



Mrs Nicola Wallace
C/O Peter Pendleton & Associat
10 Consort House,
Queensway
London
W2 3RX

Application Ref: 73450/APP/2023/431

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:

Description of development:

Erection of a building for the use as a day nursery/pre-school, providing childcare and education for children age 0-4 years

Location of development: Land At Corner Of Fore Street & High Road Eastcote

Date of application: 15th February 2023

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

R Schin

Head of Development Management and Building Control

Date: 15th February 2024

- NOTES:
- (i) Please also see the informatives included in the Schedule of Reasons.
 - (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 73450/APP/2023/431

SCHEDULE OF REASONS

- 1 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 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 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 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 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 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 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 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 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 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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.

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 Policies

- | | |
|--------|---|
| 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

END OF SCHEDULE

Address:

Development Management
 Directorate of Place
 Hillingdon Council
 3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref: 73450/APP/2023/431

SCHEDULE OF PLANS

EAS-PR-02B - received 12 Sep 2023

PR-EAS-01B - received 12 Sep 2023

77698R6 Flood Risk Assessment - received 01 Nov 2023

77698.05 R1 Floodplain Storage Analysis - received 15 Feb 2023

FRA Arboricultural Assessment Letter - received 15 Feb 2023

Response to Highways Comments - received 15 Feb 2023

Transport Statement (Dated January 2023) - received 15 Feb 2023

77698.01R3 Sustainable Drainage Assessment (Dated 18th January 2023) - received 15 Feb 2023

Nursery Feasibility Report - received 15 Feb 2023

Heritage Statement V4 (Dated 10th February 2023) - received 15 Feb 2023

Ecological Appraisal V6 (Dated February 2023) - received 15 Feb 2023

Biodiversity Net Gain Report V2 (Dated February 2023) - received 15 Feb 2023

PRO-081383 Air Quality Impact Assessment (Dated February 2023) - received 15 Feb 2023

EAS-062v3 Arboricultural Impact Assessment (Dated 17th January 2023) - received 15 Feb 2023

Sequential Test (Dated 14th November 2023) - received 15 Feb 2023

22-1201 Rev. A - received 12 Sep 2023

Planning, Design and Access Statement (Dated February 2023) - received 15 Feb 2023

EX-EAS-01 - received 15 Feb 2023

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424) Appeal forms can be downloaded from the Planning Inspectorate website at www.Planning-inspectorate.gov.uk

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power inless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.