (Andrew Day Arboricultural Consultancy, 30th July 2023) and the enclosed Tree Protection Plan. The tree protection measures for the site will be monitored and supervised by an arboricultural consultant at key stages of the development including during demolition and 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 Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

#### **6. COM10 Trees 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 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 Hillingdon Local Plan Part 2 (2020)

and to comply with Section 197 of the Town and Country Planning Act 1990.

## **7. COM26 Ecology**

No development shall take place until the following details of have been submitted to and approved by the Local Planning Authority:

- Details of the provision of bat boxes to be erected within the site as habitat enhancement and a site plan showing their location;
- A Construction Ecological Management Plan (CEMP); and
- A Landscape and Ecology Management Plan (LEMP).

Thereafter, the development shall be implemented only in accordance with the recommendations detailed in the approved Dusk Emergence & Dawn Re-entry Bat Surveys (Middlemarsh, Report Number: RT-MME-161373, Date: September 2023), the Preliminary Ecology Assessment (Middlemarch, Report Number: RT-MME-161166-01, Date: August 2023) and the Preliminary Bat Roost Assessment (Middlemarch, Report Number: RT-MME-161166-02, Date: August 2023) and the approved habitat enhancement, CEMP and LEMP.

### **REASON**

In order to encourage a wide diversity of wildlife and to manage any impacts on biodiversity and protected species in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy G6 of the London Plan (2021).

## **8. H15 Cycle Storage - In accordance with approved plans**

The development hereby permitted, shall not be occupied until the cycle storage facilities have been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of cyclists.

### **REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policies DMT 5 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies T5 and T6 of the London Plan (2021).

## **9. SUS8 Electric Charging Points**

The development hereby permitted, shall not be occupied until at least 4 active electric vehicle charging points serving the development, and the remaining parking spaces being served by passive electric vehicle charging points, have been implemented on site. Thereafter, these facilities shall be permanently retained on site and be kept available.

### **REASON**

To encourage sustainable travel in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T6 of the London Plan (2021).

## **10. SUS6 Travel Plan**

Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow

the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements;
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

#### REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with Policies DMT 1 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T4 of the London Plan (2021).

#### **11. RES13 Obscure Glazing**

The first floor windows of Education Building D facing No. 4 Blake Close shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with policies DMHB 11 and DMHD 1-2 of the Hillingdon Local Plan Part 2 (2020).

#### **12. COM30 Contaminated Land**

Prior to the commencement of the development hereby permitted, a Phase II land contamination report, shall be submitted to and approved in writing by the Local Planning Authority (LPA). The report should include the following details:

- The site investigation works should fully characterise the land in terms of the identified potential risks of contamination to human health.
- Laboratory analysis should be undertaken and compared to generic assessment criteria for a residential with plant uptake end use.

Thereafter, the development shall be carried out fully in accordance with the details, including conclusions and recommendations, provided within the Phase I Preliminary Risk Assessment, Card Geotechnics Limited, Ref: CG/00808 Rev 1, July 2023 and any recommendations provided within the Phase II land contamination report.

#### 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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

### **13. NONSC Noise levels**

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA 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.

#### **REASON**

To safeguard the amenity of the surrounding area in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) and Policies D13 and D14 of the London Plan (2021).

### **14. NONSC Air quality**

No development shall commence until a plan to demonstrate compliance with the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG) (or subsequent guidance), has been submitted to, and approved in writing by the Local Planning Authority. The demolition and construction shall be carried out in accordance with these approved details.

#### **REASON**

To reduce the impact on air quality in accordance with Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy SI 1 of the London Plan (2021).

### **15. NONSC Air quality**

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

#### **REASON**

To ensure compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy and to reduce the impact on air quality in accordance with Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy SI 1 of the London Plan (2021).

### **16. NONSC Minimising greenhouse gas emissions**

The development hereby permitted, shall be carried out in strict accordance with the recommendations detailed in the Energy Statement, XCO2, dated 10/08/2023, Ref: 9.971. The dwelling(s) hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 35% CO2 improvement over Building Regulations requirement Part L 2013 (TER Baseline).

#### **REASON**

In the interest of energy conservation and to deliver the maximum on-site carbon savings in

accordance with Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

#### **17. MCD16 Restriction to Use Applied For**

Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any orders revoking and re-enacting either of these orders with or without modification), the land and buildings shall be used only for the purpose of Children's Care Home and for no other purpose including any other purpose within Use Class C2 of the Town and Country Planning Use Classes Order 1987

#### **REASON**

To enable the Local Planning Authority to retain control over the use so as to ensure that it complies with policies DMHB 8, DMHB 11, DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and Policy D13 of The London Plan (2021).

#### **18. NONSC Use of Educational building**

The educational building hereby permitted shall be used only for ancillary purposes in connection with the main Class C2 use of the site at Charvill Lane Children's Home and shall remain within the same planning unit. The educational building shall at no time be used for purposes such as a separate educational or commercial unit.

#### **REASON**

To enable the Local Planning Authority to retain control over the use so as to ensure that it complies with policies DMHB 8, DMHB 11, DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and Policy D13 of The London Plan (2021).

#### **19. SUS5 Sustainable Urban Drainage**

The development hereby permitted, shall be carried out in strict accordance with the flood mitigation and resilience measures and sustainable urban drainage scheme detailed in the Flood Risk Assessment and Drainage Statement (Infrastruct CS Ltd, August 2023), SUDS Maintenance Guide (Infrastruct CS Ltd, August 2023) and Drainage Design (Drawing Number CHAR ICS 01 XX DR C 0200 P02). The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

#### **REASON**

To ensure that surface water run off is handled as close to its source as possible in compliance with Policy DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy SI 13 of the London Plan (2021).

### **INFORMATIVES**

#### **1. I52 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. 159 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

### **3.**

The site lies in a Critical Drainage Area (CDA) identified in the Surface Water Management Plan (SWMP) for Hillingdon and an area susceptible to High Surface Water Risk. Therefore the water from the site entering the sewers should be minimised:

- Water run off from any roof or hard paving associated with the development should be directed to a soakaway, or tank or made permeable.
- A water butt should be incorporated.
- No drainage to support the development should be connected to any existing surface water network, other than as an overflow.

### **4.**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).

## **5. 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).

## **6. 150 The Registration of Residential Care Homes for Children**

You are advised that the use hereby approved for a Residential Care Home for Children should be registered with the Commission for Social Care and Inspection, West London Area Office, 58 Uxbridge Road, Ealing, London, W5 2HT (Tel: 020 8280 0347), prior to the commencement of the use.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

Charville Lane Children's Home is a residential children's home and therefore has staff on site 24 hours a day. The home supports up to 13 unaccompanied asylum seeking children and local children under the age of 16. The home has communal areas so recreational activities can be facilitated. There is also an education room where young people have access to PCs for homework and also if

they are supported by the Virtual School.

The site is located within a residential area characterised by a mix of flatted developments and dwellinghouses. The site is identified as a Critical Drainage Area and at high risk for Surface Water Flooding. There is a belt of trees along the Charville Road frontage protected by Tree Preservation Area Order 24 which covers all oak trees.

### **3.2 Proposed Scheme**

The application proposes the redevelopment of an existing Children's Home to provide new-build residential institution development (Use Class C2). This involves the erection of 3no. two-storey buildings, providing accommodation for 12 young people and 6 household staff, and an associated educational building. The living accommodation is laid out to appear as two groups of 3no. terraced dwellings (6no. in total). These are referred to in this report and labelled on the drawings as House A, B, C, E, F and G. The standalone Building D is the associated educational building. Associated hard and soft landscaping, communal and private garden areas and a Multi-Use Games Area (MUGA) are also proposed.

The proposed scheme will replace the existing 13 bed children's home, and provide specialist supported accommodation for 12no. young people under the age of 18 years with needs that require them to be looked after by the local authority in an Ofsted regulated accommodation.

The six terraced residential units would provide accommodation for a total of 18 people (12 young people and 6 household staff). The other building would provide an educational facility. The residential units have been orientated to face towards each other, the communal garden and MUGA. Private gardens are also provided for each residential unit. Other associated works include plant, access, parking provision and hard and soft landscaping that would serve the development.

This site is secure and will not be open to the public. The development has been carefully designed to eliminate risks to young people as far as practicable in order to be compliant with the Children's Home Regulations and Quality Standards of 2015.

The proposed educational building will only serve the young people resident at the Children's Home. It is anticipated that the operation hours of the educational building would be between 09:00am and 17:00pm. It would be accessed by professionals working with the young people resident on site to provide 1:1 link work sessions, educational sessions with a tutor, and CAMHS sessions. It may also be used as a base for team meetings for staff on site.

The existing vehicular access onto Charville Lane would be retained and sufficient on-site parking provision would be provided utilising existing areas of hardstanding. The landscaping scheme would retain all the existing trees that are protected by TPO Area Order 24 and would provide additional planting of trees in addition to hard and soft landscaping improvements.

### **3.3 Relevant Planning History**

## **Comment on Relevant Planning History**

There is no relevant planning history.

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

Development Plan:

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)  
The West London Waste Plan (2015)  
The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

## **Local Plan Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMEI 7 Biodiversity Protection and Enhancement

LPP D14 (2021) Noise

DMEI 12 Development of Land Affected by Contamination

DMT 5 Pedestrians and Cyclists

DMEI 14 Air Quality

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LPP GG2 (2021) Making the best use of land

DMH 4 Residential Conversions and Redevelopment

LPP SI13 (2021) Sustainable drainage

DMH 8 Sheltered Housing and Care Homes

LPP D3 (2021) Optimising site capacity through the design-led approach

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMHB 11 Design of New Development

DMHB 14 Trees and Landscaping

LPP SI1 (2021) Improving air quality

DMHB 15 Planning for Safer Places

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP D11 (2021) Safety, security and resilience to emergency

LPP D12 (2021) Fire safety

LPP H12 (2021) Supported and specialised accommodation

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP SI2 (2021) Minimising greenhouse gas emissions

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

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NPPF8 NPPF 2021 - Promoting healthy and safe communities

NPPF9 NPPF 2021 - Promoting sustainable transport

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date: Not Applicable

**5.2** Site Notice Expiry Date: Not applicable

## **6. Consultations**

### **External Consultees**

103 neighbours were consulted by letter dated 09-08-23. One letter of support was received along with three letters of objection which raises concerns regarding overlooking, loss of privacy, loss of daylight and noise and disturbance, noise from air source heat pump and construction effects on Japanese knotweed.

In addition a petition in objection with 120 signatories was received.

The reasons for objection cited in the petition are summarised as follows:

1. Potential future increase in resident numbers, noise and disturbance.
2. Concerns regarding encroachment on gardens and car parking spaces and monitoring.
3. MUGA would add noise and non-residents may be invited to make use of the area, thereby increasing traffic and footfall.
4. Car parking and congestion.
5. The new houses would house more than 32 residents as stated putting pressure on local services. It is alleged that the Council is creating the foundations of an 'Asylum Centre' and the application is a front or 'back door' for further development of the site.
6. Children will grow into adolescents raising the risk to the health, safety and security of residents. There is no confidence that residents would be properly screened and background checks carried out before admission to the centre.
7. There is a need for other schemes such as new schools and hospital buildings.

### **OFFICER COMMENTS:**

The impact on neighbour amenity including noise is discussed in Section 7.08 of this report.

Regarding the construction effects on Japanese knotweed, this matter is not a material planning consideration.

With regards to points Nos.1 and 5 of the petition, the use of the site as a children's home would be controlled by condition in the event of an approval. Any divergence in the description of development would require further assessment and a separate grant of planning permission.

The application pertains to the redevelopment of an existing Children's home which is categorised as falling within Use Class C2 of the Use Classes Order. An asylum centre would be categorised as a 'Sui

generis' use. Therefore, a separate grant of planning permission would be required for the use of the site as an asylum centre which is not interchangeable with the use of the site as a children's home. The levels of noise arising from the development are not envisaged to be dissimilar to the existing situation.

With regards to point No. 2 of the petition, the site is enclosed and separated from the neighbouring residential area. Sufficient on-site parking and amenity areas would be provided to avoid any encroachment onto the surrounding residential road network.

With regards to points No. 3 and 6 of the petition, as detailed in the planning statement submitted with the application, the site is not open to the public and is gated and secured to ensure that no unauthorised visitors are able to enter the site. Day-to-day monitoring of the site would be carried out by a registered manager and there would be on-site staff at all times. The development has been designed with various security controls including CCTV cameras covering the site, restricted windows and the omission of flat roofs. It should also be noted that resident children would only be staying at the children's home for periods of up to 1 year.

With regards to point No.4 of the petition, matters relating to parking and highway safety are discussed in Section 7.10 of this report.

With regards to point No.7 of the petition, the development has secured external funding from the Department of Education, which emphasises the importance of this application. The development would be regulated by Ofsted.

### **Internal Consultees**

Access Officer (revised):

Revised plan drawing no. APL006 Rev B has been submitted following a multi-disciplinary meeting on 29/08/2023 involving colleagues from the Capital Programmes Work team, the Direct Care Provision team and the Accessibility Officer. The revised plans satisfy the previous accessibility objection and no further concerns are raised. Conclusion: acceptable.

Air Quality Specialist:

The proposed development is located within the LBH Air Quality Management Area but outside any LBH Focus Area. As per the London Plan, developments need to be air quality neutral as minimum. The proposed development is air quality neutral and aligns therefore with the London Plan policies to improve air quality. An Air Quality condition is however required to manage construction emissions as required by the Mayor of London. See text below:

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

### **REASON**

Compliance with London Plan Policy SI 1 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

A further air quality condition is recommended as follows:

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- All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

#### REASON

Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

Highways Officer (revised):

The applicant has submitted Drawing M10019\_APL004\_B titled Proposed Site Plan which shows that the vehicular gate has been relocated 7.0m back from the highway which will be acceptable.

Car Parking spaces 17 and 18 and disabled car parking spaces 19 and 20 have been marked provided with active Electric Vehicle Charging Points (ECVP) which is equal to 20% of the 20 car parking spaces on the site which will be acceptable. Drawing M10019\_APL004\_B titled Proposed Site Plan states that the remaining 80% of car parking spaces will have passive ECVPs which will also be acceptable.

A Travel Plan is required but may be conditioned.

#### Recommendation

There are no highway objections to this proposal, however, the Highway Authority would require a suitable condition being applied to any approval to secure, implement and monitor the Travel Plan.

Land Contamination Officer:

The information provides a suitable and sufficient preliminary evaluation of the potential risks to human health and the environment, for the proposed re-development at the site.

The report recommends further investigation should be undertaken.

It is expected the site investigation works should fully characterise the land in terms of the identified potential risks of contamination to human health.

No objection (subject to the adoption of details, including conclusions and recommendations, provided within the Preliminary Risk Assessment report).

The report indicates:

·"Laboratory analysis should be undertaken and compared to generic assessment criteria for a residential with plant uptake end use".

·"Risks to controlled waters are considered to be low, due to the impermeable unproductive aquifer underlying the site".

Trees/Landscape Officer (summarised):

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**PART 1 - MEMBERS, PUBLIC & PRESS**

No objection subject to a condition that secures implementation of the Method Statement for Tree Protection Measures detailed in the approved Arboricultural Report and monitoring and supervision by an arboricultural consultant at key stages of the development including during demolition.

Thames Water:

#### Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:

"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk)."

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

## **7. MAIN PLANNING ISSUES**

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

#### PRINCIPLE OF DEVELOPMENT:

With regards to Sheltered Housing and Care Homes, Policy DMH 8 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states:

A) The development of residential care homes and other types of supported housing will be permitted provided that:

- i) it would not lead to an over concentration of similar uses detrimental to residential character or amenity and complies with Policy DMH 4: Residential Conversions;
  - ii) it caters for need identified in the Council's Housing Market Assessment, in a needs assessment of a recognised public body, or within an appropriate needs assessment and is deemed to be responding to the needs identified by the Council or other recognised public body such as the Mental Health Trust;
  - iii) the accommodation is fully integrated into the residential surroundings; and
  - iv) in the case of sheltered housing, it is located near to shops and community facilities and is easily accessible by public transport.
- B) Proposals for residential care establishments which fall under Use Class C2 must demonstrate that they would provide levels of care as defined in Article 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

With regards to criterion A) i), the proposed development would redevelop the existing site which is currently in Use Class C2. As the area is predominantly characterised by residential dwellings, it is considered that the proposed development would not amount to an over concentration of similar uses within the immediate area. Furthermore, as discussed in the report, the proposal would not have a detrimental impact on the residential character or the amenity of the area. The proposal does not involve the conversion of an existing residential dwelling into a new block of flats, therefore Policy DMH 4 is not considered relevant in this instance.

In terms of criterion ii) it is acknowledged that there is an identified need for children's homes within Hillingdon Borough. Ofsted will be the recognised public body, responsible for monitoring and assessing the children's home.

The building would be fully integrated into residential surroundings in accordance with criterion iii).

The proposal does not relate to sheltered housing therefore criterion iv) is not relevant.

With regards to criterion B), Use Class C2 in the Use Classes Order also includes the personal care of children.

As such, in light of the above, the proposal would broadly accord with the aims of Policy DMH 8 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and the principle of development is therefore considered to be acceptable.

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

Not applicable to this application.

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

CHARACTER AND APPEARANCE:

Policy D3 of the London Plan (2021) states that: Development proposals should: D1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy GG2 of the London Plan (Making the best use of land) incorporates this requirement and states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must enable the development of brownfield land, particularly on sites within and on the edge of town centres, as well as utilising small sites wherever possible.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

The proposed layout broadly follows the arrangement of units of the adjacent development to the east, but with the units along Charville Lane located further into the site away from the frontage. It is acknowledged that this configuration is a response to the constraints of the TPO trees to the front of the site and to utilise the existing hard surfacing.

The design and layout are considered to represent an improvement relative to the existing site. The overall scale of the buildings is considered to be acceptable and reflects the height, massing and bulk of the neighbouring residential context.

The layout has been developed by orientating the frontages of the residential units to face onto the MUGA and communal gardens. Whilst this would appear to run contrary to optimal urban design principles, the adjacent development west of the site is configured in this way, with the rear of the houses designed to infer a frontage with the hedge boundary treatments.

The orientation of the residential units to have their frontages face onto the MUGA and communal gardens would also have the benefit of improved surveillance, reducing unnecessary fencing and increasing the provision of genuinely useable communal amenity spaces. Each unit would be provided with private rear garden areas and a small front garden.

The development would remove the area of hardstanding to the rear of the site and would overall, result in a net reduction in the areas of hardstanding within the site, and introduce more urban greening whilst retaining protected trees and the verdant boundary treatment along Charville Lane.

A Heritage Assessment has been submitted in support of the application. According to the Council's

GIS mapping system, there are no heritage designations applicable to the site and there are no nearby listed buildings. Therefore the development would not impact on any heritage assets.

The development therefore accords with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

### **7.08 Impact on neighbours**

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

Policy D13 of the London Plan (2021) states - C) New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.

Policy D14 of the London Plan (2021) states - A) In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life;
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change;
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

#### **IMPACT ON THE RESIDENTIAL AMENITY OF NEIGHBOURS**

The flank walls of Nos. 31-40 and 41-50 Heatherwood Drive comprise high level windows at ground floor and first floor levels. 'House C' would be set 3 metres from the side boundary and 9 metres away at an angle from 41-50 Heatherwood Drive to the southwest, separated by retained trees and hedging. The side boundary would also be provided with a closed boarded fence with trellis above. The development would not impact on the amenity of these properties.

The proposed educational building (Building D) would be sited between 8.9-9.9metres to the side boundary with No.4 Blake Close to the north. To avoid overlooking onto this neighbouring property, the rear first floor windows of the educational building would be obscure glazed to avoid overlooking. A suitable condition would be attached in the event of an approval. Taking into consideration the separation distance and the scale of the educational building, it is considered that the development would not impact on outlook or appearing overbearing to the neighbour at No. 4 Blake Close.

The rear first floor windows of 'House E' would face towards the side elevation of the neighbour at No. 4 Blake Close which is noted to be a blank wall and the parking area of the neighbouring dwelling. As such, there would not be any material loss of privacy or overlooking as a result of the development.

'House G' would be set away 1.9metres from side boundary and 3.9metres away at an angle from 31-

40 Heatherwood Drive which is a satisfactory separation distance to mitigate any impact on neighbouring amenity.

The development would not impact on the amenity of neighbouring occupiers and therefore accords with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

## NOISE

Noise levels are generally not considered to significantly increase relative to the existing situation. However, if allegations are made of noise nuisance then the Council would be able to investigate and take enforcement action as necessary under the Environmental Protection Act (EPA) 1990.

With regards to noise generated from the air source heat pumps that are located to the rear elevations of the buildings, these would be enclosed and given the separation distance to neighbouring properties, it is considered unlikely that a significant adverse noise impact would be caused by the proposed development. A condition would however be attached in the event of an approval to ensure that the development would not give rise to significant noise and disturbance to nearby residents by limiting noise levels emitted from any plant, machinery or equipment.

Subject to the above-mentioned condition, the development would not impact on the amenity of neighbouring occupiers in terms of noise and therefore accords with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D13 and D14 of the London Plan (2021).

## IMPACT ON THE RESIDENTIAL AMENITY OF FUTURE OCCUPIERS

The separation distances between Houses A-C and Houses E-G are 21metres which is standard and would ensure that the development does not result in overlooking or loss of privacy.

The development would not impact on the amenity of future occupiers and therefore accords with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

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

#### LIVING CONDITIONS:

Policy D6 of the London Plan (2021) Part A) states - Housing development should be of high quality design and provide adequately sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose. Table 3.1 states that the minimum GIA requirements for dwellings are as follows:

- 2bedroom 3person - 70 sq.metres
- 3bedroom 4person - 84 sq.metres
- 4bedroom 5person - 97 sq.metres

Policy D6 of the London Plan (2021) Part D) states - The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

The objectives of these policies are considered relevant to the proposed children's care home.

An assessment of the gross internal floor areas for the proposed residential units is provided below:

Houses A and E - 2 bedroom : 108 sq.metres (acceptable)

Houses B and F - 3 bedroom : 151 sq.metres (acceptable)

Houses C and G - 4 bedroom : 164 sq.metres (acceptable)

The overall GIA for all the units are considered to be acceptable as they exceed the minimum standards referred to above. The bedroom sizes are considered to be acceptable for single bed spaces. The proposed habitable rooms would be provided with an adequate outlook and source of natural light.

A Daylight Sunlight and Overshadowing Assessment has been submitted in support of the application. It concludes that the proposed design offers optimum accessibility to light for all living spaces and good accessibility to sunlight in the open spaces within the Charville Lane development.

The development would therefore comply with Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

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

##### **HIGHWAY SAFETY AND PARKING:**

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

The application is supported by a Transport Assessment ref hachar/2306070 dated 28 July 2023 to address highway capacity issues. However, as the proposed development is likely to generate a similar number of vehicle movement to the existing children's home use, the proposal is unlikely to cause severe residual cumulative impacts on the road network in accordance with Paragraph 111 of the National Planning Policy Framework (2021).

The application proposes to provide 18 car parking spaces which will include 3no. spaces for people carriers and 2no. disabled spaces. This results in a total of 20 spaces, which may ordinarily be considered to represent an over-provision. The applicant has therefore provided a Transport Assessment to support the proposed levels of parking. A Travel Plan which will be required to encourage the reduction of reliance on the private motor car as the main form of transport to and from the site, and would be secured by condition.

The Transport Assessment at Paragraph 4.10 states that there will be 2 staff members for each house which will equate to 12 staff members on site and that during shift handovers this will therefore increase to 24 staff members on site plus 4 managers/deputies providing a maximum total of 28 members of staff. However, the Transport Assessment at Paragraph 4.13 suggests that 65% of staff will drive, requiring 18 car parking spaces.

The site provides 18 spaces plus 2 disabled spaces, however, 3 spaces will be used for the people carriers and therefore the level of parking provision is considered to be acceptable, subject to a Travel Plan being conditioned, in accordance with Policies DMT 1 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Sufficient parking spaces for staff and visitors including dedicated disabled bays would be provided within the site. The updated site plan also provides 4no active Electric Vehicle Charging Points (ECVP) and the remaining 80% of car parking spaces will have passive ECVPs which is considered to be acceptable.

Provision of cycle storage is provided by way of secure cycle stands for 6no cycles that would be sited in front of the educational building.

The highway authority have been consulted and do not raise an objection subject to the securing of a travel plan by condition.

Subject to the above mentioned condition, the development would therefore accord with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

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

PRIVATE AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space.

Importantly, there are no specific private amenity space standards for C2 uses in the local plan. Nevertheless, the following private amenity space standards for new dwellings set out in Table 5.3 of Policy DMHB 18 is useful for comparison. In accordance with Policy DMHB 18 new houses with 2-3 bedrooms and 4 bedrooms are required to have at least 60 and 100 square metres of private outdoor amenity space, respectively. The proposed private amenity spaces for the institutional residential units is provided as follows:

House A - 2 bedroom : 27sq.m (less than requirement for new dwellings)  
House B - 3 bedroom : 45 sq.m (less than requirement for new dwellings)  
House C - 4 bedroom : 106sq.m (exceeds standard for new dwellings)

House E - 2bedroom : 61sq.m (exceeds standard for new dwellings)  
House F - 3 bedroom : 62sq.m (exceeds standard for new dwellings)  
House G - 4 bedroom : 95sq.m (minimally less than requirement for new dwellings)

Due to the site constraints and the separation distances between the units and neighbours that are required to preserve the residential amenity of future occupiers and neighbouring occupiers, two of the units would fall notably short of standards for new dwellings. However, it should be again be noted that these are institutional residential units (Use Class C2) rather than new dwellings (Use Class C3).

Amendments to increase the private amenity space have been explored. The layout and siting of the units could have been revised to increase the amenity spaces of Houses A and B by shifting the development in a northwest direction. However, this would have been at the expense of reducing the amenity spaces of Houses E and F and bringing the development closer to the neighbours to the north on Blake Close, which would represent a less than ideal scheme. House G has a slightly substandard amenity space however the shortfall of 5sq.meters is not considerable and on balance would be acceptable.

Whilst the amenity spaces for Houses A and B are substandard in terms of the guidance set out in Table 5.3, the development would also provide a Multi-Use Games Area (MUGA) measuring 104sq.metres and a communal garden area measuring 182 sq.metres (excluding the footpaths on either side). Taken as a whole, the development would provide sufficient outdoor recreational and private amenity spaces for use by all future occupiers.

According to the planning statement at Page 2 - 'Young people will be resident potentially up to 1 year, but this will be dictated by their needs and availability of move on placement'. This indicates that occupation by children at the children's home would be temporary, and this could also include temporary interim accommodation. Consequently, in this instance, the disparity in private amenity space for Houses A and B would not result in substandard living conditions that may be the case if the accommodation were used as permanent residential housing.

Having regard to the above and taking a balanced view, it is considered that the development would provide an adequate level of outdoor amenity spaces within the site. The development would therefore accord with Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## **7.12 Disabled access**

ACCESS:

Policy D5 of the London Plan (2021) Part B) states - Development proposal should achieve the highest standards of accessible and inclusive design.

Policy D12 of the London Plan (2021) Part A) states - In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

This proposal is for a replacement development to accommodate up to 12 children under the age of 18 who require specialist supported housing. The development comprises 6 residential units incorporating end user bedrooms alongside staff accommodation with ensuite facilities.

The application has been reviewed from an inclusive accessibility perspective with reference to London Plan Policies D5 and D12 and revised plans have been submitted to provide level access into the communal garden and provide lift access within three of the proposed residential units (Houses B, C and F) and within the educational building. The amended plans ensure equality of opportunity for disabled children to quickly and easily gain a placement at the facility without experiencing delays due to a lack of access to the bedroom accommodation.

The development would therefore accord with Policies D5 and D12 of the London Plan (2021).

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

Not applicable to this application.

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

TREES AND LANDSCAPING:

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states:

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) 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. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

An Arboricultural Report, Tree Protection Plan and Proposed Landscape Plan have been submitted in support of the application.

The method statement states that a pre-commencement meeting will be held with the relevant personnel which would include the demolition contractor, where issues such as how the building would be dismantled and the trees protected in line with the report. This also includes the use of scaffolding incorporated as part of the protective fence line in locations such as this where space is tight.

As part of the scheme the arboricultural supervision as part of the tree protection method criteria will address and oversee areas where works close to the trees will take place and in a manner to reduce

or prevent the risk of them being damaged.

The tree report demonstrates that the existing trees within the site could be retained and details of precautionary measures to protect trees during the construction process are detailed. Full hard and soft landscaping details are provided in the submitted Proposed Landscape Plan. The Plan includes a planting schedule for new trees, areas laid to lawn, formal patio areas provided with decking, the provision of suitable secure and non-intrusive fencing and areas of hard standing constructed with permeable surfacing. The Proposed Landscape Plan is considered to be acceptable and would assist in enhancing the visual amenity of the site. Details of external surfaces and planting would be secured by condition.

The Trees Manager has no objection on this basis, provided a suitable condition that secures implementation of the Arboricultural Method and Tree Protection as detailed in the report and tree protection plan, in addition to monitoring and supervision at key stages including demolition, is attached in the event of an approval. Suitable conditions have been included in this recommendation for approval.

Subject to the above mentioned condition, the development would retain existing landscaping and trees within the site in accordance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

#### ECOLOGY:

Policy G6 of the London Plan (2021) Part D) states - Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

The site lies within proximity of the Green Belt and Nature Conservation Site of Metropolitan or Borough Grade I Importance: Gutteridge Woods and Nature Conservation Site of Borough Grade II or Local Importance: Hayes Shrub.

A Preliminary Ecology Assessment, a Preliminary Bat Roost Assessment and a Dusk Emergence & Dawn Re-entry Bat Surveys have been submitted in support of the application.

The Dusk Emergence & Dawn Re-entry Bat Surveys, which is a series of follow up surveys carried out after the Preliminary assessments during the peak bat survey season between May and August, did not identify any bats emerging from the Building and concludes that it is unlikely that there are any roosting bats within the building. A small amount of bat commuting activity was however recorded over the site.

The report makes three recommendations including commencing works within 12 months of the survey date; minimising the effects on bats in accordance with the ecological mitigation hierarchy; and, carefully designing any new lighting to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. A suitable condition could be attached in the event of an

approval, to ensure compliance with the recommendations.

The Preliminary Bat Roost Assessment recommends the provision of bat boxes as a habitat enhancement which could also be secured by a suitable condition. In addition, the Preliminary Ecology Assessment recommends a Construction Ecological Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP) should be provided, which similarly could be secured by a suitable condition.

Subject to the above mentioned conditions, it is considered that the proposed development is unlikely to cause harm to biodiversity and protected species in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy G6 of the London Plan (2021).

### **7.15 Sustainable waste management**

#### **REFUSE ARRANGEMENTS:**

Policies SI 7 and D6 of the London Plan (2021) require developments to be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.

The landscape plan indicates the provision of 3no 1100litre bins (1no waste, 1no recycling, 1no garden waste). This represents sufficient capacity for use by residents and occupiers of the development.

The bins would be provided within a refuse and recycling bin store located adjacent to the vehicular access and gated access on Charville Lane. Refuse and recycling from each unit would be taken by staff to the refuse store where it will be collected on a twice weekly basis in conjunction with local refuse and recycling collections.

The proposed bin store appears to be large enough to include the required number and type of bins, however no further details have been provided. As such, a condition requiring further details of the proposed bin store and type of bins to be provided, is recommended.

Subject to the above mentioned conditions, it is considered that the proposed development would accord with Policies D6 and SI 7 of the London Plan (2021).

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

#### **CARBON REDUCTION:**

Policy SI 2 of the London Plan (2021) states that residential development should achieve at least a 10% improvement beyond Building Regulations 2013.

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the London Plan targets.

An Energy statement has been submitted in support of the application. The report concludes that following the implementation of the three-step Energy Hierarchy, the cumulative CO2 savings on site are estimated at 39% for the development, against a Part L 2021 compliant scheme with SAP10.2 emission factors.

In the event of an approval, a condition would be secured requiring implementation of the energy efficient measures detailed in the report and the proposed dwellings achieving an energy efficiency standard of at least 35% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Subject to the above mentioned condition, the proposal would be compliant with Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

## **7.17 Flooding or Drainage Issues**

### **FLOOD RISK AND DRAINAGE:**

Policy SI 13 of the London Plan (2021) Part B) states - Development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the following drainage hierarchy:

- 1) rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)
- 2) rainwater infiltration to ground at or close to source
- 3) rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens)
- 4) rainwater discharge direct to a watercourse (unless not appropriate)
- 5) controlled rainwater discharge to a surface water sewer or drain
- 6) controlled rainwater discharge to a combined sewer.

Policy DMEI 10 part E) of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that proposals that would fail to make adequate provision for the control and reduction of surface water run-off rates will be refused.

According to the Council's GIS mapping system, the site lies in a Critical Drainage Area (CDA) and an area susceptible to High Surface Water Risk.

A Flood Risk Assessment (FRA) and drainage statement (a single document referred to as the report herein) has been submitted in support of the application. In addition, a full SuDS maintenance guidance and a Drainage Design have also been submitted in support of the application.

The report identifies the site as being low risk for fluvial flood risk, groundwater flood risk, sewerage flood risk, artificial flood risk and at high risk of overland flood risk. In accordance with the Mayor of London's SUDS hierarchy, the report identifies flood mitigation and resilience measures including setting floor levels above the modelled peak surface water level, water butts, permeable surfaces and tanked storage systems.

In the event of this application being recommended for approval, the sustainable urban drainage scheme as detailed in the report would be secured by a suitable condition. Further, an informative would be attached with further guidance on how the applicant can reduce the surface water from the site entering the sewers.

Subject to the above conditions and informative, it is considered that the proposal would not significantly increase the risk of surface water flooding at the site or elsewhere in compliance with

Policy DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy SI 13 of the London Plan (2021).

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

AIR QUALITY NEUTRAL REQUIREMENT:

Policy SI1 of the London Plan (2021) states- B) To tackle poor air quality, protect health and meet legal obligations the following criteria should be addressed: 2) In order to meet the requirements in Part 1, as a minimum: a) development proposals must be at least Air Quality Neutral.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states:

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

An Air Quality Assessment has been carried out which includes a full Air Quality Neutral Assessment. It demonstrates that the development is air quality neutral. The Council's Air Quality officer has recommended relevant conditions which would be attached in the event of an approval.

Subject to the conditions, the development is considered to be in accordance with Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI1 of the London Plan (2021).

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

Please refer to Section 6 of this report.

### **7.20 Planning obligations**

S106 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY (CIL)

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states:

A) 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. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

i) to secure the provision of affordable housing in relation to residential development schemes;

ii) where a development has infrastructure needs that are not addressed through CIL; and

iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulations 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 reasonable 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.

The proposed development as a children's home (Use Class C2) would not generate planning obligations and would not be CIL liable. In this regard, the development accords with the aims of Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), the NPPF (2021) and the Community Infrastructure Levy Regulations (2010).

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

Not applicable to this application.

#### **7.22 Other Issues**

LAND CONTAMINATION:

Policy DMEI 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:

All development proposals within a Source Protection Zone, Safeguard Zone or Water Protection Zone must assess any risk to groundwater resources and demonstrate that these would be protected throughout the construction and operational phases of development.

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

B) 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.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The site is not identified as Contaminated Land on Council's GIS mapping system. Nevertheless, a Preliminary Risk Assessment has been submitted in support of the application. The Council's land contamination officer has reviewed the information which provides a suitable and sufficient preliminary evaluation of the potential risks to human health and the environment, for the proposed

re-development at the site.

The submitted Phase I Preliminary Risk Assessment recommends, by way of a suitable condition, an intrusive geotechnical and geo-environmental site investigation should be undertaken to assess the potential risks to human health and the potential impact of the mature water-intensive oak trees in the vicinity of the property to cause shrinkage and swelling of clays resulting in ground movement. Laboratory analysis should be undertaken and compared to generic assessment criteria for a residential with plant uptake end use. Risks to controlled waters are considered to be low, due to the impermeable unproductive aquifer underlying the site.

The Council's Land Contamination Officer does not raise an objection (subject to the adoption of details, including conclusions and recommendations, provided within the Preliminary Risk Assessment) and the securing of a Phase II report by condition, that provides the details of the further investigation and analysis recommended in the Preliminary Risk Assessment.

Subject to the above mentioned condition, contamination issues arising from the development can be adequately assessed and the site can be safely remediated, in accordance with Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

## **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 to this application.

#### **10. CONCLUSION**

The objections made by local residents have been noted and considered in full. In this instance, as discussed in this report, the development is considered to comply with the development plan.

The overall scale and design of the development are considered to be acceptable and the development would making best use of a brownfield site in accordance with the principles of Policies GG2 and D3 of the London Plan. As a result of the development, there are a number of significant benefits including meeting a local need, providing a high-quality facility and improving the visual amenity of the site.

The development would further not lead to any significant harm to the residential amenity of neighbouring residential properties, and the development would be air quality neutral. Proposed parking provision is considered acceptable and proportionate to the scale of development, with designated bays for disabled vehicles, cycle parking and electric vehicle charging points.

Therefore, having regard to the material considerations and all matters raised, the application is recommended for approval, subject to conditions.

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

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The London Plan (2021)

The National Planning Policy Framework (NPPF) (2021)

London Plan Guidance: Air Quality Neutral (2023)

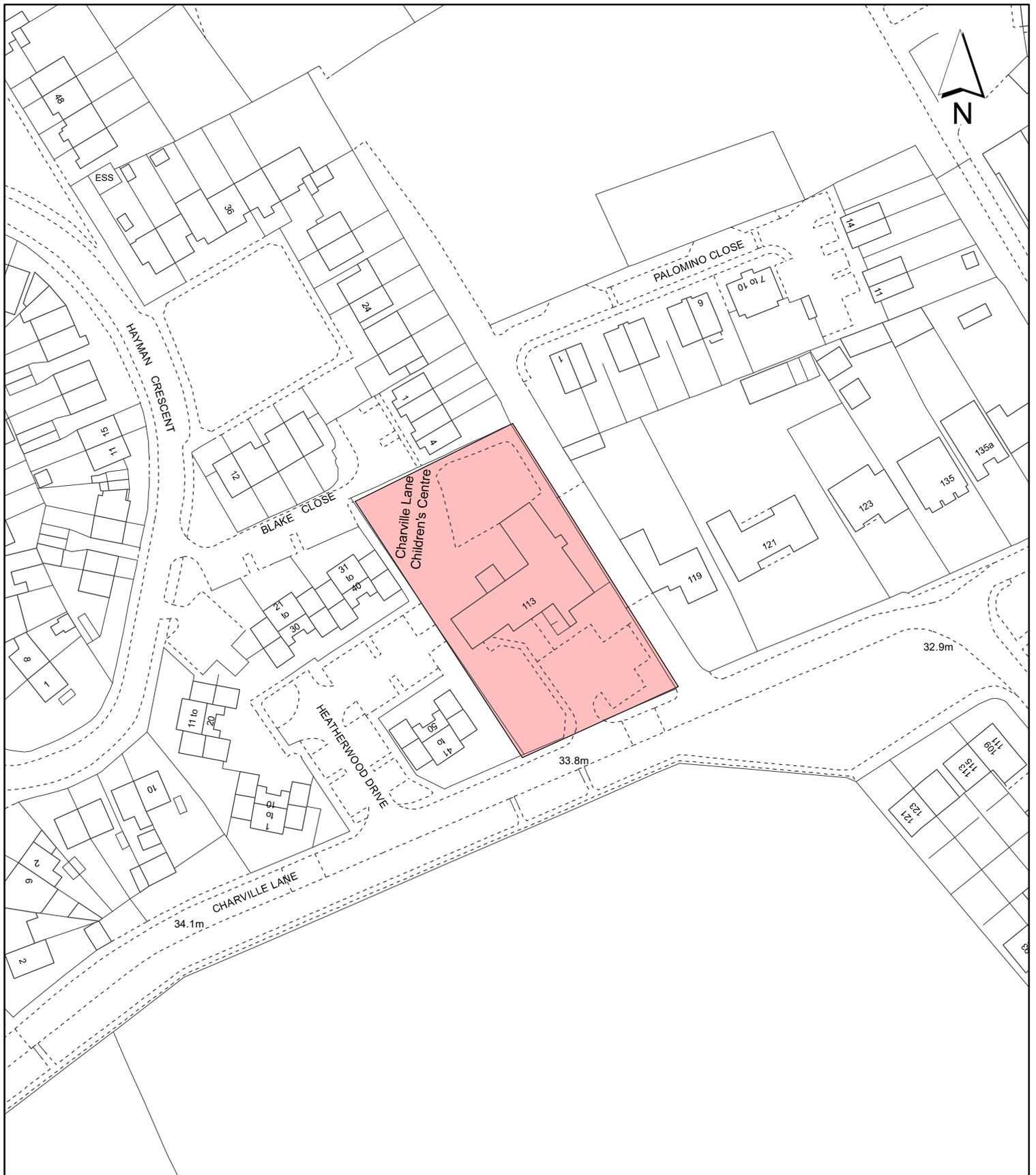
London Local Air Quality Management Policy Guidance (2019)

London Environment Strategy (2018)

London Plan Supplementary planning guidance (SPG) The Control of Dust and Emissions During

Construction and Demolition (2014)

**Contact Officer:** Christos Chrysanthou **Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Children's Care Home  
 Charville Lane**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services  
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**26544/APP/2023/2303**

Scale:

**1:1,250**

Planning Committee:

**Borough**

Date:

**October 2023**



**HILLINGDON**  
 LONDON