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## Appeal Decisions

Hearing held on 24 February 2026

Site visit made on 23 February 2026 and 24 February 2026

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

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### **Appeal A - Ref: APP/R5510/W/25/3363359**

#### **Northwood Police Station, 2 Murray Road, Northwood, London HA6 2YN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Azaf Investments Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 46639/APP/2024/2058.
  - The development proposed is described as 'Change of use from former Police Station (Sui Generis) to a children's day nursery (Class E(f)). Erection of a single storey entrance pavilion on the side (south) elevation. Erection of an access lift on the rear elevation. Fenestration alterations and removal of plant room rear extension. Widening of the existing crossover and landscaping'.
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### **Appeal B - Ref: APP/R5510/Y/25/3363363**

#### **Northwood Police Station, 2 Murray Road, Northwood, London HA6 2YN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Azaf Investments Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 46639/APP/2024/2059.
  - The works proposed are described as 'Erection of a single storey entrance pavilion on the side (south) elevation. Erection of an access lift on the rear elevation. Conservation and restoration of the existing building fabric. Internal layout changes. Fenestration alterations, re-servicing and removal of plant room rear extension. Alterations to fencing and landscaping'.
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## Decisions

1. The appeals are dismissed.

## Applications for Costs

2. An application for an award of costs was made by Azaf Investments Ltd against the Council of the London Borough of Hillingdon in respect of Appeal B. An application for an award of costs was made by the Council of the London Borough of Hillingdon against Azaf Investments Ltd in respect of Appeal A. These applications are the subject of separate Decisions. During the hearing, Azaf Investments Ltd withdrew their application for an award of costs in respect of Appeal A. The appellant then made a new application during the adjournment on narrower grounds. This application will be the subject of a separate decision.

## Preliminary Matters

3. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them.

4. During the hearing the appellant conceded that a financial contribution would be necessary to ensure the scheme would be air quality neutral. The Council and appellant outlined different figures for the financial contribution at the hearing. The methodologies for calculating these were provided at late notice, either through the Statement of Common Ground or orally at the event. Moreover, the Council sought to expand its case during the hearing with a detailed critique of the appellant's Air Quality Assessment. In addressing these matters, both parties wished to reference documents and evidence that was not before me. Thus, the hearing was adjourned to allow the Council and appellant an opportunity to provide written submissions. The hearing was closed in writing after the receipt of these comments, which I have had regard to.

### **Main Issues**

5. The main issues in these appeals are:
  - The effect of the proposed development on traffic congestion, parking stress and highway safety (Appeal A);
  - The effect of the proposed development on air quality (Appeal A); and
  - The effect of the proposed works on the significance of Northwood Police Station, including Police Lamp, Call Box and Boundary Fence and Gates, which is a Grade II listed building (Appeal B).

### **Reasons**

#### *The effect on traffic congestion, parking stress and highway safety*

6. The appeal site encompasses a former police station which I understand has been empty for some time with no prospect of it returning to its former use. It is located on the corner of Maxwell Road and Murray Road. Maxwell Road has a commercial character at its northern end due to the proximity of Green Lane and the commercial centre of Northwood. Northwood College, which appears to be a large school, is located about halfway along Maxwell Road. Murray Road is more residential in character although the entrance to a large supermarket is positioned broadly opposite the appeal site. Given this context, the appeal site is on the edge of a mixed-use town centre location.
7. Parking in the area is controlled through a combination of yellow lines, controlled parking zones and ticket management zones. The nature of the controls are such that, in theory, customers of the appeal scheme would be able to park on street near the appeal site. There is also a public pay and display car park in Green Lane and a patron only supermarket car park opposite the site.
8. During my first site visit, which took place at around 4pm on a Monday afternoon, I was able to observe traffic conditions at the end of the school day. Maxwell Road was highly congested with traffic queuing at both ends of the road. Driving conditions were difficult as motorists needed to weave around buses and parked cars. All on street parking spaces were occupied, and many motorists had resorted to parking on double yellow lines, around junctions and across driveways. Buses were attempting to negotiate the traffic, and children were trying to cross the road, emerging between parked cars that obscured their presence until the last moment. I observed several motorists attempt ill-advised three-point turns.

9. The congestion and parking stress endured for the length of Maxwell Road and spilled out into Murray Road, which was also busy and lacked unoccupied parking spaces. That said, the impact on Murray Road dissipated the further I got from Maxwell Road. Several interested parties have described the situation as unsafe and chaotic and I can see why.
10. My observations are a snapshot in time but the evidence before me, including the photographs and representations of several interested parties, suggest what I saw was typical of the situation at the beginning and end of the school day. The beginning of the school day would coincide with the AM Peak period (0800-0900). That said, I visited the site again at around 17:30 on a Tuesday evening, which is in the middle of the conventional PM peak period. The situation was very different to my earlier visit. The roads were uncongested and there was ample on street parking available. As such, the worst of the traffic conditions referred to by interested parties appear to be linked to the school.
11. After the hearing, the appellant submitted new evidence with their final comments in the form of photographs and two videos. Setting aside the procedural irregularity of doing this, the photographs have a narrow focus which do not show pictures of the wider area. Indeed, one simply shows an empty parking space and another a father walking a young child to school. Others are taken at around 10:00 in the morning and therefore outside the AM peak period. One photograph shows the Waitrose car park empty at 08:30 in the morning, but this is a private car park for patrons and cannot be relied upon by the appellant to provide capacity for their scheme. As such, the photographs and videos submitted by the appellant do not demonstrate what I have read, observed and heard regarding traffic conditions at the beginning and end of the school day is inaccurate or overstated.
12. A review of road traffic accident data was undertaken as part of the Transport Statement and this concluded that there were no recorded accidents resulting in injury along Murray Road or at its associated junctions. It is unclear if this is also the case along Maxwell Road. Indeed, interested parties have provided evidence of some accidents in this road. In response, Northwood School wrote to parents asking them to use Maxwell Road and Murray Road as a one-way system in the interests of promoting highway safety.
13. The appellant has undertaken an Automatic Traffic Count (ATC) over a 7-day period, and this recorded an average combined flow of 185 vehicles during the AM peak period in Murray Road. This averages out at 1 vehicle every 20 seconds. It is unlikely that this volume and flow of traffic would result in a severe impact on the road network. However, there is nothing of substance before me to suggest the flows are evenly distributed like this. Moreover, the ATC did not include Maxwell Road, which appeared to be the more severely impacted.
14. Indeed, when asked during the hearing, the appellant's team were unable to confirm whether traffic conditions in Maxwell Road were safe and uncongested in the AM peak or during the school pick up period, because this is not something they had assessed in any detail. This is understandable given their position that the parking demands of the proposal can be accommodated on site. However, the implication is that there is little substantive evidence, such as parking stress surveys or other methodical and objective analysis, to balance against what I observed and have been told by interested parties and the Council.

15. When drawing the above points together, the balance of the evidence before me indicates a serious existing problem with congestion and parking stress during the AM peak period and again at the school pick up time. These existing conditions are prejudicial to highway safety as they result in illicit parking, ill-advised manoeuvres, children crossing between parked cars and a general sense of a busy and stressful driving environment for motorists. A stressed or flustered driver may be more likely to make a mistake and thus cause an accident. Consequently, a key question in this appeal is whether the proposal would exacerbate the negative existing situation. In this respect, much will depend on whether the appeal scheme can accommodate its parking demand within the site or whether overspill onto Murray Road and Maxell Road would occur.
16. The Council's parking standards do not set out a parking requirement for children's day nurseries. Instead, it is considered on a case-by-case basis. Both the Council and appellant agreed that a reasonable methodology would be to establish the likely number of car trips the proposal would generate and compare this to the number and turnover of parking spaces proposed. I have no substantive reason to disagree with this approach, which is supported by the Local Highway Authority.
17. The appellant has reviewed TRICS<sup>1</sup> data and were able to identify a children's nursery in a London borough with a PTAL<sup>2</sup> Level of 2. This is slightly worse than the Level 3 at the appeal site. The comparison suggests that about a third of parents/guardians would arrive at the nursery with their child(ren) by car. The appellant submits that this would result in about 35 vehicles entering and then leaving the site in the AM peak period if there were a cap of 98 children permitted to attend. TRICS data is a useful start point, but the sample used is small, being a single comparable site in a different part of London. I therefore share the view of the Council that a contextual analysis is also required to give a clearer picture.
18. In this respect, Northwood is an affluent area with a medium PTAL rating and very high levels of car ownership. Indeed, car ownership levels are some of the highest in London. This means local residents would be more predisposed to drive for most trips rather than use public transport or walk. Few customers are likely to cycle with young children given the level of congestion.
19. Importantly, the Council has also pointed to a 'real world' analysis which recorded trips to a nursery in the Northwood area<sup>3</sup>. The analysis found that a nursery with a capacity of 54 children generated 30 movements in and 30 out in the AM peak. This analysis dates to 2017, so is a little old, but there is little of substance before me to demonstrate local movement trends have changed markedly since then. This local comparison supports the proposition that driving is likely to be a very common mode of transport for trips to the appeal scheme. Indeed, I share the judgment of the Council that the vehicle trip rate is likely to be at least 50% of the number of children registered, even when accounting for any travel plan. Thus, the AM peak hour is likely to see about 49 vehicles enter the site and 49 leave.
20. The appeal scheme would incorporate 10 general purpose parking spaces, four queuing bays<sup>4</sup> and a disabled space. The Council and appellant agreed at the hearing that the latter space should be discounted when assessing the capacity of

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<sup>1</sup> Trip Rate Information Computer System

<sup>2</sup> Public Transport Accessibility Level

<sup>3</sup> Undertaken to support application 18414/APP/2016/3792

<sup>4</sup> Although this is really 3 bays as the fourth would result in cars overhanging the pavement

the car park given its specific purpose. They also agreed that dwell times would probably be in the region of 7.5 minutes on average and that staff parking need not be factored in because they would not be permitted to park on site. Thus, in theory, each parking space could cater for eight customers in the AM peak hour. This would mean that 80 motorists could arrive and then depart without any overspill into the public highway. However, to achieve this the motorist would need to broadly arrive and depart within the 7.5-minute window, with the queuing bays providing some flexibility. However, this would be entirely impractical given the inherent challenge of getting babies, toddlers and young children to a fixed location for a specific time all whilst travelling through a congested urban area.

21. Instead, the appellant intends to prepare a car park management plan (CPMP), which would be secured and enforced through a planning condition. This would allocate each customer a 30-minute slot to arrive, drop of their child and then depart. This would mean that the 0800-0830 period would see around 25 vehicles in and 25 out with the same occurring in the 0830-0900 period. Customers would be warned and then fined if they continue to arrive or depart outside their allocated slot. The fact the appellant has proposed this can be taken as a concession there would be adverse impacts if the scheme went ahead without an effective CPMP. Therefore, much depends on whether it would be effective.
22. To be effective, customer arrivals would need to spread naturally over the half hour period to prevent peaks occurring. However, this cannot be guaranteed. For example, parents/guardians may understandably seek to arrive at the beginning of their slot to avoid the need to rush, to account for traffic or to leave them more time for an onward commute to work. During the hearing I heard from operators of other children's nurseries that arrival times tend to be bunched rather than spread out evenly because parents have similar work patterns. I have no reason to doubt this. Indeed, despite operating other nurseries, no substantive evidence has been provided by the appellant to demonstrate customer arrivals would be spread-out in the way envisaged.
23. Accordingly, it is conceivable that most of the parents/guardians would arrive at a similar time resulting in a peak that exceeds 10-14 vehicles. A 'worst-case' scenario of all parents/guardians arriving in a 10-minute window at the beginning of the slot is not inconceivable. Thus, significant peaks in arrivals would likely occur even if the CPMP was properly enforced. If this were to happen, then the car park would not be able to accommodate the customers resulting in overspill onto Murray Road and Maxwell Road. Even the appellant's Car Park Capacity and Dwell Time Assessment concluded (when considering only 33 arrivals) that short term queuing may occur if arrivals are concentrated in a 15–20-minute period.
24. It is also plausible that some parents would seek to arrive before their slot, so they are ready to promptly enter the site at either 0800 or 0830. If the CPMP is enforced, then customers would not be able to enter the site until their slot starts. They would contribute to parking stress if they tried to park off site whilst waiting because the evidence before me suggests the on-street bays would be full. Alternatively, if they are unable to get parked in a bay, they may circle the area in a way that would compound congestion or park illicitly. Considering the foregoing, there are too many variables to conclude, without substantive supporting evidence, that the CPMP would be effective.

25. Notwithstanding the above, the CPMP would need to be rigorously enforced by the appellant. However, I am unconvinced the appellant would really take a hard line and fine paying customers for missing their slot if, for example, they were held up due to congestion, needed to go into work early or because their child was playing up. The appellant was unable to say how much the fine would be when asked at the hearing, which suggests a lack of conviction behind the concept. It is unlikely the Council could reasonably require the appellant to fine their customers if they were aware of a breach. Indeed, it would be very difficult for the Council to monitor compliance, and the practicality of enforcing marginal but significant breaches of the time slots must be questioned. The Council would also have to ensure no staff, including the manager, parked on site. Indeed, the Council could end up in a perpetual cycle of investigating and enforcing breaches.
26. If the CPMP is not enforced, then the early arrivals could enter the site resulting in more than 25 vehicles trying to park. Late arrivals could have a similar effect and create a peak at the beginning of the next slot. Ultimately, the effectiveness of the CPMP would rely significantly on the good will of the customers. If that were not forthcoming, then the 49 parents/guardians may arrive when it suits them resulting in the breakdown of the CPMP and significant peaking and overspilling. Indeed, I have seen nothing to address my concerns on this point, such as empirical evidence to demonstrate that CPMPs have worked effectively elsewhere.
27. As such, I am not satisfied the CPMP would be effective. It follows that there is a high risk that the appeal scheme would result in overspill in the AM peak hour. As already explained, the area appears to suffer from parking stress already so there would be little chance of customers parking safely within the on-street parking bays. The Green Lane Car Park is only around 300m away, but parking there and walking with young children would take time and is therefore unlikely to occur as part of a time sensitive commute.
28. It is more likely parents would be tempted to queue or park, probably illicitly, closer to the appeal site whilst waiting for a space on site to become available. They would also have an expectation of being able to park on site as they would have been given a slot in which to do so. This outcome would add to parking stress and congestion. Some customers may arrive on site as part of a linked trip meaning they are already in the wider highway network. However, the TRICS data suggests the appeal scheme would result in a notable increase in traffic in Murray Road. This significant uplift would occur in an area suffering from congestion and would contribute to conditions which would be prejudice to highway safety in the AM peak.
29. In coming to this view, I am conscious that the appeal site is within a town centre location where such uses are normally to be directed. However, the balance of the evidence before me suggests a harmful localised impact would occur. The impact might be less pronounced in the PM peak because there is no apparent overlap with the school pick up period. However, it is difficult to gauge what impact the scheme would have during school pick up times because it is unclear how many trips would be generated by customers around this time.
30. There was some discussion at the hearing as to whether a financial contribution towards parking controls would assist the scheme. However, reducing the availability of on street parking is unlikely to assist parking stress unless it prevented on street parking in Murray Road and Maxwell Road during the school drop off and pick up times. This would have serious implications though. Indeed,

the controls would need to be secured through a Traffic Management Order which members of the public can object to. Interested parties at the hearing said they would do just that. As such, further parking controls may not be enacted and therefore cannot be relied upon as mitigation.

31. In conclusion, the appeal scheme would not provide enough parking spaces in the AM peak period. Overspilling would therefore occur and this would compound existing parking stress and congestion and thus contribute to conditions which would unacceptably impact highway safety. The proposal would therefore be at odds with Policies DMT 1 and DMT 2, of the Hillingdon Local Plan Part 2<sup>5</sup> (the Part 2 Local Plan) and Policies T2 and T4 of the London Plan, which seek to secure safe development and reductions in road danger<sup>6</sup>. These policies are consistent with Paragraph 116 of the National Planning Policy Framework (the Framework), which seeks to prevent unacceptable impacts on highway safety.

#### *The effect of the proposed development on air quality*

32. Both Policy SI 1 of the London Plan and DMEI 14 of the Part 2 Local Plan require development proposals to be air quality neutral. Measure 5 of the Local Air Quality Action Plan also requires air quality neutrality to be enforced through the planning system. Paragraph 199 of the Framework supports these objectives.
33. The Council and appellant agree that the proposal would worsen air quality although the extent of that impact was disputed at the hearing. Nevertheless, both parties have ultimately agreed that the scheme would not be air quality neutral in transport emissions and therefore a financial contribution is required to mitigate the scheme's impact. The main point in dispute is the extent of that contribution.
34. Both parties have oscillated on this point. During its assessment of the application, the Council sought a contribution of £92,831. However, the Statement of Common Ground, submitted only days before the hearing was due to open, sought £216,024. After the hearing, the Council's Air Quality Officer has suggested another figure of £310,401, but this does not appear to have been adopted by the Council. The appellant has also significantly shifted from a position that no contribution is required to an offer of £139,568. Such stark shifts effect the credibility of the submissions.
35. The Council has calculated their sum with reference to the London Plan Guidance<sup>7</sup>. The relevant steps are set out in its submissions. As part of the calculation, it is necessary to work out the total number of trips per annum to ascertain how far above the benchmark the scheme would be. The Council has therefore taken the daily total of 236 trips referred to in the appellant's Transport Statement and multiplied this by 250, which is the number of operational days in a year.
36. Conversely, the appellant is of the view that the number of trips should be reduced (to 163 a day) to account for 'trip chaining', as some of the motorists driving to the proposed nursery would already be in the road network and thus affecting air quality. There is some logic to this. However, it is unclear why a 30% discount should be applied. The approach would also go against the London Plan Guidance, which refers to total trips. The appellant has not really satisfactorily addressed this point. As such, the case for a discount has not been made out.

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<sup>5</sup> The parties agreed at the hearing that Policy DME 4 is irrelevant and quoted in error in the decision notice

<sup>6</sup> A breach of Policy T5 has not been demonstrated by the Council

<sup>7</sup> Mayor Of London - London Plan Guidance - Air quality neutral

37. Once the number of trips has been established, the methodology in The London Plan Guidance requires the numberer of trips to be converted into emissions. A financial figure is apportioned to this emissions factor to achieve an air quality damage cost. The emissions factor is informed by further guidance, but the air quality experts are diametrically opposed on the question of what up to date guidance should be used.
38. Ultimately, the submitted planning obligation defines the air quality mitigation contribution as £216,024, which is the Council's figure outlined during the hearing. It also secures the necessary monitoring contribution. That said, the agreement includes a 'grey pencil clause' which provides me with discretion to identify a different figure. In this respect, given the methodological dispute, I would be minded to simply split the difference between the two financial figures advanced. This is because neither party has provided sufficient clarity regarding their respective figures, although both agree that a significant contribution is necessary to make the development acceptable.
39. Consequently, had the scheme been otherwise acceptable the planning obligation makes the necessary provision to ensure air quality neutrality. The planning obligation would therefore adhere to the relevant tests<sup>8</sup> and can be taken into account. Further, the application includes an Air Quality Positive Statement, and the Council's Statement of Case does not take issue with the findings within it. Indeed, the proposal would include a detailed travel plan secured by condition.
40. In conclusion, the evidence before me demonstrates the scheme could mitigate its effect on air quality by being air quality neutral and air quality positive. The proposal would therefore adhere to Policies EM8, DMEI 14, DMCI 7 of the Part 1 and 2 Local Plans, as supported by the Planning Obligations Supplementary Planning Document, and Policies SI 1 and DF1 of the London Plan. These policies seek to secure development that would have an acceptable impact on air quality including mitigation where necessary.

#### *The effect on the significance of the listed building*

41. The appellant's Heritage Statement comprehensively outlines the significance of the listed building, and this is not disputed by the Council. In brief, the structure was designed as a police station with living quarters in 1910 by John Dixon Butler. It formed a part of the urban development of Northwood around the rail station. The building has an arts and crafts style typical of the period. However, its quality and detail elevate it beyond the ordinary making it a fine example of architecture from the turn of the last Century. It also interestingly fuses a domestic character with a municipal purpose as a thoughtful response to the suburban context. The layout and functioning of the police station, and the quality of the original design, can still be appreciated despite the removal of the cells and an insensitive modern internal refit. Consequently, the former police station has considerable historic interest as part of the Edwardian expansion of the area and in its role as a police station. I understand that local residents also volunteered at the police station. The building therefore has aesthetic, evidential, architectural, historic and communal value. These heritage values impart significance and special interest.
42. The works proposed in Appeal B include internal and external alterations as well as an extension. The extension would be quite large, obscure historic fabric and fail to

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<sup>8</sup> See Paragraph 58 of the Framework and Regulation 122 of the Community infrastructure Levy Regulations 2010

reflect the arts and crafts character of the building. However, it would be to the rear, away from the principal elevations. The proposal would also result in the loss of historic fabric such as internal walls. That said, positive works are also proposed in Appeal B, including the reinstatement of fireplaces and door openings and the removal of the unsympathetic plant room. It is also proposed to reinstate the police call box and lamp, but it would seem consent was never granted for the removal of these features. However, they would be renovated along with the original arts and craft fence. Overall, I share the view of the Council there that would be a low level of less than substantial residual harm from the works. This harm is to be weighed against the public benefits of the scheme.

43. The police station is now obsolete. As such, a new use must be found to ensure it does not deteriorate further. This is a significant factor in favour of the proposal. Indeed, a children's nursery has some notable advantages as it can broadly be designed around the original floor plan, and few alterations would be required to the principal elevations facing Murray Road and Maxwell Road. A children's nursery would also be a publicly accessible building and thus echo the municipal purpose of the police station, whereas a residential reuse would be more disruptive to the building's fabric. Consequently, the evidence before me indicates the proposal is potentially *an* optimal viable use of the building although in the absence of other uses having been substantively considered, it has not been demonstrated to be *the* optimum viable use.
44. That said, the Planning Practice Guide<sup>9</sup> explains that in general terms, the risk of a heritage asset decaying on account of neglect is best addressed by ensuring it remains in active use. The proposal would achieve this in a sensitive way that minimises net harm. The proposal would also have other public benefits such as the provision of nursery places and employment and through an economic boost.
45. After carefully considering the works proposed and the submissions made, I share the view of the appellant that the public benefits of the project would comfortably outweigh the less than substantial harm, even when attaching great weight to that harm as required to by the Framework. Indeed, harm to a designated heritage asset is a matter of considerable importance. However, this conclusion is predicated on the development in Appeal A being approved, as it is the change of use to a nursery which secures the reuse of the building.
46. For reasons I go into, Appeal A has failed. As such, Appeal B must also fail because the proposed works in isolation would result in less than substantial harm that would not be outweighed by public benefits advanced internally within the application for listed building consent. Therefore, in conclusion, the proposed works in Appeal B would be at odds with the expectations of Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990<sup>10</sup>, the Framework and development plan policies in so far as relevant. These being Policies HE1, DMHB 1, 2 and 11 of the Part 1 and 2 Local Plans and Policy HC1 of the London Plan, which seek to preserve listed buildings.

### Other Matters

47. The appeal site is located within the Northwood Town Centre Green Lane Conservation Area (CA). Both the Council and appellant are of the view that any

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<sup>9</sup> Paragraph: 002 Reference ID: 18a-002-20190723

<sup>10</sup> To have special regard to the desirability of preserving the listed building

harm to the significance of the CA would be outweighed by public benefits. Neither party suggest the proposal would result in a net benefit to the significance, character or appearance of the CA. In this instance, it is not necessary for me to reach a finding on whether I share this view because the appeals fail without factoring in this matter.

48. Various other concerns have been raised by interested parties, which I have noted. However, given my overall finding it has not been necessary to address these matters either as the appeal has failed on the main issues.
49. Consistent decision making is an important aspect of the planning system. The appellant suggests that the Council has acted inconsistently because Officers supported applications<sup>11</sup> at Aldis Hall for a nursery for 104 children but with only 12 parking spaces. However, the Council refused these applications, so it has not acted inconsistently as an organisation. Officers also carefully explained in their submissions and at the hearing why they were unsupportive of the appeal scheme at the location proposed. In any event, I have considered the proposal on its own merits and identified harm for the reasons given.

### **Other Considerations (Appeal A)**

50. As recorded in the Statement of Common Ground, the Council and appellant agree that the proposal would not have adverse impacts in respect of several matters. On the assumption this is correct, it follows there would be some compliance with the development plan. However, for the reasons set out above, the appeal scheme would be at odds with several important policies in the development plan. Ultimately, there would be a conflict with the development plan taken as a whole. An appeal should be determined in accordance with the development plan unless other material considerations indicate otherwise.
51. As a material consideration, the proposal would have several benefits. Firstly, it would provide additional nursery places. The Framework explains that great weight should be given to the need to create early years facilities, presumably as this is filling an educational need and supports parents/guardians to work. The need for the proposal has been subject to some debate. Indeed, the development plan sets out a need whereas evidence provided by interested parties persuasively outlines a notable surplus in provision locally. Ultimately, I have afforded this matter weight of a high order for the purposes of this planning balance.
52. The scheme would also provide significant economic benefits through direct employment during construction and the subsequent operation of the nursery. The latter could create around 24 FTE jobs. The scheme would also reuse a previously developed site in a town centre location. The Framework affords this matter substantial weight. The scheme would result in heritage benefits, including the reuse of the listed building. It would also provide a financial contribution towards air quality, but this is to mitigate for its own impacts.
53. Weighed against this the proposal would add to congestion and parking stress and thus compound the unsafe highway conditions during the school drop off and pick up periods. I afford this matter weight of a very high order in the circumstances because it is at odds with an up-to-date development plan and an accident would

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<sup>11</sup> 68153/APP/2017/793 and 68153/APP/2017/3233

have serious and severe implications, especially if involving a child. Overall, the benefits of the scheme would not outweigh the harm.

### **Conclusion**

54. Appeal A - The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has been dismissed.
55. Appeal B – The less than substantial harm to the listed building would not be outweighed by public benefits. The appeal has therefore been dismissed.

*Graham Chamberlain*  
INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

Jemery Peter MRTPI	Representing the appellant (Planning)
Simon Foxell RIBA	Representing the appellant (Design)
Nick Culhane	Representing the appellant (Highways)
Marsha Peasley MSc MIAQM MIEEnvSc	Representing the appellant (Air Quality)
Nizar Merali	Appellant

### **FOR THE LOCAL PLANNING AUTHORITY**

Christos Chrysanthou	Planning Officer
Richard Michalski	Local Highway Authority
Ana Grossinho	Air Quality Officer
Neil Roberston	Conservation Officer
Eoin Concannon	Planning Team Leader
Cllr Richard Lewis	Northwood Councillor

### **INTERESTED PARTIES**

Tony Lewis	Northwood Residents Association
Trevor Sherring	Northwood Residents Association
Chris Duffy	Local Resident
Teresa Hamilton Heward	Local Resident
Mark Hamilton Heward	Local Resident
Shamyha Douglas	Local Resident
Brian Greenan	Local Resident
Susan Mansfield	Local Resident
Anna Mackenzie	Local Resident

V Mellor	Local Resident
S Craven	Local Resident
Simon Lane	Local Resident
Alison Lane	Local Resident
John Matthews	Local Resident
Anne Mathews	Local Resident
Dylan James	Local Resident

### **DOCUMENTS SUBMITTED AT OR AFTER THE HEARING**

1. Certified copy of the Planning Obligation
2. Council's additional submissions relating to air quality
3. Appellant's additional submissions relating to air quality
4. Appellant's response to Document 2 listed above
5. Appellant's response to the late representation of Northwood Residents Association submitted shortly before the hearing opened