

## Planning Statement

Boleyn Court 5-19 Botwell Lane Hayes  
Middlesex UB3 2BL



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### 1.0 Introduction

- 1.1 This statement has been prepared to support the planning application for the proposed replacement of timber and render exterior facing materials and the installation of replacement windows and doors on the first, second and third floors by Pinnacle Investments (Holdings) Ltd For and on behalf of Vistra Funds Services (Guernsey) Ltd acting as trustee for the PRF Hayes Unit Trust at Boleyn Court 5-19 Botwell Lane Hayes UB3 2BL.
- 1.2 In the aftermath of the Grenfell tragedy, a national review was undertaken to review existing housing stock and identify buildings which were clad with combustible cladding materials. In order to establish this, Boleyn Court was subject to a Fire Risk Appraisal of External Wall Construction and Cladding (FRAEW). The opening-up works and appraisal was carried out by Tennison Suite Ltd on 29<sup>th</sup> August 2023 on the first, second and third floors and concluded that the core material of the façade, timber cladding and the lack of cavity fire barriers rendered the building as “high risk”. Thus, the combustible materials needed to be replaced with appropriate alternative non-combustible materials and cavity fire barriers installed.
- 1.3 Additionally the windows and doors which are double glazed composite aluminium were found to be largely defective and in poor repair with inefficient thermal values and many of which have ineffective opening arrangements. These are to be replaced with modern, sustainable timber/aluminium replacements. These replacements will all be within the existing openings with no change in size or location.
- 1.4 This Planning Statement should be read in conjunction with the application drawings and supporting documentation. In addition to this Planning Statement, the following information is submitted in support of the application:

Application form;  
Requisite planning application fee;  
Completed CIL form;  
Site Location Plan;  
Existing and proposed elevations;  
Existing and proposed floor plans;  
Sections;  
Planning Statement  
Proposed technical specification of replacement cladding and all windows and doors  
Design and Access Statement (DAS), including specification details of the proposed replacement materials and photographs showing the existing building & context and a design rationale for the proposal;

### 2.0 Site Description

- 2.1 The building was built in 2005 and is part three storey and part four storey with a mixture of commercial/retail units on the ground floor (not included in the proposed remedial works) and 24 residential units on the floors above. It is located on the southwest side of Botwell Lane near the busy intersection of Station Road and Coldharbour Lane.
- 2.2 The site is located within the busy Hayes Town Centre. There is a mix of commercial/retail units, residential properties and a range of local amenities, including a primary school, religious institutions and a large supermarket within the immediate vicinity.
- 2.3 Numerous public transport options are also in the immediate vicinity including bus stops, the newly

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opening Elizabeth line station at Hayes and Harlington being approx. 7m (300m) from the site.

- 2.4 The site lies within the London Borough of Hillingdon and there are no additional planning constraints on the site.

### 3.0 Planning History

- 3.1 53799/APP/2003/360 APPROVED  
Demolition of existing commercial units (1-2 storey) construction of new A1, A2, A3 units to ground floor and 24 1 bed flats above (3-4 storey)
- 3.2 53799/APP/2001/1506 APPROVED  
Demolition of the existing buildings and the erection of a 3 and 4 storey building comprising of retail, commercial and food use on the ground floor and 18 one- and 2-bedroom flats above on 30<sup>th</sup> October 2002
- 3.3 53799/APP/1999/2440 APPROVED 3rd July 2001  
Application for a mixed development which addressed reasons for refusal
- 3.4 53799/99/0423 REFUSED APPEAL DISMISSED  
Demolition of the existing buildings and the erection of a three-story block incorporating shop premises on the ground floor and 8 flats

### 4.0 The Proposal

- 4.1 The application seeks full planning permission for  
*"Replacement of existing timber cladding and render with non-combustible materials and replacement of defective window and doors."*
- 4.2 This section should be read in conjunction with DAS (May 2024) and other supporting documentation that accompany this application.
- 4.3 Following the fire risk appraisal (FRAEW) and the status of the building determined to be *"high risk"* it was clear that this was due to the lack of cavity wall barriers behind the external elevations and the timber cladding in place on the majority of the external elevations of the building being combustible and needed to be replaced.
- 4.4 Appropriate alternative non-combustible materials for the safety of the residents and adjoining buildings were required to reduce the risk of fire spread up the face of the building and spread into secondary locations.
- 4.5 Therefore, these elements need to be remediated to be compliant. The FRAEW showed that the render element covering 32% of the external façade was made up of 15mm render on to a timber batten (30mm deep) with a 40mm open cavity, a black vapour membrane, 10mm timber OSB board and a cavity of 80mm fully filled with mineral wool to a plasterboard inner lining. The report concluded that whilst the outer face render was non-combustible the timber battens and OSB board were both combustible.
- 4.6 Additionally, the cavity barrier provision was seen to be deficient or missing through all the investigations. There remains a current substantial risk of fire spread to fires in secondary locations before the arrival of the fire service.
- 4.7 The report concluded that the retrofitting of a cavity barrier and closer provision is considered to

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adequately reduce the risk of external wall fire spread.

- 4.8 To ensure the building is fire safe and meets current Building regs the render is being removed and cavity fire barriers are being installed at all vertical and horizontal compartment lines, around all window and door openings and penetrations.
- 4.9 The fire risk appraisal also investigated the existing timber cladding which covers 68% of the external façade, it was deemed to be a combustible material as were the timber battens. The cavity barrier provision was seen to be deficient or missing through all the investigations. Therefore, there is a substantial risk of fire spread and of fire spread in secondary locations before the arrival of the fire service from the presence of this material on the building.
- 4.10 The report concluded that all the timber cladding needed to be removed and its replacement with Euroclass A2 or better materials would adequately reduce the risk of external wall fire spread. Furthermore, that the remedial solution should be provided with adequate cavity barrier and closer requirements in line with Approved Document B (Building Regulations)
- 4.11 Given the difficulty in the option of retaining the render on the building to carry out these remediation works and the requirement for all the timber cladding to be removed the most cost effective and best design solution would be to remove all the external materials, install the necessary cavity fire barriers and to reclad the whole building.
- 4.12 This would enable a high quality A2 fire safe product to be used and this would also provide an opportunity to increase the energy efficiency of the building.
- 4.13 The current white and black appearance of the building bears little relationship to its immediate context and therefore a red (Sahara) fibre cement panel system with two different finishes, a 3D textured panel and a sanded surface are proposed.
- 4.14 The panels provide a fire safe, recyclable, sound insulating, low maintenance, high design quality durable solution to revive this building.
- 4.15 Many of the existing double glazed composite aluminium windows and doors on the building have failed although they have been installed for a relatively modest amount of time.
- 4.16 Currently there is a mix of fenestration designs and sizes all with various sized opening elements, including windows and patio doors behind Juliette balconies.
- 4.17 There is anecdotal evidence that the patio doors are seldom opened and as such these are to be replaced with a long-fixed side panel with a top-hung outside opening casement window and a fixed bottom panel with thinner frame to enable more light into the main living areas whilst still benefiting from natural ventilation.
- 4.18 It was also considered that the replacement windows and doors would match as close as possible in arrangement/proportions as the existing, but to provide the residents with increased natural daylight subject to the appropriate design detailing to enhance the character of the building.
- 4.19 The existing Juliette balconies are to be removed from the façade.
- 4.20 The replacement windows and doors will all fit within the existing openings, no additional windows/doors are proposed.
- 4.21 Highways/access/parking/refuse/landscaping/communal areas related to the building will not be affected or altered by the proposed works to the building.

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4.22 There will be no amendment in the use or scale of the existing building, access, site or amenity spaces as a result of this Application.

4.23 The proposal aims to provide a range of sustainability benefits, including providing a sustainable and recyclable replacement product, extending the lifespan of the building, reducing its energy consumption and improving thermal comfort and wellbeing for the residents in their individual apartments and the communal areas.

### 5.0 Planning Policy

5.1 The statutory development plan for the site comprises London Borough of Hillingdon Local Plan Part One - Strategic Policies (2012), Part 2 Development Management Policies (2020) and The London Plan (2021).

### 5.2 National Planning Policy Framework (NPPF) Dec 2023

The National Planning Policy Framework (NPPF) was updated and published in December 2023. It sets out the Government's planning policies for England and how these are expected to be applied, and it is therefore a material consideration in determining planning applications.

5.3 Paragraph 11 sets out the presumption in favour of sustainable development.

5.4 Paragraph 131 states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

5.5 Paragraph 135 seeks planning decisions to ensure that development:

*"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development..."*

*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...*

*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..."*

5.6 Paragraph 157 states that *"the planning system should support the transition to a low carbon future in a changing climate.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions... encourage the reuse of existing resources...and support renewable and low carbon energy and associated infrastructure"*.

5.7 Para 164 states that *"In determining planning applications, local planning authorities **should give significant weight to the need to support energy efficiency** and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)"*

### 5.8 London Plan 2021

5.9 **Policy D12 (Fire Safety)** states that all development proposals must achieve the highest standards of fire safety and ensure they are constructed in an appropriate way to minimize the risk of fire spread.

5.10 **Policy D4 (Delivering Good Design)** states that good design and good planning are intrinsically

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linked and an understanding of the form and character of buildings and its relationship to its location will result in successful developments.

### 5.11 London Borough of Hillingdon Local Plan Part One - Strategic Policies (2012)

5.12 **Strategic Objective SO2** sets out the basis for ensuring the creation of neighbourhoods which are of a high quality sustainable design and serve the long term needs of all residents

5.13 **Policies BE1 (Built Environment)** requires all new development to improve and maintain the quality of the built environment to create successful and sustainable and enjoyable neighbourhoods for residents. This is to be achieved by high quality design which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.

5.14 **Policy EM1 (Climate Change Adaption and Mitigation)** requires climate change mitigation is addressed at every stage of the development process including the upgrading of existing housing stock where appropriate.

### 5.15 London Borough of Hillingdon Part 2- Development Management Policies (2020)

5.16 **DMHB 11 (Design of New Development)** requires high standards of design and to incorporate principles of good design and that proposals should not have an adverse impact on the amenity of adjacent properties.

5.17 **DMHB 12 (Streets and Public Realm)** sets out how to deliver a well-designed, high quality, durable public realm and how development is required to be well integrated with the surrounding areas to produce a coordinated and legible public realm.

5.18 **DMEI 2 (Reducing Carbon Emissions)** sets out that all developments are required to make the fullest contribution to minimizing carbon dioxide emissions.

## 6.0 Planning Assessment

6.1 The key issue driving this proposal was to ensure that the remedial measures were undertaken to ensure the non-compliant timber external materials on the building are removed and fire safe alternatives installed and that fire cavity barriers were installed for the safety of the residents and those adjacent to the building.

6.2 The design solution not only was required to meet this brief but also to replace the failed windows and doors that were not only affecting the appearance of the building but also the amenity of the residents. Additionally, the opportunity existed to improve the overall U value of the building and given the age and condition of the building, upon which the existing materials had aged poorly, to produce a high quality design solution that created a fire safe, more attractive, low maintenance and sustainable building.

6.3 One of the key issues in the acceptability of the proposal is to ensure that the proposal complies with Policy DMHB11 of the London Borough of Hillingdon Part 2- Development Management Policies (2020) which seeks for all development, including alterations to be *designed to the highest standards and incorporate principles of good design including:* (amongst other things)

*harmonising with the local context by taking into account the surrounding:  
scale of development, considering the height, mass and bulk of adjacent structures;  
building plot sizes and widths, plot coverage and established street patterns;*



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*building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;  
architectural composition and quality of detailing;  
local topography, views both from and to the site; and  
impact on neighbouring open spaces and their environment.*

*ensuring the use of high quality building materials and finishes*

- 6.4 For this proposal consideration was given to the character and form of the existing building and its setting and context in relation to red/brown buildings in the immediate vicinity and the area generally. The design solution seeks to ensure that the proposal complements and where possible, but principally improves the character and appearance of the area in which it is proposed.
- 6.5 The Design and Access Statement sets out visually the extent to which the proposed new cladding on the building better relates to this local character.
- 6.6 Given the fire safety regulations it was not an option to replace the timber cladding with further, even differently designed timber cladding. Therefore, in the context of its surroundings the use of Sahara red coloured textured panels was the most appropriate design solution.
- 6.7 The mix of textured and smooth panels is a high quality design solution which will result in a building also harmonizing with its local context thus complying with Strategic objective S02 & BE1 and Policies DMHB 11 and DMHB 12.
- 6.8 The cladding of the building will improve the thermal efficiency and lifetime of the building and thus is in compliance with Strategic Policy EM1 and Policy DMEI 2
- 6.8 The replacement of the existing failed windows and doors was considered from a design and amenity perspective. The existing situation meant that much of the daylight to the main living areas was obscured by the Juliette balconies. These anecdotally were seemingly an unnecessary additional given many residents, particularly on the principal elevation did not use the patio doors to provide ventilation to their properties.
- 6.9 The removal of the balconies will increase the amount of natural daylight the residents will enjoy.
- 6.10 The high quality design detailing of the windows again takes on board the local context of red metal ironmongery seen locally and is compliant with Policies DMHB 11 and 12.
- 6.10 The window arrangement is also amended to provide increased glazing with combinations of fixed panels and top open hung windows, (some with restrictive opening where appropriate) this will not result in changes to the current situation when windows are opened.
- 6.11 For the residents on the third floor with outside terraced areas their doors remain to access this external amenity space. Not only will the new arrangement provide increased natural daylight but also provide ventilation and will increase the thermal value and security for the residents in compliance with Policies EM1, DMHB11, DMHB12 and DMEI 2.
- 6.12 As the size of the openings for the windows and doors remain and no new insertions are proposed this ensures that the current levels of privacy are unaffected for the residents and those outside the site and that the overall character of the building or the area was not adversely affected.
- 6.13 Protecting amenity is a key element and the proposal avoids harmful effects on the amenity of existing and future occupiers and nearby properties. The proposed works would not result in any adverse amenity issues in terms of privacy, outlook, sunlight or daylight.



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- 6.13 Whilst it is therefore considered that the proposed changes to the appearance of the building would be material it would both respect and improve the local context and character of the area and neighbouring properties in line with the requirements of Hillingdon Local Plan (2017) Policy DMHB 11.
- 6.14 The benefits of the proposal not only will result in a more attractive appearance to the benefit of the building itself but also the area as a whole, given the current poor state of the building but also will provide a more energy efficient high quality design and materials for a long-term sustainable solution.
- 6.15 The proposal has incorporated sustainable development principles into the design and proposed implementation of the proposals. As such sustainability will be improved by better heat gain and ventilation in the new window and door systems which will contribute to meeting the green agenda for the community and will reduce overheating which will in turn reduce the impact from future climate and temperature increases.
- 6.16 The proposals will also ensure that the safety of residents of the Boleyn Court is secured, which will directly contribute to their health and wellbeing and result in betterment in line with the Better Homes strategy.
- 6.17 The proposals have fully considered all relevant planning policy, regulations and guidance, as noted in the Planning Policy chapter of this Planning Statement and are in accordance with them.

### 7.0 Fire Safety

- 7.1 In compliance with Policy D12 of the London Plan fire safety has been considered in relation to the proposal and the contractor that will carry out the fire safety remedial works and the installation of new windows and doors.
- 7.2 This is not a Major Development site, and all works will comply with the minimum Fire Safety standards of the national Building Regulations and Approved Documents part B Fire Safety

### 8.0 Conclusion

- 8.1 This planning statement has been prepared in support of a full planning application for  
*"Replacement of existing timber cladding and render with non-combustible materials and replacement of defective window and doors." at Boleyn Court 5-19 Botwell Lane Hayes UB3 2BL*
- 8.2 A (FRAEW) assessment was carried out on Boleyn Court 5-19 Botwell Lane Hayes concluded that combustible materials were used in the facade of the buildings and to the side/rear and fire safety cavity barriers were missing. Thus, the combustible materials needed to be replaced with appropriate alternative non-combustible materials and cavity barriers inserted to prevent the high risk of fire spread.
- 8.3 The need to remediate this serious issue is time sensitive and goes directly to the safety of the residents and as such is a material consideration in the determination of this application.
- 8.4 The submission shows that it will address the fire safety issues and also create an attractive building much more responsive to its context by high quality architectural detailing, the use of high quality sustainable materials whilst also improving the thermal performance of the building and improving the amenity of existing and future residents.
- 8.5 The proposals include a number of significant benefits:

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- The principle of the development is acceptable and supported by policy.
- The proposals will create and maintain a fire safe and secure environment for residents of the building.
- The window and door design has been developed to maintain and increase the safety and wellbeing of residents and enhance the visual appearance of the buildings.
- The replacement cladding is a high quality sustainable design which improves the character and appearance of the area
- The proposal incorporates a range of sustainability benefits.
- The proposal creates a low maintenance building.
- The proposals will improve the quality of life for the residents.

8.6 The proposal has been designed to comply with the relevant local and national planning policies and specifically Para 11 of the NPPF applies. It is considered that there are no material considerations of sufficient weight to justify refusal of the proposal and therefore should be approved without delay.

8.7 This report has been issued on behalf of MM Building Surveyors and is subject to the company's Terms and Conditions for the sole use of the party to whom it is addressed, and no responsibility is accepted to any third party for the whole or any part of its content.

**Heather Murton BA (Hons) MRTPI**



Date: May 2024