

# **HAREFIELD ACADEMY SITE (MEADOW HIGH) PLANNING STATEMENT**

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## 1.0 Introduction

### The Applicant

- 1.1 The applicant for the proposed development is the London Borough of Hillingdon ('LBH'). LBH are the landowners of the site and are responsible for the proposed new school building serving Meadow High School at the site of The Harefield Academy.

### Structure

- 1.2 This Statement provides the following information:
- Section 2 – background to the scheme and applicant
  - Section 3 – overview of the site and its surroundings
  - Section 4 – overview of the proposed development and the key design principles
  - Section 5 – overview of the relevant Development Plan policies and material planning considerations
  - Section 6 – a comprehensive planning assessment on the principle of development and all relevant design and technical matters
  - Section 7 – conclusion including a summary of the planning benefits

### Scope of Submission

- 1.3 This planning application is supported by a suite of technical and design documents in line with the Council's validation requirements. The following documents/drawings should be read in conjunction with this Statement:

DRAWING	REFERENCE	AUTHOR
Proposed Ground Floor Plan	TVC0024 NOV V1 00 DR A PL12	Noviun
Proposed First Floor Plan	TVC0024 NOV V1 01 DR A PL13	
Proposed Elevations Sheet 1 of 2	TVC0024 NOV V1 XX DR A PL15	
Proposed Elevations Sheet 2 of 2	TVC0024 NOV V1 XX DR A PL16	
Location Plan	TVC0024 NOV V2 00 DR A PL01	

Demolition Plan	TVC0024 NOV V2 00 DR A PL03	
Block Plan	TVC0024 NOV V2 00 DR A PL02	
Proposed Roof Plan	TVC0024 NOV V1 02 DR A PL14	
Proposed Sections	VC0024 NOV V1 XX DR A PL17	
Site Sections	TVC0024 NOV V1 XX DR A PL18	
Existing Ground Floor Plan	TVC0024 NOV V3 00 DR A PL04	
Existing First Floor Plan	TVC0024 NOV V3 01 DR A PL05	
Existing Second Floor Plan	TVC0024 NOV V3 02 DR A PL06	
Existing Roof Floor Plan	TVC0024 NOV V3 03 DR A PL07	
Existing Elevations (north and south)	TVC0024 NOV V3 XX DR A PL08	
Existing Elevations (west and east)	TVC0024 NOV V3 XX DR A PL09	
Existing Hidden Elevations	TVC0024 NOV V3 XX DR A PL10	
Existing Sections	TVC0024 NOV V3 00 DR A PL11	

- Covering Letter (Bidwells)
- Whole Life Carbon Assessment
- Circular Economy Statement
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Noise Assessment
- Outline Demolition and Construction Method Statement + Construction vehicle drawings
- Energy Statement
- Net Zero Statement
- Arboricultural Impact Assessment
- Air Quality Assessment (Hydrock)
- Contaminated land survey (Hydrock)

- Daylighting report
- Design and Access statement (Noviun)
- Fire strategy
- Landscape Drawings
- Plant and ventilation extraction statement
- Preliminary ecological appraisal
- Transport statement
- Travel Plan
- External Lighting layout

## 2.0 Background

### Harefield Academy

- 2.1 The Harefield Academy is a secondary school and sixth form in the village of Harefield in the north of the Borough and is located on the site of the former John Penrose School ('JPS'). The Academy opened in 2005 following the closure of JPS earlier that year
- 2.2 To the south-east of the main Academy school building is a former boarding block (Figure 2.1) with capacity for fifty bedspaces and integrated staff accommodation on three-storeys around a central internal atrium. The boarding block opened in 2011, however in 2019 Harefield Academy stated its wish to cease provision of the state boarding facility, effective from 31st July 2020. As such, since this time the boarding block has been unused. The school is understood to be operating significantly under capacity as of August 2023.

### Meadow High School

- 2.3 Meadow High School ('MHS') is a local authority-maintained community special school in Uxbridge. The school has a designation of Complex and Moderate Learning Difficulties (including Autistic Spectrum Conditions).
- 2.4 The school currently serves 257 pupils in school years 7-14 (pupil ages 11-19). Since opening, the pupil roll has continued to grow and has reached full capacity. It is in this context that this application has been prepared as Meadow High School are seeking in the long term to provide enhanced facilities to accommodate a growing demand in pupil places, which cannot be met by the existing school.
- 2.5 Pupils are supported as individuals to achieve their aspirations and potential to ensure a successful transition from their time at Meadow High School. The following are some of the typical expected outcomes after Pathway 1:
- Supported living with limited independence skills.

- Able to form and continue relationships as well as access the community safely with support.
- Full support is expected with regards to money and literacy.

2.6 Following Pathway 1, the expected destination for Pathway 1 pupils is specialist 19-25 provision.

## Community Engagement

### Public Consultation

- 2.7 The applicant has also engaged with the local community through a consultation brochure sent to residential addresses proximate to the site. Further to this, a public presentation was held at Harefield Library on 5<sup>th</sup> September 2023. A copy of the exhibition boards presented at the event can be viewed at Appendix 1.
- 2.8 Approximately 10 neighbours and prospective parents of students attended the site. The new school site was mostly supported. Some neighbours were keen to understand the detail of the access on to Northwood Road. The feedback can be summarised as positive; where concerns were raised these related to the existing speed of vehicles on Northwood Road.

## 3.0 Site Context

### Application site

- 3.1 The site location, with a site area of approximately 1.3 hectares, is shown in Figure 2.2 and comprises the south side of the Harefield Academy site. This lies on the edge of the developed area of Harefield, a village within the London Borough of Hillingdon and is located in the Green Belt. The Harefield Academy consists of the main school building, an unused boarding block, car park, service road, sports courts and gymnasiums, an indoor football pitch and outdoor sports provision extending out to the north-west of The Academy.
- 3.2 Immediately south-east of the site are residential properties along the frontage of Northwood Road and to the south-west beyond the school site are residential properties along Newdigate Road and Northwood Way. There are small areas of built development to the north of the site within the Green Belt, including a residential property immediately north-east of The Harefield Academy site.
- 3.3 The site is centred upon an unused building previously used as a boarding site for students of The Academy. The building comprises residential accommodation (principally a series of bedrooms and kitchens) arranged over three-storeys around a central atrium. The boarding block occupies a built footprint of 1,914m<sup>2</sup> with an internal area of 2,264m<sup>2</sup> and backs onto the main school building of Harefield Academy. In addition, there is a walled courtyard in the area between the boarding block and main school building with some landscaped features.



Figure 3.1 – site location

### Site Conditions

#### *Green Belt*

- 3.4 In terms of relevant planning designations of The Harefield Academy site, it is recognised that the adopted Local Plan Part 2 Policies Map displays the entire site as designated Green Belt land. Although the site is classified as Green Belt land, the application site meets the definition of previously developed land as it is not considered to contribute significantly to Green Belt purposes. There are no other designations known to affect the application site.

#### *Heritage*

- 3.5 Harefield Village Conservation Area is approximately 266 metres to the west of the site. Given the distance from the site and scale of the proposed development, it is considered there would be no harm to the significance of the designated heritage asset. As such heritage impacts have been scoped out of assessment.

#### *Landscape Character*

- 3.6 The site is not within a defined landscape character area. The site's perimeter is well landscaped, with mature oak trees and vegetation screening the site to the north in addition to a line of vegetation cover along the Northwood Road frontage to the east.

#### *Flood Risk*

- 3.7 The entire application site is located in Flood Zone 1 and is at low risk of flooding (as shown on the Environment Agency's Flood Map for Planning).

## Site Planning History

- 3.8 Table 1 below provides a summary of the most relevant planning history for the Site as identified through a review of the Council's online planning application records.

*Table 1 – Site Planning History*

LPA REFERENCE	DESCRIPTION	DECISION	DATE
<b>17709/APP/2022/1387</b>	Change of use of former residential school (Use Class C2) to education facility (Use Class F.1), two storey extension to provide additional teaching space, construction of a Multi-Use Games Area, revised vehicular access, landscaping, car and cycle parking, and associated work	Approved	26-07-2022
<b>17709/APP/2004/1914</b>	Redevelopment of school, involving erection of new buildings and demolition of existing buildings to provide a new academy school for 1000 students. Provision of associated sports facilities, hard and soft play areas, ancillary creche, new access, replacement parking and landscaping	Approved	05-07-2005
<b>17709/APP/2006/82 5</b>	Redevelopment of school, involving erection of new buildings and demolition of existing buildings to provide a new academy school for 1000 students. Provision of associated sports facilities, hard and soft play areas, ancillary creche, new access, replacement parking and landscaping	Approved	16-06-2006
<b>17709/APP/2009/62 4</b>	Erection of a three-storey building to provide accommodation for 50 boarders and 4 staff with ancillary amenity space, landscaping, car parking and biomass boiler enclosure	Approved	18 September 2009

## Former Extension Scheme



- 3.9 Permission was granted in 2022 for an extension to the former boarding block (reference 17709/APP/2022/1387). This scheme is not likely to come forward due to issues with the existing building.
- 3.10 The existing building is no longer proposed to be retained as it does not meet relevant space guidelines for SEND schooling and cannot be adapted to meet standards without significant structural changes. This provides an opportunity to provide a high quality new academic building which will occupy the approximate footprint of the existing building and approved extension and deliver the necessary space guidelines to meet the needs of its intended SEND users.



*Figure 3.2 – Aerial CGI View of Approved Extension Scheme from the West (Reference 1779/APP/2022/1387)*

## 4.0 Proposed Development

4.1 The proposed development is for the:

Demolition of former residential school and erection of academic building (Use Class F1) and ancillary structures including heat pump and substation enclosures, construction of a multi-use games area, revised vehicular access, landscaping, car and cycle parking and associated works.

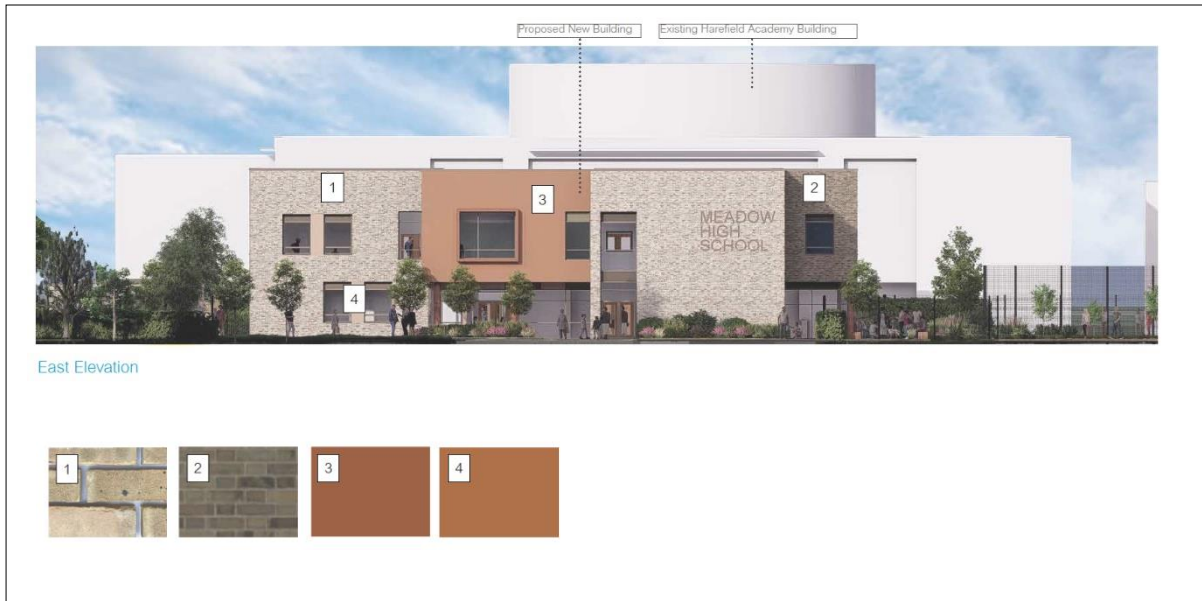
### Design: Layout, Scale and Appearance

4.2 The proposed design of the new school building is aimed to create a welcoming and open entrance area, suitable for use during school hours, as well as a calming atmosphere with views out to nature provided by a central courtyard. The design was developed to enhance the student and staff experience, while rationalising the form of the building to deliver a building that responded efficiently to the site, the requirements of net carbon zero in operation (NCZIO) and its location in the Green Belt.



Figure 4.1 – CGI of Proposed New Building

4.3 The final exterior design features two colours of cladding in a light and darker warm brown. The lighter colour will add interest between windows, and the darker colour will be applied to highlight the main entrance for easy wayfinding. The warmer tone of this design creates a welcoming feel and will work well within the context of the school. The main material of the exterior will be two contrasting brick colours with the lighter one matching the brick used for the existing Meadow High School.



*Figure 4.2 – New Academic Building Materials Palette*

## Landscape and External Areas

### External Courtyard

- 4.4 The building has been designed around the focal point of the courtyard with general teaching spaces, the library, and staff areas all located around. The courtyard can encourage social interaction and communication among students. It provides a shared space where they can connect over shared sensory experiences, fostering a sense of community.



*Figure 4.3 – External Courtyard CGI*

## Sensory Planting

- 4.5 The use of planting can add to creating a sensory experience for pupils and is especially beneficial for those with Special Educational Needs.
- 4.6 The soft landscape palette has been developed to add a strong, well-vegetated character to the site and will form a rich vegetative backdrop to the proposed development. Species have been chosen from an appropriate palette to match the anticipated microclimate, clearly define spaces, soften the appearance of the development, help create variation in character, enhance ecological diversity, and provide visual interest and colour throughout the seasons, whilst taking consideration of pupil safety.



*Figure 4.4 – Sensory Planting Watercolour*

## Access

- 4.7 The primary access to the site will be via the existing access road to the main school off Northwood Way, with a secondary access off Northwood Road (as approved under ref: 17709/APP/2022/1387). Overall, there will be no changes to vehicular movements from the currently approved arrangements.



## 5.0 Development Plan and Material Considerations

### Development Plan

- 5.1 The adopted Development Plan comprises the Hillingdon Local Plan Part 1 ('LLP1'), the Hillingdon Local Plan Part 2 (LLP2) and the London Plan (adopted 2021). The following Local Plan policies are relevant to the assessment of the proposed development and will be discussed in Section 6.

#### Hillingdon Local Plan Part 1:

- NPPF1 (presumption in favour of sustainable development)
- BE1 (Built environment)
- EM1 (Climate change adaptation and mitigation)
- EM2 (Green Belt, Metropolitan Open Land and Green Chains)
- EM5 (Sport and Leisure)
- EM6 (Flood Risk Management)
- EM7 (Biodiversity and Geological Conservation)
- EM8 (Land, Water, Air and Noise)
- EM11 (Sustainable Waste Management)
- T1 (Accessible Local Destinations)
- CI1 (Community Infrastructure Provision)
- CI2 (Leisure and Recreation)

#### Hillingdon Local Plan Part 2:

- DMHB 11 (Design of New Development)
- DMHB 12 (Streets and Public Realm)
- DMHB 14 (Trees and Landscaping)
- DMHB 15 (Planning for Safer Places)
- DMHB 19 (Play Space)
- DMCI 1 (Removal of Existing Community Facilities)
- DMCI A (Development of New Education Floorspace)
- DMEI 4 (Development in the Green Belt or on Metropolitan Open Land)
- DMEI 7 (Biodiversity Protection and Enhancement)
- DMEI 9 (Management of Flood Risk)
- DMCI 5 (Children's Play Areas)
- DMCI 7 (Planning Obligations and Community Infrastructure Levy)
- DMT 1 (Managing Transport Impacts)
- DMT 2 (Highways Impacts)
- DMT 5 (Pedestrians and Cyclists)
- DMT 6 (Vehicle Parking)

#### 2021 London Plan:

- D2 (Infrastructure Requirements for Sustainable Densities)
- D3 (Optimising Site Capacity through the Design-led Approach)
- D4 (Delivering Good Design)
- D5 (Inclusive Design)

- D8 (Public Realm)
- D11 (Safety, Security and Resilience to Emergency)
- D12 (Fire Safety)
- D13 (Agent of Change)
- D14 (Noise)
- S1 (Developing London's Social Infrastructure)
- S3 (Education and Childcare Facilities)
- S4 (Play and Informal Recreation)
- S5 (Sports and Recreation Facilities)
- G2 (London's Green Belt)
- G5 (Urban Greening)
- G6 (Biodiversity and Access to Nature)
- G7 (Trees and Woodlands)
- SI1 (Improving Air Quality)
- SI2 (Minimising Greenhouse Gas Emissions)
- SI5 (Water Infrastructure)
- SI6 (Digital Connectivity Infrastructure)
- SI7 (Reducing Waste and Supporting the Circular Economy)
- SI3 (Sustainable Drainage)
- T1 (Strategic Approach to Transport)
- T4 (Assessing and Mitigating Transport Impacts)
- T5 (Cycling)
- T6 (Car Parking)

#### **Supplementary Planning Documents (SPDs)**

- Planning Obligations SPD

#### **National Planning Policy Framework (NPPF)**

- 5.2 The NPPF is a key material planning consideration. It is underpinned by a presumption in favour of sustainable development.

## 6.0 Planning Assessment

### Principle of Development

- 6.1 The site comprises previously developed land on the edge of the settlement boundary within the metropolitan Green Belt. The key matters related to the principle of development include:
- Development of new educational floorspace
  - The need for additional SEND school provision
  - Appropriateness of redevelopment in the Green Belt
  - Demolition of the existing and construction of a replacement building
- 6.2 Each of these matters is discussed in turn below.

#### Development of New Educational Floorspace

- 6.3 Policy C11 of the Local Plan establishes the principle of extending the boarding building to improve the capacity of school sites. It is important to note that the supporting text to C11 specifically states that the development of new schools and school expansions on Green Belt land may be necessary due to the limited capacity of existing school sites (see paragraph 9.49). Finding new sites for schools and school expansions is considered challenging in London, and particularly so in outer London borough's such as Hillingdon where evidence indicates many schools are at or near full capacity.
- 6.4 The principle of delivering new education floorspace is also supported by Strategic Objective 6, which links to the delivery of policy C11. This provides support to proposals that promote social inclusion through equality of access to educational facilities, with specific recognition to acknowledging residents living in areas of identified need. The need for a new SEND school in Hillingdon in this regard is clear, as demonstrated in Section 3 of this Statement.
- 6.5 Policy DMCI 1A of the Local Plan Part 2 provides criteria against which proposals for new schools and school expansions should be assessed. An assessment of the proposals against the requirements of this policy is provided in Table 6.1.

Table 6.1 - Planning Assessment of Policy DMCI 1A of the Local Plan Part 2

CRITERION	DESCRIPTION	ASSESSMENT
A	The size of the site, its location and suitability to accommodate a new school or school expansion taking account of compatibility with surrounding uses, and existing planning policy designations (e.g. conservation areas, MOL, Green Belt)	The site of the proposed SEND school is adjacent to an existing school located entirely within designated Green Belt land and establishes the principle of education development in this location.
B	The impact on green open space, games pitches, outdoor play and amenity space, taking account of the character of the area, whether the site is within an area of open space deficiency and whether the school has sufficient outdoor space for play and games.	The new school will provide an outdoor Multi-Use Games Area which meets BB104 space guidelines for SEND pupils. The external areas of the site are currently comprised of neglected areas of hardstanding and sports pitches which will be reconfigured to accommodate specialist PE space for pupils at the new school. The site is not within an area of open space deficiency
C	The location and accessibility of the site in relation to: i) the intended catchment area of the school; ii) public transport; and iii) the local highway network and its ability to accommodate new or additional school trips without adverse impact on highway safety and convenient walking and cycling routes to schools.	The site of the new school will establish a suitable location in relation to the catchment area. It is envisaged that the school will retain school places within the Borough by providing an additional facility for pupils with MLD and autism for which there is a pressing need. The site is well served by public transport with a number of bus stops located along Northwood Road. The submitted Transport Statement comments on the expected car and cycle parking demand for the new school and confirms that these numbers can be accommodated without adverse impact on highways safety.
D	The extent to which the building design contributes towards the government target that schools and colleges should be zero carbon from 2016.	Low carbon energy saving measures including heat pumps and a green roof have been incorporated into the proposed design where feasible in line with the London Plan 'Be Clean' approach to minimising emissions



		(Further details are provided in the submitted Sustainability Report).
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## Need for Additional SEND Provision

### *Hillingdon Borough*

- 6.6 Special schools are under pressure from rising demand from pupils with Education, Health & Care Plans (EHCPs) who require a special place. This demand continues to persist, as noted in recent School Capital Programme Updates (see Appendix 2). This report explains that “currently all seven special schools in the Local Authority are full as demand and new entrants has been continuous throughout the year, not just at the usual stages of transfer. The largest growth is in pupils with autism conditions, many with other complex needs”.
- 6.7 The findings conclude that “extra specialist places are needed in Hillingdon in the next few years to meet the rising demand and gaps in need and to minimise use of independent provision and long travel for residents”.
- 6.8 It is evident therefore that there is a pressing local need to meet the rising demand for SEND school places. This is a material planning consideration of very significant weight.

### *London Plan*

- 6.9 At a regional scale the London Plan is cognisant of the growing need for special school places across London. The Plan observes at its paragraph 5.3.6 that “there is a need for an increase in Special Education Needs and Disability (SEND) provision in London and it is important that these places are planned for. Some of this provision will be within mainstream schools and some within specialist schools”.
- 6.10 In addition, the latest London Assembly SEND Report: ‘Transforming the lives of children and young people with special education needs and disabilities in London’ (2018) notes that over 200,000 children and young people were assessed as having some level of special need in London (or around 14% of young Londoners) and that of this total 41,000 children had either a special education statement or an Education, Health and Care Plan (EHCP).
- 6.11 The report notes that based on the number of children assessed as needing an ECHP there will be a need for London to provide support for 2,340 more young people of secondary school age over the next five years. However, this figure assumes that the rate will remain the same whereas projections indicate an increase in children requiring an ECHP.

## Appropriateness of Redevelopment in the Green Belt

- 6.12 NPPF paragraph 149 states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.13 Local Plan Policy DMEI 4 sets out that redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

- i) The height and bulk of the existing building on site
- ii) The proportion of the site that is already developed
- iii) The footprint, distribution and character of existing buildings on site
- iv) The relationship of the proposal with any development on the site that is to be retained; and
- v) The visual amenity and character of the Green Belt and MOL

*Table 6.2 – Assessment against policy DMEI 4*

POLICY DMEI 4 ASSESSMENT		
i)	<b>The height and bulk of the existing building on site</b>	The proposed building is marginally lower than the existing building on site. The increase in footprint compared to the existing built form is considered modest particularly when compared to existing buildings on the Harefield Academy site and the existing extension consent.
ii)	<b>The proportion of the site that is already developed</b>	Previous GLA assessment considers the whole site to be previously developed land. The application site boundary is consistent with the former scheme and continues to comprise previously developed land.
iii)	<b>The footprint, distribution and character of existing buildings on site</b>	The proposed design has been developed to communicate with the character of existing buildings on site, with a similar brick façade and colour accents as seen with other buildings on the Harefield Academy site. The existing school site is within the Green Belt but spans a much wider area than the proposed development.

<b>vi) The relationship of the proposal with any development on the site that is to be retained; and</b>	The proposal relates well to existing school buildings and is lower in height, and subservient to, the main teaching building at Harefield Academy.
<b>vii) The visual amenity and character of the Green Belt and MOL</b>	Whilst the site is designated as Green Belt land, the character of the local area is considered urban and on the ground the site forms part of the established settlement boundary.

#### *Appropriate Development*

- 6.14 The proposed development is considered to benefit from exception g) of paragraph 149 which provides that development for limited infilling or partial or complete redevelopment of previously developed land where there would be no greater impact on Green Belt openness when compared to the existing development will be considered 'appropriate'.
- 6.15 The existing site adjacent to Harefield Academy comprises predominantly previously developed land (as confirmed in the Greater London Authority Stage 2 Report to the previous extension scheme), thus it is necessary to review whether the proposed development would lead to a greater impact on Green Belt openness when compared to existing development.

#### *Impact on Green Belt Openness*

- 6.16 A comparison of existing and proposed building dimensions is presented in Table 6.4 and graphically in Figures 6.1 and 6.2. As shown in Table 6.4, the gross external area of the proposed building is a minor increase when compared to the existing and with a modest increase in volume, however the proposed building height is significantly lower than the existing (over three metres). The 1.3% increase in hard landscape across the site is very minor and the proposed landscape scheme is considered to improve the appearance of the site.
- 6.17 The submitted Landscape and Visual Impact Assessment (Wynne-Williams Associates) concludes following detailed assessment of landscape and visual receptors, that in spatial terms, the proposals equate to a very minor increase in area of hard surfacing, but a reduction in three-dimensional building height, representing a neutral effect on spatial Green Belt openness.
- 6.18 Furthermore, as noted in the LVIA Report, a series of mitigation measures are shown within the proposed scheme which reduce the landscape and visual effects on identified receptors (concluded to be "neutral" for the majority of assessed viewpoints):
- careful siting and orientation of proposed buildings;
  - a reduction in proposed building height compared to the existing building (total height of 12 metres against a proposed height of 9.3 metres);

- sympathetic material choices to provide visual harmony with the adjacent Harefield Academy main building; and
- an appropriate building finish which is likely to be less visually intrusive than the existing white render.

Table 6.3 – analysis of hard and soft landscape surfaces (before and after development)

	EXISTING (SQM)	PROPOSED (SQM)	PERCENTAGE CHANGE
<b>Hard landscape</b>	5,261 m2 (70.3%)	5,385.8 m2 (71.9%)	>1.6%
<b>Soft landscape</b>	2,221 m2 (29.7%)	2,096.2 m2 (28.1%)	<1.6%

Table 6.4 – analysis of building areas (m2) and volume (m3) (before and after development)

	EXISTING	PROPOSED
Gross internal area (GIA)	2264.25 m2	2276 m2
Gross external area (GEA)	1,914 m2	2,603 m2
Volume (m3)	6,756 m3	10,198 m3
Height (total height in metres (m))	12 m	9.3 m

Figure 6.1 – Comparison between built footprints of the existing building and proposed (red = existing building, blue = proposed building, yellow = previously approved extension)

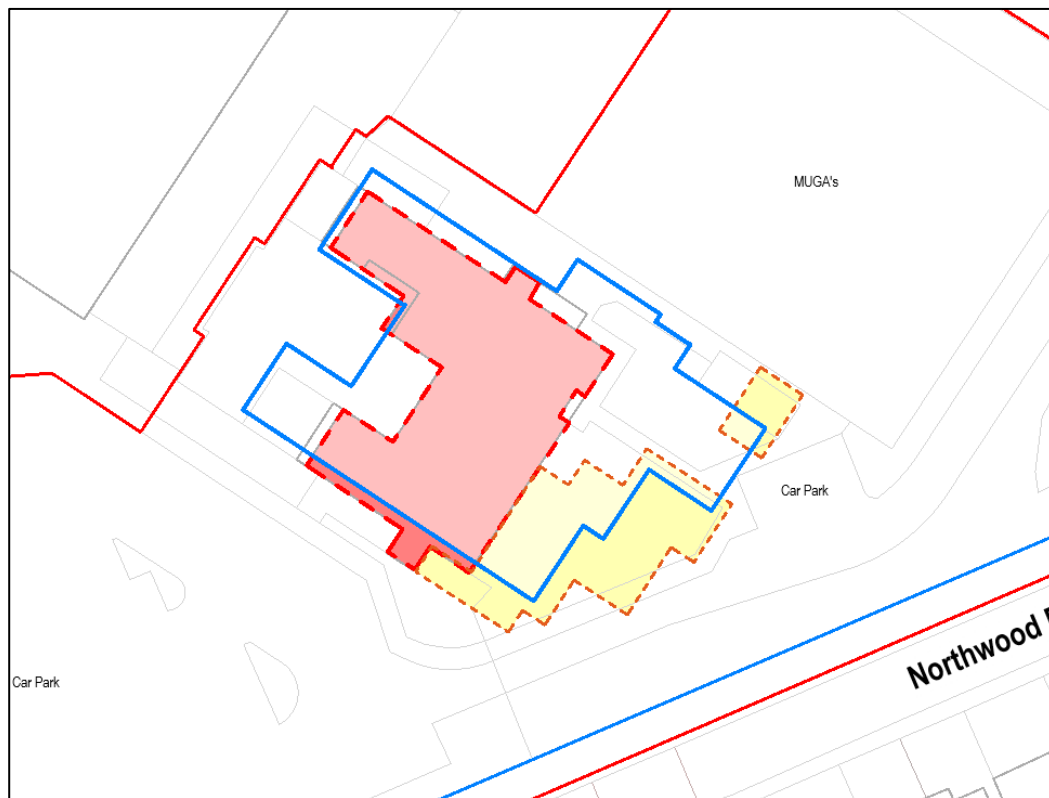
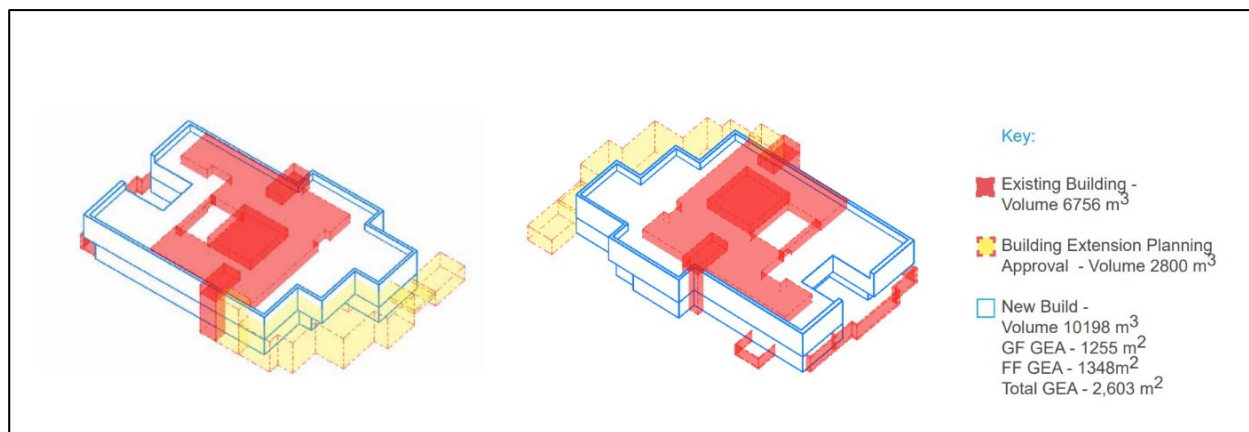


Figure 6.2 - Comparison between built volume of the existing and proposed building



- 6.19 Openness is capable of having a spatial aspect as well as a visual aspect, as set out by the Supreme Court decision in *R.(oao Samuel Smith Old Brewery) v Yorkshire County Council* [2020] UKSC 3 [1].
- 6.20 Recent case law and Appeal decisions have reiterated that openness is an 'open textured concept' not limited to a purely volumetric assessment. For instance, in a recent Appeal Decision in 2023 on the site of Hotel Felix, Cambridgeshire (Appeal Reference: APP/W0530/W/22/3307903) the Inspector reiterated as follows:

“Caselaw has established that the concept of openness of the Green Belt is not narrowly focused on a purely volumetric approach, but other factors may be relevant too. It has also established that openness is a broad concept of policy not law; applying the policy imperative of preserving openness requires realism and common sense; the word ‘openness’ is open textured, and a number of factors are capable of being relevant, including visual as well as physical and spatial impacts. In other words, it is wrong to always assume an increase in volume will necessarily always have a significant impact on openness”

*(paragraph 18)*

- 6.21 The term ‘greater impact on openness’ was reviewed in the judgement of *Euro Garages Ltd v The Secretary of State for Communities and Local Government & Anor* [2018] under then paragraph 89 of the 2012 Framework. In this case, the courts found that it was an error of law to treat any change as having a greater impact on the openness of the Green Belt rather than considering the harm, if any, wrought by the change (see in particular paragraph 34).
- 6.22 In spatial terms, it is not considered the spatial extent of the Green Belt would be to any significant extent diminished by the proposed development; it is however accepted that there would be an inevitable loss in the spatial extent of the Green Belt as a result of the minor additional land take of the replacement building.
- 6.23 However, in line with the *Euro Garages* case, it is necessary to assess the extent to which there is a ‘greater impact’ on the basis of a consideration of harm, rather than merely a degree of change. Owing to the site’s spatial containment, the proposed replacement building would be viewed in the context of the existing Harefield Academy site which comprises a taller three-storey building with less discrete massing.
- 6.24 The perceived spatial impact on Green Belt openness created by the extension would overall on balance be no greater than the existing development.
- 6.25 Visual impacts on the openness of the Green Belt are mitigated due to the site’s strong visual containment, with the site benefiting from a high level of screening at its boundaries. Dense vegetation along the site’s eastern boundary along Northwood Road (which is proposed to be enhanced with the additional planting proposed as part of this application) provides good visual containment from the countryside to the north and screens the site from public vantage points. Views across the site to the open countryside are thus already very restricted and would not be any further diminished by the proposed building which is lower in height than the existing.
- 6.26 An appeal decision relating to a proposal in the Green Belt on a similarly well-contained site in a London Borough is provided at Appendix 4. This was a scheme in LB Hillingdon for the demolition of an existing car wash and the development of a drive-thru<sup>2</sup> coffee shop where the Inspector considered that despite the increased building footprint created by the proposed drive-thru, there would be limited harm to the wider Green Belt in respect of diminishing its spatial extent beyond the existing site. This was largely due to the containment afforded by the site’s landscaped bunds (refer to paragraphs 13 and 14 in particular).

- 6.27 As described above, the application site benefits from many of these factors in terms of its containment and the relationship of the extension to the existing structures on site and should therefore be assessed in similar terms.
- 6.28 Overall, there will not be a greater impact on openness than the existing development due to the character, location, and visibility of the site. Exception G is therefore considered met.

## Very Special Circumstances

- 6.29 Even if the proposals are considered to comprise inappropriate development in the Green Belt, it is considered there is a robust case for Very Special Circumstances which justify the principle of land use.
- 6.30 The test set out at paragraph 148 of the NPPF is: when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"
- 6.31 Case law has established that benefits which may be 'ordinary' individually can aggregate to produce something 'very special'. In the current case, the following elements taken together comprise very special circumstances:

- (i) The need for additional SEND provision in the local authority area and regionally across London is acute. The proposal will make a meaningful contribution to address this shortfall.

As set out in the above section on the need for the proposed development, further specialist places are required in Hillingdon to meet the rising demand for places which is also evident at a regional scale across London. The proposals will make a meaningful contribution towards addressing this local shortfall. This is considered to comprise a very special circumstance of very significant weight.

- (ii) The benefits associated with the provision of a new school are profound (educational benefits, health and well-being, efficient use of resources)

The quality of teaching and learning spaces within the new school will provide tangible benefits to pathway 1 pupils. These have been carefully designed to achieve the educational and wellbeing benefits for new pupils, for example:

- The school is designed as an inclusive learning environment, with the distribution of spaces facilitating an equal access for all, through the design and location of disabled access spaces and circulation standards;
- Internally, the building has been designed to promote clear and simple passive supervision. Passive supervision is a crucial element of a SEND school. The staff areas are strategically placed close to classroom bases and on the corners of the

circulation routes, where possible, to reduce the reaction times in case assistance is needed in a classroom;

- The main entrance gates will be controlled from reception, with staff areas located so the gates are overlooked. Within the site boundary, there will be a secondary secure line, creating a safe second play area when needed.

- (iii) National planning policy prioritises meeting these needs on brownfield land – the site comprises previously developed land as defined by the NPPF.

Paragraph 120 of the NPPF directs decision makers to give substantial weight to the value of using suitable brownfield land within settlements for identified needs. Whilst the site is located within the Green Belt, it is considered previously developed land and as such paragraph 120 provides substantial weight in favour of meeting these needs in such locations.

6.32 In summary, taken together, the benefits of the proposed development on a previously developed site are considered substantial and amount to Very Special Circumstances.

6.33 These benefits clearly outweigh the harms including any definitional harm to the Green Belt by reason of inappropriateness any other harm (no other harm identified).

## **Additional Public Benefits**

6.34 The proposed development of the site provides the following planning, economic, social and environmental benefits in line with the overarching principles of sustainable development as set out in the NPPF (paragraph 8):

- Securing a future use for the site and making efficient use of previously developed land, rather than allowing an existing vacant building to become redundant and turn to a state of disrepair;
- High quality design (see below);
- Provision of very high quality internal and external environment for the health and wellbeing benefit of SEND school students;
- Provision of an energy efficient building which delivers sustainability benefits including the provision of a Green Roof and photovoltaic panels, securing a significant betterment against the London Plan Policy SI2 requirement (reduction in carbon emissions greater than the 35% Part L emission rate, with over 25% reduction achieved using renewable technology alone); and
- Improvement in Urban Greening Factor as a result of improvements to soft landscaping surfaces on the site with associated biodiversity benefits



## Design

- 6.35 Policy DMHB 11 (Design of new development) of the Local Plan provides design considerations further to those noted in Strategic Objective SO2 in the Local Plan Part 1.
- a) All development is required to be designed to the highest standards and incorporate principles of good design including harmonising with local context; ensuring the use of high-quality materials and finishes and maximises the sustainability of internal layout and design; protecting features of positive value within and adjacent the site; and landscape and tree planting.
  - b) Development proposals should not adversely impact on amenity, daylight and sunlight of adjacent properties and open space.
  - c) Design will be required to safeguard the redevelopment of adjoining sites with development potential, and for major proposals master plans and design codes are expected to be prepared and agreed with the Council
  - d) Sufficient provision for well-designed internal and external storage space for waste with suitable access for collection
- 6.36 London Plan Policy D3 (Optimising site capacity through the design-led approach) establishes a design-led approach to optimising a sites capacity. This means ensuring that development is of the most appropriate form and land use for the site. Form and layout of buildings and spaces should enhance local context by positively responding to local distinctiveness.
- 6.37 Policy D4 (Delivering good design) explains that Masterplans and design codes can be used to bring forward development that delivers high quality design and place-making. Design and Access Statements should deliver compliance with London Plan design requirements. Design quality should be retained through to development completion.
- 6.38 Policy D5 (Inclusive design) expects development proposals to achieve the highest standards of accessible and inclusive design and for Design and Access Statements submitted with proposals to include an inclusive design statement.
- 6.39 The design rationale has been assessed against development policy and it is considered that the development achieves compliance with London Plan policy D3 and D4, Local Plan policy DMHB 11 and national area guidelines for SEND provision.
- 6.40 The proposed massing has been designed to acknowledge both the wider and immediate surroundings. After testing various forms, the final building takes a similar form to the demolished residential block footprint, however, will only be a two-storey building. The school adjacencies respond to special educational needs, the site, and the focal point of the courtyard.

## Transport

- 6.41 Policy DMT 6 (Vehicle parking) requires development proposals to comply with parking standards (Appendix C Table 1 to the Plan) or the Council may agree to vary the requirements where the variance where this would not give rise to a deleterious impact on street parking, congestion or local amenity; and/or a transport appraisal and travel plan has been approved and parking accords with its recommendations. All car parks should provide spaces for wheelchair users and those with restricted mobility.
- 6.42 Policy DMT 5 (Pedestrians and cyclists) requires safe, direct and inclusive access to be provided for pedestrians and cyclists on the site, connecting it to the wider network
- 6.43 Policy T5 (Cycling) looks to secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Table 10.2 sets out the minimum cycle parking standards for long-stay and short-stay parking for different use classes.
- 6.44 Policy T6 (Car parking) explains that developments that are not car-free, should be designed to provide the minimum necessary parking. Maximum standards for non-residential disabled persons parking are set out at policy T6.5 (Table 10.6). All operational parking should make provision for infrastructure for electric or other Ultra-Low Emission Vehicles and adequate provision should be made for deliveries and servicing and emergency access.
- 6.45 Based on London Plan standards the proposed increase of 90 pupils and 45 staff, the proposals generate a requirement for a minimum of 17 long stay cycle parking spaces and two short stay cycle parking spaces. The proposed parking provision exceeds this minimum requirement. A full comparison of parking provision against relevant local guidance is provided below in Table 6.3.

*Table 6.3 – Existing and Proposed Parking Provision*

TYPE	DEVELOPMENT PLAN REQUIREMENT	PROPOSED PROVISION
Car parking/Motorcycle	1 space per 10 students or staff	23 car parking and 1 motorcycle space
Cycle parking	1 space per FTE Staff + 1 space per 8 students	22 spaces
Electric Vehicle Charging	5% of spaces active charging & 5% passive charging	1 active and 1 passive EV space

## Ecology

- 6.46 Policy DMEI 7 (Biodiversity protection and enhancement) explains that new developments should be designed to retain and enhance existing biodiversity features on site. Proposals that result in significant harm to biodiversity which cannot be avoided, mitigated or as a last resort compensated for should be refused.
- 6.47 Ecological surveys carried out by Thomson conducted a review of potential for presence of species including badger, Great Crested Newt and bats. No priority habitats were found on site, however Biodiversity Net Gain (BNG) will mitigate any loss. A preliminary roost assessment has been completed in respect of bats, and the main building on site, which is planned to be demolished, is noted to have negligible roost potential.
- 6.48 Overall, the site is not significantly ecologically constrained, and the proposals enhance existing biodiversity features through improvements to BNG, ensuring compliance with policy DMEI 7.

## Flood Risk and Drainage

- 6.49 Policy DMEI 9 (Management of Flood Risk) relates to development proposals in Flood Zone 2 and 3. The application site is in Flood Zone 1 however in the context of the proposed development and to ensure good practice a flood risk assessment has been provided with this application
- 6.50 Policy SI13 (Sustainable drainage) sets out that proposals should aim to achieve greenfield run-off rates and sets a preference for green over grey features in line with the policies defined drainage hierarchy. Development proposals for impermeable surfacing are acceptable where it has been demonstrated that they can be shown to be unavoidable.
- 6.51 The application site is located outside of any areas of identified surface water flood risk and has a low probability of groundwater flood risk (less than 25%). The submitted Flood Risk Assessment (MHA Associates) concludes that subject to the mitigation measures proposed, the development may proceed without being subject to significant flood risk. Moreover, the development will not significantly increase flood risk to the wider catchment area.
- 6.52 A positive surface water drainage system will ensure that the maximum discharge up to a 100-year storm event with allowance for climate change (40%) is restricted to 5l/s. This is a betterment of 85% compared to the existing flow rate, satisfying the requirements of policy DMEI 10 which stipulates that all major new build developments are to be designed to reduce surface water run-off rates to no higher than the pre-development run-off rate. Furthermore, SuDS measures including a Green Roof have been incorporated on the site where possible in line with Policy DMEI 10.

## Landscape and Visual Impact

- 6.53 The new building is likely to be viewed in a similar position to the existing structure. The lower height represents reduced visual intrusion in some views as identified in the submitted Landscape and Visual Impact Assessment (Wynne-Williams Associates).
- 6.54 The current choice of materials for the building will be a significant improvement to the existing building in terms of how it is placed within the landscape. The current vegetation along Northwood Road is substantial and will continue to screen the building, providing a natural landscape buffer.
- 6.55 Additional tree planting is proposed to the north of the site which will provide further screening, and the building sits relatively low into the landscape and is lower in height than the existing structure, minimising views from nearby visual and landscape receptors.
- 6.56 Overall, the submitted LVIA identifies neutral effects on the vast majority of assessed landscape and visual receptors and concludes that the overall effect on Green Belt openness is neutral. This is considered above under the planning assessment of Green Belt policy and Local Plan policy DMEI 4.

## Trees

- 6.57 Policy DMHB 14 (Trees and landscaping) expects landscape, trees and other natural features of merit to be retained and for proposals to provide a landscape scheme appropriate to the character of the area. Where proposals would affect existing trees an accurate tree survey will be required to show how the trees will be protected. Where trees are removed, replanting on-site or contributions to offsite provision must be provided.
- 6.58 The proposals require the loss of 24 trees within the site boundary as indicated by the submitted Tree Retention and Removal drawings, however this will be mitigated through extensive tree planting (50 trees), in accordance with policy DMHB14. The proposed planting strategy is set out within the submitted Design and Access Statement (Section 12.9).

## Noise

- 6.59 Policy D13 (Agent of change) places the responsibility for managing the impact of noise on the new development. This requires that if a noise-generating use is located close to noise-sensitive uses, the building or activity should be designed to protect existing users from noise impacts; or if the proposal is close to a noise-generating use, they should be designed in a way to protect new occupiers.
- 6.60 Policy D14 (Noise) expects development proposals to manage noise in-line with the Agent of change principle; avoid significance adverse noise impacts on health and quality of life; mitigate and minimise existing impacts of noise without placing unreasonable restrictions on existing noise-generating uses; improve and enhance the quality of acoustic environment and promote appropriate soundscapes; separate new noise sensitive development from major noise sources,

or where that is not possible to control potential adverse effects; and promote new technologies/improved practices to reduce noise.

- 6.61 The findings of the submitted Noise and Vibration Impact Assessment (Stroma) identify that based on the results of noise survey Indoor Ambient Noise Levels (IANL) for a new school building given in Building Bulletin 93 Acoustic design of schools: performance standards (BB93) can be met in all areas with appropriate specification of building envelope, glazing and ventilation strategy.
- 6.62 The report concludes that the impact of noise on the proposed development and noise impact on existing receptors as a result of noise from the proposed development can be suitably controlled such that there is little to no impact, ensuring compliance with policies D13 and D14.

## Daylight and Sunlight

- 6.63 Policy DMHB 11 (Design of new development) provides design considerations further to those noted in Strategic Objective SO2 in the Local Plan Part 1. This includes that development proposals should not adversely impact on amenity, daylight and sunlight of adjacent properties and open space.
- 6.64 Climate based daylight and sunlight modelling (CBDM) has been undertaken to demonstrate compliance with relevant DfE daylight standards. The results achieve compliance with DfE guidelines for L1, L2 and L3 category spaces.

## Sustainability and Climate Change

### *Energy strategy*

- 6.65 Policy SI2 (Minimising greenhouse gas emissions) sets out that major development should strive to be net-zero carbon through being 'lean', 'clean', 'green' and 'seen'. For major development proposals an energy strategy is required, and an on-site reduction of 35% or more beyond the Building Regulations must be demonstrated.
- 6.66 An Energy Report has been submitted with the application (Clearwater) in order to satisfy the requirement in Policy SI2 of the London Plan, adopting Be Lean, Be Green and Be Clean hierarchy principles.
- 6.67 After assessment using the Greater London Authority Planning Policies energy hierarchy, the reduction in carbon dioxide emissions of the proposed new build education suite and library extension are greater than 35% of the 2021 target emission rate with over 25% reduction achieved using renewable technology alone.

### *Urban Greening*

- 6.68 Policy G5 (Urban greening) expects major proposals to incorporate measures to contribute to the greening of London. Boroughs should develop an Urban Greening Factor (UGF). Table 8.2 establishes target scores for different types of developments.
- 6.69 Policy G6 (Biodiversity and access to nature) expects development proposals to manage biodiversity and achieve biodiversity net gain.
- 6.70 An assessment of the proposed Urban Greening Factor is provided in the submitted Design and Access Statement (Section 12.0). The proposed development achieves a UGF of 0.44. Whilst there are no direct applicable UGF target scores for educational development in the development plan, the proposed score exceeds the equivalent requirement for commercial developments (0.3) in the London Plan (Policy G6, Table 8.2).

*Whole life carbon and Circular Economy*

- 6.71 Policy SI7 (Reducing waste and supporting the circular economy) seeks to promote a circular economy by incorporating these principles into the design of new developments (see also policy D3).
- 6.72 Overall Whole Life Carbon results, as shown in Table 6.4, are in line with GLA benchmark targets for new schools for the modules of Whole Life Carbon Assessment.

*Table 6.4 – Overall Whole Life Carbon Emissions (Hydrock Assessment)*

	WLC EMISSIONS (TONS CO2E)	WLC EMISSIONS (KGC02E/SQM GIA)
<b>Proposed development</b>	2,274	950.1

- 6.73 A circular economy is based on the following principles, all driven by design and support the application of the waste hierarchy: Building in Layers, Designing out Waste, Designing for Longevity, Designing for Adaptability or Flexibility, Designing for Disassembly; and Using Systems, Elements or Materials that can be Reused or Recycled. An assessment against these key six principles can be found in appendix A of the submitted Circular Economy Report (Hydrock).
- 6.74 Overall, a robust strategy which incorporates Circular Economy principles has been developed in accordance with Policy SI7 that:
- Re-uses or recycles the existing building;
  - Uses circular economy principles to create an adaptable, flexible space; and
  - Designs the building in layers to prevent the demolition of other layers through replacement

## Fire Strategy

- 6.75 Policy D12 (Fire Safety) requires all proposals to achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside space; are designed to incorporate appropriate features to reduce risks to life and serious injury in the event of a fire; are constructed in an appropriate way to minimise risk of fire spread; provide suitable and convenient means of escape; and develop a robust strategy for evacuation. A Fire Strategy has been submitted with the application which satisfies the requirements of policy D12.

## Air Quality

- 6.76 Local Plan Policy EM8 (Land, water, air and noise) stipulates that new development should not cause deterioration in local air quality levels and ensure the protection of existing and new sensitive receptors. Noise impacts should be adequately controlled and mitigated. Proposals on contaminated land will require mitigation. All new development should incorporate water efficiency measures.
- 6.77 London Plan Policy SI1 (Improving air quality) expects new development proposals to be at least Air Quality Neutral. An Air Quality Assessment (AQA) is required for major proposals, therefore an assessment has been provided with the application that meets the policy requirement.
- 6.78 A qualitative construction dust risk assessment has been undertaken in line with IAQM guidance. Through good practice and implementation of appropriate mitigation measures outlined, it is expected that the release of dust would be effectively controlled and mitigated, with resulting effects considered to be 'not significant'.

## 7.0 Conclusions

7.1 This Planning Statement has provided a detailed assessment of the proposed development against the relevant national and development plan policies. As a result of this assessment, the following conclusions can be drawn:

- The design rationale for the new building has been assessed against development policy and it is considered that the development achieves compliance with London Plan policy D3 and D4, Local Plan policy DMHB 11 and national area guidelines for SEND provision.
- In Green Belt terms, the proposed development is considered appropriate development in the Green Belt. Notwithstanding, a robust case has been presented for Very Special Circumstances based on three key considerations:
  - The need for additional SEND provision in the local authority area and regionally across London is acute. The proposal will make a meaningful contribution to address this shortfall.
  - The benefits associated with the provision of a new school are profound (educational benefits, health and well-being, efficient use of resources)
  - National planning policy prioritises meeting these needs on brownfield land – the site comprises previously developed land as defined by the NPPF.
- The proposals will secure a number of significant additional planning benefits, including but not limited to, securing a future use for the site and making efficient use of previously developed land on an underutilised school site, the provision of very high quality internal and external environment for SEND school students, the provision of an energy efficient building and improvement in urban greening with associated biodiversity benefits.
- In summary, taken together, the benefits of the proposed development on a previously developed site are substantial. They clearly outweigh the harms including definitional harm to the Green Belt and other harms (no other harm identified).

7.2 Overall, the proposed development is considered acceptable in planning terms, and we would request that the LPA grant planning permission.



# APPENDIX 1

## PUBLIC PRESENTATION EXHIBITION BOARDS & INVITATION



## APPENDIX 2

# LONDON BOROUGH OF HILLINGDON, SCHOOL CAPITAL PROGRAMME UPDATE

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## SCHOOL CAPITAL PROGRAMME - UPDATE

<b>Cabinet Member(s)</b>	Councillor Susan O'Brien Councillor Jonathan Bianco
<b>Cabinet Portfolio(s)</b>	Children, Families & Education Property, Highways & Transport
<b>Officer Contact(s)</b>	Bobby Finch, Place Directorate
<b>Papers with report</b>	None

### HEADLINES

<b>Summary</b>	This bi-annual report provides Cabinet and the public with an update on the primary, secondary and special school expansions, the school condition works programme and other school capital works.
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	<p>This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents</p> <p>This report supports our commitments to residents of: Thriving, Healthy Households</p> <p>Investment in schools to adequately address the impact of the population increase within the London Borough of Hillingdon on existing school places. This project also forms part of the Hillingdon Improvement Programme.</p>
<b>Financial Cost</b>	Continuing investment in the Schools Condition Building Programme is £21,766k for 2023/24 to 2027/28. The future SEND programme is estimated to cost £22,199k and will deliver 416 additional places, reducing the DSG deficit.
<b>Relevant Select Committee</b>	Children, Families & Education
<b>Relevant Ward(s)</b>	All Wards

### RECOMMENDATION

**That Cabinet note the progress made with primary and secondary school expansions, the school condition programme and other school capital projects.**

## Reasons for recommendation

The proposed works outlined in this report will meet the changing need for school places in the Borough, particularly the increasing demand for special needs places which has led to the Dedicated Schools Grant (DSG) deficit. These places are crucial to delivering the Council's (DSG) deficit recovery safety valve agreement with the Department for Education (DfE).

Progressing the School Condition Programme will allow the necessary remedial or replacement works to be undertaken in the schools to avoid the potential impact on their daily operations due to parts of the building fabric being beyond repair, or equipment which is at the end of its life. Ensuring these works are undertaken will minimise the risk of health and safety related issues or the possibility of a school closure occurring.

## Select Committee Comments

None at this stage. However, the Children, Families & Education Select Committee receive regular updates on schools places planning.

## SUPPORTING INFORMATION

### 1. PRIMARY SCHOOLS

#### School places forecast

The demand for primary places in Hillingdon rose continuously for over ten years up to 2018, stabilised and has declined since 2020 due to a lower birth rate affecting primary intakes and in addition to the effects of the pandemic leading to movement across the borough and out of the borough, which is affecting most schools. In addition, some parents are choosing to change schools when places arise in another school they prefer. This volatility continues across London with increased movement throughout the academic year. Ideally there would be a few places in each school to enable parental choice and cope with new families moving in.

Officers continue to work closely with schools to meet residents' demands and present options to reduce operational capacity in some instances to respond to changing demand from residents. From September 2023 the Published Admissions Numbers (PAN) for 9 schools have been reduced totalling 270 places. Places for September 2023 will be reviewed after the Primary National Offer Day, Monday 17 April 2023 in addition to the January 2023 Census data to review current demand and the impact on pupil projections.

### 2. SECONDARY SCHOOLS

#### School places forecast

The secondary phase is under pressure from continuing increased demand in Year 7 for the next six years at least. All but five schools offered 100% of their places for September 2023 on National Offer Day, 1 March 2023. The outcome of the number, preferences and pattern of

movement including cross-LA required adding 101 extra places using bulge classes added at Haydon, Uxbridge High School, Bishopshalt and Barnhill School.

The Council are reviewing cross-borough flows with the 7 neighbouring LAs. Until 2018 these were equal overall or a slight net 'importer' at year 7 intake. Since then, 'imports' have decreased as most schools in the Borough have been popular and recruit from smaller distances, and 'exports' of resident pupils to schools in other LAs have increased, so the LA is a net exporter. 537 Hillingdon residents were offered Out of Borough schools for September 2023 – this is 19 more than the total number of residents offered places last year.

In recent years neighbouring LAs have warned they too have rising numbers of pupils and their schools are under increasing pressures, so distance criteria will mean fewer Hillingdon Pupils are likely to secure places out of Borough from 2023 onwards. Parental preferences are still low for a few schools, adding pressure on parent choice in some areas of the Borough. As parents are not required to accept a place it means a shortage of actual places residents are prepared to take up.

Currently there are two projects to add permanent secondary places to meet demand being progressed that were bids in 2015-16 and are funded and managed by DfE:

- Expanding Harlington School by 1.5 forms of entry – 45 places each year from 2023. This is part of the complete rebuilding of the school and library.
- Reviewing the need for the new Bishop Arden Free school +6FE – 180 places each year with the DfE. It will have no faith admissions criteria, distance will be the main criteria, though it is to be part of a Church of England Trust – their aim is to 'bring together pupils of all faiths and of none'. An outcome of the review is expected soon.

Both schools will also have new designated units for pupils with Autistic Spectrum Disorders (ASD) which will allow them some integration into mainstream part of the school with specialist teaching and support.

### **3. SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)**

Special schools are under pressure from rising demand from pupils with Education, Health & Care Plans (EHCPs) who require a special place. This reflects national policy and is creating significant planning and financial pressures in most local authorities. Currently all seven special schools in the LA are full as demand and new entrants has been continuous throughout the year, not just at the usual stages of transfer. The largest growth is in pupils with autism conditions, many with other complex needs. Temporary extra places have been added to meet demand in most schools.

Additional places have been added each year, where possible and significant growth was agreed in 2016 with the approval of three new free special schools and Special Resource Provision units for pupils with ASD at the proposed new secondary free school and Harlington School. All these projects are funded and delivered by DfE.

These extra 241 places (see table 1) were previously considered sufficient to meet demand, however demand has risen faster than expected in recent years. Officers are continuing to

review the school/education estate to provide possible options to ensure we have sufficient capacity for this increase. Please note that projects highlighted have been completed within the last 12 months.

**Table 1:** DfE agreed projects that include additional SEN provision

Provider	Project	Additional places	Total final places
Orchard Hill Academy Trust	New Free school to replace the Young Peoples Academy	45	110
Eden Academy Trust	New Free school: Grand Union Village	80	80
Eden Academy Trust	New Free school to replace Grangewood: Pinn River	90	180
Harlington School	Designated Unit for pupils with ASD	15	15
Bishop Arden Free school (Veritas Trust)	Designated Unit for pupils with ASD	21	21
<b>Total</b>		<b>241</b>	<b>406</b>

### Dedicated Schools Grant (DSG) deficit recovery safety valve agreement

Rising demand and costs have put pressure on the Dedicated Schools Grant (DSG) and the Council has developed a DSG Deficit Recovery Programme with a 'Safety Valve' agreement with the DfE linked to bids for revenue and capital funding. This is a key strategic priority for the Council, underpinned by sufficient resource and capability to ensure timely and successful delivery.

Extra specialist places are needed in Hillingdon in the next few years to meet the rising demand and gaps in need and to minimise use of independent provision and long travel for residents. The aim is to maximise the use of local education spaces and promote integration of pupils into mainstream where possible. A bid to the DfE for additional capital to deliver the projects in the DSG Deficit Recovery Programme was approved in May 2022. The table below provides a summary of the projects including those that have been completed.

**Table 2:** DfE funded DSG SEN Projects

Location	Description	Type	Phase of Education	Number of additional places to be created	Project due to open
Eden Trust: Grangewood Primary & Moorcroft Secondary	The Eden Trust to open a temporary MLD Unit at Pinkwell Primary School for extra Grangewood and Moorcroft pupils from Sep 2022	Academy Special	Grangewood Primary	16	Completed
Orchard Hill Special Further Education College - Independent post-19 (Brookfield Adult Education Centre)	Lease of Brookfield Adult Education Centre site to Orchard Hill Special for use as a Further Education College. Opened Sept 2022.	Independent Special College multi-site	Post 16	30	Completed
Meadow High School	Create a satellite unit at the Harefield Academy site and the replacement of the modular units at Meadow. Both open Sept 2024	Community Special	Secondary	98	Sep 2024
Wood End Park Primary Academy	New ASD Unit to open Sept 2023	Academy Primary	Primary	24	Oct 2023
Ruislip Gardens Primary School	Specialist Early Years Assessment Base. Adaptions to remodel primary school from 3FE to 2FE and create the space for the unit. Open Sept 2023	Community Primary School	Primary	16	Sep 2023



Ruislip Gardens Primary School	New ASD SRP integrated into school, working alongside the Early Years Assessment Base. Open Sept 2023.	Community Primary School	Primary	12	Sep 2023
Charville Primary Academy	New ASD SRP. Remodel primary school from 3FE to 2FE to create space for SRP. Open Sept 2023	Academy Primary	Primary	16	Sep/Oct 2023
Pinkwell Primary School	Agree permanent status beyond 2024 of the temporary unit used by Eden Trust 2022-24. Adaption to create unit linked to on-site primary school	Academy	Primary	TBC	Sep 2024 (TBC)
New Special Free School Bid	Proposed new SEN Free School. Application approved by DfE in March 2023.	Site to be confirmed	All-through school	180	Sept 2025 or later
<b>Total</b>				<b>416</b>	

**MLD:** Moderate Learning Difficulties

## Dedicated Schools Grant (DSG) deficit recovery safety valve – project updates

### **Meadow High School expansion**

In summary the proposed school expansion works consist of the following:

- Relocating a cohort of pupils from Meadow High School to the unused Harefield Academy boarding block (which is separate and apart from the main Academy building) which will be adapted and extended to become a new satellite unit that is directly managed and run by Meadow High School; and
- Providing a new classroom block at Meadow High School to replace the existing temporary modular classrooms which are currently in poor condition and no longer suitable for use.

A works contractor has been appointed for both sites for the first stage of a 2-stage procurement tender process, and the detailed design by the contractor is currently under way. The main adaption and new build works are due to start onsite in August 2023 at both sites.

### **Charville Academy and Ruislip Gardens Primary School adaptation works**

The proposed works at these schools consist of the following

- Ruislip Gardens Primary School: The school has reduced its intake from 3 forms of entry to 2 forms of entry and it is proposed the unused spaces within the schools is adapted to form a nursery age pupil Assessment Base (AB) and a separate Autism Spectrum Disorder (ASD) Specialist Resource Provision (SRP). The AB will have 16 places and the SRP will have 12 places
- Charville Academy: The school has reduced its intake from 3 forms of entry to 2 forms of entry and it is proposed the unused spaces within the school is adapted to form ASD SRP. The SRP will have 16 places.

A contractor has been appointed for Ruislip Gardens Primary and the works are scheduled to commence on site in April 2023 and are due to complete in time for the new school year in September 2023. The procurement of a works contractor for Charville Academy is underway.

### **Wood End Park Academy new SEND provision**

The building works required to create the new ASD unit is being managed directly by Wood End Park Academy and will be funded and monitored by the council. The design phase of the project is complete and procurement for a contractor to carry out the building works is in its final stages; contractor appointment will be made in April 2023. The building works are due to complete by October 2023. The SEND team has confirmed that pupils assigned to the provision will remain in their current setting until the building works is complete.

## **4. SCHOOLS CONDITION PROGRAMME**

### School condition surveys

The Council receives an allocation of School Condition Works grant funding to manage building condition issues at maintained schools (Community and Foundation Schools) such as building fabric works (roof replacement, window replacements), mechanical and electrical works (heating and hot water system replacement, electrical upgrades) as well as other building condition issues such as structural defects remedial works.

To properly plan for these works and ensure that the funding is going where it is most needed, it is necessary to have thorough understanding of the condition of school buildings which will be obtained through carrying out surveys. The programme of surveys to be carried out on maintained schools will have the following 4 elements.

**Building Survey:** A detailed assessment will be carried out on the condition of the following components:

- Building fabric (inc. roof, walls, floors, walls, windows, decorative condition, etc);
- Mechanical and Electrical systems (inc. space heating systems, hot/cold water supply systems, electrical installation, lifts, ventilation etc);
- Fire safety systems (fire doors, smoke/heat detectors, fire resisting barriers, extinguishers, riser, etc);
- Grounds (paving, paths, playground, external lighting, car park barriers/surfaces etc).

**Compliance and Maintenance Review:** A review of the statutory building compliance and maintenance checks being carried out at the schools, including legionella risk assessments, electrical inspections, gas safety inspections, lift inspections, asbestos register and any other relevant statutory building compliance checks required on school buildings.

**Energy Assessment:** An assessment of the current energy efficiency and performance of the school buildings will be completed for each school. This will include a review of potential options for improvements and enhancements works which are suitable for an individual site.



**Measured Survey:** These will produce detailed floor plans of the schools. These plans will be used to help develop the scopes of works needed on future school condition works projects and any bids for future decarbonisation or energy efficiency improvement grant funding.

### Current projects

The status of agreed projects in the School Condition Programme can be found in the table 3 below. Future projects for inclusion will be based on the results of the completed school condition surveys.

**Table 3: School Condition Works Programme**

School	Works	Status
Hillside Infant	Asbestos panel replacement	Completed
Coteford Infant	Roof replacement works	Completed
Grange Park Infants	Basement water ingress works	Completed
Grange Park Junior	Toilet refurbishment & external lighting	Completed
Frithwood Primary	Roof replacement works	Completed
Harefield Infant	New boiler and controls	Pre-construction stage
Newnham Junior	WCs, drainage, and structural renovations	Pre-construction stage
Hillside Infant	Roofing works	Pre-construction stage
Hedgewood	Drainage	Pre-construction stage
Breakspear	Fire alarm and emergency lighting	Pre-construction stage
Ruislip Gardens	Mechanical and Electrical works. Works are being carried out alongside the SEN works outlined in this report	Pre-construction stage
Yeading Infant & Junior	New common canteen building and kitchen facilities	Pre-construction stage
Oak Farm Primary	Refurbishment of modular classroom units	Pre-construction stage
Lady Bankes	Structural defects	Pre-construction stage
Bourne Primary	Roof works	Pre-construction stage
Hayes Park Primary	Roof works	Pre-construction stage
Newnham Infant	Roof works	Pre-construction stage

## 5. OTHER SCHOOL PROJECTS

The DfE is directly managing and funding 3 projects under Priority School Building Programme Phase 2 (PSBP2) and a further 4 projects under the Free Schools Programme. These projects total a significant DfE investment and help ensure the Council as an education authority meets its statutory duty to provide sufficient places, and to promote high standards of education and fair access to education.

**Table 4: DfE Free School and PSBP2 Projects**

School	Phase	Governance	DfE Fund Route	Planned additional places	Estimated year of completion	Current Status
The Skills Hub	Alternative Provision Secondary	Orchard Hill College Academy Trust	Free School (next to YPA)	Up to 4	2022	Completed Jan 2023
Harlington rebuild and expand to 8FE and Special ASD Unit	Secondary	Foundation	PSBP2	225 (SEN 15)	2023	On Site
Douay Martyrs	Secondary	London RC Diocesan MAT	PSBP2	0	2023	On site
Minet Infant and Junior	Primary	Community	PSBP2	0	2024	On site
Primary Grand Union Village Special Primary	Special Primary	Eden Academy Trust	Free School	80	2023	Pre-construction
Pinn River Special (on site of current Grangewood School)	Special Primary ages 4-19	Eden Academy Trust	Free School	Up to 80	Jan 2025	Pre-construction
New Secondary Free School north of A40 - Bishop Arden	Secondary	Multi Academy Trust	Free School	1260 (SEN 21)	TBC	Pre-construction

### School Rebuilding Programme

In 2020 the Government announced their intention to rebuild 500 schools in the worst condition over a 10-year period, and this programme is called School Rebuilding Programme. The first 100 schools including in the programme were announced in 2021 based on the information held by the Department for Education (DfE) Condition Data Collection surveys carried out in 2017. Rosedale College was approved in 2021 list and officers have joined early discussions with the School and DfE. The DfE has completed the feasibility study for the project and have procure a design team to progress the design phase of the project. DfE proposed completion date for the rebuild is December 2026.

## FINANCIAL IMPLICATIONS

The future delivery of increased secondary schools' places is largely managed externally by the Department for Education, including the 1.5FE expansion of Harlington School, towards which the Council contributed £6,034k in 2021/22, and a potential 6FE free school in the north of the borough pending confirmation of school places demand. The capital programme budget 2023/24 to 2027/28 includes £2,800k for additional temporary classrooms available to manage short-term demand, financed by Council resources. The 5-year School Places forecast is currently being updated and will be finalised later in the year and will inform future school expansion plans.

The Schools SEND/SRP capital programme amounts to £25,331k funding from 2018/19 to 2026/27, financed by confirmed Special Provision Capital Fund and High Needs Provision Capital grants, of which £3,132k has been spent on various projects in prior years. Total funding is inclusive of recent confirmation from the Department for Education (DfE) that the Council's bid was successful for £6,962k additional High Needs capital funding linked to the DSG deficit recovery safety valve agreement.

Table 2 outlines the various projects the SEND/SRP programme will deliver, creating 416 additional SEND places which will reduce future out-of-borough special placements and transport costs, supporting reduction of the DSG deficit.

The 2023/24-2027/28 budget for the Schools Condition Building Programme is £21,766k funded from a combination of Schools Conditions grant and schools' contributions. The funding is being utilised to deliver various schemes with some works completed and other projects continuing into next financial year.

## RESIDENT BENEFIT & CONSULTATION

### **The benefit or impact upon Hillingdon residents, service users and communities?**

Completion of the school expansion projects will result in the provision of additional school places needed for local children, which the Council has a statutory duty to provide. In addition, the completion of the other school capital projects will result in the provision of quality, fit for purpose school facilities.

Progressing the School Condition Programme allows the necessary repair or replacement works to be progressed in the school's, avoiding the potential impact on their daily operations due to parts of the building fabric being beyond economic repair, or equipment which is at the end of its life. Ensuring these works are undertaken will minimise the risk of health and safety related issues or the possibility of a school closure occurring.

### **Consultation carried out or required**

A statutory process is required for expansion of local authority maintained school premises if this will increase the capacity of the school by more than 30 pupils and by 25% or 200, whichever is the lesser. The statutory process includes publication of proposals and a statutory consultation period.

Under the School Admissions Code, the local authority as admissions authority for community schools must consult at least the school governing body on the admission number. Foundation schools and academies are their own admissions authority and set their own admission number, subject to them carrying out their own consultation.

## CORPORATE CONSIDERATIONS

### **Corporate Finance**

Corporate Finance have reviewed this report and associated financial implications, noting that budgeted investment in this programme is to be financed through a combination of Department for Education Grant and local resources, for primary and secondary places.

Specific investment in additional SEND capacity through expanding the borough's SRP capacity will contribute towards the Council's broader efforts to manage the significant pressure in High Needs expenditure within the Dedicated Schools Grant arising from the introduction of the 2014 Children's and Families Act. This forms part of the Deficit Recovery Plan jointly agreed by the Council and Schools Forum. The Council has secured a Safety Valve agreement with the DfE which secures Government support for the delivery of the Council's DSG Recovery Programme

and financial support towards the elimination of the cumulative deficit. On Thursday 24 March the Council's Cabinet ratified the Safety Valve agreement, following discussions with DfE, which will clear the cumulative deficit by 2025/26.

## **Legal**

The Borough Solicitor confirms that there are no specific legal implications arising from this report. Legal advice is provided whenever necessary, in particular cases, to ensure that the Council's Interests are protected.

## **Infrastructure / Asset Management**

Asset Management authored this report.

## **BACKGROUND PAPERS**

[Previous updates to Cabinet](#)

## APPENDIX 3

# HOTEL FELIX PLANNING APPEAL DECISION

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## Appeal Decision

Inquiry opened on 31 January 2023

Accompanied site visit made on 31 January 2023

**by Matthew Nunn BA BPI LLB LLM BCL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> June 2023**

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### **Appeal Ref: APP/W0530/W/22/3307903**

#### **Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cassel Hotels Ltd against the decision of the South Cambridgeshire District Council.
  - The application Ref 21/00953/FUL, dated 19 February 2021, was refused by notice dated 22 July 2022.
  - The development proposed is described as 'demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works'.
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### **Decision**

1. The appeal is allowed and planning permission granted for the demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works at the Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX, in accordance with the terms of the application Ref 21/00953/FUL, dated 19 February 2021, subject to the conditions in the attached schedule.

### **Procedural Matters**

2. The Inquiry sat for 6 days as follows: from 31 January to 2 February 2023, and from 7 February to 9 February 2023. Matters pertaining to the effect on the landscape, character and appearance, and the Green Belt were dealt with by way of 'round table' discussions rather than conventional cross-examination.
3. I held a Case Management Conference on 13 December 2022 to discuss the ongoing management of the Inquiry, the likely main issues, including the best method for hearing the evidence, and to ensure the efficient and effective running of the Inquiry.
4. A planning obligation dated 16 February 2023 has been completed between the parties. I deal with this in the body of my decision.

### **Main Issues**

5. The main issues are:
    - (i) the effect of the proposal on the Green Belt, including openness;
    - (ii) the effect on the character and appearance of the area;
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- (iii) whether the loss of the non-designated heritage asset is justified;
- (iv) the need for the care home facility;
- (v) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.

## Reasons

### *Planning Policy Context*

6. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise<sup>1</sup>. The statutory development plan comprises the South Cambridgeshire Local Plan (the Local Plan) adopted in 2018. Both main parties agree that the most important policies for determining the appeal are as follows<sup>2</sup>: Policy S/4 (Cambridge Green Belt); Policy S/7 (Development Frameworks); Policy NH/8 (Mitigating the impact of development in and adjoining the Green Belt); Policy NH/9 (Redevelopment of Previously Developed Sites and Infilling in the Green Belt); and Policy NH/14 (Heritage Assets)<sup>3</sup>.
7. Policy S/4 defines the Green Belt around Cambridge and states that new development within it will only be approved in accordance with Green Belt policy in the National Planning Policy Framework (the Framework). Policy S7 deals with 'development frameworks' which 'define where policies for the built-up areas of settlements give way to policies for the countryside'<sup>4</sup>. The appeal site lies outside a 'development framework' and so countryside policies apply. Essentially, in such areas, only certain types of development will be permitted: for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside, or where development is supported by other local plan policies or Neighbourhood Plan allocations.
8. Policy NH/8 requires that any development proposals within the Green Belt must be located and designed so they do not have an adverse effect on the rural character and openness of the Green Belt. It also requires landscaping conditions to ensure that the impact on the Green Belt is mitigated. Policy NH/9 states that redevelopment of previously developed sites and infilling in the Green Belt will be inappropriate except in certain circumstances. Of most relevance is criteria 'e' which allows for the complete or partial redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.
9. Finally, Policy NH/14 states that development proposals will be supported where they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance, and in accordance with

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

<sup>2</sup> Statement of Common Ground, Paragraph 4.1

<sup>3</sup> The reasons for refusal within the decision notice only cite two policies from the Local Plan: namely Policy S/4 and NH/14

<sup>4</sup> South Cambridgeshire Local Plan [CD 100], Paragraph 2.50

the Framework. This policy relates to, amongst other things, non-designated heritage assets.

10. The Framework is also a material consideration. Advice on development within the Green Belt is given in Section 13. Advice relating to heritage assets is provided in Section 16. The Framework explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

*Effect on the openness of the Green Belt*

11. It is agreed that the proposal is 'inappropriate development' within the Green Belt as it does not fall within any of the exception categories in Paragraph 149 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances<sup>5</sup>. When considering any planning application, the Framework is clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations<sup>6</sup>.
12. The appeal site is a broadly oblong parcel of land occupied by the former Hotel Felix, positioned fairly centrally within the site. There are fields immediately to the north and south which are enclosed by mature trees and hedgerows. This enhances the sylvan character of the site, and also appreciably filters views of it from surrounding locations including Huntington Road and Whitehouse Lane. There are recent and under construction developments nearby, at Darwin Green and Eddington, which create an increasingly prevalent urbanising influence.
13. As well as falling within the Green Belt, the site also forms part of the 'Girton Gap' which separates the village of Girton from the edge of Cambridge City. This Gap performs a key role preventing Girton and Cambridge City coalescing. The Framework notes a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence<sup>7</sup>.
14. The scheme involves demolishing the former hotel building and replacing it with a care home facility with associated parking and landscaping. The proposed building's volume would be greater by some 53% and the footprint 33% greater, compared with the existing. Taking account of unimplemented extensions approved in 2018<sup>8</sup>, these figures reduce to a 33% volume increase, and a 13% footprint increase respectively.
15. The 2018 permission has now expired. The Council advise that, whether any resubmission for permission is likely to be granted is far from certain, especially given the building is now accepted to be a non-designated heritage asset. Any application would need to be considered against that changed status and policy context. Therefore, I consider that the 2018 permission cannot be accorded any significant weight in calculating the percentage increases in volume and footprint.

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<sup>5</sup> Paragraph 147

<sup>6</sup> Paragraph 148

<sup>7</sup> Paragraph 137

<sup>8</sup> ID8, Ref S/4502/17FL – Extension to provide new reception area and 16 additional bedrooms



16. The significant volumetric increase of some 53% is mainly because the new building is uniformly two or two and a half storeys, whereas the existing building, although primarily of two or two and a half storeys, also includes significant one storey elements: for example the orangery style extension, and two single storey links to the substantial accommodation blocks on the north-eastern side.
17. In this case, whilst of significantly greater volume, the new building would be more compact than the existing somewhat rambling structure: its perimeter would be less, and it would not include various single and two storey elements that protrude from the current building. It would be no higher than the existing building<sup>9</sup>. Furthermore, there would be a net reduction in the parking area and hardstanding, as compared with the current situation, and there would be extensive landscaping around the new building.
18. Caselaw has established that the concept of openness of the Green Belt is not narrowly focused on a purely volumetric approach, but other factors may be relevant too<sup>10</sup>. It has also established that openness is a broad concept of policy not law; applying the policy imperative of preserving openness requires realism and common sense; the word 'openness' is open textured and a number of factors are capable of being relevant, including visual as well as physical and spatial impacts<sup>11</sup>. In other words, it is wrong to always assume an increase in volume will necessarily always have a significant impact on openness.
19. The new building would be positioned slightly further north-westwards increasing the distance to Whitehouse Lane from around 55 metres to 78 metres<sup>12</sup>, and reducing the distance to The Brambles in Girton. This repositioning would marginally increase the degree of separation between Girton and Cambridge. However, in my view, taken in the wider context, this increased distance would have a relatively limited visual effect on opening up the Girton Gap, although it may result in some minor improvement to openness.
20. It is notable that the Council's reasons for refusal are narrowly drafted in that they only allege harm by reason of inappropriateness in relation to the Green Belt<sup>13</sup>. No other Green Belt harm is alleged, although harm is identified in relation to the loss of a non-designated heritage asset. The Council's landscape officer considered any effect of the development would be 'negligible' because of 'the existing presence of a similarly functioning and sized building<sup>14</sup>, and this is the Council's position set out in its Statement of Case<sup>15</sup>. At the Inquiry, the Council argued the effect on openness would not be significant<sup>16</sup>.
21. To sum up, whilst of greater volume and footprint, I consider the scheme's greater compactness means any potential loss in openness would be negligible such that it would have little appreciable visual effect on the openness of the Green Belt. The Framework directs substantial weight

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<sup>9</sup> Ms Magee's Proof, Page 25

<sup>10</sup> Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466

<sup>11</sup> R (Liverpool Open and Green Spaces Community Interest Co) v Liverpool City Council [2020] EWCA Civ 861

<sup>12</sup> Figure 10, Ms Sechi's Proof

<sup>13</sup> CD 93, Decision notice dated 22 July 2022

<sup>14</sup> Landscape Consultation Response [CD76]; Committee Report, Paragraph 10.30 [CD 91]

<sup>15</sup> CD 120, Paragraph 5.11

<sup>16</sup> Ms Glover's evidence

should be given to any harm to the Green Belt in the planning balance. Therefore, substantial weight must be given to both the harm by reason of inappropriateness, as well as the negligible harm to openness.

### *Effect on Character and Appearance*

22. The Council has advanced no specific case alleging harm to the character and appearance of the area. The Appellant's Landscape and Visual Appraisal and Green Belt Study<sup>17</sup> concluded that proposed development would not result in adverse effects on the identified groups of visual receptors, and that most of the selected viewpoints would not experience a substantial change in the character of the view, as the proposal substitutes an existing building with 'one of similar scale and materiality'. The Council does not take a contrary position and I see no reason to take a different view.
23. The design of the proposal employs a neo-classical aesthetic, using principally plain grey brick and a pitched slate roof. The Council concluded in its Committee Report that the scheme is 'a high-quality design that would contribute positively to its surroundings and be appropriately landscaped'<sup>18</sup>. It did not demur from that position at the Inquiry, and I see no reason to disagree. Overall, I find that the scheme would not harm the character and appearance of the area.

### *Non-Designated Heritage Asset*

24. Originally known as 'The Close', the building was constructed in 1852 as a private residence, and is an attractive large villa, typical of those built for the professional classes in the mid-19<sup>th</sup> century. Set in spacious grounds and originally roughly rectangular in plan, it is set over two and a half storeys over a raised basement. The architect is not known. It was acquired by Cambridgeshire County Council in the late 1960s and used as an adult education centre. It was sold by the County Council in 2001, and it was subsequently converted into a hotel around 2002.
25. The building merits an entry in the latest edition of 'Pevsner's Buildings of England' as 'a stark Jacobean-gabled villa of 1852'<sup>19</sup>, expanded as the Hotel Felix with forecourt wings by CMC architects, 2002'<sup>20</sup>, although earlier editions of the book do not mention it. One of the most notable architectural features of the house is the bowed 'garden façade', with a terrace and steps down to the garden. This façade comprises a distinctive central Dutch-style gable with a large finial, and the large semi-circular bay comprises the original paired arch sash windows and a pierced brickwork parapet. Good quality local gault brick has been used throughout the original building with stone quoins and detailing to the chimneys. The roofs have slate coverings.
26. The front façade (north-eastern elevation) facing away from Huntington Road was significantly altered in 2002 with an addition. Although the original asymmetrical design has been lost, this addition has been executed very sensitively, with good quality matching brick, and it exactly replicates various architectural features including the arched form of the timber sash windows. It blends seamlessly with the original building, and does not at

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<sup>17</sup> CD 20, dated February 2021

<sup>18</sup> CD 91, Paragraph 10.48

<sup>19</sup> It should be noted that the style is Jacobean inspired and not that it is from the original Jacobean period

<sup>20</sup> Buildings of England – Cambridgeshire, Simon Bradley and Nikolaus Pevsner, Yale University Press 2014, p.344

first glance read as an addition. Whilst not original, this addition does not, in my view, detract from this façade.

27. However, other additions are not so successful. Large projecting wings providing hotel accommodation, in a modern style, pay little heed to the original design, and have been added on to the north-eastern side of the building. This significantly detracts from the building's appearance. In addition, a new orangery-style extension and function room have been added to the side elevations which again do little to enhance the original building. A new competing 'front' entrance within the eastern side of one of the added projecting wings complicates the building's appearance, with the original main entrance only becoming apparent to the visitor if they walk around the new extension to arrive at the now enclosed courtyard in front of the original front elevation.
28. The number and scale of the built extensions have undoubtedly confused the legibility of the original building. Interestingly the now expired 2018 permission<sup>21</sup> would have entirely enclosed the front (north-eastern) façade including the original main entrance, so that it would have fronted on to an internal courtyard. Whilst it is accepted that the permission cannot now be implemented, it does show that the Council was content in the very recent past to allow almost the complete obscuring of an important element of the original building, so that it would have only been visible from within the enclosed courtyard.
29. Internally, some attractive original features remain. These include ornate classical cornicing in some of the principal ground floor rooms, an impressive wood-polished main staircase, comprising turned 'barley-twist' balusters which support a moulded wooden handrail, terminating in a volute over a turned barley twist newel post. There are also original door architraves, deep skirting boards, and internal window surrounds. Within the bow-ended dining room, there is a large ornamental marble fireplace, but this appears to have been introduced at the time the building was converted into a hotel and is not original.
30. However, many internal features have been lost over the years: firstly during the building's use as an adult education centre and later as a hotel. All the original fireplaces have been lost, and the legibility of the original floor plan has been significantly compromised by the removal of walls, the creation of new openings and modern fittings to facilitate its use as a hotel. Even those internal features that do remain, whilst attractive, are not especially unusual or special for a property of this period.
31. The house was originally constructed for Charles Lestourgeon, a Fellow of St John's College, Cambridge, and surgeon at Addenbrooks Hospital from 1842-1879. He was also a keen botanist and had a large conservatory added along the south-east side of the building. The house was subsequently occupied by Sir John Eldon Gorst who was elected MP for Cambridge in 1865 and was subsequently made Solicitor General for England and Wales and knighted. Although the Appellant notes that he lived at the house for 'less than seven years'<sup>22</sup>, this is not an insignificant period of time,

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<sup>21</sup> ID8, S/4502/17/FI

<sup>22</sup> Rebuttal Proof of Ms Hannelly Brown, Paragraph 2.13

and does not diminish the historic interest of the association or the weight attached to its significance.

32. In terms of former occupiers, both Mr Lestourgeon and Sir Eldon Gorst were undoubtedly persons of distinction, but because of the various changes that have occurred to the building, there is little today about the building that has any appreciable connection with these historic owners. The conservatory added by Charles Lestourgeon was removed around the time the building was taken over by the County Council. There is no Historic England 'Blue Plaque'<sup>23</sup>, nor equivalent local or regional marking, on the building in relation to any of its former inhabitants, nor is there evidence anyone has proposed such a plaque.
33. The building was assessed by Historic England in 2020. Although it was found to be an attractive building, it was not considered to possess special architectural or historic interest, nor to meet the strict criteria for listing in a national context. The extensions and additions were described as 'vast'. Historic England decided that the Hotel Felix should be issued with Certificate of Immunity (COI) from listing, being too altered to meet the criteria for listing. The effect of this certificate is that the building cannot be listed for 5 years from the date of issue<sup>24</sup>. This of course does not mean the building has no heritage value, simply that it does not meet the criteria for listing.
34. I appreciate that the building is held in some affection by those who have used the building in the past, either historically as an adult education centre, or later as a hotel from 2002. However, the education use ceased over 20 years ago. Mention was made of weddings, and other memorable family events taking place at the hotel but there is no evidence before the Inquiry that there is any commercial appetite to resume the hotel use.
35. The Appellant has raised the structural condition of the building and refers to 'structural movement'. However, some movement in Victorian buildings is not uncommon, and initial the Structural Report<sup>25</sup> concluded that the property was in 'fair structural condition'. A subsequent more detailed Structural Report<sup>26</sup> refers to only three areas where the highest 'damage category' is recorded: a large ivy root causing movement to the front elevation, and other issues relating to the rear elevation. There is no suggestion, however, that these structural issues cannot be addressed, or that the building is beyond repair. I do not consider the findings of these reports weigh in favour of demolishing the building.
36. To sum up, the building, whilst attractive with some pleasing external and internal architectural features, is typical of its era. There is nothing inherently special about its design that sets it apart from other buildings of this period. It has been substantially extended, unsympathetically in places, and interior features have been lost. It does not meet the criteria for statutory listing. The Council considered that the building has a 'medium/moderate' level of significance in both its design and association<sup>27</sup>,

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<sup>23</sup> Historic England operates a scheme whereby blue plaques are placed on buildings to celebrate links between notable figures of the past and buildings where they lived or worked

<sup>24</sup> From October 2020

<sup>25</sup> Structural Engineers Cambridge Ltd, September 2019

<sup>26</sup> Arc Engineers, October 2022

<sup>27</sup> Paragraph 11.1, Ms Broom's Proof of Evidence

whereas the Appellant says the significance is 'low'<sup>28</sup>. In my view, taking account of the above, I consider it has a low-to-moderate level of significance.

37. Demolition of the building, as proposed here, would result in its total loss. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset. I return to this matter in the planning balance.

#### *Need for the facility*

38. The Planning Practice Guidance (PPG) notes that the need to provide housing for older people is 'critical', and that people are living longer lives and the proportion of older people in the population is increasing<sup>29</sup>. The PPG stops short of requiring local plans to allocate sites, noting it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. However, it does note that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations, especially where there is an identified unmet need for specialist housing<sup>30</sup>.
39. Cambridgeshire County Council (the County Council) accepts that there is a current unmet need for additional care home beds within the Council's area. It is further accepted that there is a specific need for specialist dementia care facilities, and that the only way to address this need is to grant planning permission. The main disagreement relates to the extent of the unmet need – the County Council arguing that it cannot be described as a significant unmet need<sup>31</sup>.
40. Much detailed and contradictory evidence was provided at the Inquiry regarding need, with each side predicting a differing outcome. Different methodologies were advanced by each side and data was presented that appeared to be the subject of much conjecture. It seems to me that there is no single approach to assessing need and attempting to arrive at a 'correct' figure is far from an exact science. The complexity of the data, together with differing methods for projecting future need, using different assumptions and definitions, makes deriving reliable figures over an extended period inherently problematic. Ultimately, a judgement must be made, taking account of a range of relevant factors.
41. In 2020, the County Council and Peterborough City Council carried out a joint assessment of the accommodation needs of older people within their areas. These two areas are often taken together for the purposes of strategic planning. At the Inquiry, the County Council's position was that the overall requirement for the Cambridgeshire and Peterborough area was for 2,601 new beds in the period up to 2036<sup>32</sup>, registered by the Care Quality Commission (CQC)<sup>33</sup>. It is understood that this was calculated as follows: taking the existing CQC registered care beds as at 20 April 2020, namely

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<sup>28</sup> Paragraph 7.19, Heritage Statement

<sup>29</sup> Paragraph: 001 Reference ID: 63-001-20190626

<sup>30</sup> Paragraph: 013 Reference ID: 63-013-20190626

<sup>31</sup> Council's Closing Submissions, Paragraph 43

<sup>32</sup> Starting date from 2021; a 15 year requirement up to 2036

<sup>33</sup> The independent regulator of social care in England



5,419 beds; then noting the forecast growth in population aged 65 plus between 2021-2036, namely an increase of 48% from approximately 163,190 to 241,060 persons<sup>34</sup>; then applying a 48% growth factor to the current number of registered beds, namely 5,419, to give a growth of 2,601 beds by 2036 (i.e.  $5,419 \times 0.48 = 2,601$ ).

42. As the Appellant points out, the weakness with this approach is that majority of those in care homes are likely to be aged 80 plus, if not over 85<sup>35</sup>. That being so, any growth calculation should focus on that age cohort, notwithstanding that the County Council's duty of care extends to all those requiring support over 65. The County Council's own figures are that the 85 plus population is estimated to increase by 110% from 22,980 to 48,200<sup>36</sup>. If a 110% growth factor had been applied, arguably a more robust figure, rather than 48%, the overall requirement figure would have been 5,961 beds (i.e.  $5,419 \times 1.10 = 5,961$ ). Therefore, on this basis, there is likely to have been a significant underestimate of the likely need for care beds in the Councils' area.
43. The County Council, having calculated a figure of 2,601 beds, then states that 731 beds will be required within a care home setting. Initially it is not clear how this figure has been derived. According to Laing Buisson (an independent provider of healthcare data), a much lower percentage increase is forecast in demand for residential care bed provision between 2021 and 2031 than the projected percentage increase in the size of the older population for that period. Two alternative figures are put forward for those residing in a care home: either 412,100 people or 488,100 people. This equates, respectively, to a 4% or a 23% increase compared with the 395,100 people that resided in a care home in 2020. These projections are national, and do not inform us about regional variations.
44. The County Council then advises that a 'mid-point' was taken between 4% and 23%, namely 13.5%, and applied it to the number of CQC registered beds that existed in the Councils' area in April 2020, namely 5,419 (previously established above). This is how the figure of 731 care beds for the period 2021-2036 was calculated ( $5,419 \times 0.135 = 731$ ). The County Council explain that a mid-point of 13.5% was chosen 'taking account of factors including lower occupancy levels as a result of Covid 19, market diversification, fewer developments coming forward and new models of care such as Independent Living Services'<sup>37</sup>.
45. As the Appellant highlights, the problem with this approach is that the lower figure of 4% increase in demand between 2021 and 2031 has already taken account of factors that suppress demand and has been adjusted downwards by a 'counter-driver factor'<sup>38</sup>. It is therefore problematic to choose a mid-point between 4% and 23% on the basis there needs to be a downward reduction from 23% when suppressed demand has already been accounted for. The Appellant is not necessarily arguing that a projected increase in 4% should be preferred to one of 13.5%, merely that the basis for selecting a 'mid-point' is flawed. I agree with that assessment.

<sup>34</sup> Appendix GS2 of Mr Singh's Proof, Slide 8

<sup>35</sup> Although disputed by the Council the figures in Appendix GS1 of Mr Singh's Proof, Table 1.6 (extracted from Lang Buisson Report) bear this out

<sup>36</sup> Appendix GS2 of Mr Singh's Proof, Slide 8

<sup>37</sup> Mr Singh's Proof, Paragraph 4.6

<sup>38</sup> See Notes to Figure 1.10 within Appendix GS1 of Mr Singh's Proof

46. There is a further problem in that the projections used by the County Council cover a 10-year period up to 2031, but these figures are used to calculate a need over a longer period, ending in 2036. This means a 5 year period beyond 2031 is not accounted for in the Councils' projection, although the County Council says this discrepancy is unlikely to alter the figures greatly. Looking at the trend in the projections in the County Council's evidence<sup>39</sup>, it is likely that the mid-point would have been significantly higher than 13.5% in 2036.
47. The same methodology is used by the County Council to calculate the need at district level and formed the basis of the County Council's response to the planning application<sup>40</sup>. A mid-point of 13.5% is used on existing figures of 928 beds (as at 1<sup>st</sup> April 2020) in South Cambridgeshire District to produce a total of 1,052 beds up to 2036; and 697 in Cambridge City to produce a total of 791; in other words, an additional 124 beds in South Cambridgeshire and 94 in Cambridge City. However, given the identified problems with the methodology outlined above, this is likely to be an under-estimate.
48. The Appellant also highlights that there may be a difference between the number of 'registered beds' and the number of actual 'available beds'. The number of 'registered beds' is the maximum number of beds that the CQC has determined a care home can lawfully provide – the 'registered capacity'. However, the actual number of beds offered may, in reality, be considerably lower as there is no obligation to provide the maximum number of beds permitted<sup>41</sup>. Beds may be temporarily or permanently unavailable for various reasons: staff constraints, rooms reconfigured for other uses, or refurbishment. I accept that simply looking at the number of beds registered may not always provide an accurate understanding or indication of supply of available beds.
49. The County Council acknowledge that there is a 'significant growing incidence of dementia in older people'<sup>42</sup>, although it then contends that whilst the number of older people being diagnosed with dementia is growing, this does not necessarily equate to an increase in the need for registered beds<sup>43</sup>. This is because those with dementia may have 'greatly varying symptoms and needs' met by a 'range of housing options'. The County Council has adopted a 'mixed market' approach to reduce dependence on one type of solution to meet the need. It includes new models such as 'Independent Living Services', for people with high dependency and dementia.
50. However, although the County Council expects Independent Living Services schemes to come forward, as yet none have been brought forward in the District. Furthermore, the 'Market Position Statement'<sup>44</sup> published jointly in 2018 by the County Council and Peterborough City Council identifies various 'key pressures' including amongst other things homecare capacity, shortage of residential dementia, nursing, and nursing dementia provision. The

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<sup>39</sup> Figure 1.10, Appendix GS1 of Mr Singh's Proof

<sup>40</sup> Appendix GS4 of Mr Singh's Proof: Response of Lynne O'Brien, Commissioning Manager, dated 22 December 2021

<sup>41</sup> See LaingBuisson Report: Care Homes for Older People – 32<sup>nd</sup> Edition, March 2022, Page 71-2, attached at Appendix A, Proof of Ms Venables

<sup>42</sup> Paragraph 4.21, Mr Singh's Proof

<sup>43</sup> Paragraph 4.22 (Ibid)

<sup>44</sup> CD 128, Page 4

Report goes on to note that there is a 'significant gap in provision' in 'residential dementia beds' and 'nursing dementia beds'<sup>45</sup> in South Cambridgeshire. The context, therefore, is an acknowledged issue with the provision of dementia care within the District. Although the County Council is currently working on a strategy as to how such needs will be met - an Adult Social Care Accommodation Strategy<sup>46</sup>, it is some way from being finalised.

51. The Appellant has provided an alternative approach which arguably provides a more thorough understanding of the current supply within the District, applying up-to-date data on regional demand rates within the East of England to produce a projection of the need for additional care beds. This looks beyond the registered capacity and includes quality considerations as well. The Appellant's Assessment identifies a shortfall of 218 minimum market standard care beds within the South Cambridgeshire District in 2025. This increases to 500 bedspaces if the assessment is based on care bedrooms providing full ensuite wet rooms (as proposed in this scheme). This, the Appellant says, is increasingly the market expectation, especially since the Covid pandemic. The Appellant has also considered the specific need for dedicated dementia care beds for the District, and calculates a need as follows: 277 'minimum' market standard, and 288 'full market standard' beds with ensembles in 2025.
52. I acknowledge the County Council's point that by focussing on beds which are solely ensuite or have a wet room, the assessment fails to assess the whole market, which covers all CQC registered beds. I further acknowledge such an approach imposes an artificial limit, embedding a qualitative factor into the assessment, and is not a definition found in the PPG, nor does the CQC make such a distinction. That said, the Appellant was clear that the 'market standard approach' was increasingly accepted market practice, although this is disputed by the Council.
53. Overall, the Appellant's assessment of net needs for residential care home beds does not appear to be excessively high when compared with other assessments: for example, the '*Older People's Housing Care and Support Needs in Greater Cambridge*' published in 2017<sup>47</sup> and the '*Housing Needs of Specific Groups- Cambridgeshire and West Suffolk*' published in 2021<sup>48</sup>. The Appellant's assessment is the most conservative of these<sup>49</sup>. It is the assessment relied on by the County Council in this appeal that forecasts a much lower need figure<sup>50</sup>.
54. To sum up, it is difficult to predict with certainty a precise need figure. Ultimately it is a matter of judgement. I consider the Appellant to be correct in identifying certain flaws within the methodology relied on by the County Council. This is likely to have significantly under-estimated the need for additional care beds. Taking the evidence in the round, I consider there is an existing and pressing increasing need for additional care beds. The PPG gives a clear injunction to Local Planning Authorities to respond positively to proposals for specialist housing for older people to meet the critical need for

<sup>45</sup> Page 14 (Ibid)

<sup>46</sup> Paragraph 4.23, Mr Singh's Proof

<sup>47</sup> Report by the Centre for Regional, Economic and Social Research

<sup>48</sup> Report by G L Hearn

<sup>49</sup> See Comparative Table 6, Page 25, Proof of Ms Venables

<sup>50</sup> District Demand Profiles, Cambridgeshire County Council (2021), Mr Singh's Appendix, GS6



it. I consider the timely development of new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. This need must be weighed in the planning balance.

### *Planning Obligation*

55. A planning obligation has been completed by the parties dated 16 February 2023. This would secure a 'burial contribution' (£16,800) to provide additional burial spaces in the Parish of Girton. The obligation requires that the proposed building not be occupied until the burial contribution has been paid in full. It also requires a monitoring contribution of £500 be paid on commencement of development.
56. I have no reason to believe that the formulas and charges used by the Council to calculate the provisions of the obligation are other than soundly based. The Council has provided a Community Infrastructure Levy (CIL) Compliance Statement<sup>51</sup> which sets out the methodology for calculating the contributions, why they are necessary, and how they would be spent. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework<sup>52</sup> and CIL Regulations<sup>53</sup>. I have taken the planning obligation into account in my deliberations.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.*

57. On the harm side, the proposal is inappropriate development and is therefore harmful by definition. There would also be a negligible loss of openness. Substantial weight must be given to both the harm by reason of inappropriateness, as well as the negligible harm to openness.
58. The scheme would also result in the total loss of a non-designated heritage asset of low-to-moderate significance. There was some debate at the Inquiry as to what level of harm would arise from its demolition. Clearly, the demolition of the building would result in the complete loss of its significance. Logically, however, the loss of a building of low-to-moderate heritage significance would only give rise to a low-to-moderate level of harm<sup>54</sup>. I give that harm a corresponding level of weight, even though the loss of the existing building is total. This leaves for assessment 'other considerations' and whether they, collectively, clearly outweigh the harms identified such as to amount to very special circumstances necessary to justify the development.
59. There are certain problems with the methodology of the County Council which leads me to believe there is an underestimate of care home need. Taking the need evidence as a whole, I consider the timely development of

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<sup>51</sup> ID16

<sup>52</sup> Paragraph 57

<sup>53</sup> Regulation 122

<sup>54</sup> It is difficult to see how a building can be of a certain level of significance when it is in place, but then cause harm of a higher level of significance if it is demolished

new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. As noted above, the PPG emphasises that the need to provide housing for older people is critical. I accord the provision of this proposed care home facility substantial weight.

60. The first floor of the proposed building has been designed to operate as a dementia centre. This is indicated on the plans, although not included in the description of development. Despite assurances from the Appellant, the Council have disputed whether the dementia centre will in fact operate as such, arguing that there would be nothing to prevent the use of this floor as a high-end non-dementia care home. In particular, the Council argue that proposed Condition 2, requiring compliance with the approved plans would not secure the actual use of a dementia centre. An additional condition has now been put forward requiring submission of a management plan for the dementia centre, and requiring it to be operated in accordance with the plan. I have no reason to doubt the commitment of the Appellant to provide this facility, nor to doubt it would be used as intended. This attracts substantial weight.
61. The design of the building and associated landscaping would be of high quality, although there was a dispute about the weight this should attract. The Council says there is a renewed emphasis on good design in the Framework: in particular, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve<sup>55</sup> as is the fostering of well designed, beautiful places<sup>56</sup>. Therefore, it is argued, high quality design is not an optional extra, but a basic requirement of policy. Whilst I note the Council's comments, much thought has gone into the design and landscaping to achieve a very pleasing building with attractive gardens. The new facility takes some design cues from the current building and would employ a varied and attractive palette of materials. I find that the design of the scheme, including its landscaping carries moderate weight.
62. In terms of biodiversity, the scheme would exceed minimum policy requirements. There would be a 74.49% net gain in habitats, and a 38.72% net gain in linear features such as hedgerows<sup>57</sup> against Biodiversity Metric 2.0<sup>58</sup>. I accord this significant weight. In terms of job creation and economic impacts, the care home is anticipated to generate 92 full-time and 11 part time employees across a variety of roles<sup>59</sup>. In addition, jobs would be created during the construction process. I attach moderate weight to this benefit. The appeal site is in a relatively sustainable location, with a range of bus services, reasonably close to the amenities of Cambridge City. This attracts limited weight.

## **Planning Balance and Overall Conclusion**

63. Having carefully considered all the evidence, I find that 'other considerations' namely the benefits of the scheme, taken together, clearly outweigh the

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<sup>55</sup> Paragraph 126

<sup>56</sup> Paragraph 8(b)

<sup>57</sup> Appellant's Closing Submissions, Paragraph 114.

<sup>58</sup> Whilst this has now been superseded by Metric 3.1, the landscaping and biodiversity proposals would still achieve more than local policy minimum requirements

<sup>59</sup> Mr Derbyshire's Proof, Paragraph 6.56; and Planning Statement, Paragraph 5.22

definitional Green Belt harm, the negligible harm arising from loss of openness, and harm arising from the total loss of a non-designated heritage asset of low-to-moderate significance. Consequently, very special circumstances exist, and the development is therefore justified.

64. The Framework states that proposals which accord with an up-to-date development plan should be approved without delay. As very special circumstances have been demonstrated, I find general compliance with Green Belt policies of the Local Plan, namely Policies S/4, NH/8 and NH9, when read together. For similar reasons, whilst the site falls outside the development framework, again I find general congruence with Policy S/7 given the demonstration of very special circumstances.
65. Policy NH/14, whilst supporting proposals that sustain and enhance the significance of heritage assets, defers to the Framework in assessing, amongst other things, non-designated heritage assets<sup>60</sup>. The 'balanced judgement' required by Paragraph 203 of the Framework favours allowing the proposal, given the many benefits arising from the scheme, including securing a high quality, modern care facility for which there is a clear need, in a sustainable location.
66. Overall, I find the scheme complies with the development plan as a whole. There are no material considerations to indicate that permission should be withheld. Accordingly, I conclude the appeal should be allowed, subject to the conditions set out below.

## Conditions

67. I have reviewed the agreed list of suggested conditions set out in the Statement of Common Ground in the light of the discussion at the Inquiry. During that discussion, it was agreed that some of the suggested conditions were unnecessary, and others could be simplified. The Framework is clear that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects<sup>61</sup>. I have reworded the conditions for simplicity where necessary and have amalgamated some to avoid duplication. The numbers in brackets relate to the conditions in the schedule.
68. A commencement condition is necessary to comply with the relevant legislation (1). A condition requiring compliance with the approved plans is necessary for certainty (2). Conditions are necessary to ensure the site is adequately drained and to prevent the increased risk of flooding (3, 4). A condition relating to tree protection is necessary to ensure that existing trees within the site are not damaged during construction works (5). Conditions relating to potential site contamination are necessary to protect the health of future occupiers of the development, as well as minimising risks to controlled waters and ecological systems (6, 7, 8).
69. A condition requiring a Construction Traffic Management Plan is necessary to ensure efficient traffic flow and to ensure highway safety during the construction phase (9). A condition requiring a Construction Environmental Management Plan is necessary to mitigate the construction phase effects,

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<sup>60</sup> Paragraph 2 of the Policy

<sup>61</sup> Paragraph 56

including in relation to noise, vibration, and waste management (10). A condition limiting the construction hours of operation is necessary to protect the living conditions of nearby residents (11). Conditions relating to biodiversity and habitat provision, lighting, landscaping, and trees, are necessary to enhance the biodiversity of the site and to ensure high quality landscaping (12, 13, 14, 15).

70. A condition is necessary in respect of the main drive to ensure it drains correctly to prevent flooding and discharge to the adopted highway; and requiring the use of a bound material for the first five metres to prevent debris spreading to the adopted highway to maintain highway safety (16). A condition requiring the provision of visibility splays is required to ensure highway safety (17). A condition is required ensuring appropriate provision of car parking (18). A condition requiring a Travel Plan is necessary to encourage sustainable travel to and from the site (19). A condition requiring the provision of electric vehicle charging points is necessary to encourage sustainable modes of transport and to reduce the impact of the development on local air quality (20).
71. Conditions relating to the installation of low energy technologies and water efficiency measures are required to ensure a sustainable and energy efficient form of development (21, 22). Conditions restricting the use of the building to a care home and imposing an age restriction are necessary to ensure the building is used for its intended purpose (23, 24). A condition relating to the provision of a dementia centre is necessary to ensure the benefits of such a facility are realised (25).
72. A condition requiring approval of external materials is necessary to ensure a high quality scheme, and to protect the character and appearance of the area (26). Conditions relating to waste management provision and cycle storage are necessary to ensure these matters are appropriately addressed (27, 28). A condition is required relating to fire hydrants to ensure an adequate supply of water is available for emergency use (29).
73. A number of the conditions relate to pre-commencement activities. In each case, the requirement of the condition is fundamental to make the scheme acceptable in planning terms. Subject to the imposition of these conditions, I conclude that the appeal should be allowed.

*Matthew Nunn*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

Gwion Lewis	of King's Counsel, Landmark Chambers
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He called

Melissa Magee	Design and architecture
Martina Sechi	Landscape and visual impact
Kate Hanelly Brown	Heritage
Jessamy Venables	Need for the facility
Michael Derbyshire	Planning

### **FOR THE COUNCIL**

Asitha Ranatunga	of Counsel, Cornerstone Barristers
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He called

Gail Broom	Heritage issues
Gurdev Singh	Need for the facility
Elisabeth Glover	Planning

### **INTERESTED PERSONS**

Anne Muston	Girton Parish Council (Vice Chair)
Dr John Gray	Cambridge Past, Present and Future
Michael Goodhart	Cambridge Past, Present and Future
David Rosewarne	Local resident
Janet Dye	Local resident
Dr Frederick Nkonge	Local resident

### **INQUIRY DOCUMENTS**

1. Opening submissions for the Appellant
2. Opening Submissions for the Council
3. Historic England: Local Heritage Listing: Identifying and Conserving Local Heritage
4. Statement of the Chancellor, Jeremy Hunt
5. Erratum Note: Proof of Evidence of Martina Sechi
6. Greater Cambridge Landscape Character Types & Areas

7. Reducing long stays: Where best next campaign
8. Planning permission for extension to Hotel Felix (Ref: S/4502/17/FL)
9. Statement of Ann Muston, Vice-Chair of Girton Parish Council
10. Statement of John Gray and Michael Goodhart, Cambridge Past, Present and Future
11. Statement of David Rosewarne
12. Statement of Janet Dye
13. Comparison Table: current building, current building with previously approved extensions, and proposed building
14. Age specific demand rates for care in residential settings
15. Suggested condition in respect of dementia research centre
16. Community Infrastructure Levy Compliance Statement
17. Legal authorities (from both parties) including
  - a. *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567
  - b. *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466
  - c. *R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314
  - d. *R (Samuel Smith Old Brewery) v North Yorkshire CC* [2018] EWCA 489
  - e. *R (Liverpool Open and Green Spaces) v Liverpool CC* [2020] EWCA 861
  - f. *R (Sefton MBC) v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 1082 (Admin)
18. Closing submissions of the Council
19. Closing submissions of the Appellant
20. Planning Obligation dated 16 February 2023

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-846 22A (courtyard elevations); A-846 11A (ground floor / first floor); A-846 12A (second floor / roof); A-846 21A (main elevations); A-846 24A (proposed sections); A-846 06A (location plan); A-846 04B (site plan).
- 3) No development shall take place until a scheme for the detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved scheme has been implemented. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Drainage Strategy Report prepared by Arc Engineers (Ref: 20 106) dated February 2021. It shall include:
  - a. Full calculations detailing the existing surface water runoff rates for the QBAR (Mean Annual Flood), 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c. Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
  - d. Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
  - e. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - f. Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
  - g. Full details of the maintenance/adoption of the surface water drainage system;
  - h. Permissions to connect to a receiving watercourse or sewer;
  - i. Measures taken to prevent pollution of the receiving groundwater and/or surface water.



- 4) No development, excluding demolition, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be brought into operation before any works to create buildings or hard surfaces commence.
- 5) Before any works on site take place, an Arboricultural Method Statement, Tree Protection Strategy and Schedule of Monitoring shall be submitted to and approved in writing by the Local Planning Authority (including details of timing of events, protective fencing and ground protection measures). These documents should comply with BS 5837. The approved tree protection methodology shall be installed before any works commence on site and shall remain in place throughout the construction period. The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority. If any tree shown to be retained is damaged, any remedial works as specified by the local planning authority will be carried out in accordance with an approved timetable.

Before any site clearance begins, a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and the Council's Tree Officer to discuss details and implementation of the approved Arboricultural Method Statement.

- 6) No development, excluding demolition, shall take place until: (a) the site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority; (b) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the first occupation of the development hereby permitted, the works specified in any Remediation Method Statement must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority.
- 8) If during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the care home hereby approved. If during the course of construction, contamination not previously identified is found to be present at the site, then no further works shall be carried out (unless otherwise agreed) until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as



approved, verified and reported to the satisfaction of the Local Planning Authority before works resume.

- 9) No demolition or construction works shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan should address the following: (i) movement and control of 'muck away' vehicles (all loading and unloading should be undertaken where possible off the adopted public highway); (ii) contractor parking, with all such parking to be within the curtilage of the site where possible; (iii) movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible); (iv) control of dust, mud and debris, and the means to prevent mud or debris being deposited on to the adopted public highway. The development shall be carried out in accordance with the approved details.
- 10) No development (including any site clearance / preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include the following matters: (i) piling methods (if employed); (ii) earthworks; (iii) site hoardings; (iv) noise limits; (v) vibration; (vi) control of emissions; (vii) waste management and disposal and material re-use; (viii) anticipated nature and volumes of waste; (ix) measures to ensure the maximisation of the re-use of waste (including effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities); (x) proposed timing of submission of a Waste Management Closure Report to demonstrate the effective management of construction waste; (xi) materials storage and hazardous material storage and removal. The development shall be carried out in accordance with the approved details.
- 11) Works during the demolition and construction phase, including operation of site machinery and plant, deliveries and dispatches from the site, that generate noise beyond the site boundary shall be only carried out between the hours of 0800 hrs and 1800 hrs Mondays to Fridays, and between 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays, Bank or Public Holidays.
- 12) Prior to the commencement of development above slab level, a scheme of biodiversity enhancement shall be supplied to the Local Planning Authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented before occupation of the building hereby permitted, or in accordance with a timetable agreed with the Local Planning Authority. Ecological measures shall be carried out in accordance with the details within the Ecology Assessment (Ecology Solutions, October 2020) before occupation of the building hereby permitted or in accordance with a timetable agreed by the Local Planning Authority.
- 13) A Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:  
(a) identify those areas / features on site that are particularly sensitive for bats; and (b) show how and where external lighting will be installed

(through the provision of appropriate lighting contour plans and technical specification) so that any lighting will not disturb bats.

The Strategy should provide details of the installation of all the low-level lighting, including any tree up-lighting. Where lighting is proposed around trees, a bat roost assessment of the tree shall be undertaken and submitted to and approved in writing by the Local Planning Authority. Lighting shall not be installed in the canopy of trees.

External lighting shall be installed, maintained and operated in accordance with the specifications and locations set out in the Strategy, and in accordance with a timetable agreed by the Local Planning Authority.

- 14) No development above ground level shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include: (a) hard surfacing materials; (b) planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; (c) boundary treatments indicating type, positions, design, and materials; (d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; (e) any trees to be translocated and their means of protection and establishment. All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the building or in accordance with a programme agreed in writing with the Local Planning Authority.
- 15) If within a period of five years from the date of the planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
- 16) The proposed new drive shall be constructed so that its falls and levels are such that no private water from the site drains across or on to the adopted public highway. It shall be constructed using a bound material for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading on to the adopted public highway.
- 17) Prior to the first occupation or bringing into use of the development, hereby permitted, two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access from Whitehouse Lane measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be permanently maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.
- 18) Prior to first occupation of the development, the car parking spaces shall be provided in accordance with the approved details and shall be retained thereafter for that use.

- 19) The building shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify: the methods to be used to discourage the use of the private motor vehicle and encourage use of alternative sustainable travel arrangements, including public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved.
- 20) No permanent connection to the electricity distribution network shall be established until an electric vehicle charge point scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed before the development is occupied.
- 21) The approved renewable/low carbon energy technologies (as set out in the Energy Strategy Report, Harniss Consulting Ltd, Version P2, dated May 2021) shall be fully installed and operational prior to the occupation of the building and thereafter maintained in accordance with a maintenance programme, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 22) Water efficiency measures within the development shall be submitted to and approved by the Local Planning Authority, and implemented before occupation of the building.
- 23) Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for a residential care home and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
- 24) The care home hereby approved shall only be occupied by persons aged at least 55 years.
- 25) Prior to the occupation of the first floor of the building, a Management Plan for the dementia centre shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out consultations with specialist dementia agencies and bodies, and the results of these consultations and the availability for use of the centre by these agencies and bodies. The dementia centre shall be operated in accordance with the approved Management Plan.
- 26) No development shall take place above ground level, except for demolition, until details of all the materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include: external wall finishes, brickwork, windows and doors (material and colour), entrances, porches and canopies, roof cladding, balustrades and rain water goods. Development shall be carried out in accordance with the approved details.

- 27) The development shall not be occupied until refuse storage facilities have been provided within the site in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the occupation of the development and permanently retained thereafter.
- 28) Details of facilities for secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is first occupied and shall be retained in accordance with the approved details thereafter.
- 29) A scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

## APPENDIX 4

# APPEAL DECISION ON GREEN BELT OPENNESS

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## Appeal Decision

Hearing Held on 12 November 2019

Site visit made on 12 November 2019

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 November 2019**

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**Appeal Ref: APP/R5510/W/19/3229922**

**Heathrow Service Station, Shepiston Lane, Hayes UB3 1RW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tom Jeremiah (Euro Garages Limited) against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 17981/APP/2018/504, dated 9 February 2018, was refused by notice dated 21 December 2018.
  - The development proposed is demolition of existing car wash, development of drive-thru coffee shop (Use Class A1), alterations to existing petrol filling station forecourt, plus car parking, landscaping and other associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing car wash, development of drive-thru coffee shop (Use Class A1), alterations to existing petrol filling station forecourt, plus car parking, landscaping and other associated works at Heathrow Service Station, Shepiston Lane, Hayes UB3 1RW in accordance with the terms of the application, Ref 17981/APP/2018/504, made on 9 February 2018, subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matters

2. The description of the development proposed is taken from the appeal form. This is because the application was amended prior to the Council's decision, with the deletion of an originally proposed drive-thru restaurant (Class A3).
3. Sufficient information has now been provided in relation to the highways impact of the drive thru coffee shop, demonstrating that the proposal would not result in increased traffic movements and queuing to the detriment of public and road safety. As a consequence, the Council's second reason of refusal has fallen away, leaving only that found in respect of Green Belt policy.

### Main Issue

4. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

## Reasons

5. The existing service station is located within the Metropolitan Green Belt. The site is alongside the M4, with access onto Shepiston Lane which links to junction 4 of the motorway. Heathrow airport is nearby. The southern part of the site comprises a bund separating the service station from the motorway. On the other side of Shepiston Lane there is a cemetery, with a haulage depot next to that. A modern hotel is adjacent the service station. Other than these developments and the surrounding road infrastructure, the appeal site is surrounded mainly by open fields, which separate it from the developed urban areas beyond.
6. The main issue relates principally to the replacement of the car wash with the larger drive thru coffee shop, along with the extended hardstanding areas of associated car parking and access, rather than the more minor alterations to the filling station forecourt.
7. The drive-thru coffee shop would result in a moderately larger building and its associated access and car parking would extend the area of existing hardstanding into part of the mown grassed area around the car wash installation. Beyond this grassed area, a line of trees and bushes occupy raised land marking the extent to the operational part of the service station site. There would be a slight incursion within this clearly-defined landscaped area to the east, mainly as a result of an extended service road. However, the development proposed would be mainly confined to the level area accommodating the existing operations and enclosed within the raised landscaped areas to the south and east.
8. The Framework establishes the Government's fundamental aim in respect of the Green Belt. This is to prevent urban sprawl by keeping Green Belt land permanently open; the essential characteristics being its openness and permanence. To this end, inappropriate development is deemed by definition harmful to the Green Belt and not to be approved except in very special circumstances.
9. Paragraph 145 of the Framework establishes the construction of new buildings as inappropriate in the Green Belt, apart for a number of exceptions, of which part g) is most relevant in this case. This considers as not inappropriate a proposal which might comprise limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
10. Infilling is not defined in the Framework but is commonly understood to be the development of a small gap in an otherwise built-up context. The proposal would arguably be infill within, and certainly comprise the partial redevelopment of, the service station site. I consider the appeal site to meet the Framework definition of previously developed land. This is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. Although this definition is qualified not to assume the whole of this curtilage should be developed, I nonetheless judge this scheme to comprise the partial or complete redevelopment of previously developed land, in continuing use by virtue of being part of an operational service station. To be considered as not



inappropriate in the Green Belt under the Framework, this proposal therefore needs to be found not to have a greater impact on its openness than the existing development.

11. Whilst the Framework is a material consideration to which I must attach significant weight, my starting point is the development plan. Paragraph 213 of the Framework makes it clear that existing development plan policies should not be considered out-of-date simply because they were adopted prior to its publication. However, saved policies OL1 and OL4 of the Borough's Unitary Development Plan<sup>1</sup> predate the Framework by a number of years and reflect the much earlier national Green Belt policy of Planning Policy Guidance 2. I therefore give these policies limited weight, giving a greater amount to Policy EM2 of the Part 1 Hillingdon Local Plan<sup>2</sup> and Policy 7.16 of the London Plan<sup>3</sup>. These apply national policy and thus are entirely in line with the Framework.
12. The appellant has submitted the quite recent *Euro Garages* High Court judgement<sup>4</sup> which provided interpretation of the sixth bullet point of paragraph 89 of the 2012 Framework, now superseded by paragraph 145 g) in the current 2019 version. This sixth bullet of paragraph 89 had included reference to the purpose of including land within the Green Belt. Although this is no longer in replacement paragraph 145 g), I find this proposal not in conflict to any material degree with any of the five purposes ascribed to the Green Belt in paragraph 134 of the Framework. These are to check the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging into one another, safeguard the countryside from encroachment, preserve the setting and special character of historic towns and assist in urban regeneration.
13. In respect of the question of impact on openness, the *Euro Garages* judgement found that the context for this should relate to the Green Belt generally rather than be confined to the development site itself. The decision ruled that a greater impact on openness than the existing development must be assessed on the basis of a consideration of harm, rather than simply of change. In this case there is no dispute that the drive-thru coffee shop would create a larger building, with a greater extent of hardstanding and an increase in vehicular and other activity. In this regard, there would be a loss of openness to the Green Belt in a spatial sense, through the increase in built footprint, and also in a visual sense with the somewhat larger building and resulting change to the street scene.
14. However, the development would be contained within the landscaped bunds and be viewed in the context of the existing service station, that includes the larger filling station shop and prominent extent of canopy over the fuel pumps. As a consequence, there would be limited harm to the wider Green Belt in respect of diminishing its spatial extent beyond the existing service station site. The buildings proposed would be of a design appropriate to the service station context and the slightly larger size of development would lead to very little harmful loss of Green Belt openness in any visual sense.

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<sup>1</sup> London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27 September 2007

<sup>2</sup> Hillingdon Local Plan: Part 1 – Strategic Policies (Adopted November 2012).

<sup>3</sup> The London Plan March 2016

<sup>4</sup> (*Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin))

15. The restrictive policies over development within the Green Belt may have an incidental role in preserving the quality of an undeveloped landscape. However, the inclusion of land within Green Belt is not necessarily indicative of scenic merit or visual high-quality. Neither does the surrounding Landscape Character Type, in this area defined as Harlington Open Gravel Terrace, necessarily indicate a particular quality of landscape. In this area the undeveloped land is of a level and open nature which, as protected through inclusion in the Green Belt, provides valuable relief to the adjacent built up urban areas. However, set within the confines of an existing service station and adjacent to a motorway, this proposal would have a quite negligible effect on the overall character of the surrounding landscape. The development would cause little harm to the Green Belt in respect of having a materially greater impact on its openness than the existing development.
16. I have had regard to the decisions submitted by the Council in regard to developments dismissed on appeal<sup>5</sup> recently at Cherry Yard, West Drayton. However, it remains appropriate I determine this appeal on its individual merits and also in the light of the interpretation of Framework policy provided in the more recent *Euro Garages* High Court judgement. I conclude that the proposal would, for the reasons given, be not inappropriate development within the Green Belt and as such would comply with Policy EM2 of the Local Plan, Policy 7.16 of the London Plan and part 13 of the Framework.

### **Conditions**

17. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have considered the conditions agreed in the Statement of Common Ground in the context of this.
18. In addition to the standard condition imposing a time limit for commencement, another is necessary for certainty which specifies the approved plans. Given the nature of development permitted, a condition is necessary requiring on-site litter management to be agreed. A suitable condition is necessary in the interests of addressing any site contamination issues. Hard and soft landscaping measures form part of the approved details but conditions addressing tree protection measures and planting implementation are nonetheless required. A final condition is needed to ensure the Council's requirements for accessible parking and car charging points are met. I am not persuaded over the necessity for conditions limiting the erection of further buildings beyond those allowed or over the burning of waste materials on site.

### **Conclusion**

19. For the reasons set out above, I conclude that the appeal should be allowed.

*Jonathan Price*

INSPECTOR

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<sup>5</sup> APP/R5510/W/17/3186946 and 3186942



to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

5. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Notwithstanding the plans approved, the drive-thru coffee shop (Use Class A1) shall not operate until vehicle electrical charging points and accessible parking spaces have been provided in accordance with details that shall have first been submitted to and agreed in writing by the local planning authority.

**ENDS**

