

PLANNING COMMITTEE**9 March 2017**

Melek Ergen

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References:	P/2017/0496	00523/C/P15
Address:	Dudley House Nursing Home, The Grove, Isleworth	
Proposal:	Change of use of existing nursing home (C2) to residential (C3) to provide 17 flats with a roof extension and first and second storey rear extensions and associated parking and landscaping.	
Drawing numbers:	1602.2/001; 1602.2/002; 1602.2/003; 1602.2/004; 1602.2/005; 1602.2/006; 1602.2/007; 1602.2/008; 1602.2/009; 1602.2/010; 1602.3/003 A; 1602.3/004 A; 1602.3/005 A; 1602.3/006 A; 1602.3/007 A; 1602.3/008 A; 1602.3/009 A; 1602.3/013 A; 1602.3/104 A; Design, Access and Heritage Statement; Statement of Community Involvement; Energy Statement; Sustainability Statement; Daylight and Sunlight Report; SUDS Report; Transport Statement (Revision 01); Draft Design & Construction Method Statement Rev A; Received 08/02/2017; Design, Access and Heritage Statement Rev B; 1602.3/001 B; 1602.3/002 B; 1602.3/010 B; 1602.3/011 B; 1602.3/012 B; Received 27/02/2017.	

This application is being taken to Planning Committee as a Major Scheme with a Legal Agreement

1.0 SUMMARY

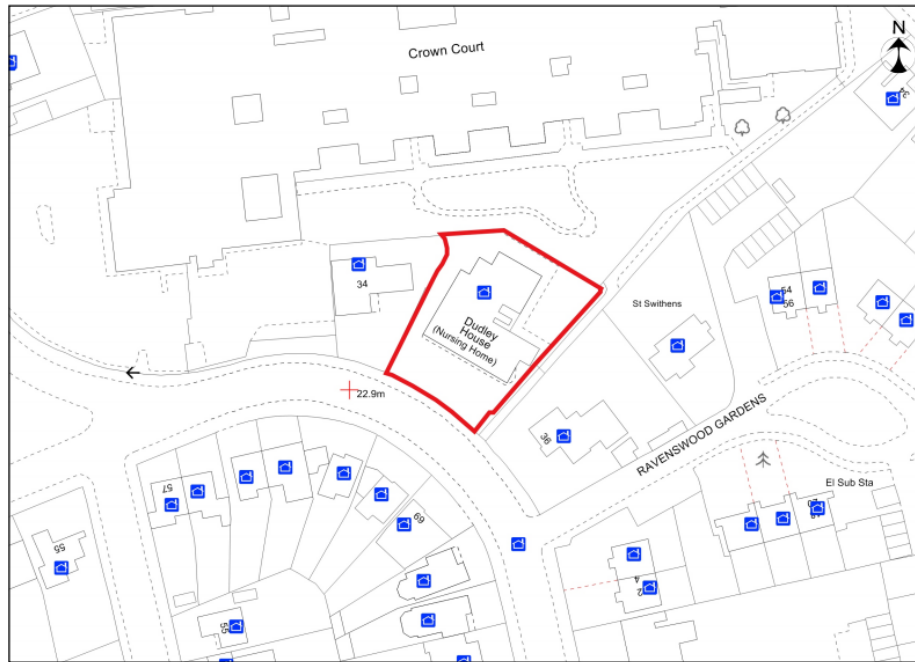
- 1.1 The vacant care home would be converted with associated extensions and alterations into nine one-bedroom, six two-bedroom and two three-bedroom flats.
 - 1.2 Since the previous refusal the proposal has been amended to ensure the roof extension's design is more complementary to the building and would respect the character and appearance of the Conservation Area in terms of scale, form, massing and materials.
 - 1.3 The proposal's amenity space provision has also increased to ensure that it would provide a good standard of living accommodation. The proposal would not harm neighbours' living conditions or give rise to unacceptable traffic conditions and would enhance the character and appearance of the area.
 - 1.4 The proposal would bring the vacant building into use, improve the appearance of the area and would assist with housing need.
 - 1.5 The application is recommended for approval.
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2.0 SITE DESCRIPTION



London Borough
of Hounslow

1:1000



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- 2.1 The site is on the northeast side of The Grove.
- 2.2 The property is a large square shaped building, extending to the rear and used as a nursing home with 40 residents on three floors, set in a residential area with the Crown Courts to the rear.
- 2.3 The building has been vacant for two years.
- 2.4 Dudley House is set between two residential properties, no 34 and no 36 The Grove. A Public Right of Way footpath exists along the eastern boundary of the site connecting The Grove to the Crown Court.
- 2.5 The building is three-storeys in red brick, set back from the main road. It is irregular in shape, with a large proportion of the existing building extending to the rear, away from The Grove. The immediate and wider surrounding area is predominantly in residential use.
- 2.6 The site is in the Spring Grove Conservation Area, designated in 2002.
- 2.7 The site has a PTAL rating of 3.

3.0 HISTORY

- 3.1 00523/C/P14 Change of use of existing nursing home (C2) to residential (C3) to provide 17 flats with a roof extension and first and second storey rear extensions and associated parking and landscaping.

Refused at Planning Committee: 13/01/2017

1. The proposal's scale and unsympathetic design would harm the appearance of the building and the Spring Grove Conservation Area.
2. The proposal makes insufficient provision for amenity space and so would result in unacceptable living conditions for future occupiers as well as being out of character with the prevailing pattern of the development in the surrounding area.

- 3.2 00523/C/P13 Removal of Condition 3 of planning permission 00523/C/P3 dated 29/01/1986 for use of premises as elderly person's residential nursing home and erection of single storey extension to provide enlarged dayrooms and 3 storey Extension comprising wc and storage accommodation.

Withdrawn: 12/08/2015

- 3.3 00523/C/P12 Removal of Condition 3 of planning permission 00523/C/P3 dated 29/01/1986 for use of premises as elderly person's residential nursing home and erection of single storey extension to provide enlarged dayrooms and 3 storey Extension comprising wc and storage accommodation.

Withdrawn: 28/08/2015

- 3.4 00523/C/P11 Erection of a three-storey lift tower to south east side of existing building.

Approved: 04/03/2003

- 3.5 00523/C/P10 Erection of two storey detached building for use as staff room, laundry and storage area with associated parking to existing nursing home.

Refused: 15/01/2003

- 3.6 00523/C/P9 Erection of two storey detached building for use as staff room, laundry and storage area with associated parking to existing nursing home.

Refused: 25/07/2002

- 3.7 00523/C/P8 Erection of single storey rear extension to Nursing Home.

Approved: 18/05/2001

- 3.8 00523/C/P7 Erection of three-storey extension

Approved: 1989

- 3.9 00523/C//P6 Erection of three-storey extension

Approved: 1988

- 3.10 00523/C/P5 Erection of open sided front entrance porch
Approved: 1986
- 3.11 00523/C/P3 Use of premises as elderly persons' residential nursing home and erection of single storey extension to provide enlarged dayrooms and three-storey extension comprising WC and storage accommodation.
Approved: 3 April 1986

4.0 DETAILS OF PROPOSAL

- 4.1 The proposal is for a roof extension and rear extensions to provide 17 flats comprising of nine one-bedroom, six two-bedroom and two three-bedroom flats.
- 4.2 The proposed roof extension amended and it would sit back from the main front façade by 3m with mostly glass and with some dark-grey zinc cladding and with a strong cornice detail taken from the existing building.
- 4.3 To the rear, a first and second floor rear extension is proposed to the existing one storey extension with matching materials.
- 4.4 The proposal also involves some elevational changes to replace existing windows at first and second floor level with new matching UPVC French doors. The existing balcony at first floor would be extended and this will be replicated at second floor level. Both balconies will have black metal balustrade. There will be a new vertical opening comprising a frameless glass window for the front stairwell is also proposed.
- 4.5 The existing two stairwells would provide access to the first, second and third floor flats.
- 4.6 All flats would have a level access as there is lift within the building that would be retained.
- 4.7 The proposal accommodates nine car parking spaces and in two areas, a total of thirty covered and secure cycle parking spaces. Pedestrian access is from The Grove and there are two vehicle accesses, one on either side of the forecourt.
- 4.8 The existing low brick wall to the front boundary would be retained and new mild steel railings installed on top of it to allow for a 1.8 m street frontage boundary treatment.
- 4.9 There would be amenity space to the rear and on the roof as communal roof terrace as well as private terraces for the top flats and second floor flats facing The Grove.

5.0 CONSULTATIONS

- 5.1 A site notice was posted on 10/02/2017, and the application was advertised in the local press on 17/02/2017.
- 5.2 Fifty seven neighbours notified on 08/02/2017. Eight objections were received:

Comment	Response
Application rejected in January 2017 and with few cosmetic alterations it has gone back on the agenda.	The current proposal addresses the previous refusal reasons.
Overdevelopment of this site a smaller number of larger sized flats would fit better.	The principle, amount and mix of units accepted already as previous application only refused on design and amenity space grounds.
There is not sufficient parking in the area and inadequate on site parking.	The proposal complies with London Plan parking standards.
The size of refuse storage seems not sufficient.	In line with the Council's Guidance 'Recycling Facilities in New Developments'.
The proposed roof extension would overlook 67/69 The Grove.	See paragraph 7.23
Affordable housing is out of place in The Grove.	The proposal provides two shared ownership units out of a total of 17 Flats, and no other affordable housing.
Increase the traffic, noise, air pollution, impact on children safety in the street.	Principle of conversion into flats already accepted via previous application.
There are features of geological conservation importance.	The site has no designation other than being in a Conservation Area.

6.0 POLICY

Determining applications for full or outline planning permission

- 6.1 The determination must be made in accordance with the development plan unless material considerations indicate otherwise. Local finance considerations must also be assessed.

The National Planning Policy Framework

- 6.2 The National Planning Policy Framework (NPPF) came into force on 27 March 2012 and has replaced national policies and guidance formerly contained in Planning Policy Statements and Planning Policy Guidance notes and some other documents. The Local Planning Authority (LPA)

considers that, where pertinent, the NPPF is a material consideration and as such, it will be taken into account in decision-making as appropriate.

The Development Plan

6.3 The Development Plan for the Borough comprises the Council's Local Plan (adopted by the Council on 15 September 2015), the West London Waste Plan and the London Plan Consolidated with Alterations since 2011.

6.4 The Local Plan documents can be viewed on the Hounslow website.

6.5 Relevant London Plan Policies

- 3.3** Increasing Housing Supply
- 3.4** Optimising Housing Potential
- 3.5** Quality and Design of Housing Developments
- 3.8** Housing Choice
- 5.2** Minimising Carbon Dioxide Emissions
- 5.3** Sustainable Design and Construction
- 5.7** Renewable Energy
- 5.13** Sustainable Drainage
- 5.15** Water Use and Supplies
- 6.9** Cycling
- 6.13** Parking
- 7.2** An Inclusive Environment
- 7.4** Local Character
- 7.6** Architecture
- 7.8** Heritage Assets and Archaeology
- 8.3** Community Infrastructure Levy

6.6 Local Plan

- CC1** Context and Character
- CC2** Urban Design and Architecture
- CC4** Heritage
- SC1** Housing Growth
- SC2** Maximising the Provision of Affordable Housing
- SC3** Meeting the Need for a Mix of Housing Size and Type
- SC4** Scale and Density of New Housing Development
- SC5** Ensuring Suitable Internal and External Space
- SC6** Managing Building Conversions & Sub-division of Existing Housing
- SC7** Residential Extensions and Alterations
- SC8** Specialist and Supported Housing
- EQ1** Energy and Carbon Reduction

EQ2	Sustainable Design and Construction
EQ5	Noise
EQ7	Sustainable waste management
EC1	Strategic transport connections
EC2	Developing a sustainable local transport network
IMP3	Implementing and monitoring the Local Plan

7.0 PLANNING ISSUES

Background

7.1 Following refusal of previous application, the submission includes design amendments to overcome the reasons for refusal. The proposed changes are:

1. The design of the roof extension changed with a strong finish and more glazed appearance,
2. The set-back of the roof extension is increased from 2.75m to 3m,
3. The windows within the roof extension are realigned,
4. The provision of communal amenity space increased,
5. New glass balustrade proposed to the west elevation at third floor level, to prevent access along this elevation to the roof,
6. Internal layout alterations to the roof extension and proposed flats to provide two two-bedroom/four-person apartments rather than two-bedroom/three-person.

The principle of change of use

- 7.2 The National Planning Policy Framework (NPPF) states that applications should be considered in the context of a presumption in favour of sustainable development.
- 7.3 London Plan Policy 3.5 (Quality and Design of Housing Developments) states that new housing should address the wider concerns of this Plan to protect and enhance the London environment as a whole.
- 7.4 London Plan Policy 3.3 (Increasing London's Housing Supply) recognises the need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Policy 3.4 (Optimising Housing Potential) states that, taking into account local context and character, the design principles outlined in Chapter 7 of the Plan and public transport capacity, development should optimise housing output for different types of location.
- 7.5 The proposal would provide additional family housing for which there is an identified Borough need. It would be an appropriate location for housing development.

- 7.6 The Local Plan Policy relevant to change of use from care homes to dwellings is SC8. The Policy acknowledges that the Council should aim to reduce the need for specialist facilities such as nursing homes in favour of encouraging independent living. Paragraph 5.25 in the supporting text also acknowledges overprovision of private nursing and residential care in the Borough. The Borough has a good stock of care and nursing homes, and this particular one has not been regularly used by the Council. In principle, its loss, in this location would be acceptable.
- 7.7 National, regional and local policy encourages provision of housing in sustainable locations. It is considered that this would be an appropriate location for dwellings, due to the predominant character of the area. This acceptability in principle is subject to detailed consideration of the design, impact on neighbours, future living conditions, traffic, parking and servicing, sustainability and appropriate planning obligations, including affordable housing.

Affordable housing supply

- 7.8 London Plan Policy 3.12 also states that Boroughs should seek the maximum reasonable amount of affordable housing having regard to their affordable housing targets, the need to encourage rather than restrain residential development and the individual site circumstances. Local Plan policy SC2 sets a target for 40% of on-site delivery of affordable housing in any proposal over ten dwellings. In those cases where the provision is lower than the policy requirement, an open viability assessment is required.
- 7.9 A financial viability assessment was submitted to justify the under-provision of affordable housing as part of the information provided in the application. An independent assessor has confirmed that the financial viability assessment is acceptable and provides sufficient information and evidence that shows that it would only be viable for the developer to provide two shared ownership units. An out-turn review mechanism would be secured through the S106 to capture any potential uplift in development viability that would then be put towards provision of affordable housing in the Borough.
- 7.10 The development would provide a suitable mix of dwellings for the site (nine one-bedroom, six two-bedroom and two three-bedroom flats). The applicant proposes to provide two shared ownership flats as part of the scheme, which is a level of 16.6%.
- 7.11 This is considered to be the maximum reasonable provision taking into account the viability information submitted, with the build costs, benchmark land value, and the current market climate being key reasons for the level of provision. A review mechanism would be written into the s106 agreement to ensure that any uplift could be captured at a later stage in the development should the viability change.

Appearance

- 7.12 The National Planning Policy Framework requires that development should achieve good design, respond to local character and history, and reflect the identity of local surroundings, including materials, and prevent harm or loss to designated heritage assets, while not preventing or discouraging

appropriate innovation.

- 7.13 Local Plan Policies CC1 (Context and Character) and CC2 (Urban Design and Architecture) promote high quality design that enhances overall environmental quality and townscape, respects the proportions of neighbouring buildings and helps to create attractive, distinctive, and liveable places. It should respond sensitively to a site, its characteristics and constraints, and the layout grain, massing and height of surrounding buildings.
- 7.14 Local Policy CC4 (Heritage) seeks to conserve and enhance the character of conservation areas.



- 7.15 Since the previous refusal, the proposed roof extension's set back is increased to 3m to reduce its visual presence from The Grove and the neighbouring property at no 34 The Grove. Its clad pre-weathered zinc would match the colour and appearance of the existing slate roof. The proposed cornice detail at the original eaves line is repeated on the roof of the third floor extension which gives a strong finish and improves the design of the extension, unifying the style of the whole building. The lightweight materials would be appropriate and to ensure its quality the details of materials would be conditioned (condition 3). The overall effect is to strengthen the appearance of the original undistinguished elevations of this late addition to the area that added little to the character of the Conservation Area, giving it a visual presence more suited to its greater bulk. This is considered to enhance the appearance of the conservation area and to overcome the design weaknesses and incoherence that the Committee identified when refusing the previous application.



Refused scheme



Current proposal

- 7.16 The proposed rear extension, which creates two additional floors, is considered appropriate and it would not result in any harm to the Conservation Area. It would not be readily visible from the street, and would be constructed in matching red brick and match the main building in height and appearance; thus the addition would appear acceptable in design terms.
- 7.17 The extension to the existing balcony and the new balcony at second floor, along with the additional window would provide a symmetrical, visually aesthetic building that would make a positive contribution to the street scene and Conservation Area.
- 7.18 The refuse and recycling storage areas would be in the front garden. This is necessary due to the deep front garden of the site as the refuse bins need to be within 10 metres of the collection point.
- 7.19 Notwithstanding the submitted drawings a condition (6) would ensure that the refuse storage area would be built with complementary materials and be designed to ensure it is not a dominant feature within this Conservation Area, but is robustly designed and enhances the area as well as being sufficient to the proposed amount of flats.
- 7.20 The current proposal seeks to bring back into use a vacant property, which is desirable and, by improving its appearance to enhance the quality and character of the area. The proposed extensions and use would be complementary to the existing building and suitable in use and character for the Spring Grove Conservation Area.
- 7.21 The proposals are considered to be compliant with the NPPF, the London Plan and Local Plan Policies.

Impact on the neighbours

- 7.22 Policies SC4 (Scale and density of new housing development) and CC2 (Urban design and architecture) of the Local Plan states that new development should protect neighbours' living conditions.
- 7.23 The neighbouring properties that could potentially be affected are 34 and 36 The Grove. The neighbours opposite to the application site 65, 67 and 69 The Grove are a minimum of 32 metres away from the any windows.

- 7.24 The relationship with number 34 is particularly important. The existing ground floor French windows facing 34 The Grove would be maintained and these would have planting in front of them to restrict access. Furthermore, there is a shared vehicle driveway between the properties.
- 7.25 The windows on the first and second floors facing no 34 would be replaced by new doors and Juliet balconies. Considering their 1.7 metre set-back position from the building line, the existing location of these windows that already overlook no 34 and the minimum distance of 10 metres this relationship is acceptable and would not be worse than at present.
- 7.26 Due to the rear extensions' orientation and their set-back position from the boundaries and the minimum distance of 28 metres to this neighbouring house, it is unlikely that these would appear overbearing or otherwise harmful to the neighbours.
- 7.27 A sunlight analysis submitted confirms that the development would have no impacts on the neighbouring properties light. The adjacent buildings would not be overshadowed by the development. The sunlight levels at the adjoining buildings were found to be compliant with the requirements of the Building Research Establishment Guidelines.
- 7.28 Therefore, the proposal would have an acceptable effect on neighbours and, considering the existing care home use and existing window locations, the proposal would be acceptable.

Standard of accommodation

Internal Space Provision

- 7.29 Local Plan Policy SC5 refers to minimum internal space standards for all new housing developments to comply with the Nationally Described Space Standards. These are based on the minimum gross internal floor area (GIA) required for new homes relative to the number of occupants, whilst also taking account of commonly required furniture and storage spaces needed for different activities and moving around, in line with 'Lifetime Home' standards.
- 7.30 All of the proposed flats would comply with the internal space standards as seen below.

Unit size	NDSS (m²)	Proposed size & no.
1 bedroom/1 person	37	38 m ² (1)
1 bedroom/2 persons	50 m ²	50-52 m ² (8)
2 bedroom/3 persons	61 m ²	61-68m ² (5)
2 bedroom/4 persons	70 m ²	76 m ² (1)
3-bedroom/5 persons	86 m ²	86-90 m ² (2)

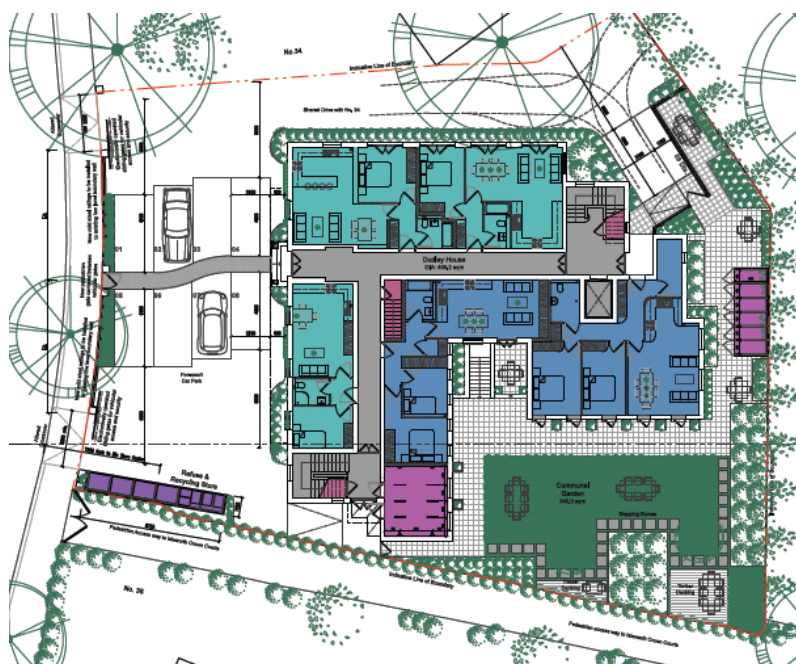
- 7.31 The proposal also includes one accessible unit meeting the requirements of policy SC5.

Amenity Space

7.32 Local Plan Policy SC5 requires residential developments to meet private external amenity space requirements.

- According to this policy: a minimum of five square metres of private outdoor space should be provided for each 1-2 person dwelling and an extra square metres should be provided for each additional occupant of any dwelling;
- Communal external space should be provided at no less than the following standards for each flat: up to three habitable rooms 25 square metres / four habitable rooms 30 square metres / five habitable rooms 40 square metres.

Amenity Space layout and private amenity space provision:



Ground floor plan

Flat	Requirement	Provision
1 (1bedroom/2persons)	5 m ²	
2 (1bedroom/2persons)	5 m ²	
3 (2bedrooms/4persons)	7 m ²	
4 (1bedroom/1person)	5 m ²	
5 (2bedrooms/3persons)	6 m ²	
6 (1bedroom/2persons)	5 m ²	
7 (1bedroom/2persons)	5 m ²	
8 (2bedrooms/3persons)	6 m ²	4 m ²
9 (1bedroom/2persons)	5 m ²	12 m ²

10 (2bedrooms/3persons)	6 m ²	
11 (1bedroom/2persons)	5 m ²	
12 (1bedroom/2persons)	5 m ²	
13 (2bedrooms/3persons)	6 m ²	4 m ²
14 (1bedroom/2persons)	5 m ²	12 m ²
15 (2bedrooms/3persons)	6 m ²	
16 (3bedrooms/5persons)	8 m ²	11 m ²
17(3bedrooms/5persons)	8 m ²	29 m ²
Total		72 m ² private amenity space

- 7.33 Of the 17 flats, only six would have their own private amenity spaces as seen above. However, considering the proposal is not a new development but a conversion of an existing building and would have the restrictions of existing built form as well as the restrictions of Conservation Area location and it brings an existing building back into beneficial use and that overall the area is not densely developed, this deficiency is considered acceptable
- 7.34 This proposal is required to provide 435 square metres of communal amenity space [(15 flats x 25 sq m) + (2 flats x 30 sq m)]. Since the previous refusal, the proposal increase the amenity space provision within the site and the proposal now provides 408 square metres of communal amenity space (340 square metres in the rear garden and 68 square metres on the roof space, 94% compliance - the refused scheme was only 80% compliant). The proposed amenity areas are in a good configuration and a usable shape.
- 7.35 The previous communal amenity spaces are increased by re-configuration of ground floor layout and increase of set-back of the roof terrace.
- 7.36 In the light of above as well as provision of very usable communal areas, with a southern aspect and good roof level amenity space provision for this development is acceptable in this instance.

Daylight/sunlight

- 7.37 There would be no single-aspect, north-facing dwellings; but most of the flats within the existing building envelope would be single aspect. However, the submission includes a daylight and sunlight assessment to confirm that daylight levels inside the proposed flats meet acceptable standards.
- 7.38 Considering the existing building restrictions, it is considered that the accommodation has been arranged to ensure each dwelling has good access to daylight and sunlight so far as this is possible.

Parking, servicing and access

Parking

- 7.39 Local Plan policy EC2 states that the Council will seek to promote a more

sustainable local travel network and maximise opportunities for walking, cycling and using public transport. It seeks to ensure that developments provide at least a minimum number of cycle parking spaces and an appropriate maximum number of car parking spaces consistent with London Plan standards.

- 7.40 The site is in an area of moderate transport accessibility and in a Controlled Parking Zone (CPZ). Nine parking spaces, including one wheelchair accessible space are shown for the proposed seventeen flats. The parking provision is considered acceptable. A condition (13) is recommended attached to prevent future residents of the houses from applying for a resident's parking permit in the area.
- 7.41 The proposed scheme would provide 30 cycle parking spaces in two ground floor secure cycle stores. This meets London Plan policy 6.3.
- 7.42 A parking survey has been submitted with the application which concludes that the anticipated additional parking demand associated with the proposal can be accommodated on the surrounding streets without resulting in unacceptable parking stress. The car ownership rate has been derived from census data for the whole borough which belies differences in car dependency and public transport accessibility in different parts of the borough. Furthermore, the parking survey lacks sufficient information as to the methodology used, the extent of the streets surveyed, and details of the kerb-side opportunities and restrictions along those streets. It is also unclear as to whether the survey takes into account the extension of the Spring Grove CPZ which is due to be implemented next month. As an inadequate parking survey has been submitted, the applicant has failed to demonstrate that the additional parking demand can be accommodated on the surrounding streets and, as such, a condition is recommended which prohibits residents from obtaining parking permits.
- 7.43 The submitted plans indicate that the existing accesses are to be altered but provide no details of how this is proposed. As such a condition is recommended requiring full details of the vehicle accesses to be submitted and approved prior to commencement of development. Both accesses must comply with the Council's adopted policy on residential crossovers. A condition is also recommended requiring submission and approval of details of the gates prior to their installation.

Access

- 7.44 The site benefits from two existing crossovers one at the northwest and one at the southwest corner of the site, off The Grove. This will provide appropriate access to the forecourt car parking spaces, the refuse and recycling stores and the single accessible parking space to the rear of the property through the shared driveway with neighbouring property no 34 The Grove.

Servicing

- 7.45 The refuse storage would be on the south side of the forecourt. This is considered acceptable as it is designed to be discreet and in line with the Council's guidance on refuse and recycling.

Sustainability

- 7.46 London Plan Policy 5.2 seeks to ensure reduction in CO2 emissions. Local Plan policy EC1 supports this and seeks to minimise the demand for energy and to promote renewable and low carbon technologies. Local Plan policy EC2 seeks to promote the highest standards of sustainable design and construction in development to mitigate and adapt to climate change. The Local Plan seeks to ensure that refurbishments meet a BREEAM rating of 'Excellent'.
- 7.47 An Energy Statement has been submitted which sets out how energy efficiency has been incorporated into the design of the development in order to detail how a cumulative carbon dioxide emissions reduction below Building Regulations Part L (2013) can be achieved. The information is generally considered acceptable to comply with the requirements of the Local Plan. A condition (8) is recommended to ensure the development is constructed in accordance with the submitted Energy Strategy.
- 7.48 A BREEAM preliminary assessment has been provided for the refurbishment which confirms this could achieve a BREEAM rating of Excellent in line with Local Plan requirements. A condition (9) is attached to ensure that this 'excellent' rating would be carried forward and achieved at design stage and post construction.

Surface water management

- 7.49 The Council's flooding consultant advised reduction in the surface water runoff rate from the site to be achieved and calculations to be submitted to demonstrate a certain level of betterment in surface water runoff rates. Due to the existing layout and restrictions of the site it is not possible to reach 50% betterment in line with the London Plan Policy 5.13 drainage hierarchy, however the suggested improvements are considered satisfactory and there would be further conditions (14, 15) to ensure these are implemented on site.
- 7.50 The proposal provides permeable paving, a soakaway, bio retention planting and two 200 litre water butts to attenuate runoff from the site in storm events of up to and including the 1 in 100 year return period of 6 hour duration. The applicant has confirmed that the design of the soakaway will be undertaken in line with the BRE365 standard.

Contaminated land

- 7.51 Owing to the history of the site, there may be some contamination present. The NPPF advises that where there is suspicion, or where evidence suggests that there may be some contamination, planning permission may be granted subject to conditions that development may not start before site investigation and assessment have been done and that the development itself will incorporate any remedial measures necessary. Policy 5.21 (Contaminated Land) of the London Plan and adopted Local Plan Policy EQ8 (Contamination) provide a policy context for this matter. A condition (4) is proposed to ensure that, provided the appropriate mitigation measures are implemented, there would be no risk of contamination.

Legal Agreement (s106)

- 7.52 Local Plan Policy IMP3 seeks to ensure that development proposals fully mitigate the impacts of development on the area through a Section 106 agreement, where necessary or appropriate, having regard to supplementary planning document and that they provide the CIL payments required by any charging schedule, including the Mayor of London's CIL. A payment or other benefit offered in a Section 106 agreement is not material to a decision to grant planning permission and cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (regulation 122), which provide that the planning obligation must be:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 7.53 The NPPG provides guidance on use of planning obligations, which may impose a restriction or requirement, or provide for payment to make acceptable development proposals that might otherwise not be acceptable in planning terms. The Council's Supplementary Planning Document on Planning Obligations (adopted March 2008) contains guidance on imposition of planning obligations in compliance with such guidance. These obligations may offset shortfalls in the scheme or mitigate a development's impacts.
- 7.54 The following draft Heads of Terms are likely to form the basis of the Section 106 agreement, all of which are considered to satisfy one or more of the three Regulation 122 tests referred to above:
- i) **Affordable Housing Provision (2 units) and review mechanism,**
Two shared ownership units.
 - ii) **Considerate Contractors Scheme**
It is appropriate that the developer registers to the Considerate Contractors Scheme. All sites registered with the Scheme are monitored by an experienced industry professional to assess their performance against the eight point Code of Considerate Practice which includes the categories Considerate, Environment, Cleanliness, Good Neighbour, Respectful, Safe, Responsible and Accountable.
 - (iii) **Construction training**
In accordance with the Council's Planning Obligations & CIL SPD

8.0 EQUALITIES DUTIES IMPLICATIONS

- 8.1 In response to its Equalities Duties and the Equality Act 2010 it is considered that there are no relevant implications that the Council needs to assess further in this case and that, in determining this application, the Council has complied with its duties.

9.0 COMMUNITY INFRASTRUCTURE LEVY

- 9.1 Some new developments granted planning permission will be liable to pay Community Infrastructure Levy (CIL) to the Mayor of London and Hounslow.
- 9.2 CIL is payable on new floor space or where a new dwelling is created or the net floor area increase exceeds 100 square metres.

Mayor's £35 per square metre (m ²)				
Hounslow:	Housing: East £200/m ² Central £110/m ² West £70/m ²	Supermarkets, superstores and retail warehousing: £155/m ²	Health care, education and emergency services facilities: £0	All other uses: £20/m ²

- 9.3 This proposal would be liable to pay Community Infrastructure Levy.
- 9.4 According to the CIL regulations, floor space subject to change of use can only be deducted where it has been in continuous lawful use for at least six months in the three years prior to the development being permitted. Due to the existing care home being vacant over two years the proposal could be CIL chargeable for its whole 1,449 square metres. However if the applicant provides evidence of its lawful use within the last three years of this decision, then the proposal would be only CIL liable for an additional 296 square metres.
- 9.5 The proposal, subject to the above will create at least a CIL charge of £10,360 for the Mayor and £32,560 for Hounslow.

10.0 RECOMMENDATION: APPROVAL

1. That planning permission be granted subject to the following conditions and securing the abovementioned planning obligations by the prior completion of a satisfactory legal agreement or unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 and or other appropriate legislation, the exact terms of which shall be negotiated by appropriate officers within the Department of Regeneration, Economic Development and Environment on the advice of the Assistant Director Corporate Governance.
2. The satisfactory legal agreement or unilateral undertaking outlined above shall be completed and planning permission issued by 07/04/2017 or such extended period as may be agreed in writing by appropriate officers within the Department of Regeneration, Economic Development and Environment or within Legal Services.
3. If the legal agreement or unilateral undertaking is not completed by the date specified above (or any agreed extended period), then the Assistant Director – Community Safety, Regulatory and Development Services or Head of Development Management is hereby authorised to refuse planning permission for the reason that the proposal should include planning obligations required to make the development acceptable in planning terms in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, development plan policies and the

Planning Obligations SPD, as described in this Report.

4. Following the grant of planning permission, where (a) requested to enter into a deed of variation or legal agreement in connection with the planning permission hereby approved and by the person(s) bound by the legal agreement authorised in paragraph 1 above, and (b) where the planning obligations are not materially affected, and (c) there is no monetary cost to the Council, the Assistant Director – Community Safety, Regulatory & Development Services or Head of Development Management is hereby authorised (in consultation with the Chair of the Planning Committee and upon the advice of the Assistant Director Corporate Governance) to enter into a legal agreement(s) (deed of variation) made under Sections 106 and/or 106A of the Town and Country Planning Act 1990 and or other appropriate legislation.
5. If planning permission is refused, the Assistant Director Community Safety, Regulatory and Development Services or Head of Development Management (in consultation with the Chair of the Planning Committee) is hereby authorised to approve any further application for planning permission validated within 12 months of the date of refusal of planning permission, provided that it (a) duplicates the planning application, and (b) that there has not been any material change in circumstances in the relevant planning considerations, and (c) that a satisfactory legal agreement or unilateral undertaking securing the obligations set out in the Report is completed within any specified period of time.

Conditions:

1 A1A **Time Limit**

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

Reason: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2 B5 **Detailed Applications**

The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith (1602.2/001; 1602.2/002; 1602.2/003; 1602.2/004; 1602.2/005; 1602.2/006; 1602.2/007; 1602.2/008; 1602.2/009; 1602.2/010; 1602.3/003 A; 1602.3/004 A; 1602.3/005 A; 1602.3/006 A; 1602.3/007 A; 1602.3/008 A; 1602.3/009 A; 1602.3/013 A; 1602.3/104 A; Design, Access and Heritage Statement; Statement of Community Involvement; Energy Statement; Sustainability Statement; Daylight and Sunlight Report; SUDS Report; Transport Statement (Revision 01); Draft Design & Construction Method Statement Rev A; Received 08/02/2017; Design, Access and Heritage Statement Rev B; 1602.3/001 B; 1602.3/002 B; 1602.3/010 B; 1602.3/011 B; 1602.3/012 B; Received 27/02/2017.) and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.

Reason: To ensure the development is carried out in accordance with the planning permission.

3 B4 **Materials - Samples**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order that the Council may be satisfied as to the details of the development in the interests of the visual amenity of the area and to satisfy the requirements of policy CC1 (Context and Character).

4 J12 **Contamination**

"Before the development hereby permitted commences:

a. A contaminated land Phase 1 desk study report shall be submitted to, and approved in writing by the Local Planning Authority. Should the Phase 1 report recommend that a Phase 2 site investigation is required, then this shall be carried out and submitted to, and approved in writing by the Local Planning Authority. The site shall be investigated by a competent person to identify the extent and nature of contamination. The report should include a tiered risk assessment of the contamination based on the proposed end use of the site. Additional investigation may be required where it is deemed necessary.

b. If required, a scheme for decontamination of the site shall be submitted to the Local Planning Authority, for written approval. The scheme shall account for any comments made by the Local Planning Authority before the development hereby permitted is first occupied.

During the course of the development:

c. The Local Planning Authority shall be notified immediately if additional contamination is discovered during the course of the development. A competent person shall assess the additional contamination, and shall submit appropriate amendments to the scheme for decontamination in writing to the Local Planning Authority for approval before any work on that aspect of development continues.

Before the development is first brought into use:

d. The agreed scheme for decontamination referred to in clauses b) and c) above, including amendments, shall be fully implemented and a written validation (closure) report submitted to the Local Planning Authority for approval.

Reason: Contamination is known or suspected on the site due to a former land use. The Local Planning Authority (LPA) therefore wishes to ensure that the development can be implemented and occupied with adequate regard for public and environmental safety in accordance with policy EQ8 of the of the adopted Local Plan.

Supporting notes:

a. An initial phase 1 desk study must be submitted with the original application and will include the aims and objectives, data collection, site reconnaissance (walk over survey), and development of the initial Conceptual Model (CM), which identifies all potential pollutant linkages on the site. The report should also make recommendations for the further gathering of information and or intrusive investigation. The full site investigation must include intrusive testing for soil and groundwater contamination, soil gasses, and leachate. The investigation shall be carried out at such points and at such depths as the LPA may stipulate. Risk assessments must adhere to current UK guidance and best practice.

b. The scheme for decontamination shall provide details of how each potential pollutant linkage, as identified in the conceptual model, will be made safe.

c. In some instances the LPA may require work on site to be ceased whilst the nature of additional contamination is investigated fully.

d. The validation report shall revisit the site conceptual model, and provide evidence that each aspect of the decontamination scheme was carried out correctly and successfully. This report shall prove that the development is suitable for its new use.

e. We request that site investigation reports or site plans be sent electronically to landquality@hounslow.gov.uk or by post on a cd or dvd wherever possible

- 5 C29 **Hours of demolition and construction**
- No demolition or construction work shall take place on the site except between the hours of 8am to 6pm on Mondays to Friday and 9am to 1pm on Saturdays and none shall take place on Sundays and Public Holidays without the prior agreement of the Local Planning Authority.
- Reason:** To protect neighbours' living conditions in accordance with adopted Local Plan policy EQ5.
- 6 D4 **Construction Management Plan**
- Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be adhered to throughout the course of construction.
- Reason:** To ensure the scheme does not give rise to highway safety or amenity concerns in accordance with Local Plan policies CC2 (Urban Design and Architecture) and EC2 (Developing a sustainable local transport network).
- 7 E1 **Landscaping (Amended)**
- Prior to the start of any works to the extensions hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include (proposed finished levels or contours; means of enclosure including opaque boundary treatment; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing material; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant).
- Soft landscape works shall include (planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme).
- Reason:** In the interest of biodiversity, sustainability, to protect neighbours' privacy and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with Local Plan policies CC1 (Context and Character) and CC2 (Urban Design and Architecture).

8 **Energy Statement:**

Prior to first occupation of the building(s) evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure shall be submitted to the Local Planning Authority and approved in writing to show that the development has been constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan Policy 5.2 and the London Borough of Hounslow Local Plan Policy EQ1.

9 **BREEAM:**

Within three months of work starting on site a BREEAM Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating will be achieved.

Prior to first occupation of the building(s) a BREEAM Post-Construction Review certificate and summary score sheet (or such equivalent standard that replaces this) must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To ensure that the development has an acceptable level of sustainability in accordance with the London Borough of Hounslow Local Plan Policy EQ2.

10 **Construction Zone Controls**

During construction works an appropriate wheel-washing system shall be provided to remove mud, stones and any other extraneous materials from the wheels and chassis' of construction vehicles exiting the site and all loads of construction materials, excavation spoil or other such matter shall be fully covered in order to ensure that no material leaves the site attached to the vehicle which might subsequently be deposited on the highway. The exit from the wheel washing system shall be constructed from a hard, non-porous surfacing material and sited as far away from the exit to the highway as is possible given the constraints of the site and the surface shall be kept clean at all times. Waste water discharged from the wheel washing system shall be stored and disposed of on site and shall not be discharged into the public sewerage system without prior removal of soil, stones and any other suspended material. Suitable measures to minimise dust nuisance caused by the operations and to ensure that no dust or other debris is carried on to the adjoining properties shall also be provided in accordance with the Greater London Authority's "Air Quality" guidance, and site lighting shall be designed, positioned and directed so as not to unnecessarily intrude on passing drivers on public highways and so as not to direct light into any windows of properties outside the site. Start of works on site shall be notified to the Council's Community Environment Team.

Reason: In order to safeguard the amenities of residential properties in the locality and in the interest of road safety in accordance with Local Plan policies EQ2 and the London Plan 2011.

11 **Cycle Storage**

Notwithstanding with the approved plans, prior to occupation, details of the cycle parking arrangements for the site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented prior to first occupation of the development and shall thereafter be retained as such.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Local Plan policy EC2 and the London Plan policy 6.9.

12 **Secure by Design**

The development hereby permitted shall comply with the principles of 'Secured by Design'.

Reason: In order to promote a safer environment.

13 **Controlled Parking Zone**

The development shall not be occupied until arrangements have been agreed in writing with the local planning authority and put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

Reason: To protect the free flow and safety of traffic on nearby highways and to support sustainable transport objectives in accordance with adopted local plan policy EC2.

NOTE – this will require the submission of all agreed addresses at the development so that they can be recorded by the Council.

- 14 Prior to commencement of any ground works (excluding site investigations, internal works and hereby approved extensions), the applicant must submit to the local planning authority for review and approval by the Lead Local Flood Authority final detailed drainage designs (including drawings) which demonstrate the surface water drainage and flood risk management proposals for the site, including the minimisation of runoff rates to no more than 36.3 l/s from the site, through the use of a sustainable drainage system as per the concepts approved in the November 2016 Sustainable Urban Drainage Report, and evidence that infiltration is suitable for the site through the completion of infiltration site testing. An associated detailed maintenance plan for each drainage feature component proposed must also be submitted and must include all routine maintenance tasks (including frequencies) and confirmation of the body/bodies responsible for undertaking the maintenance.

Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy 5.13, the Non-Statutory Technical Standards for Sustainable Drainage Systems, and Hounslow Council's Local Plan Policy EQ3.

- 15 Prior to occupation, the applicant must submit for review and approval by the Lead Local Flood Authority evidence that the drainage system has been built as per the final detailed drainage designs through the submission of photographs and copies of installation contracts, and written confirmation that the drainage features will be managed as per the detailed maintenance plan for the lifetime of the development.

Reason: To ensure that the methods to mitigate the risk of surface water flooding have been constructed as agreed and that the drainage system is suitably managed.

- 16 Notwithstanding the details shown on the approved drawings full details of the proposed accesses shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. No other part of the development shall be occupied until the means of access have been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access in accordance with adopted Local Plan Policy EC2.

- 17 Prior to occupation full details of all gates are to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that there is no adverse impact on highway safety in accordance with Local Plan policy EC2.

Informatives:

- 1 To assist applicants, the London Borough of Hounslow has produced planning policies and written guidance, which are available on the Council's website. The Council also offers a pre-application advice service. In this case, the Council's suggested improvements were adopted by the applicant.

2 Highways

- The developer has to contact Hounslow Highway for a joint survey before start of the work to record an existing condition of the public highway.
- The works on the public highway to be carried out by Hounslow Highways or under 278 agreement
- The construction vehicular route to be provided to Hounslow Highway to monitor the condition of the network.
- The developer to provide programme of works to Hounslow Highways to monitor future planned work in the vicinity.

- 3 We collect the Mayor of London's Community Infrastructure Levy (CIL) at the rate of £35 per sqm of new floor space. Hounslow's Community Infrastructure Levy (CIL) has been adopted. For details of the rates please refer to our web page:

http://www.hounslow.gov.uk/community_infrastructure_levy_preliminary_draft_charging_schedule_march_2013.pdf

This development is liable for CIL. A Liability Notice will follow shortly. For further information please contact the CIL team on 020 8583 4898/4895 or view our web page:

http://www.hounslow.gov.uk/index/environment_and_planning/planning.htm

or the planning portal web page:

<http://www.planningportal.gov.uk/wps/portal>