

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISEMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No.	Report of the Head of Development Management and Building Control	
Address:	LAND AT CORNER OF FORE STREET & HIGH ROAD EASTCOTE	
Development:	Erection of a building for the use as a day nursery/pre-school, providing childcare and education for children age 0-4 years	
LBH Ref Nos:	73450/APP/2023/431	
Drawing Nos:	EAS-PR-02B PR-EAS-01B 77698R6 Flood Risk Assessment 77698.05 R1 Floodplain Storage Analysis FRA Arboricultural Assessment Letter Response to Highways Comments Transport Statement (Dated January 2023) 77698.01R3 Sustainable Drainage Assessment (Dated 18th January 2023) Nursery Feasibility Report Heritage Statement V4 (Dated 10th February 2023) Ecological Appraisal V6 (Dated February 2023) Biodiversity Net Gain Report V2 (Dated February 2023) PRO-081383 Air Quality Impact Assessment (Dated February 2023) EAS-062v3 Arboricultural Impact Assessment (Dated 17th January 2023) Sequential Test (Dated 14th November 2023) 22-1201 Rev. A Planning, Design and Access Statement (Dated February 2023) EX-EAS-01	
Date Plans received:	15-02-23	Date(s) of Amendments(s):
Date Application valid	15-02-23	

1. SUMMARY

This application seeks permission for the erection of a building for the use as a day nursery/pre-school, providing childcare and education for children age 0-4 years.

The site is located within Flood Zone 2 and 3 and the proposed nursery use represents a more vulnerable development in terms of the flood risk associated with the site. The application fails to demonstrate that the development could not be provided on a reasonably available site at a lower risk of flooding. The development constitutes inappropriate development in an area at risk of flooding without sufficient justification. This represents a conflict with planning policy sufficient to

warrant a reason for refusal in accordance with paragraphs 165 and 168 of the NPPF (2023).

The proposed development would result in significant loss of protected open space in Eastcote which is identified as a Ward with insufficient open space provision. The loss is not justified and this represents a conflict with planning policy sufficient to warrant a reason for refusal in accordance with paragraph 103 of the NPPF (2023).

The proposal for the development of a nursery on this greenfield site would result in an uncharacteristic form of development that would fail to harmonise with the local character within the Conservation Area and setting of Grade II Listed Buildings. The harm identified is not outweighed by public benefits and the proposed development would have a detrimental impact on the character, appearance and visual amenities of the area. This represents a conflict with planning policy sufficient to warrant a reason for refusal in accordance with paragraphs 139 and 205-214 of the NPPF (2023).

The application has failed to justify the need for the layout of development which could result in harm to protected trees, including but not limited to trees T13 and T9 which are category A and B value trees. The application also fails to demonstrate that these trees would be protected and retained in the long term. Accordingly, the development could result in adverse and irreversible impacts to landscaping, trees, biodiversity or other natural features of merit, detrimental to the visual amenities of the area and Eastcote Village Conservation Area.

The proposed development does not provide adequate on-site car parking, pick-up and drop-off facilities. The application submission fails to fully demonstrate that the proposal would not give rise to adverse impacts upon the highway network to the detriment of traffic congestion, parking stress and highway safety. The proposed development is considered likely to have an unacceptable impact on highway safety and represents a conflict with planning policy sufficient to warrant a reason for refusal in accordance with paragraph 115 of the NPPF (2023).

The proposed development would contribute to the production of unacceptable pollutant emissions in the Eastcote Village Air Quality Focus Area. Calculations undertaken by the Council's Air Quality Officer indicate that the development is not air quality neutral or air quality positive and the measures proposed are not sufficient to mitigate the total emissions. The implementation of additional mitigation measures or payment of a financial contribution has not been agreed in order to support the implementation of air quality mitigation measures within the Air Quality Focus Area. This represents a conflict with planning policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It is not considered that there are any material considerations to depart from development plan policy. For the reasons outlined above and within the main body of the report, this application is recommended for refusal.

As the application is recommended for refusal, the applicant has also failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development. This represents a further reason for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Reason for Refusal - Inappropriate Development in Flood Zone

The site is located within Flood Zone 2 and 3 and the proposed nursery use represents a more vulnerable development in terms of the flood risk associated with the site. The application fails to demonstrate that the development could not be provided on a reasonably available site at a lower risk of flooding. The development constitutes inappropriate development in an area at risk of flooding without sufficient justification and is contrary to paragraphs 165 and 168 of the National Planning Policy Framework (2023), Policy SI 12 of the London Plan (2021), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMEI 9 of the Hillingdon Local Plan: Part 2 (2020).

2. NON2 Reason for Refusal - Loss of Open Space

The proposed development would result in significant loss of protected open space in Eastcote which is identified as a Ward with insufficient open space provision. The loss is not justified and the development is contrary to paragraph 103 of the National Planning Policy Framework (2023), Policy G4 of the London Plan (2021), Policy EM4 of the Hillingdon Local Plan: Part 1 (2012), and Policy DMCI 3 of the Hillingdon Local Plan: Part 2 (2020).

3. NON2 Reason for Refusal - Highway Safety

The proposed development does not provide adequate on-site car parking, pick-up and drop-off facilities. The application submission fails to fully demonstrate that the proposal would not give rise to adverse impacts upon the highway network to the detriment of traffic congestion, parking stress and highway safety. Based on the information submitted, the proposed development is considered to have an unacceptable impact on highway safety. As such, the proposal is contrary to Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020), and Policies T2, T4 and T5 of the London Plan (2021), and is refused in accordance with paragraph 115 of the National Planning Policy Framework (2023).

4. NON2 Reason for Refusal - Design and Heritage

The proposed development, by reason of its scale and prominence, would result in an uncharacteristic form of development that would fail to harmonise with the local character within the Conservation Area and setting of Grade II Listed Buildings. The harm identified is not outweighed by public benefits and the proposed development would not preserve or enhance, but have a detrimental impact on the character, appearance and visual amenities of the area. The proposed development is contrary to paragraphs 139 and 205-214 of the National Planning Policy Framework (2023), Policy HC1 of the London Plan (2021), Policies HE1 and BE 1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

5. NON2 Reason for Refusal - Impact on Trees

The application has failed to justify the need for the layout of development which is likely to result in harm to protected trees, including but not limited to trees T13 and T9 which are category A and B value trees. The application fails to demonstrate that these trees would be protected and retained in the long term. Accordingly, the development could result in adverse and irreversible impacts to landscaping, trees, biodiversity or other natural features of merit, detrimental to the visual amenities of the area and Eastcote Village Conservation Area, contrary to paragraph 136 of the National Planning Policy Framework (2023), Policy G7 of the London Plan (2021), and Policies DMHB 4, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020).

6. NON2 Reason for Refusal - Air Quality

The proposed development would likely contribute to the production of unacceptable pollutant emissions in the Eastcote Village Air Quality Focus Area. The proposed development would not be air quality neutral or air quality positive and the measures proposed are not sufficient to mitigate the total emissions. As such, the development is contrary to Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 1 of the London Plan (2021) and paragraphs 180(e) and 192 of the National Planning Policy Framework (2023).

7. NON2 Reason for Refusal - Planning Obligations

The applicant has failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development (in respect of travel planning, air quality, and project management and monitoring). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2023).

INFORMATIVES

1. I52 Compulsory Informative (1)

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

2. I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. I74 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at:

I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 14	Air Quality
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMH 2	Housing Mix
DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage

LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises undeveloped greenfield open space measuring circa 0.32 hectares in area, situated on the corner junction of Fore Street and High Street, Eastcote which, adjoins a small area of public open space to the South-West. The plot is laid entirely in soft landscaping and made up shrubs and mature trees within and along the boundary of the site.

Notably, the application site is designated as part of the Eastcote Village Conservation Area and the Eascote Village Archaeological Priority Area. The site forms part of Flood Zones 2 and 3 and lies within the Environment Agency's 20 metre bank top protection area. The site is covered by Tree Preservation Order (TPO) 20 and the Eastcote Village Air Quality Focus Area. The land to the north is designated as Green Chain land as well as the River Pinn Nature Conservation Site of Metropolitan or Borough Grade I Importance.

3.2 Proposed Scheme

The application proposes the erection of a building for the use as a day nursery/pre-school, providing childcare and education for children age 0-4 years.

The development will provide 9no. parking space on-site, with 5no. be allocated as disabled bays. 25no. cycle space on-site will be provided, with 15no. in a 2-tier shelter and 10no. located within a covered Sheffield stand.

The proposal will seek to employ 22 childcare staff and an extra 3 ancillary staff totaling to 25 staff members. The nursery will cater for a maximum capacity of 80 places for children, with a daily maximum of 64 children at any given time. The nursery will operate from 08:00 - 18:00 with staggered collection times, though the days of working have not been confirmed during this course of this application.

3.3 Relevant Planning History

73450/PRC/2021/271 LAND AT CORNER OF FORE STREET & HIGH ROAD EASTCOTE

The erection of a new nursery (childcare) building

Decision: 30-11-2022 Objection

73450/PRC/2021/3 LAND AT CORNER OF FORE STREET & HIGH ROAD EASTCOTE

Proposed construction of 6 no. 4-bedroom, 6 person, two storey semi-detached houses.

Decision: 18-06-2021 Objection

73450/APP/2019/1272 LAND AT CORNER OF FORE STREET & HIGH ROAD EASTCOTE

2 x two storey, 3-bed detached dwellings with associated landscaping, parking and amenity space and installation of vehicular crossover to Fore Street.

Decision: 27-01-2020 Withdrawn (P)

73450/PRC/2018/6 LAND AT CORNER OF FORE STREET & HIGH ROAD EASTCOTE

Two detached houses (use class C3).

Decision: 01-06-2018 Objection

Comment on Planning History

Please see relevant planning history above.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: **22nd March 2023**

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

A total of 60 objections have been received and are summarised as follows:

- The development will increase traffic congestion.
- There is inadequate parking proposed.
- The site is not a suitable location as its in a Flood Risk Area.
- The development would damage trees and cause harm to wildlife.
- The proposal would be out of keeping within the area.

Case Officer Comment: Concerns raised on parking/highway safety, trees and landscaping, flooding are considered to be addressed in the main body of the report.

EXTERNAL CONSULTATION

EASTCOTE CONSERVATION AREA PANEL (Dated 9th March 2023):

This application raises a great many concerns amongst them flood risk and destruction of wildlife habitat. With flood risk in mind, this application needs to be scrutinised closely by the Council's Flood Risk Officer, Conservation Officer and the Environment Agency.

This is a Green Field Site. The applicant has been asked by way of Pre application advice from LBH to prove that the project will benefit both LBH and the local residents by way of the following:

1. Another day nursery is needed, that the current provision is inadequate.
2. The project will increase biodiversity and improve the visual aspect of the area for local people.

The documentation provided does not in any way prove either of above.

The application form is incorrect when it is stated that there are no protected species using the area. Both bats and stag beetles are protected.

Also, the area is part of a SINC therefore, it is protected.

Part of the designation of this land is incorrect, this area forms part of the SINC Grade II, which starts in Cheney Field, , through Long Meadow then through Eastcote Village as far as Fore Street. Then links to the next SINC which includes Pinn Meadows.

Historically this area was known as 'Well Green alias Long Marsh' which gives us clear information as to the condition of the ground in this area.

The small open space 'Pretty Corner' next to the proposed development site, was until the 1930s, when it was filled in, a pond, known as Gut's Pond.

Flood Risk

It is confirmed by the EA mapping that this area, which forms part of the Pinn valley, is flood plain, no amount of glossing over the facts can alter that. Therefore, any loss of open land will only exacerbate flood risk in the area.

No account of underground rivers/streams has been taken into consideration. The main stream now in a culvert, rises behind Deane Way, flows down Spring Drive under Flag Cottage, issues in to the Pinn via an outflow just above the site, this outflow is mentioned in the report, but no other information is given. This stream caused many problems during the recent development of RAF Eastcote into Pembroke Park.

The Environment Agency and Hillingdon Council have carried out measures to reduce the flow of the Pinn upstream in Eastcote and Harrow. The reason for these works is to try to reduce the flooding downstream in the Pinn Meadows area, Ruislip. The Pinn tends to flash flood, the water volumes build up as the River takes all of the water that drains off the land, small streams etc which flow into it. By the time it reaches the downstream area of Pinn Meadows it causes many problems, with the flooding of properties. These matters have not been included into the Flood Risk Assessment. They must be taken into account during the determination process.

Therefore, any works in this area must be carefully scrutinised to ensure the works already carried out are not compromised by any sudden extra water added to the flow.

A large area of natural soakaway land will be lost, with hard standing, the building and alleged porous hard standing, which is not as efficient as bare ground plus the removal of so many mature trees recently and in the future which absorb great quantities of water should this development go ahead, the raising of the land levels in places by 300mm, will also alter the flow of surface water, this acting as a bund to stop the water flowing down naturally to the river.

The Hillingdon Flood Map has not been consulted, that map shows clearly that New Cottages, Grade II Listed, on the opposite side of the High Road are at risk of flooding. This has not been taken into account within the report, the rise in ground levels could drastically affect New Cottages.

Risk assessment. Page 58. Request to Thames Water re sewer overflow at Rosery, High Road, no reports of problems here. This was an incorrect address, the problem was at Forge Cottage, next to Rosery, extensive investigations were carried out by Thames Water July 2016. The cause was noted as being congealed fat poured into the sewer by the nearby fish shop. This sewer is kept under observation.

Considering the High Flood Risk of this area the proposed options for a SUDS is not acceptable.

The proposal appears to suggest that the water from the roof of the building and other surfaces will just be directed into the Pinn. A system whereby the water is stored and gradually issued into the Pinn is needed. So as to prevent an extra build up of water at this point, which will, if not regulated, gush downstream to Pinn Meadows. The site is located near a bridge, which will cause a pinch point for the water, possibly causing the Pinn to flood more frequently in this area.

Green Roof and Landscaping

The proposal is more akin to a roof garden than a green roof. The planting plan is not sustainable. It is classed as low maintenance, however large trees and shrubs will need watering frequently, an

irrigation system does not seem to have been included in the plans. The soil depth indicated for these plants is woefully inadequate. 750mm should be a minimum for these.

Some of the planting is neither long lived nor hardy e.g. Gaura. Growing conditions for others e.g. primroses need a wood land setting not an exposed roof top. Within a short space of time this area will be a mess. Or will require costly maintenance, it will not be of any benefit to biodiversity of the site.

In general, the wild flower meadow sounds wonderful, however, unless they are renewed each year they are not sustainable. This is yet more costly maintenance.

Areas of amenity grass are proposed, this is of no benefit to wild life.

Day Nurseries are always complaining that they can barely make end meet, therefore, costly grounds maintenance is unlikely to take place.

Ecology

The Ecology report shows very clearly that this site has been carefully 'prepared' in advance of surveys to show the minimum of wild life benefit of the area as it is now. Some of the older trees, which were more likely to be suitable for bat roosts were removed before any surveys could take place. Other suitable trees are threatened under this scheme. The central meadow area was scraped last autumn to remove any grass and plant growth which could be beneficial to insect life, thereby, reducing the number of species in the area.

Comparisons are made to other nearby conservation areas, however, the nearest, Long Meadow and Eastcote House Gardens are not mentioned by name. Long Meadow is butterfly rich hosting up to 20 different species in a good year. The Gardens having many hedgerows amongst more formal planting. Both Long Meadow and Eastcote House Gardens fall within Metropolitan Open Land designation.

The report shows that the area is a very important site for numerous bat species. Some of the habitat has already been destroyed, more to follow should this application be approved.

It is known locally that there are several badger setts in the area, the locations of which will not be disclosed. For the protection of the animals.

Stag beetles use the area as a breeding ground and are numerous at the Long Meadow/ Eastcote House Gardens site.

The report refers to the River Pinn as an ordinary water course. For the application 73450/APP/2019/1272 the EA stated that the Pinn is a river, therefore, there should be an 8 metre buffer zone not 5 metres.

From this report it is evident that much work is needed to fully ascertain the bat use of the site. This can only be carried out during the late spring/summer months. The same applies to other species using the site.

Suggestions are made to improve the river by adding kingfisher tunnels and floating reed beds, because of the erratic behaviour of the Pinn no work should be contemplated without a full consultation with the LBH Countryside Conservation Officer and the EA.

It is understood that any private landowner with a river on their land is responsible for that section of the river. Therefore, this site owner is responsible for the Pinn as far as the middle of the river from the bank, LBH being responsible for the other half.

No indication is given, within the many reports, of lighting schemes or noise levels from air pumps. Noise and vibration can be as disruptive to wildlife as is the lighting system.

The change of use of this land will not benefit the local wildlife, the introduction of human presence, vehicles and lighting will considerably reduce the wildlife benefit. The enhancements proposals are either impractical or insufficient to mitigate for the harm this development will cause.

Comments are made that at present this area does not benefit the local community. However, although there is no direct access, it can be seen from the pathways. Should a Day Nursery be situated on the land, fencing will need to be erected all around the site to prevent the children being seen from outside the site for their protection. The fencing needed would probably be 1.8m in height, which would totally enclose the site, making the removal of the current hedgerow necessary there by removing any views from public gaze. Native hedging is proposed, native hedging is deciduous, this will allow easy views of the site during the winter months.

If managed in the correct manner it would greatly benefit wild life, natural drainage and reduce flooding issues, which in turn benefits the community.

Nursery Feasibility Study.

This document is rather puzzling, it takes a catchment area as being within a 15 minute drive in the rush hour from the site. This extends out to Harefield, Harrow, South Oxhey and Woodend.

From experience to drive to Harefield in the rush takes from 30 minutes to one hour. The same for other more distant sites. One wonders where this information has come from.

Also, the information of local Day Care nurseries is incorrect. There are at least 10 specialist nurseries in Eastcote with an extra 3 attached to local Infant schools. On the perimeter of Eastcote another 11 can be found. It would appear that locally Eastcote is well catered for as far as nursery places is concerned.

The object of any community service should be for the benefit of those living nearby, not for those having to travel long distances by road, thereby increasing congestion and pollution. It is stated that to avoid extra traffic and parking in the area, the nursery will employ local people and enrol local children. This is another reason to dismiss this study as it does not apply to this project, the proposed catchment area is too wide.

It is stated that the nursery will be able to cater for up to 80 children aged 0-4 years, this number of children is also shown on the drawings, with a staffing level of 25. Later it states that only 64 children will be taken with 22 staff.

The question is which is the correct statement?

Why boost the figure to 80 when only 64 are a reality?

In recent years the majority of office/commercial premises, including RAF Eastcote, in and around

Eastcote have been changed to dwellings. There is now very little scope for any large increase in the population of the area. Either by way of large housing developments or work places. This shows that this project is not required, nor likely to be in the future.

This report cannot be relied upon and should be dismissed.

Energy use.

The proposed method of heating is by air source heat pumps. However, there is no information on the number of pumps needed nor the noise and vibration level of these pumps. Both noise and vibration can disrupt the habitat of wildlife. This information should be sought and considered before a determination can be made. Conditioning the submission of such information after an approval is not acceptable, for should evidence prove detrimental it will be too late to stop the development.

It is stated that the development will have a 70 year life span, with this in mind Car Charging Points should be included into the site. The installation of these charging points in the public realm are expensive, as I have been given to understand Hillingdon Council are encouraging vehicle owners to install their own charging points. This should be the case here.

Details of all lighting on the site should also be more detailed, to avoid the risk of light spill onto the Pinn.

Parking and Bus Stop

This area has a low PTAL of 1b. Only 10 spaces are available on site, this means there will be high demand for on road parking.

The entrance is situated near to the bridge over the Pinn where the road is narrow. The junction with Fore Street and the High Road is exceptionally busy, there are four schools in the vicinity. Bishop Ramsey High School, Coteford Infant & Nursery, Coteford Junior and Grangewood Special Needs School which is to be enlarged in the coming months.

Both Fore Street and the High Road are the original village byways therefore, are narrow and winding. The surrounding streets were also built when vehicle ownership was a rarity rather than the norm, so are also narrow. Extra parking either short or long term is not appropriate.

There is only one nearby bus service which is single deck.

The proposed re-location of the bus stop is not adequate. The footpath, like the road is narrow. This path is used frequently by the residents of Grooms Drive, off Fore Street, to access the local shopping parade. Most of the residents require a motorised wheelchair.

With the current location and the narrow footpath, finding room to pass along this path when there is a queue for the bus is difficult. This problem will be enhanced should there be buggies taking up pavement space as well.

The bus stop and the queueing area should all be situated off the footpath on the proposed nursery land.

In conclusion

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The various submitted reports are contradictory, in some cases irrelevant, none can show that the

harm caused by this development can outweigh the proposed benefits. We request that the application be refused.

EASTCOTE RESIDENTS' ASSOCIATION (Dated 22nd March 2023):

The fact of the matter is that this piece of land is just not suitable for building development. The particular issues around flooding and parking and traffic congestion are two of the main reasons that this is so.

Lesley Crowcroft, Chair of the Eastcote Conservation Panel, has written in considerable detail regarding these and the many other issues of concern relating to this application. We ask you to register our wholehearted agreement with all the points she has made. To this end, there is no purpose to our repeating all of this detail here.

However, we would address the following:-

The existing benefits of this as a Greenfield Site

Against its development is also the fact that this greenfield land and, in our opinion, this application does not prove that the benefit of the Nursery to the community outweighs the loss of the land which actually does now offer some benefits to the surrounding area in that it has a place in flood mitigation strategies and in supporting biodiversity. Also, LBH's own climate action plan cites the importance of trees in relation to the absorption of carbon emissions - too many have already been lost on this site. The Nursery's benefit to the community is disputed in more detail below as it is questioned as to whether further under 5 care facilities are needed/in demand.

Section 11 of the NPPF, Making Effective Use of land, Para 120 (b) supports this 'greenfield' view in that it says planning policies should 'recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;'

Traffic Congestion and Parking Issues

The Eastcote Road, High Road and Fore Street junction is a dangerous one due to the very heavy volumes of traffic at many times of the day, most of which coincide with the dropping off and collection of children from the many existing nurseries and schools, not just in Fore Street but in the vicinity, which add to the general commuter and other traffic (see attached table of these nursery and school facilities).

It is not over dramatic to say that, at these times, it is already chaos in Fore Street itself with both resident and 'drop off/pick-up' cars parked on either side in many places, creating only a single lane for cars trying to move both up and down the road. Traffic on the main roads is at best very slow moving as well.

This application shows the vehicle entrance to the site being on the right at the bottom of Fore Street - any vehicle turning into Fore Street from the main road will then almost immediately be turning right again, possibly having to wait because of traffic on the other side queuing to exit Fore Street and blocking the site entrance. This seems to be a recipe for further traffic congestion and a greater risk of accidents, as cars will inevitably have to queue back out onto the main road before being able to make the turn into the nursery site.

To facilitate drop offs and pick-ups, cars already park in all the side roads feeding into Fore Street

as well, creating further stress from vehicles turning in and out of these roads and often turning round in them or on Fore Street itself.

I have personal experience of trying to navigate this area. I live on Field End Road, 0.3 of a mile away from the Coteford Infants entrance - last week I timed a morning journey before 9.00 am - it took me 18 minutes, to reach the school, and this was after I had waited to turn right onto Field End Road from my house!

Furthermore, it is not just the roads that are congested - the pavements are too with adults, children and buggies.

The proposed 9 metre crossover is a huge chunk of pavement for pedestrians to cross (particularly with children and buggies) over which they have to watch out for vehicles turning in from the road and those exiting the site, possibly simultaneously.

Again, using personal experience, on the pedestrian front, the walk from the site to Eastcote Station takes +/-20minutes and not the 12 mentioned by the applicant.

The site layout drawing shows the Bus stop with a (new) shelter recessed into the application site, which it would definitely need to be as the pavement there is very narrow - one or two people standing at the bus stop now, particularly with any buggies, block the way (the first photo in the attached photo document shows this situation). What is not shown in the application drawing is the fact that, along the stretch of the pavement between the bus stop and the corner of Fore Street, there is a lamp post, a telegraph pole for an overhead telephone cable and the street sign pointing to Spring Drive.

I am aware that, along with the ECP, others have submitted objections which provide considerable detail on these issues. The above is therefore only an overview of these. However, in support of all the concerns that are being expressed, attached are a series of photos showing the situation in the morning. I am aware that at least one resident has provided photos of the afternoon. Together we are offering evidence of the reality on the ground on a daily basis each weekday.

D&S Statement, Material Planning Considerations - Principle of Development

The D&A Statement posits the view that 'there is an increasing demand for nursery spaces and the borough has a duty to provide appropriate provision for the future', this it bases on the wording in the LBH 2020 Local Plan. However, there are two much more recent initiatives that now counter this view:-

In October 2022, Coteford Infants School (which has a nursery facility) started an ongoing consultation on reducing their intake numbers (PAN). They have cited the following 'nationally, the population attending primary and nursery schools peaked in 2019 and the figures have started to drop. This is primarily due to the continued reductions in the birth numbers since 2013'.

LBH itself has been conducting a review into the Hillingdon 0-19 years core offer to children, young people & their families which is to be presented to the Cabinet Meeting on 23rd March. It declares that there are sufficient places for under five-year olds in the Borough.

From this document, the graph for all wards (named as before the boundary changes) is attached to this submission. It can be seen that the ward relating to this application and those that are close enough to it to be reasonable catchment areas to take up nursery places here, all currently have

more places than estimated demand.

In 6.7 the D&A statement goes on to gainsay the LBH pre-application advice that there are sufficient numbers of nursery places in the area, the D&A reasoning being that many are very small having only 20 places. The overall number of places available locally is already addressed above. In relation to local nurseries being 'very small', I would refer you to the table provided showing nursery facilities within a mile of the application site - all have substantially more places than 20. We ask that this application be refused.

One final point, it is my understanding that this application should be designated as being for Use Class E and not Sui Generis. On Page 17, the Application Form does actually give the Use Class as E, although earlier in the form, the word 'Other' is used in this regard.

GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (Dated 4th May 2023):

The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.

NPPF section 16 and the London Plan (2021 Policy HC1) make the conservation of archaeological interest a material planning consideration.

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 planning application lies in an area of archaeological interest (Archaeological Priority Area) identified in the Local Plan: Eastcote Village

I would question the applicant's assertion that the site makes no contribution to the significance of the archaeological priority area, rather its contribution is uncertain because of lack of investigation. That said, I accept that the development will only involve minor/surface groundworks meaning that overall the archaeological risk is low.

No further assessment or conditions are therefore necessary.

ENVIRONMENT AGENCY (Dated 13th November 2023):

Based on a review of the submitted information, we remove our objection to the proposed development.

We are satisfied that the applicant has demonstrated that there will be a minimum of an 8-metre buffer zone between the top of the riverbank and the edge of the building. Due to the site's proximity to the River Pinn, please include the below informative for any permission granted.

Informative

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA

Sequential test

We have withdrawn our objection to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

Exception test

In accordance with the National Planning Policy Framework (paragraphs 164 and 165), the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction.

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements

- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood for the proposal. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

Connection to mains foul drainage not feasible

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an

assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

THAMES WATER:

Waste Comments: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

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.

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.

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.

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

INTERNAL CONSULTATION

PLANNING POLICY OFFICER:

Description of Development

Use as a creche, day nursery or day centre is listed under Use Class E. This is not a Sui Generis use. If the applicant wishes to restrict the use of the site to E(f) to avoid the need for sequential test related to main town centre uses, then this should be achieved via condition. The description of development therefore also needs to be amended.

Sequential Test (Flooding)

The application site is located within Flood Zones 2 and 3. In addition, the application site is also liable for surface water flooding (High, Medium and Low risk). The site is also located within the environment agency's 20 metre bank top protection area. The site therefore has a mixture of a high and medium risk of flooding. In line with Annex 3 of the NPPF (2023), development proposals for nurseries are classified as a 'more vulnerable use'.

Paragraph 159 of the NPPF (2023) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The paragraph also outlines that where development is necessary in areas liable for flooding, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy EM6 of the Local Plan: Part 1 states that the Council will require new development to be directed away from Flood Zones 2 and 3. Furthermore, Policy DME1 9 of the Local Plan: Part 2 outlines that development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk.

It is agreed by the applicant that the proposal would be required to pass the sequential test and the subsequent exceptions test. It should be noted that in line with the PPG, the proposal is required to pass the sequential test first to be considered under the exceptions test. In this regard, it is recognised that the application has only been reviewed in relation to the sequential test and the relevant specialist should have been consulted on the exceptions test, if the application would have been considered to pass the sequential test. Details with regard to the sequential test have been submitted as a part of the application.

Engagement Prior to Submission

National policy and guidance is clear that parties should work proactively and engage on providing proportional evidence to allow for the determination of schemes. The local planning authority provided advice prior to the submission outlining the need for a sequential test for the proposal. If this was passed, an exception test would then also be needed. The local planning authority also highlighted that there was no known need for this type of development in this location and that, due to the likely existence of alternative options/sites for delivering an uplift in early childcare provision, it was unlikely that one could demonstrate that the proposal could not be provided on a reasonably available site at lower risk of flooding. In the event the applicant did want to pursue an application, the local planning authority indicated that they should engage with the Council first to establish agreed parameters. Prior engagement on the parameters were not sought prior to submission and hence they are not agreed.

It is also noted that within the application forms it appears to be the same agent which has been dealing with the pre-application and this application and given this, it is considered reasonable that the agent is aware of these concerns raised at pre-application state with regard to the flood risk.

Methodology

When considering the methodology for the sequential test for flooding, it is noted that Paragraph 159 of the NPPF (2023) outlines that development in areas at risk of flooding is inappropriate and should be avoided. It should be noted that the application would first be required to pass the sequential test and if the sequential test is passed, the development would also be required to pass the exceptions test, which considers the wider sustainable benefits on the site.

1. The applicant has outlined a number of requirements which would be considered to make a site reasonably available, which includes being deliverable and developable. The council does not dispute these definitions, however it is noted that given the uses that are allowed within use class E, that sites currently within class E use should also have been included within this as these are likely to be considered deliverable and developable. However, when reviewing the sites selected by the applicant it is not clear that all available sites within Use Class E have been considered. In this regard, it is noted that the Council is aware of a number of sites within use class E that could be deemed appropriate, however these are not included by the applicant.

2. It should be noted that the applicant has agreed with the Council that the sequential test should be council-wide. Regardless of this however, the applicant has gone on to assess the perceived need on a much smaller scale, which therefore creates gaps in the overall methodology for both the sequential test and the exceptions test. There is a clear disconnect between what has been proposed and the sequential test that has been undertaken.

3. The applicant has not provided any information about alternatives to the proposed development. Given this, it is not clear what alternatives which do not involve a new site have been considered by the applicant. For example, the applicant has not considered if there are any vacancies within the existing nurseries or possibilities for the existing nurseries to expand, either operationally or through extensions to existing sites.

As previously stated, the proposal is for a day nursery (Use Class E). The Design and Access Statement sets out that the proposal would accommodate a maximum of 80 children. It is noted that there are a number of nurseries operating within the locality, including the following within the immediate area alone:

- 4 Street Nursery, HA5 2HX
- Honey Bears Montessori, HA5 2QU
- Haydon Hall Montessori, HA5 2EG
- Rise Montessori Nursery, HA5 2SH

Given this and the number of spaces provided, it is likely that it could be met through the optimisation of these sites. This optimisation could be operational in terms of accommodating the maximum number of children or physically through extending these, and other, sites that are at lower risk of flooding.

4. The applicant has set out the following parameters for the site in relation to the sequential test:

- a. The site is located in flood zone 1-3;
- b. Risk of flooding from rivers and sea very low to High, Pluvial Very low to high, Groundwater negligible.

The council agrees with the sites flood risk assessment of the site in terms of the flood zones and

risks from other types of flooding. However, the applicant has also provided a sequential test methodology which has been considered by the Council to be very restrictive with regard to the available sites identified and their flood risk in relation to the sequential test. Specifically, regarding criterion 6, 8 and 9 of the methodology, where a number of sites should have been explored in further as a part of the sequential test. These criteria will be discussed in further detail below.

5. In regard to the local need for an additional nursery, the applicant has undertaken a feasibility report. The scope of the report is based on travel times with car or public transport within a 15-minute distance of the site, and 800 metres of walking, this includes a significant number of locations outside the council boundary, including Rickmansworth, London Borough of Ealing and London Borough of Harrow. This area does not cover the same area as the sequential test and therefore is not comparable.

6. The report suggests that there is a shortfall of 20,742 nursery spaces and concludes that the 80 spaces would make up for only 0.3% of the suggested shortfall. However, the Council disagrees with the methodology and the overall findings. The report only appears to rely on estimates. When considering the estimates, no clear methodology has been provided which demonstrates how these numbers have been reached.

On page 4 of the feasibility report, it sets out the perceived lifestyle of the families within the catchment area and how often families are using nurseries. The report sets out that a full breakdown is available upon request however, not such breakdown has been provided to the Council. This is expanded further with regard to local context on page 5 of the feasibility report. It should be noted that the report has only identified 130 households in relation to how frequently these are using nurseries, however the report does not give a clear indication of how these 130 households have been selected or how this study has been carried out.

On page 5 of the feasibility report the mapping shows that the majority of the families believed to use nurseries all day, every day are not residents of Hillingdon, and instead residents of other London boroughs or authorities outside London. The applicant has not considered how far would be reasonable for these households to take their children to nursery. It is the council's position that the feasibility report does not consider the resident's travel and movement patterns. For example, a family living in Harrow is deemed unlikely to travel to the proposed site, particularly in the absence of any employment clusters on route.

Furthermore, the applicant's report outlines that households closest to the site mainly use nannies for their children. As such, if that data would be accurate, it is questioned if the nursery should not be placed closer to an area identified with every day and most day users of nurseries. Overall, it is not clear why the applicant has selected a location where it appears through their own reports that only a minority would use the nursery on a daily basis and not closer to households that would use the nursery facilities on a more regular basis. However, as previously set out, a large majority of these households identified are located outside the council boundary and would not be limited to securing early years childcare from this site alone.

Overall, when identifying nurseries within the area the applicant has considered the 15-minute travel time from the site, and not 15 minutes travel time in each direction from the households which are likely to utilise the nursery and as previously set out no consideration has been given to the likely travelling route to and from their homes to the nursery. Given this it is deemed very likely that the results for the overall survey are not accurate or satisfactory and likely skewing the results towards a more favourable outcome for the applicant site. Furthermore, it has also been brought to the council's attention through the public consultation process that there tends to be a surplus of

spaces within the local nurseries.

Criterion 6

The applicant's criterion 6 of the sequential test for flooding sets out the following:

'The Site is 0.39 ha. A minimum size of land for consideration to compare against the Site was set based upon the Site plans provided using a nominal allowance. The maximum and minimum areas were calculated as follows: Size of Site: (0.39 ha. / 3900 m²) Maximum: 4680 m² (0.47 ha. - Site area plus 20%) Minimum: 3120 m² (0.31 ha. - Site area minus 20%)'.

As set out at pre-app stage the council has concerns with regard to limiting the scope in this manner. Furthermore, the methodology of the feasibility study is questionable, and it is considered that there are a significant number of sites that should be included within the sequential test, which the applicant has disregarded only due to their size. Overall, the 20% on each side of the application site is considered arbitrary and no clear and convincing evidence has been provided to why this would be a reasonable scope for the sequential test, regardless of if there could be a demonstrated local demand or not.

Given this it is considered that there are a significant number of sites available which would require further assessment which the applicant has removed due to criterion 6.

Furthermore, the applicant argues that there is an under provision of nurseries within 15 minutes of the site, but the study does not provide any clarifications with regard to the number of visits a week and duration of each visit, and how these play into the overall provision within the locality of the site.

Regardless of this, if there is an outstanding need for additional nursery places in this locality or not, due to the capacity of the proposal it is likely that these numbers could be met through the optimisation of the sites in the vicinity. This optimisation could be operational in terms of accommodating the maximum number of children or physically through extending these, and other, sites that are at lower risk of flooding. This has not been addressed by the applicant.

In addition, no justification has been provided as to why these 80 places cannot be accommodated within existing nurseries or within of existing Use Class E buildings in areas at lower risk of flooding in this locality, which could reasonably be utilised for a nursery.

Criterion 8 and 9

The applicant's criterion 8 of the sequential test for flooding sets out the following:

'Any alternative sites at High risk of surface water flooding will be discounted from the search'.

For this criterion, it is noted that a number of sites have been discounted regardless of the overall flood risk and overall function of the site. The relevant PPG sets out that all types of flooding should be considered. For example, the application site is considered partly at high risk of surface water flooding as well as being located in Flood Zone 2 and 3. However, sites that are at high risk of surface water flooding which are located within Flood Zone 1 have been disregarded within the sequential test under criterion 8 set out by the applicant. Given this, it is argued the sites which are located in Flood Zone 1 and 2 but subject to high risk of surface water flooding should not have been discounted automatically and a more detailed assessment should have been done to establish why the applicant considers these are at the same or higher risk of flooding than the site.

Overall, it is the Council's view that sites which are at risk for surface and ground water flooding should have been included within the sequential test and not disregarded under criterion 8 and 9, on the premise that they are likely to be at a lower overall risk of flooding than the proposed site.

Further, surface water flooding as shown on map stems from two different sources. The first is from known drainage problems where there are capacity constraints resulting in surcharges in high intensity rainfalls; the risk is therefore associated with a flow path that may occur offsite and may be at a sub catchment level. The second relates to the fact that lidar mapping shows parts of sites to be at a lower level than others; in effect localised ponding or puddling. The first issue is more complex to address for developers in most instances because the source of flooding is most likely to be offsite; mitigation for this would be complex and therefore any development solutions would be about reducing the risk and not removing it. The second issue is not overly complicated and would be subject to more manageable forms of mitigation that could result in the removal of the risk. It is therefore inappropriate to equate every area of surface water flooding to river flooding. This would need to be looked at on a case-by-case basis and agreed with the Local Planning Authority.

Conclusion

It is clear that the applicant has not applied the sequential test to an acceptable standard and has been overly restrictive with regard to the criteria applied. As set out at pre-application stage, it was deemed highly unlikely that the applicant will be able to demonstrate that the proposal is necessary in this location and could not be provided on a reasonably available site in an area with a lower risk of flooding. It is considered that the application fails to adequately address the sequential test for flooding and the local need due to a number of issues:

1. Criterion 6 is overly restrictive and is considered to be arbitrarily in place to limit the number of sites explored under the sequential test.
2. Criteria 8 and 9 fail to fully explore a number of sites further and fails to consider and compare flood risk from different sources, by virtue of excluding sites of for example a high risk of surface water flooding but located within flood zone 1.
3. The evidence provided to demonstrate there is a local need if taken at face value would mean that the application would only meet 0.3% of the local need. However, the Council questions the methodology to assess the local need and feasibility, both in terms of how assumptions have been made and as to if this site would meet need derived from some of the stated areas.
4. The applicant has not considered other appropriate alternatives such as vacancies within existing nurseries, operational and physical expansions to existing nurseries and utilising existing vacant Class E buildings.
5. The submitted feasibility report, if taken at face value, raises the issue of why other sites in other boroughs have not been explored in line with the findings of the feasibility study.
6. No clear and convincing evidence has been submitted by the applicant to demonstrate that there is a local need for the proposed development or that there are no other suitable sites available.

Overall, it is considered that the applicant has not sufficiently applied the sequential test. The Council maintains its position that if the sequential test would have been applied to an adequate or exceptional standard that the development is unlikely to have passed. Furthermore, it is considered unlikely that the site would be able to pass the exception test, in the unlikely event a sequential test is passed.

Open Space

Public Open Space in the Local Plan: Part 1 is defined as all open spaces of public value, including not just land, but also areas of water such as rivers and canals which offer important opportunities for sports and recreation and can act as visual amenity. The definition also covers a broad range of types of open spaces within the borough, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

The London Plan (2021) defines open space as:

'all land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.'

It is considered that the application site should be defined as open space and as such it is considered that the policies relating to open space within the Development Plan are relevant.

Policy G4 of the London Plan outlines that the development proposal should not result in the loss of protected open space. In this regard, it is noted that the proposed development would result in the loss of a protected open space, as the site meets the definition held within the the Local Plan: Part 1 and 2 and triggers the associated protective policies.

Policy EM4 of the Local Plan: Part 1 states that the council seeks to safeguard, enhance and extend the network of open spaces and informal recreation. The policy also sets out that 'there will be a presumption against any net loss of open space in the Borough'.

The Local Plan: Part 2, policy DMCI 3 outlines that:

'development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.'

In addition to this, paragraph 7.28 of the Local Plan: Part 2 states that the Council will seek to protect open space provision in the Borough. Overall, it appears that the applicant has not provided any information and evidence with regard to the definition of the existing space. The applicant has however set out in paragraph 2.6 of the design and access statement that:

'the site is a vacant site situated on the corner of Fore Street and High Road, Eastcote. It lies behind a small area of public open space and is bound by the river Pinn to the northwest and the petrol station at Eastcote to the northeast. The site perimeter contains multiple TPO trees and vegetation which screen the site from public view. The site is private land and has never been in public use'.

Furthermore, in paragraph 6.23 of the design and access statement the applicant sets out that:

'it is the hedges and mature trees or key features that directly contribute not the semi-rural character and not the private open space within the site - which is hardly visible from the public street-scene. Overall, the character of the area is that of a high-quality suburb dominated by open

spaces, extensive natural landscaping and trees'.

In this paragraph the applicant has argued that the application site is considered private open space. However, overall, it is not clear how the proposal would comply with Development Plan policies, including Policy EM 4 of the Local Plan: Part 1 (2012), Policy DMCI 3 of the Local Plan: Part 2 (2020) and Policy G4 of the London Plan (2021).

HIGHWAYS AUTHORITY (Dated 8th March 2023):

Near the site on Fore Street are vehicle width restrictions. the area is dominated by a local high street and a high presence in residential streets. In the vicinity of the site, there are no parking restrictions. Vehicles on Fore Street are limited to a speed of 20mph and on High Street 30mph. Trip generation and a parking survey have been provided for this proposal. The proposal includes information on the creation of a new bus shelter on High Street adjacent to the pedestrian access where the existing bus stop is. The proposal site has a PTAL rating of 1b indicating that its access to public transport is poor when compared to London as a whole suggesting that there will be a strong reliance on the private car for trip-making. Eastcote station is only a c.19min walk, c.6min bike ride and c.11min bus ride away, although Ruislip Manor station is closer and takes less time to travel to via the same modes.

The site would include provision for 10no. on-site car parking spaces located within a newly created car park. However, it has not been specified the number of which spaces that will be occupied by staff vehicles and what number will be made available to parents for the purposes of dropping off/picking up their children during the AM and PM peaks. Furthermore, the Transport Assessment makes reference to there being space for vehicles to park outside of the marked bays, although no number has been given on how many extra vehicles can be accommodated without them blocking in vehicles within the marked bays. Taking into account that the site has limited access to public transport with only being supported by a single local bus route and a PTAL ranking of just 1b, it is considered likely that parents/guardians would pick up/drop off children by parking along Fore Street, some people may pull up on-street as close as possible to the site. While others may resort to parking injudiciously so they too can be as close to the Nursery as possible. This behaviour would result in an increase in parking stress, present a risk to road safety, impede the free flow of traffic, and detract from residential amenities. The development is therefore contrary to the published London Plan 2021 Policy T2 Healthy Streets which states that development proposals should 'reduce the dominance of vehicles on London's streets whether stationary or moving' and Policy T4 Assessing and mitigating transport impacts states that 'Development proposals should not increase road danger'.

It is understood by the Highway Authority that a parking survey was carried out by the developers. Nevertheless, it is found that the survey is incredibly limited due to data only being collected for a single day and does give a full indication of local parking stress.

As mentioned above the proposal has not made any mention of providing electric vehicle charging points for the 10no. on-site parking spaces. For a development of this type to be within policy at 1no. active and 1no. passive would need to be provided. Therefore, this development contradicts the published London Borough of Hillingdon Local Plan Part 2 Development Management Policies which states that 'parking for electric should be provided at a current minimum of 5% of car parking spaces with 5% passive provision to meet the Mayor's targets'.

The development will be providing 25 on-site cycle spaces for staff and students. For a development of this type to be within policy at least 1 space per 8 FTE staff plus 1 space per 8

students, which equates to 11no. for long and short stay. Therefore, this is in accordance with the published London Plan 2021 Policy T5 Cycle.

There are highway objections to this proposal because it is not in accordance with the published London Plan 2021 Policies T2 Healthy Streets, T4 Assessing and mitigating transport impact and the published London Borough of Hillingdon Local Plan Part 2 Development Management Policies.

HIGHWAYS AUTHORITY (Dated 29th July 2023):

Site Characteristics & Background

The proposal site is bounded by the High Road and Fore Street in Eastcote. It is also flanked by the River Pinn and an established petrol station to the north and east of the site envelope respectively.

The site consists of an area of natural vegetation throughout its extent with some significant tree provisions on the boundaries of the site envelope. It is private in tenure and has never been legitimately accessible to the general public. The location is mainly devoid of on-street parking controls and the location exhibits a relatively poor public transport accessibility level (PTAL) rating of 1b which heightens dependency on the ownership and use of private motor transport.

It is proposed to construct a new nursery building catering for ages from 0-4 years active from 8am to 6pm with a daily maximum of 64 children on-site and 22/3 childcare/ancillary staff members respectively. 10 communal car park spaces (inclusive of 5 disabled compliant bays) together with a total of 25 cycle on-plot spaces accessed via a currently redundant carriageway crossing (cc) on Fore Street located opposite Armstrong Close, that would now require modification/widening.

Parking Provision & Vehicular Trip Generation

There are no prescriptive standards (regional or otherwise) that can be applied but the Local Plan standard suggests that an individual 'site based' transport assessment should be undertaken together with the submission of a travel plan. In addition to any on-plot parking there should be provision for 'drop-off' and 'pick-up' facilities to be provided within the site envelope where possible.

10 communal car park spaces (inclusive of 5 disabled compliant bays) serving the needs of staff which would equate to, in excess, of 20. Given the aforementioned PTAL rating, it would be expected that most if not all staff would attend the location by private motor transport giving rise to some displaced parking onto the local highway. In regard to parental parking demand, (although not stated by the applicant), it would appear that there may be some potential for up to 10 vehicles could enter and drop-off within the site envelope at any one time which would be broadly replicated at pick-up periods. The applicant refers to a submitted indicative Travel Plan which, in the context of the site location (poor PTAL) and typical user profile of 'linked trip' patronage, would be considered relatively inconsequential in terms of a measurable move toward sustainable travel to and from the address.

Peak nursery activity periods are anticipated to occur between 8 to 9am with 45 two-way movements (26 arrivals & 19 departures) and 5pm to 6pm with 19 two-way movements (5 arrivals & 14 departures). It is therefore logical to assume that during both periods, all attending and departing vehicles (including staff vehicles) cannot be accommodated on-site resulting in an imposition of parking demand on neighbouring Fore Street and other nearby roadways.

Parking surveys undertaken by the applicant during these periods suggest that there is some

available on-street capacity to cater for potential overspill particularly on Fore Street.

However, what the applicant has failed to acknowledge and address, is the level of base-line traffic movement already in evidence on this particular stretch of highway to which a number of educational outlets, all positioned within 1 mile of the address, already contribute. This includes 5 nurseries with comparable periods of operation and 6 schools (listed below), all of which exhibit similar timed attendance profiles particularly during the morning drop-off periods.

Nurseries

'Coteford', '4Street', 'Bright horizons', 'Rise Montessori' & Bloom Tree Montessori.

Schools

Coteford Infants & Junior, Grangewood Primary, Bishop Ramsey, Haydon Secondary & Warrender (incl Nursery).

Given this established trip generation generated by the above 'education' sites coupled with random observations made by council officers and the local community, suggest that Fore Street already experiences a substantive heavily trafficked base-line during peak periods due substantially to the cumulative impacts of all 11 established educational outlets. It is therefore the HA's view that given the level of predicted added activity and likely demand for on-street parking by patrons attending the newly proposed nursery, there is potential for additional undue highway obstruction resulting in congestion to occur to the potential detriment of overall traffic movement and highway safety. Without evidence to the contrary, the HA cannot therefore support additional on-street parking load or the predicted vehicular trip imposition on the public highway for this very reason hence there is opposition to the proposal on the grounds of additional burden to existing cumulative base-line traffic levels evident in the locality.

Conclusion

Refusal is recommended as follows:

"The proposal fails to satisfactorily and fully demonstrate that the traffic generated by the proposed development would not have an adverse traffic imposition/parking impact on the surrounding highway network thereby potentially leading to adverse congestion/additional on-street parking to the detriment of pedestrian and highway safety contrary to Local Plan: Part 2 Development Plan (2020) Policies DMT 1 & DMT 2 and Policies T4 of the London Plan (2021)."

TREES AND LANDSCAPING OFFICER (Dated 2nd June 2023):

Concerns about the proposed location of the bus stop and corresponding footpath into site and their proximity to tree T9, also some concerns about how construction traffic will enter the site.

URBAN DESIGN OFFICER:

Summary

The principle of developing the site is unacceptable from a Conservation perspective, as it would undermine the contribution this site makes to the character and appearance of the Conservation Area.

Further, the building design is not appropriate to the context with a poor internal layout. The layout of the car park is inefficient use of land.

Lastly the impact on the existing trees and landscape proposals would be detrimental to the character of the Conservation Area due to the formalisation of the site edge along High Road Eastcote. The full impact on the trees is not provided with no details of the pruning proposed.

Principle of Development - Open Space

As identified by the Planning policy department the site is defined as open space. The Eastcote Village Conservation Area Appraisal under the heading Character and Appearance, states;

'The area in Harrow's jurisdiction benefits from open space to the south and south west, giving a sense of openness, providing greenery and because of its informal shrub nature, acting as an interesting foil to the suburban development.'

Developing this area of open space would urbanise the site. This approach would be detrimental to the natural character of the CA as identified in the Conservation Appraisal. The proposals would, therefore be contrary to the Policy DMHB6 Conservation Areas which seeks to conserve or enhance its character and appearance.

Building height, massing and appearance

The section above makes clear that from a Conservation perspective this is not an appropriate development site and rejects the principle of development. However, should the case officer be minded to consider this application for approval, comments are provided on the building design and appearance.

The proposed building is single storey, set out in a simple rectangular configuration clad in larch wood panels. Architecturally, the building design lacks any details that relates to the context of the CA of predominantly 1930's semi-detached properties. The windows along the west and north elevation are proportionally mean looking and the door from the car park isn't centrally located making the elevation appear awkward in the otherwise symmetrical elevation.

Further, the raised finished floor level delivers the necessity for steps to enter the building from all sides. This makes access for parents with buggies and for small children difficult and makes the windows along the west and north side look too high. Further, this results in a poor entrance feature from the south with a ramp and staircase with standard railing.

Building internal Layout

The internal layout of the building creates two arrival points, one from the car park and another from the south. This delivers long corridors with limited natural light and a reception area that is awkward to access if entering the building from the car park. The need for an external door to the north is not understood. This creates a further corridor. This internal layout is inefficient and fails to comply with ergonomic principles.

It is also considered that there is an overprovision of rooms to support the primary use as a nursery. There is an office, meeting room, staff room, reception, therapy room and large kitchen. Many of these rooms could be multi-functional to reduce the overall footprint of the building.

The bin store currently accommodated within the landscape should be relocated within the building.

Site Layout

The site layout positions the building in the centre of the site with an area of car parking and two access points to the building.

The car park area is inefficiently laid out resulting in an overly large area of hard surfacing. The two access points to the buildings delivers two primary frontages, the west elevation overlooking the car park will have poor natural surveillance due to the internal uses of the building along this elevation.

The layout needs to be revised to create a single primary arrival space with a clear frontage elevation and efficient layout of the car park to reduce the hard surfacing.

Landscape Proposals

The site is well treed, these trees deliver the verdant character of this area of open space and green edge to High Road Eastcote and Fore Street.

The proposals will affect the majority of the trees on site, including the;

- removal of 10 trees;
- encroachment within the root protection zone (RPZ) of 8 trees;
- Pruning of 17 trees. The extent of this pruning is not stated and therefore the impact of the visual presence of these trees is unknown.

Accordingly, 35 of the 41 trees on site will be affected. As well as the removal of a mixed group of trees TG1 which will be felled.

Further, it appears that the Landscape Masterplan shows the understorey of planting along High Road will be replaced with a hedge with the addition of a bow-top railing. The informality of the existing tree understorey belt is an important green feature that is a characteristic of the Conservation Area. Replacing this green feature with formal hedgerow and railing is likely to impact the existing trees as it will require digging and railing footings within the RPZ. Accordingly, the understorey along High Road should be retained as existing without the fencing. Both the fencing and the Bus stop would impact the green belt boundary and should be removed and the understorey to the trees retained.

Lastly, the play area could be located adjacent to the Pretty Corner to allow use for the public and nursery.

AIR QUALITY OFFICER:

1 Context and Summary of Comments

Whereas the proposed development is located outside the LBH Air Quality Management Area, it is within the catchment area of Eastcote Village Focus Area. As per the London Plan, developments need to be neutral as minimum and LBH requires development proposals located in Focus Areas to be air quality positive (LBH Air Quality Local Action Plan 2019-2024), contributing to the reduction of emissions in these sensitive areas.

LBH requires developments to incorporate air quality positive design measures from the outset and

suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, policy DME1 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

According to LBH Local Action Plan, proposed development within Focus Areas (or with impacts on FAs) require more stringent air quality neutral procedures and needs to be Air Quality positive.

The proposed development is not air quality neutral and not air quality positive and no appropriate mitigation was provided by the applicant.

2 Reason for Refusal (if objecting)

The applicant does not present appropriate mitigation and is contrary to the London Plan and Local Authority Air Quality Action Plan.

3 Damage Cost and Mitigation Measures

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using GLA Air Quality Neutral Guidance in this instance.

Any mitigation measures proposed will be evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

The undiscounted level of mitigation required to the proposed development for traffic emissions is £190,436. As no deductions were applied, the remaining value of mitigation due for traffic emissions is still £190,436, should the application be approved. Flat rate deductions applied are as follow: Travel Plan (0%), Green Sustainable Measures (0%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (0%), totalling a reduction of £0.

Therefore, if no further mitigation is offered by the applicant, a section 106 agreement with the LAP of £190,436 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.

4 Conditions

Should the proposed development be considered for approval, the following Air Quality conditions are required to manage operation emissions and construction emissions as required by the Mayor of London. See text below.

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) secure appropriate compliance with the current London Plan (March 2021) and associated Planning Guidance requirements.

- 2) the implementation of electric vehicle charging bay for cars. This is to be implemented above the minimum number of charging points required in the London Plan.
- 3) Create and deploy an effective Travel Plan with a clear and effective strategy to encourage staff / users of the site to, as a minimum
- a) use public transport;
 - b) cycle / walk to work where practicable;
 - c) enter car share schemes;
 - d) purchase and drive to work zero emission vehicles.

The measures in the agreed scheme shall be maintained throughout the life of the development.

Reason - As the application site is within an Air Quality Focus Area, and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

Conditions - Reducing Emissions from Demolition and Construction

A 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)

B 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.

6. 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
PT1.HE1	(2012) Heritage
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains

PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation

Part 2 Polices:

DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 14	Air Quality
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMH 2	Housing Mix
DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking

NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

In addition: 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) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The closest neighbouring properties to the pre-application site are those sited approximately 28 metres to the south-east on High Road, 50 metres to the south-west on Fore Street and 50 metres to the north-west on Mount Park Road. As such, a 21 metre separation distance between windows of the proposed development and the habitable rooms of adjacent properties will be maintained. Impacts in terms of the outlook and daylight and sunlight of neighbouring properties is also not considered to be an issue.

Notwithstanding the separation distances to adjacent properties, there are concerns about the

impact of the proposed nursery on the occupiers of adjacent properties in terms of possible adverse impact of noise, etc., on amenity. In the event of an approval, an appropriate noise survey and assessment including proposals to mitigate any adverse impacts on amenity would need to be secured by planning condition. Planning conditions to control such matters as the operation of the site (opening hours, etc.), child numbers, and the protection of neighbours amenity would also be required.

7.2 Impact on Street Scene

The NPPF (2023) notes the importance of achieving design which is appropriate to its context stating that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

Notably, the site forms part of the Eastcote Village Conservation Area which is a designated heritage asset. The NPPF requires its own exercise to be undertaken as set out in its chapter 16. Conserving and enhancing the historic environment. Paragraphs 205-214 require consideration of the impact of a proposed development on the significance of a designated heritage asset and assessment of the identification of any harm. In particular, paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy D3 of the London Plan (2021) requires that development proposals should 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 BE1 of the Hillingdon Local Plan: Part 1 (2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'.

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 (2020) advises that all new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

- A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.
- B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.
- C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

- 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:
 - i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures

- and other streetscape elements, such as degree of enclosure;
- architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.
- B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The existing site is undeveloped greenfield land within Eastcote Village Conservation Area. It is situated on a corner plot bounded by Fore Street to the west, Eastcote High Road to the south-east, the River Pinn to the north and a public green space known as 'Pretty Corner' to the south. Pretty Corner has existed as a green space since 1936 and is bounded by castellated hedge creating an attractive pleasant gateway into the conservation area. Historically it has once been a pond. The existing verdant, undeveloped nature of the site contributes to the suburban aesthetic of the street scene and gateway into the conservation area. This is reinforced within the Eastcote Village Conservation Area leaflet (2010), 'the character of the area is that of a high quality suburb dominated by open spaces, extensive natural landscaping and trees'. The open spaces contribute positively to the character of the conservation area. Whilst the leaflet refers generally to a suburban character of the area, in isolation the Eastcote Village Conservation Area has a semi-rural aesthetic. The conservation area is predominantly characterised by traditional, early buildings (many of which are listed) and open spaces, many of which formerly belonged to large historic estates. The built heritage assets alongside the surrounding open space act as a reminder of Eastcote's once rural past.

Throughout history this site has remained undeveloped and forms part of the old village of Eastcote. Whilst the surrounding area is predominantly characterised by suburban residential properties it is important the village-like character is appropriately preserved, as this defines the difference between the old Eastcote Village and Metroland to the east and south-east.

Land between the High Road and river is sparsely developed. Between Fore Street and Field End Road the river side of the High Road only includes 4 dwellings. All properties are low-rise built forms, with 1 bungalow and 3 cottage-style dwellings. All are located directly north-east of the petrol station. The southern aspect of Eastcote High Road is dominated by two storey dwellings and more densely developed which reflects the suburban character of Eastcote.

The listed buildings along the High Road and open green spaces positively contribute to the significance and setting of the conservation area. Directly to the south-east of the site are the Grade II Listed, Flag Cottage and New Cottages.

Flag Cottage is stated to be an 18th Century cottage with later alterations. It is characterised by its painted rendered exterior, gabled slate roof and neo-Georgian front door framed with a modillion cornice and pediment. The front elevation includes sash windows with painted shutters.

New Cottages dates from 1879 and is defined by its 'Elizabethan' appearance. It is red brick at ground floor leading to a jettied first floor with half-timber detailing and decorative plaster infill up to the eaves of the projecting gable ends. There are canted bays at ground floor and oriel windows at

first floor which include 'Ipswich-style' multi-paned windows.

The surrounding early 20th century developments in the area have been influenced by the design and appearance of the Listed Buildings, highlighting the Arts and Crafts style, which include features such as mock timber frame detailing, Ipswich style windows, use of traditional construction materials such as the red brick, plain clay tiles and part rendered external finishes as well as many more features. These can predominantly be found outside the conservation area boundary and within the neighbouring conservation area, Eastcote Park Estate.

In this case, the primary issue relates to preserving or enhancing the character and appearance of the Eastcote Village Conservation Area. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the harm caused.

Permission is sought to construct a single storey flat roof structure used to facilitate a nursery building. The proposed building would measure approximately 28m (w) x 16m (d) x 3.2m (h). The proposal would comprise a single storey flat roof structure with a green roof and would be in external finishes i.e. larch timber cladding walls. The proposed building would be sited approximately 17.5m from the public highway.

The proposal would establish the principle of developing sites along the river within the Eastcote Village Conservation Area. Given its siting, layout and design, the architectural detailing and materiality of the proposal development does not reflect the surrounding buildings within the locality. The proposed building would appear as an incongruous feature within this part of the Eastcote Village Conservation Area. The proposed flat roof element will introduce a building typology at odds with the established character of the conservation area and it is more suited to a town centre location with buildings of a similar height, bulk and mass. The building would create undue attention dominating the modest residential properties that define the character between Fore Street and Field End Road.

It is considered that the proposal would alter the existing open, verdant character and appearance of the site and setting which would result in harm to the Eastcote Village Conservation Area and setting of the Grade II Listed nos. 1-3 New Cottage and Flag Cottage buildings. The harm identified in this case is considered to be 'less than substantial harm' but at the upper end of the scale. In line with paragraph 208 of the NPPF, the less than substantial harm arising from the impact of the development on the Eastcote Conservation Area would need to be weighed against the public benefits arising from the scheme. The public benefits that have been put forward by the applicant include the community and educational benefits of the proposal. Noting the separate assessment on the Sequential Test and need for this development on this site, this public benefit is considered to be diminished. The public benefits are not considered to outweigh the harm identified and the development would be contrary to the NPPF, local policies and the London Plan.

The proposed erection of a nursery (childcare) building on this greenfield site adjacent to the River Pinn would alter its existing open, verdant character and appearance. The proposal is not considered to preserve or enhance the character and appearance of the conservation area. The proposed development fails to provide a suitable building and the commensurate public benefits to outweigh the identified substantial harm. The development therefore fails to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the NPPF (2023), Policy HC1 of the London Plan (2021), Policies HE1 and BE 1 of the Local Plan Part 1 (2012), and Policies DMHB 1 and DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7.3 Traffic Impact/Pedestrian Safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
- ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
- iii) provide equal access for all people, including inclusive access for disabled people;
- iv) adequately address delivery, servicing and drop-off requirements; and
- v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity. This should be viewed in conjunction with Policies T6 of the London Plan (2021).

Paragraph 115 of the NPPF (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

The site is bound by the High Road and Fore Street in Eastcote. It is also flanked by the River Pinn and an established petrol station to the north and east of the site envelope respectively. It is private in tenure and has never been legitimately accessible to the general public. The location is mainly devoid of on-street parking controls and the location exhibits a relatively poor public transport accessibility level (PTAL) rating of 1b which heightens dependency on the ownership and use of private motor transport.

It is proposed to construct a new nursery building catering for ages from 0-4 years active from 8am

to 6pm with a daily maximum of 64 children on-site and 22/3 childcare/ancillary staff members respectively. A total of 9 communal car park spaces (inclusive of 5 disabled compliant bays) together with a total of 25 cycle spaces are proposed to be accessed via a currently redundant carriageway crossing (cc) on Fore Street located opposite Armstrong Close, that would now require modification/widening.

Parking Provision

Parking provision for the proposed nursery use is considered on an individual basis. In addition to any on-plot parking, there should be provision for 'drop-off' and 'pick-up' facilities to be provided within the site envelope where possible. The acceptability of the parking proposed is considered further below in the 'Vehicle Trip Generation' Section of the report.

Electric Vehicle Charging Points

The proposal has not made any mention of providing electric vehicle charging points for the 9no. on-site parking spaces. As per Policy DMT 6, Appendix C Table 1, this development should provide 5% of car parking spaces with active charging points and 5% of spaces with passive charging infrastructure. This would equal 1 space with active charging and 1 spaces with passive infrastructure. In the event of an approval, this would be secured by planning condition.

Cycle Parking

Policy T5 of the London Plan (2021) states that 1 cycle space per 8 FTE staff plus 1 space per 8 students should be provided, which equates to 11no. for long and short stay. The development proposes 25 on-site cycle spaces for staff and students. This exceeds the policy requirement and is accepted.

Vehicular Trip Generation

A total of 9 communal car park spaces (inclusive of 5 disabled compliant bays) serving the needs of staff which would equate to, in excess, of 20. Given the aforementioned PTAL rating, it would be expected that most if not all staff would attend the location by private motor transport giving rise to some displaced parking onto the local highway. In regard to parental parking demand, there is potential for 9 cars (at capacity) or more (without adequate management of the car park area) to enter and drop-off within the site envelope at any one time. The applicant refers to a submitted indicative Travel Plan which, in the context of the site location (poor PTAL) and typical user profile of 'linked trip' patronage, would be considered relatively inconsequential in terms of a measurable move toward sustainable travel to and from the address.

Peak nursery activity periods are anticipated to occur between 8 to 9am with 45 two-way movements (26 arrivals & 19 departures) and 5pm to 6pm with 19 two-way movements (5 arrivals & 14 departures). It is logical to assume that during both periods, all attending and departing vehicles (including staff vehicles) cannot be accommodated on-site resulting in an imposition of parking demand on neighbouring Fore Street and other nearby roadways.

Parking surveys undertaken by the applicant during these periods suggest that there is some available on-street capacity to cater for potential overspill particularly on Fore Street. However, what the applicant has failed to acknowledge and address is the level of base-line traffic movement already in evidence on this particular stretch of highway to which a number of educational outlets, all positioned within 1 mile of the address, already contribute. This includes 5 nurseries with comparable periods of operation and 6 schools, all of which exhibit similar timed attendance profiles

particularly during the morning drop-off periods.

Taking into account the established trip generation associated with the the nursery and school uses, it is understood that Fore Street already experiences a heavily trafficked base-line during peak periods due substantially to the cumulative impacts of all 11 established educational outlets. The Highways Authority consider the predicted level of added activity and likely demand for on-street parking by patrons attending the proposed nursery to result in congestion to the detriment of overall traffic movement and highway safety. Without evidence to the contrary, the Highway Authority cannot support additional on-street parking load or the predicted vehicular trip imposition on the public highway.

Mitigation

The Applicant has responded to the position set out above, noting that Officers assume that arrivals and departures stay for the whole hour and therefore demand builds, however nursery pick-ups and drop offs tend not to take this long, being made up of smaller trips. It should be noted that this assumption is based on the worst case scenario, which is ultimately the concern for Officers and the Highways Authority, and there would be overspill onto the highway network in the worst case scenario.

The Applicant also notes that additional mitigation could be conditioned in the form of the Travel Plan condition, which would speed up the drop off / pick up process. Officers would consider this to place too much reliance on soft measures such as awareness raising and the dissemination of travel information. Officers do not question the Applicant's commitment to the Travel Plan but there is no guarantee that visitors to the proposal will change their travel behaviour away from the private car in response or that the Travel Plan will actually be implemented. Travel Plans frequently lack genuine incentives to motivate people to travel to the proposal site by sustainable means and there are no real penalties for visitors that drive.

It is surmised that further highway improvements works are required within the local highway network to facilitate the proposed development. Policy T4, Part C, of the London Plan (2021) states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified. The application submission includes no Active Travel Zone Assessment and proposes no financial contribution towards off-site highways improvement works to facilitate the trips generated by the proposed development.

Conclusion

The proposed development does not provide adequate on-site car parking, pick-up and drop-off facilities. The application submission fails to fully demonstrate that the proposal would not give rise to adverse impacts upon the highway network to the detriment of traffic congestion, parking stress and highway safety. As such, the proposal is contrary to Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020), and Policies T2, T4 and T5 of the London Plan (2021). This represents a conflict with planning policy sufficient to warrant a reason for refusal in accordance with paragraph 115 of the NPPF (2023).

7.4 Carparking & Layout

Please refer to Section 07.3 'Traffic Impact/Pedestrian Safety' of the report.

7.5 Urban Design, Access and Security Considerations

URBAN DESIGN

Please refer to Section 07.2 'Impact on Street Scene' of the report.

ACCESS

Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires for at least 10% of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings', with all other dwellings meeting Category M4(2) 'accessible and adaptable dwellings'.

If planning permission were to be granted, a condition would have been secured to ensure that the proposed dwelling complies with Building Regulation M4(2). Also, a condition would have been secured requiring the submission of plans to demonstrate step-free access via all points of entry and exit. Subject to such conditions, the proposed development would comply with Policies D5 and D7 of the London Plan (2021).

SECURITY

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

This is supported by Policy D11 of the London Plan (2021).

If recommended for approval, a Secured by Design condition would be attached to achieve appropriate accreditation. Subject to such a condition, the proposal would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) and Policy D11 of the London Plan (2021).

7.6 Other Issues

LAND USE

The application site comprises undeveloped greenfield open space measuring circa 0.32 hectares in area, situated on the corner junction of Fore Street and High Street, Eastcote which, adjoins a small area of public open space to the South-West. The plot is laid entirely in soft landscaping and made up shrubs and mature trees within and along the boundary of the site.

The proposed development would include a day nursery and pre-school. Whilst the Applicant proposes that these uses would fall under separate Use Classes E(f) and F1(a), it is considered that a nursery and pre-school are one and the same and as such, the proposed use would fall under Use Class E(f) only.

OPEN SPACE

Public open space in the Hillingdon Local Plan: Part 1 (2012) is defined as all open spaces of public

value, including not just land, but also areas of water such as rivers and canals which offer important opportunities for sports and recreation and can act as visual amenity. The definition also covers a broad range of types of open spaces within the borough, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

The London Plan (2021) defines open space as: "all land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted."

It appears that the applicant has not provided any information and evidence with regard to the definition of the existing space. The applicant has however referenced the existing site a private open space in paragraph 6.23 of the Planning, Design and Access Statement (Dated February 2023). It is considered that the application site should be defined as open space and as such it is considered that the policies relating to open space within the Development Plan are relevant.

Policy G4 of the London Plan (2021) outlines that the development proposal should not result in the loss of protected open space. In this regard, it is noted that the proposed development would result in the loss of a protected open space, as the site meets the definition held within the the Local Plan: Part 1 and 2 and triggers the associated protective policies.

Policy EM4 of the Hillingdon Local Plan: Part 1 (2012) states that the Council seeks to safeguard, enhance and extend the network of open spaces and informal recreation. The policy also sets out that 'there will be a presumption against any net loss of open space in the Borough'.

Policy DMCI 3 of the Hillingdon Local Plan: Part 2 (2020) states that development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

In addition to this, paragraph 7.28 of the Local Plan: Part 2 states that the Council will seek to protect open space provision in the Borough. This is especially the case for Eastcote which is identified as a ward with insufficient open space provision in the London Borough of Hillingdon Open Space Strategy 2011 - 2026.

Paragraph 103 of the NPPF (2023) also states that existing open space should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) 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
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

With respect to paragraph 103 of the NPPF (2023), it is again emphasised that Eastcote has insufficient open space provision and it is not therefore surplus to requirements. The open space lost by the proposed development would not be replaced and the small amount of nursery play space provision would not clearly outweigh the loss of the open space. The development is therefore contrary to Policy EM4 of the Hillingdon Local Plan: Part 1 (2012), Policy DMCI 3 of the Hillingdon Local Plan: Part 2 (2020), Policy G4 of the London Plan (2021) and paragraph 103 of the NPPF (2023).

PROPOSED NURSERY AND PRE-SCHOOL USE

Policy DMCI 1 of the Hillingdon Local Plan: Part 2 (2020) states that proposals involving the loss of an existing community facility will be permitted if:

A) the specific use is no longer required on-site. In such circumstances, the applicant must provide evidence demonstrating that:

- i) the proposal would not lead to a shortfall in provision for the specific use within the local catchment area;
- ii) there is either no demand for another suitable social infrastructure use on-site, or that the site/premises is no longer appropriate for social infrastructure uses; and
- iii) any replacement/relocated facilities for the specific use provides a level of accessibility and standard of provision at least equal to that of the existing facility.

B) the activities carried out are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents; and

C) the redevelopment of the site would secure an over-riding public benefit.

Policy DMCI 2 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Proposals for the refurbishment and re-use of existing premises for community facilities will be supported.

B) Proposals for the provision of new community facilities will be supported where they:

- i) are located within the community or catchment that they are intended to serve;
- ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards that meet the needs of intended occupants;
- iii) are sited to maximise shared use of the facility, particularly for recreational and community uses; and
- iv) make provision for community access to the facilities provided.

C) New cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres.

The Council recognises the value and importance of suitable day care facilities for pre-school children. It is acknowledged that there is a general need within the borough for such uses. It is, however, noted that there are a number of nurseries operating within the locality, including the following within the immediate area alone:

- 4 Street Nursery, HA5 2HX
- Honey Bears Montessori, HA5 2QU
- Haydon Hall Montessori, HA5 2EG
- Rise Montessori Nursery, HA5 2SH

Whilst the proposed use would be accessible to residents generally, the need in this locality is questioned and addressed in the Flood Risk and Sequential Test section of the report below.

FLOOD RISK AND SEQUENTIAL TEST

The application site is located within Flood Zones 2 and 3. In addition, the application site is also liable for surface water flooding (High, Medium and Low risk). The site is also located within the Environment Agency's 20 metre bank top protection area. The site therefore has a mixture of a high and medium risk of flooding. In line with Annex 3 of the NPPF (2023), development proposals for nurseries are classified as a 'more vulnerable use'.

Paragraph 165 of the NPPF (2023) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether

existing or future). The paragraph also outlines that where development is necessary in areas liable for flooding, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 168 of the NPPF (2023) states development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that 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.

Policy EM6 of the Local Plan: Part 1 (2012) states that the Council will require new development to be directed away from Flood Zones 2 and 3. Furthermore, Policy DME1 9 of the Hillingdon Local Plan: Part 2 (2020) outlines that development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk.

It is agreed by the Applicant that the proposal would be required to pass the sequential test and the subsequent exceptions test. In discussions with the Applicant, Officers highlighted that there is no known need for this type of development in this location and that, due to the likely existence of alternative options/sites for delivering an uplift in early childcare provision, it is unlikely that one could demonstrate that the proposal could not be provided on a reasonably available site at lower risk of flooding.

As part of the application process, Officers have consulted the Council's Planning Policy Officer. It is concluded that the sequential test has not been applied to an acceptable standard and has been overly restrictive with regard to the criteria applied. It is considered that the application fails to adequately address the sequential test for flooding and the local need due to a number of issues:

1. Criterion 6 is overly restrictive and is considered to be arbitrarily limit the number of sites explored under the sequential test.
2. Criteria 8 and 9 fail to fully explore a number of sites further and fails to consider and compare flood risk from different sources, by virtue of excluding sites of for example a high risk of surface water flooding but located within flood zone 1.
3. The evidence provided to demonstrate there is a local need if taken at face value would mean that the application would only meet 0.3% of the local need. However, Officers questions the methodology to assess the local need and feasibility, both in terms of how assumptions have been made and as to if this site would meet need derived from some of the stated areas.
4. The applicant has not considered other appropriate alternatives such as vacancies within existing nurseries, operational and physical expansions to existing nurseries and utilising existing vacant Class E buildings.
5. The submitted feasibility report, if taken at face value, raises the issue of why other sites in other boroughs have not been explored in line with the findings of the feasibility study.
6. No clear and convincing evidence has been submitted by the applicant to demonstrate that there is a local need for the proposed development or that there are no other suitable sites available.

Overall, it is considered that the applicant has not sufficiently applied the sequential test. The Council maintains the position that if the sequential test would have been applied to an adequate or exceptional standard that the development is unlikely to have passed. Furthermore, it is considered unlikely that the site would be able to pass the exception test, in the unlikely event a sequential test is passed.

The Environmental Agency have been consulted and they have stated that the application demonstrates that there will be a minimum of an 8-metre buffer zone between the top of the riverbank and the edge of the building. They have confirmed that they raise no objection but emphasise that this does not remove the need to apply the sequential test and consider whether it has been satisfied. As per the above assessment, it is not considered that the application passes the sequential test.

The development is considered to be contrary to the requirements of paragraphs 165 and 168 of the NPPF (2023), Policy SI 12 of the London Plan (2021), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMEI 9 of the Hillingdon Local Plan: Part 2 (2020).

DRAINAGE

Policy SI 13 of the London Plan (2021) requires that development proposals utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMEI 10 of the Hillingdon Local Plan: Part 2 (2020).

Putting aside the concerns with respect to the sequential test and flood risk, a drainage assessment has been submitted as part of the proposals. In the event that the application is approved, the final detail of the drainage strategy would be secured by planning condition to ensure compliance with Policy SI 12 of the London Plan (2021), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMEI 10 of the Hillingdon Local Plan: Part 2 (2020).

ARCHAEOLOGY

Policy DMHB 7 of the Hillingdon Local Plan: Part 2 (2020) states that the Council, as advised by the Greater London Archaeological Advisory Service (GLAAS), will ensure that sites of archaeological interest within or, where appropriate, outside, designated areas are not disturbed. If that cannot be avoided, satisfactory measures must be taken to mitigate the impacts of the proposals through archaeological fieldwork to investigate and record remains in advance of development works. This should include proposals for the recording, archiving and reporting of any archaeological finds.

The application site is located within the Eastcote Village Archaeological Priority Area and the Greater London Archaeological Advisory Service (GLAAS) have been consulted. GLAAS have confirmed that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and that no further assessment or conditions are necessary. The development is therefore considered to accord with Policy DMHB 7 of the Hillingdon Local Plan: Part 2 (2020).

TREES AND LANDSCAPING

Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) also require that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should enhance amenity, biodiversity and green infrastructure. 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.

The application site adjoins the Blue Ribbon Network and is subject to Policy DME1 6 of the Hillingdon Local Plan: Part 2 (2020) which requires that such developments incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries.

Currently there are a number of mature trees along the frontage with Fore Street, the entrance to the site appears to be in line with an existing dropped kerb which will minimise the requirement for level changes here.

The trees surrounding the application site are subject to Tree Preservation Orders (TPO's). An Arboricultural Report has been submitted as part of this planning application. There were 41 individual trees and 6 tree groups surveyed on-site or immediately adjacent to the site boundary. There are currently some trees of modest to high value on site, most of which are B and C category trees. A total of 17 no. trees are protected by the TPO and the remainder are protected by the Eastcote Village Conservation Area designation.

The proposal involves the removal of 10 'category U' trees, construction of a pedestrian foot path and new bus stop within the root protection areas (RPAs) of retained trees T13 & T9. Specifically, tree T13 is a category A value tree and tree T9 is a category B value tree. Both trees are protected by a TPO and Conservation Area designation.

The application and supplementary reports have been reviewed by the Councils Trees and Landscaping Officer who has raised concerns with the impact the proposed development will have on the trees surrounding the site. More specifically, concerns are raised with regards to the proposed location of the play area, bus stop and corresponding footpath into the site and their proximity to trees T13 and T9 which would be within the RPAs.

The Arboricultural Impact Assessment (Dated 17th January 2023) states that where encroachment into theoretical RPA is unavoidable temporary ground protection measures will be used which can utilise 3D 'Reduced-Dig' cellular confinement sub-base systems. However, neither the play area or bus stop needs to result in any potential harm to trees T9 and T13. It is considered that encroachment into the RPAs is avoidable and unnecessary.

Even if sufficient information could be provided to demonstrate that the trees could be protected, given the very close proximity between the tree canopy and the development, it is likely that the Council would face pressure from the development to prune the trees. It is possible that the more regular pruning of such trees could result in their premature loss.

Further, it appears that the Landscape Masterplan shows the understorey of planting along High Road will be replaced with a hedge with the addition of a bow-top railing. The informality of the existing tree understorey belt is an important green feature that is a characteristic of the Conservation Area. Replacing this green feature with formal hedgerow and railing is likely to impact the existing trees as it will require digging and railing footings within the RPAs. Again, such encroachment is avoidable and unnecessary.

The application has failed to justify the need for the layout of development which could result in harm to protected trees, including but not limited to trees T13 and T9 which are category A and B value trees. The application also fails to demonstrate that these trees would be protected and retained in the long term. Accordingly, the development could result in adverse and irreversible impacts to landscaping, trees, biodiversity or other natural features of merit, detrimental to the visual amenities of the area and Eastcote Village Conservation Area, contrary to Policy G7 of the London Plan (2021), and Policies DMHB 4, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020).

IMPACT ON PROTECTED SPECIES:

The Environment Act 2021 has established that all planning permissions granted in England have to deliver at least 10% BNG from January 2024. As this application was submitted in 2023, these requirements do not strictly apply to this application.

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (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 itself is not designated as site with ecological value but the River Pinn which runs to the north is designated as a local Nature Conservation Site of Grade I importance.

The application site is predominantly comprised by an extensive area of bare ground, scattered scrub and tall ruderal with scattered trees bound by defunct hedgerows and tree lines. Two ditches were also noted, one adjacent to the central section of the southern boundary and the other parallel to the eastern boundary.

A detailed landscaping scheme is submitted as part of this application which includes 350sqm of play space with quality timber equipment. Play surfacing will be a rubber matting through which the grass can grow. There is a 'woodland walk' accessed through the children's play area with a meandering woodchip that leads to a 'storytelling circle' with mushroom shaped stools. The flora is enhanced with shade tolerant perennials, wildflower seed and drifts of springtime bulbs, such as aconite, snowdrops and wood anemone.

A Biodiversity Net Gain Assessment has been submitted as part of this application. This states that the majority of habitats with higher ecological value will be retained within the site, including the tree line in the north and hedgerow in the south. As per the observations made within the 'Trees and Landscaping' Section of this report, there is doubt over the retention of high value protected trees within this site.

In the event of an approval, the final detail of a robust ecological enhancement and management scheme would be secured by planning condition. Subject to such planning conditions, the development would accord with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

An informative would also be added advising that should protected species be found at the site, the applicant(s) must fulfil their duties under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

SUSTAINABLE WASTE MANAGEMENT

Policy SI 7 and Policy 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.

In addition, Policy EM11 of the Hillingdon Local Plan: Part 1 (2012) states that the council will aim to reduce the amount of waste produced in the borough. To achieve this, the council will require all new developments to address waste management at all stages of a development's life from design and construction through to the end use and activity on site.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) also states that:

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

A bin storage area is proposed on the western boundary of the site, within the proposed car park. As per the above policy, this storage area should ideally be internalised. However, in this case, external storage is proposed and would be partially screened by tree and hedge planting. The storage area would be accessible for servicing and delivery purposes. The proposed arrangements are considered acceptable in principle and the final details would be secured through an appropriately worded planning condition.

ENERGY EFFICIENCY/SUSTAINABLE CONSTRUCTION :

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.

The Design and Access Statement notes that the site would be clean - utilise a clean energy supply supplemented by heat pumps to reduce emissions generated from heating and hot water and utilise A rated appliances to reduce energy requirements; Be lean- Construct to high thermal performance standards with u-values exceeding minimum Building Regulation Targets as required; and be green- Air source heat pumps will likely be selected as a renewable energy source. It is envisaged that due to the heritage site restrictions, the best means of renewable energy provision would be the Mitisubishi ultra quiet ecodan air source heat pump.

If this application had been recommended for approval, a condition would have been secured requiring the proposed dwelling to achieve an energy efficiency standard of 10% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Also, a condition would have been secured requiring the proposed dwelling to achieve as a minimum, a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the option requirement defined within Approved Document G of the Building Regulations).

Subject to the above conditions, the proposal would be compliant with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

AIR QUALITY

Paragraph 192 of the National Planning Policy Framework (2023) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan. Policy SI 1 of the London Plan (2021) further supports this.

Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors.

Policy DMEI 1 of the Hillingdon Local Plan: Part 2 (2020) states that all development proposals are required to comply with the following:

- i) All major development should incorporate living roofs and/or walls into the development. Suitable justification should be provided where living walls and roofs cannot be provided; and
- ii) Major development in Air Quality Management Areas must provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (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.

The site is located within the declared Eastcote Village Air Quality Focus Area. Accordingly, the air quality concerns are two-fold:

- The impact of pollution on the newly introduced receptors;
- The impact of any associated traffic on the surrounding road network and existing receptors.

Paragraph 9.1.17 of the London Plan (2021) defined Air Quality Focus Areas as locations that not only exceed the EU annual mean limit value for nitrogen dioxide (NO₂) but are also locations with high human exposure. AQFAs are not the only areas with poor air quality but they have been defined to identify areas where currently planned national, regional and local measures to reduce air pollution may not fully resolve poor air quality issues. Measures to improve local air quality are therefore required.

An Air quality Assessment has been submitted as part of this planning application, the report concludes that all predicted NO₂ and PM₁₀ concentrations at the modelled receptor locations and existing receptor locations fall below the Air Quality Objective and the changes predicted due to the

increase in annual average daily traffic due to the development once operational are negligible.

However, the Council's Air Quality Officer has assessed the proposal and concluded that the development would contribute to the production of unacceptable pollutant emissions in the Eastcote Village Air Quality Focus Area. Calculations undertaken by the Air Quality Officer indicate that the development is not air quality neutral or air quality positive and the measures proposed are not sufficient to mitigate the total emissions.

The damage cost is calculated to equal £190,436. In the event of an approval, air quality mitigation measures such as travel plan could be secured by a Section 106 legal agreement. It is also noted that a green roof is proposed and would comprise a form of air quality mitigation. The financial contribution could therefore be discounted.

However, the application submission concludes that the air quality impact of the proposal would be negligible, contrary to the conclusions of the Council's Air Quality Officer. The implementation of additional mitigation measures and payment of this financial contribution has not been agreed in order to support the implementation of air quality mitigation measures within the Air Quality Focus Area. As such, this represents a conflict with Policy DME1 14 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy SI 1 of the London Plan (2021).

In the event of an approval, a condition would be secured requiring the submission of a Low Emission Strategy and Construction Management Plan to minimise air and other emissions caused during both the operation and construction phase.

NOISE

Policy D13 of the London Plan (2021) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

Policy D14 of the London Plan (2021) states that 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
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

This is supported by Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

It is noted that a Noise Impact Report has not been submitted in support of the application.

The noise environment at the application site is characterised by localised road traffic as the site is bounded between Fore Street and Field End Road. The existing site is vacant and is primarily screened from the road.

The proposed development would have an impact on the local noise environment and would intensify its use. Any such noise would be confined to the social hours of the day, between 8am and 6pm, and as such, any noise impacts are not considered to be adverse to a significant extent.

In the event of an approval, planning conditions would be secured to ensure that appropriate noise mitigation measures are implemented, in accordance with the requirements of Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

CONTAMINATED LAND

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states:

- 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 Council's Geographical Information System identifies that the northern section of the site is subject to potential contamination. In the event of an approval, a planning condition would require that further investigations are carried out and that a remediation scheme is proposed and implemented if necessary. Subject to such a condition, the proposal is not considered contrary to Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

PLANNING OBLIGATIONS

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (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 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 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.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

i) Air Quality Contribution: A financial contribution amounting to £190,436 shall be paid to address the air quality impacts of the proposed development.

ii) Travel Plan: A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include such matters as: targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the Travel Plan; and a commitment to delivering the Travel Plan objectives.

iii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions secured from the scheme to enable the management and monitoring of the resulting agreement, is sought.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 100m² or more will be liable for the Mayoral Community Infrastructure Levy (Mayoral CIL), as legislated by the Community Infrastructure Levy Regulations 2010 and The Community Infrastructure Levy (Amendment) Regulations 2011. The liability payable will be equal to £60 per square metre (from April 2019). The London Borough of Hillingdon is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

In addition the development represents Chargeable Development under the Hillingdon Community Infrastructure Levy, which came into effect on 1st August 2014.

The liability payable is as follows (subject to indexation):

Mayoral CIL: £29,302.36

Hillingdon CIL: £0

Total: £29,302.36

CONCLUSION

This application seeks permission for the erection of a building for the use as a day nursery/pre-school, providing childcare and education for children age 0-4 years. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It is not considered that there are any material considerations to depart from development plan policy. For the reasons outlined within the main body of the report, this application is recommended for refusal.

8. Reference Documents

National Planning Policy Framework (December 2023)

The London Plan (March 2021)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (September 2017)

Circular 06/05: Biodiversity and Geological Conservation- Statutory Obligations and Their Impact Within The Planning System

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