

Report of the Head of Planning, Sport and Green Spaces

Address LAND ADJACENT TO WIDEWATER LOCK (BARN FARM) MOORHALL ROAD HAREFIELD

Development: Change of use of land to a residential caravan site for one Gypsy family, involving the siting of one static and one touring caravan, with associated parking for two vehicles, water treatment plant, hardstanding and landscaping works (Part retrospective application).

LBH Ref Nos: 69682/APP/2014/32

Drawing Nos: 1:1250 Location Plan
BLP-01
Design and Access Statement

Date Plans Received: 06/01/2014

Date(s) of Amendment(s):

Date Application Valid: 06/01/2014

1. SUMMARY

This application seeks part retrospective permission to change the use of the site from a paddock to a residential caravan site for one Gypsy family with the siting of one static and one touring caravan, parking for two vehicles with associated hardstanding, landscaping and water treatment plant. The change of use has been implemented, with a wooden outbuilding having been sited/erected and a touring caravan sited along the western boundary of the site. The application site has been separated from the rest of the field in which it is located by the erection of post and rail fencing and close boarded fencing has also been erected along the southern (Moorhall Road) and eastern boundaries of the field.

The site forms part of the Green Belt. The development represents inappropriate development and no compelling reasons have been put forward or are evident to suggest that 'very special circumstances' exist to outweigh Green Belt policy.

The use and associated structures are also detrimental to the character and appearance of the adjoining Widewater Lock Conservation Area.

Furthermore, the site lies within Flood Zone 2 where the siting of caravans, mobile homes and park homes intended for permanent residential use represents a highly vulnerable use. A Flood Risk Assessment as required by the NPPF has not been submitted with the application and the development does not meet the Sequential and Exceptions Tests. The Environment Agency and the Council's Flood and Water Management Officer therefore raise objection to the development. The Environment Agency have also lodged an objection on the grounds of the inclusion of a water treatment plant within this sensitive area forming part of a Source Protection Zone (SPZ)1.

The application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The residential use and associated development represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the permanent retention of the residential use which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt and the landscape of the Countryside Conservation Area, contrary to the National Planning Policy Framework (including the accompanying Government Guidance 'Planning Policy for Traveller sites'), Policy 7.16 of the London Plan (July 2011), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The introduction of a residential use to the site and the siting of caravans and associated landscaping works, including an extensive area of hardstanding, together with the paraphernalia associated with a residential use would be detrimental to the character and appearance of the adjoining Widewater Lock Conservation Area, contrary to the NPPF (March 2012), Policy 7.8 of the London Plan (March 2012) and Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NON2 Non Standard reason for refusal

The application site is located within Flood Zone 2 and the proposal involves a highly vulnerable use. No Flood Risk Assessment (FRA) has been submitted and the location of a vulnerable use with occupants in an area at risk of flooding and potentially increases the risks of flooding elsewhere is contrary to the NPPF and its Technical Guidance, March 2012, Policy 5.12 of the London Plan (July 2011), Policy EM1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy OE7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 NON2 Non Standard reason for refusal

The application site is close to a groundwater abstraction for public water supply and lies in a Source Protection Zone (SPZ)1. An additional discharge to ground from a non-mains drainage system in this area could cause pollution of the public water supply abstraction and with groundwater being very shallow in this area, a discharge to ground could be ineffective, causing the treatment system to back up. In the absence of a full and detailed drainage assessment, the risks of pollution to ground and surface waters arising from the development can not be assessed. The development is therefore contrary to the NPPF, Policy 5.14 of the London Plan (July 2011) and Policy EM1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

NPPF6	
NPPF9	
NPPF10	
NPPF11	
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.8	(2011) Housing Choice
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.14	(2011) Water quality and wastewater infrastructure
LPP 5.15	(2011) Water use and supplies
LPP 6.3	(2011) Assessing effects of development on transport capacity
LPP 6.13	(2011) Parking
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
LPP 7.8	(2011) Heritage assets and archaeology
LPP 7.16	(2011) Green Belt
LPP 7.19	(2011) Biodiversity and access to nature
LPP 7.30	(2011) London's canals and other rivers and waterspaces
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves Replaced by PT1.EM7 (2012)
EC3	Potential effects of development on sites of nature conservation importance
BE4	New development within or on the fringes of conservation areas
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework,

3

The Applicant is advised that part of the application site falls within land that may potentially be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two (HS2). Powers to construct and operate HS2 are to be sought by the promotion of a hybrid Bill deposited in Parliament on 25th November 2013. As a result the application site, or part of it, may be compulsorily purchased. More information can be found at www.hs2.org.uk.

3. CONSIDERATIONS

3.1 Site and Locality

The 0.08 hectare application site forms the north eastern corner of a field located within the River Colne valley on the western edge of the borough and is set back 35m from the northern side of Moorhall Road, some 90m to the west of Widewater Lock on the Grand Union Canal. The R. Colne lies some 1km to the west which in this vicinity forms the borough boundary. An access road runs along the eastern boundary of the field and a drain runs along the northern boundary, beyond which is a lake and aggregates works. The access road serves a number of commercial enterprises and residential properties to the north, including the aggregates works. On the opposite side of the access road is Lock Cottage and Widewater Lock, beyond which is an office development. On the opposite side of Moorhall Road is the Horse and Barge PH.

The site appears to be already in use for residential purposes. A wooden outbuilding has been erected on a concrete slab within the centre of the site, adjacent to a stable building and a mobile caravan is sited to the rear of the site, adjacent to the western boundary and the site has been separated from the rest of the field by post and rail fencing. New close boarded fencing has been erected along the access road and Moorhall Road boundaries of the field with a gate installed at the northern end of access road boundary to provide vehicular access into the site. A sign reading 'Barn Farm' has been displayed on the gate and coaching lamps and a letterbox have been installed at the entrance. At the time of the officer's site visit, a car and 2 lorries were parked on site.

The character of the area is pre-dominantly rural, with the site mainly surrounded by lakes and woodland. The site forms part of the Metropolitan Green Belt and the Colne Valley Regional Park with the Widewater Lock Conservation Area immediately adjoining the site on the eastern side of the access road and on the northern side of Moorhall Road. The site is identified as being within Flood Zones 2 and 3b and the site is also located within a safeguarding area for High Speed Two (HS2). The lakes and associated woodland immediately to the north and east of the site form a Site of Special Scientific Interest (SSSI) and a Nature Conservation Site of Metropolitan or Borough Grade 1 Importance.

3.2 Proposed Scheme

The red lined site relates to a roughly rectangular, 0.08 hectare site which forms the north eastern corner of the field, with the eastern portion of the field marked in blue. The development is for a change of use of the land to a residential caravan site for one Gypsy family, involving the siting of one static and one mobile caravan, with associated parking for two vehicles, water treatment plant, hardstanding and landscaping works. The static

caravan would be sited centrally on the site, with the mobile caravan sited towards the rear, adjacent to the western boundary. Two car parking spaces are shown located between the static caravan and the northern boundary, with the water treatment behind. The site would be hardsurfaced, including a 6m wide strip along the whole of the eastern boundary of the field, adjacent to the access road which would be outside of the red line boundary of the application site. The area within the blue line is shown as 'grazing'.

The scheme is part retrospective as the site is in residential use with a single storey wooden building having been erected on site, a touring caravan sited to the rear with some fencing and planting having been undertaken.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history on this site.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.H3 (2012) Gypsy and Traveller Pitch Provision
- PT1.BE1 (2012) Built Environment
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM3 (2012) Blue Ribbon Network
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation
- PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- NPPF6
- NPPF9
- NPPF10
- NPPF11
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.8 (2011) Housing Choice
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.12 (2011) Flood risk management

LPP 5.13	(2011) Sustainable drainage
LPP 5.14	(2011) Water quality and wastewater infrastructure
LPP 5.15	(2011) Water use and supplies
LPP 6.3	(2011) Assessing effects of development on transport capacity
LPP 6.13	(2011) Parking
LPP 7.2	(2011) An inclusive environment
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LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **12th February 2014**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

22 neighbouring properties have been consulted, the application has been advertised as affecting the Widewater Conservation Area in the local press on 22/1/14 and a site notice has been displayed on site.

17 responses (2 from same objector, making further comments) have been received, raising the following concerns:

(i) The application is on green belt land and a residential building is inappropriate development in this particularly sensitive area and no special circumstances have been put forward to outweigh green belt policy, namely the NPPF (March 2012), particularly paragraphs 79, 87 and 89, the Government's Planning Policy for Traveller Sites (March 2012), paragraphs 11, 22 and 23 and Policy 14, Policy 7.16 of The London Plan (July 2011) and Policies OL1, OL2 and OL4 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and Policies EM2, H3 of the Hillingdon Local Plan (November 2012),

(ii) The introduction of caravans and hardstanding for vehicles to provide two residential pitches would erode the openness of what is currently an undeveloped field and encroach into the countryside beyond the existing built form and conflicts with the purposes of including land in the Green Belt,

(iii) Land has traditionally been used as a paddock. It was associated with the neighbouring Moor House before the house was sold separately in 2010. The previous owner retained the paddock to graze ponies, keep geese and chickens until mid-2013. The paddock and wooden stable which is still on site were then sold to the applicant,

(iv) Development has already taken place, at variance to the application, with a large wooden building having been erected next to the stables and a 2m high fence erected along two boundaries of the site with post and rail fencing erected within the site. A gate at the entrance from the private road has been installed with exterior lights, a mail box and CCTV. A caravan on site and the wooden outbuilding appear to already be occupied since late 2013, changing status of a paddock to a small holding. The paddock continues to be developed with industrial vehicles moving through the site during the day,

(v) The large wooded chalet type building is very visible, particularly from Moorhall Road (contrary to answer given to Q24 on application form) and neighbouring homes. The close boarded fencing erected along Moorhall Road is detrimental to the open aspect of the site and blocks open views across the site,

(vi) The external lighting which has been erected around the site and general glow from the occupied part of the site during the night is very bright and intrusive to neighbouring properties,

(vii) Development overlooks our bathroom window, compromising our privacy,

(viii) Development detracts from views of the Conservation Area

(ix) Contrary to answer given at Q13 on application form, application site adjoins the Mid Colne Valley Site of Special Scientific Interest (SSSI) and a Nature Conservation Site of Metropolitan Importance Grade 1. The area includes a number of protected species, including bats and owls and overwintering birds use the lakes. A Habitat Survey has not been submitted to assess possible damage to wildlife considerations, contrary to Policy EC3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007),

(x) Contrary to information given at Q15, the development is adjacent to trees and hedging along the boundary with Harefield Moor Lake. The character of the landscape has already been adversely affected by development that has taken place,

(xi) The close boarded fencing around the site (described at Q9 on the application form as 'existing') was erected by the applicant upon purchase of the site and is visually intrusive and the leylandii planted around the exterior of the fence will only aggravate this effect,

(xii) The Laurel that has been planted is an invasive species and not native planting,

(xiii) Land is regularly flooded by heavy rains, the surrounding lakes and problems at the nearby Affinity Water site. There is a concern about any development that would worsen the already poor drainage on the site and aggregate local flooding,

(xiv) The site's proximity to Harleyford Aggregates, itself the subject of ongoing complaints about

noise, dust and traffic, makes it unsuitable for residential use,

(xv) No evidence that alternative gypsy sites have been considered, including the Colne Park which is in a more sustainable location,

(xvi) The proposed site is not environmentally acceptable for residential occupation,

(xvii) The hard-standing area as shown on the plans is larger than that needed for the parking of two cars indicating that site may also be used for some sort of business. The site is already regularly used for parking of vans, light industrial vehicles and other larger vehicles,

(xviii) Object to barking dogs at the property,

(xix) At night the lighting from these properties could disturb owls and bats, as well as local residents,

(xx) The site, contrary to answer given at Q12 on application form, is very close to watercourses, including Harefield Moor Lake. A ditch runs along the edge of the site and continues through the garden of Moor House towards Lock Cottage where it joins another stream before discharging into the Grand Union Canal. The siting of a water treatment plant close to these watercourses seems particularly inappropriate, particularly as site in a flood risk area and a Groundwater Source Protection Zone 1,

(xxi) The site is unfortunately on land safeguarded for HS2, being adjacent to one of the planned construction sites,

(xxii) Some of the applicants answers on the application form are misleading but this may not be deliberate,

(xxiii) As development has already taken place and continues, more blighting of this Green Belt land may result in damage being irreversible,

(xxiv) Change of use of land from a grazing paddock adversely affects the setting of the Grade II Listed Lock Cottage,

(xxv) The grazing of horses from this site within the public park on Moorhall Road and the riding of a trap has caused a public nuisance and safety issues which are likely to increase,

(xxvi) If planning permission is granted, more residential units will appear and size of site increase without permission,

(xxvii) Unauthorised buildings should be removed,

(xxviii) Permission was refused on 26/1/01 for temporary parking for up to 25 static caravans on land at Broadwater Farm, Moorhall Road, Harefield, close to the application site (App. No. 2382/APP/2000/2225 refers) on grounds that proposal failed to provide special circumstances to outweigh inappropriate development and would harm openness of the Green Belt and visual amenities of the area, and it would have detrimental impact on the Mid Colne Valley SSSI and Grand Union Canal Area of Metropolitan Importance for Nature Conservation.

ENVIRONMENT AGENCY:

We object to the proposals as submitted on two grounds which are detailed below.

Objection 1

In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Reasons

The application site lies within Flood Zone 2 defined by the Environment Agency Flood Map as having a medium probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations. Table 3 of the Technical Guide to the National Planning Policy Framework (NPPF) states that an exceptions test is required for highly vulnerable development proposed in Flood Zone 2.

An FRA is vital if the Local Planning Authority is to make informed planning decisions. In the absence of an FRA, the flood risks resulting from the proposed development are unknown. The

absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

Advice to Local Planning Authority

Our most recent modelling (2010) shows the site to be Flood Zone 2 and outside of the 1 in 100yr plus allowance for climate change outline. The site must therefore pass the Sequential Test for the development to be considered appropriate at this location. If the site does not pass the Sequential Test then you should refuse this application on for this reason.

Hillingdon's Strategic Flood Risk Assessment shows that the site falls within Flood Zone 3b, functional floodplain. The Technical Guidance to the National Planning Policy Framework states that highly vulnerable development in Flood Zone 3b should not be permitted. If you consider the site as Flood Zone 3b you may also wish to refuse this application on for this reason.

Objection 2

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to ground and surface waters has been provided by the applicant. We recommend that planning permission should be refused on this basis.

Reasons

The site is very close to a groundwater abstraction for public water supply and groundwater is very shallow in this area. The site also lies in a Source Protection Zone (SPZ)¹. An additional discharge to ground from a non-mains drainage system in this area could cause pollution of the public water supply abstraction. Furthermore, a discharge to ground will be ineffective where groundwater is shallow and may cause the treatment system to back up.

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted. The planning application has not been duly made.

The application does not therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to ground and surface waters arising from the proposed development.

In particular, the submitted application fails to:

1. address the following issues as set out in Annex A of DETR Circular 03/99
2. justify the use of a discharge to ground over preferred alternative means of foul disposal, for example mains foul sewage system, in accordance with the hierarchy set out in DETR Circular 03/99/WO Circular 10/99 and Building Regulations Approved Document H.
3. provide assessment of the risks to ground and surface waters and the adjacent Special Site of Scientific Interest.

In accordance with Groundwater Protection: Principles and Practice <http://www.environmentagency.gov.uk/research/library/publications/144346.aspx> we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks posed by this development can be satisfactorily managed.

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

CANAL AND RIVERS TRUST:

There will not be any direct impact on the canal environment, and therefore we have no objections.

HS2 LTD:

As you will be aware the Government has announced its intention to construct and operate Phase One of a high speed railway, known as High Speed Two (HS2), between London and Birmingham; and Phase Two between Birmingham Manchester and Leeds. As you will also be aware, on the 25th November 2013 HS2 Ltd deposited the hybrid Bill in Parliament which confirms the government's intention to proceed with a new high speed rail link between London and the West Midlands. Visit our dedicated hybrid Bill section on our website for further details: <http://www.hs2.org.uk/hs2-phase-one-hybrid-bill>.

On 9th July 2013, the Secretary of State for Transport announced that safeguarding directions had been issued for the majority of Phase One of HS2. On 24th October 2013, these directions were subsequently replaced with an updated set of directions which included two sections in Northolt and Bromford which had previously not been published. Further details and maps are available on our dedicated safeguarding page at: <http://www.hs2.org.uk/safeguarding> and with reference to Volume 2, map no.17 you can see that the site lies within the limits of land subject to the Safeguarding Direction and therefore may be required to construct and/or operate HS2. As required by law and Parliamentary rules, the Government has also provided Parliament with a detailed statement assessing the likely significant effects of the project on the environment - an Environmental Statement (ES), see: <https://www.gov.uk/government/consultations/hs2-phaseone-environmental-statement>.

With reference to Volume 2 map book for Community Forum Area (CFA) 7 - Colne Valley and specifically 'Construction Phase' drawing CT-05-020, you can see that access to the application site is proposed from a road HS2 Ltd has identified as potentially being needed during construction. In addition 'Proposed Scheme' drawing CT-06-020 shows the shows the creation of wetland habitat to the north of the site.

However, HS2 Ltd is satisfied that the two developments can coexist alongside each other and accordingly we would not wish to raise an objection to planning permission being granted in this instance. In the event you are minded to approve the application, HS2 Ltd requests that the following informative is placed on any decision notice:

"Informative:

The Applicant is advised that part of the application site falls within land that may potentially be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two (HS2). Powers to construct and operate HS2 are to be sought by the promotion of a hybrid Bill deposited in Parliament on 25th November 2013. As a result the application site, or part of it, may be compulsorily purchased. More information can be found at www.hs2.org.uk."

NATURAL ENGLAND:

This application is in close proximity to Mid Colne Valley SSSI. Natural England is unclear whether the proposed development (in particular the waste water treatment works) will damage or destroy the interest features for which the site has been notified through nutrient enrichment. We understand that the Environment Agency (EA) has requested further information from the applicant with regards to flood risk and potential impact on the adjacent designated site. So, given the nature of the proposal, we believe that the EA is best placed to advise further on these issues.

HAREFIELD VILLAGE CONSERVATION AREA ADVISORY PANEL:

The Panel objects to the proposal as it represents a highly undesirable intrusion by new development into the Green Belt.

HERTS & MIDDLESEX WILDLIFE TRUST:

Herts & Middlesex Wildlife Trust objects to the proposed change of use and development of the site on the basis of lack of information on its potential environmental impact and risks of harm to nature conservation interests.

The application site is adjacent to the south of Harefield Moor Lake - part of the Mid Colne Valley Site of Special Scientific Interest (SSSI) and Site of Metropolitan Importance for Nature Conservation. A track and band of trees/vegetation separates the application site from the lake. The application site is also about 175 metres to the east from HMWT's Broadwater Lake Nature Reserve.

I note that the application is part-retrospective, and that some if not all of the development work has already been carried out.

The development involves creation of hardstanding across the entirety of the site, which was previously a grass field. Screening vegetation is indicated on the plans, and the application form specifies laurel and native trees. A water treatment plant is also shown in the north west corner of the site, near to the lake.

The Environment Agency's Flood Map shows the site is in Flood Zone 2. Its proximity to the lake prompts concern about the potential flood risk at the site. Furthermore, we consider there may be a potential risk to the SSSI of pollution during any flood event, in connection to the proposed water treatment plant, waste and refuse storage, and storage of vehicles and other items within the application site. Placement of hardstanding across the whole site will increase the rate surface water runoff into the adjacent SSSI and the paddock, both exacerbating flood risk and increasing risks of pollution and reduced water quality.

The Colne Valley is known as an important habitat corridor for Daubenton's bats in particular, which feed and commute over its water and woodland habitats and roost in nearby structures, trees and bat boxes. The proximity of the development to habitats used by bats within the SSSI is a concern. Lighting associated with the development has the potential to disturb bat activity, harm roost sites and adversely impact habitat connectivity. The council is required to consider the potential impact of the development on bats, which are protected under European law.

No information has been submitted relating to the potential impact of the development on the SSSI, on the water quality of the adjacent lake, or on flood risk. Furthermore, the plans do not propose any precautionary measures or mitigation to manage and reduce the potential risks of harm to the SSSI and its wildlife, including as a result of flooding.

We object to the application due to the lack of information on its likely impact and as a result of its potential adverse impact on the nature conservation interest of the SSSI, SMINC and HMWT's Broadwater Lake Nature Reserve. We consider that the application is contrary to Policies EM3, EM6 and EM7 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), and paragraphs 117 and 118 of the NPPF.

However, in the event that the council is minded to grant permission, we strongly advise the implementation of robust and enforceable conditions to manage any risks of flooding, pollution and other direct or indirect damage or degradation of the SSSI, SMINC and nature reserve as a result of the development.

We would recommend also:

- Minimising the amount and intensity of exterior lighting and ensuring that it is downward facing and directed away from trees, hedgerows, water bodies or any other features which may be used by bats.
- Landscaping associated with the scheme should comprise entirely native species suitable to the Colne Valley, and of local provenance where possible. Laurel is not a native species so should not be planted.
- The quantity of hard standing should be reduced to minimise surface water runoff
- Sustainable Drainage techniques should be used where appropriate to reduce runoff, capture sediment and pollutants, and help to improve water quality. Sustainable Drainage scheme should follow guidance in 'The SUDS Manual' (CIRIA, 2007 - C697)

Advice should be sought from the Environment Agency in respect of flooding, water quality and associated ecological impacts. Natural England should be consulted due to the proximity of the SSSI.

Internal Consultees

CONSERVATION/URBAN DESIGN OFFICER:

Background:

This proposal lies just outside and opposite the Widewater Lock Conservation Area - a heritage asset. It is a very visible location and the immediate vicinity is characterised by its rural appearance of green openness, trees and the absence of any development. The significance of the Widewater Lock Conservation Area is derived from part of the 18th century Grand (Junction) Union Canal, distinctive features and buildings related to the canal network and the wider semi-rural waterscape and landscape setting of this part of the canal. The site is also located in the Green Belt and the Colne Valley SSSI. Any development will therefore not only have an effect on the significance and views of the conservation area, but also the general streetscene, Green Belt and SSSI

Comments:

I consider the proposal unacceptable in principle. Any development on this site would be detrimental to the character and appearance of the conservation area, because of the sites proximity. It would also be detrimental to the openness of the Green Belt. The proposed caravan structures as well as the associated (and necessary) residential paraphernalia associated with residential use would spoil the open semi-rural setting. Furthermore, the hardstanding and 'post and rail fence' would unacceptably dominate the area to the detriment of the character and appearance of the conservation area. For the same reasons, the proposal would appear ugly and incongruous within the streetscene and the Greenbelt. This would cause harm to the character and appearance of the Conservation Area.

Having regard to the National Planning Policy Framework I find for the above reasons that the harm is not outweighed by any public benefit. In addition, it does not meet the Framework's core principles; particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance.

Conclusion:

Unacceptable. The proposal will not sustain the significance of the heritage asset or the Green Belt.

TREE AND LANDSCAPE OFFICER:

There are no Tree Preservation Orders covering the site and the site does not form part of a Conservation Area.

There are no significant trees or other vegetation of merit on the site in terms of Saved Policy BE38.

Screening has been shown on the plans but more detail is needed (species, size, numbers etc). This matter can be dealt with by condition.

Conclusion: Acceptable, subject to condition RES9.

HIGHWAY ENGINEER:

The development is for the change of use of existing agricultural land to allow a residential caravan site for the siting of one static and one touring caravan. As part of the proposals, two car parking spaces will be provided within the site for the use of residents. Access to the site will be provided from the adjacent highway via an existing private access road, which also serves an adjacent quarry.

When undertaking assessment of the proposals, it is noted that the Council does not have specific parking standards for this type of use. However, as the site will contain a static caravan, it is considered that the parking standards associated with a residential use, would be appropriate to be used in this instance. As a result, the provision of 2 car parking spaces is acceptable to serve the proposed static caravan. From considering the parking requirements associated with the touring caravan, it is noted that parking is not provided for towing vehicles. Nevertheless, due to the size of the site, it is clear that a towing vehicle can be accommodated within the site curtilage.

In addition, when reviewing access to the site, it is considered that there is adequate visibility provided along the adjacent highway, based on the speed limit along Moorhall Road.

Therefore, it is considered that the development would not be contrary to the Policies of the adopted Hillingdon Local Plan, 2012, (Part 2) and an objection is not raised in relation to the highway aspect of the proposals, provided that the following details are made conditional to any planning consent.

Three car parking spaces shall be provided within the boundary of the site, which shall be maintained and retained at all time for the use of residents. Each car parking space shall be a minimum of 4.8m long and 2.4m wide and constructed from a bound material.

The development site shall only be permitted to accommodate one static and one touring caravan. Any increase in the number of caravans, either static or mobile will first require the permission of the LPA.

SUSTAINABILITY OFFICER:

Given the scale and nature of the development, no objections are raised on sustainability or ecological grounds.

FLOOD AND WATER MANAGEMENT OFFICER:

The site appears to be in Flood Zone 3b and 2 but not Flood Zone 3.

To explain the reason for this.

Flood Zone 3b was established when the Council did our Strategic Flood Risk Assessment a few years ago. This shows the functional flood plain and so an area critical to allow flood water to flow. However since that time the Environment Agency have undertaken more modelling on the River Colne and this reduced the extents of Flood Zones. However we have not updated flood zone 3b which is why it appears that the site is in contradictory Flood Zones.

In terms of risk the site, I would consider that the site lies in Flood Zone 2 based on the fact that it represents the best available data:

Flood Zone 2 comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% - 0.1%) in any year.

PPS25 requires the Local Planning Authority (LPA) to demonstrate that they have applied a Sequential Test and ruled out alternative sites, that have less flood risk, on which the development could take place instead. The LPA must provide evidence for public record that they have considered alternative sites prior to allowing development on a site at risk of flooding.

LPAs must apply the Exception Test in addition to and once it has applied the Sequential Test, and in the circumstances set out in table D3 of PPS25. Where applicable, the Exception Test ensures that development is permitted in flood risk areas only in exceptional circumstances and when strict qualifying conditions have been met.

Highly Vulnerable Uses in Flood Zone 2 are only considered appropriate if the Exception test has been passed - Highly Vulnerable uses include:

Caravans, mobile homes and park homes intended for permanent residential use.

The Council are also aware of flooding issues along Moorhall Road restricting safe access.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

National Planning Policy Framework (NPPF) and Government's policy for traveller sites, March 2012

The NPPF advises that the purpose of the planning system is to contribute towards achieving sustainable development and that this has three dimensions, namely economic, social and environmental which are mutually dependent. It states that there is a presumption in favour of sustainable development, although it clarifies that planning law requires applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise and therefore the NPPF does not change the statutory status of the development plan which should be the starting point for decision making.

The application site is designated as forming part of the Green Belt in the Hillingdon Local Plan (November 2012). Paragraph 79 of the National Planning Policy Framework (March 2012) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open so that the essential characteristics of Green Belts are their openness and permanence. Paragraph 87 goes on to advise that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 advises that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' At paragraph 89, the NPPF states that the construction of new buildings should be regarded as inappropriate, and then lists a number of specific exceptions to this general presumption, including buildings for agriculture and forestry; appropriate facilities for outdoor sport and recreation and for cemeteries, providing the openness of the Green Belt is preserved; the extension or alteration of a building, providing that the addition(s) are not disproportionate to the original building; building replacement providing the new building is in the same use and not materially larger than the one it replaces; and limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land).

The Government also published in March 2012 alongside the NPPF, 'Planning policy for traveller sites'. This advises that the 'Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'

To help to achieve this, the Government's aims in respect of traveller sites are stated at Paragraph 4. Among other matters, these are:

- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites,
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply, and
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.

Specifically in relation to Green Belts, at Paragraph 14, the guidance states that:-

'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.'

Paragraph 15 goes on to advise that Green Belt boundaries should only be altered in exceptional circumstances and that if the local planning authority wishes to make an exceptional limited alteration, to meet a specific, identified need for a traveller site, this should be done through the plan-making process and not in response to a planning application.

Paragraph 20 emphasises that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise and paragraph 21 highlights the need for applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and this guidance for traveller sites.

Paragraph 22 then lists the issues amongst other relevant matters that need to be considered when determining planning applications for traveller sites, namely:

- a) the existing level of local provision and need for sites,
- b) the availability (or lack) of alternative accommodation for the applicants,
- c) other personal circumstances of the applicant,
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites,
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Paragraph 23 then goes on to advise that new traveller sites in open countryside away from existing settlements or outside areas allocated in the development plan should be strictly limited.

Further clarification of Government policy in relation to Traveller sites in the Green Belt was provided in a written Ministerial Statement, originally given at the House of Commons by Local Government Minister, Brandon Lewis MP on 1 July 2013, which reads:

'Our policy document, Planning policy for traveller sites, was issued in March 2012. It makes clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development.

As set out in that document and in March 2012's National Planning Policy Framework, inappropriate development in the green belt should not be approved except in very special circumstances. Having considered recent planning decisions by councils and the Planning Inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of ministers.

The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt.

The Secretary of State wishes to give particular scrutiny to traveller site appeals in the green belt, so that he can consider the extent to which Planning policy for traveller sites is meeting this government's clear policy intentions. To this end he is hereby revising the appeals recovery criteria issued on 30 June 2008 and will consider for recovery appeals involving traveller sites in the green belt.

For the avoidance of doubt, this does not mean that all such appeals will be recovered, but that the Secretary of State will likely recover a number of appeals in order to test the relevant policies at national level. The Secretary of State will apply this criteria for a period of 6 months, after which it will be reviewed.'

The Government is also considering further revisions to both planning policy and practice guidance to strengthen Green Belt protection from both housing schemes and Traveller developments. That prospect emerged in a written Commons statement on the 17th January 2014 by the Local Government Minister Brandon Lewis. He told MPs: "We also want to consider the case for changes to the planning definition of 'travellers' to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle.

"We are open to representations on these matters and will be launching a consultation in due course."

He pointed out that the Coalition's planning policy was clear that "both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development".

He reminded Parliament that the Secretary of State's policy position on unmet need, whether for Traveller sites or for conventional housing, was that this was "unlikely to outweigh harm to the green belt and other harm" and would not constitute the "very special circumstances" justifying inappropriate development in the Green Belt.

The minister re-emphasised that point for both local planning authorities and planning inspectors as a material consideration in their planning decisions.

The minister said that for the past six months the Communities Secretary had been looking at the way policy was being applied on the ground by recovering more appeals

involving Traveller projects in Green Belt locations.

He said: "The Secretary of State remains concerned about the extent to which planning appeal decisions are meeting the Government's clear policy intentions, particularly as to whether sufficient weight is being given to the importance of green belt protection. Therefore, he intends to continue to consider for recovery appeals involving traveller sites in the green belt."

London Plan

Policy 7.16 of the London Plan relates to the Green Belt. Overall, the Mayor strongly supports the current extent of London's Green Belt, its extension in appropriate circumstances and its protection from inappropriate development.

In relation to planning decisions, the policy states that 'the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.'

The Plan refers to Gypsies and Travellers in the supporting text to Policy 3.8: Housing Choice. Paragraph 3.57 states that:

'The Mayor considers that boroughs are best placed to assess the needs of, and make provision for these groups whether through new pitch provision, protection or enhancement of existing pitches, or by other means. As in the rest of the country, they will be responsible for determining the right level of site provision in their areas and in consultation with local communities. They will set targets for provision based on robust evidence of local need. These targets, and the robustness of the evidence on which they are based, will be tested through the process of consultation on, and public examination of, local plans.'

Hillingdon Local Plan

Policy H3 of the Hillingdon Local Plan: Part One: Strategic Policies (November 2012) deals with Gypsy and Traveller pitch provision. This states:

'The Council will ensure that:

- a. The existing Colne Park site will be protected for its current use;
- b. Targets for additional pitch provision take account of need and the availability of suitable sites; and
- c. Proposals for sites to accommodate the specific needs of Travellers (Irish and Scottish), Gypsies, Roma, Sinti and Travelling Show People should:
 - i) Be located on a site and in an area that is environmentally acceptable for residential occupation;
 - ii) Have no significant adverse effects on the amenity of occupiers of adjoining land;
 - iii) Have acceptable road and pedestrian access and be accessible to local services and public transport; and
 - iv) Be consistent with other relevant Local Plan policies.'

Policy EM2 deals with the Green Belt and other open land. This states:

'The Council will seek to maintain the current extent, hierarchy and strategic functions of

the Green Belt, Metropolitan Open Land and Green Chains. Notwithstanding this, Green Chains will be reviewed for designation as Metropolitan Open Land in the Hillingdon Local Plan: Part 2- Site Specific Allocations LDD and in accordance with the London Plan policies.

Minor adjustments to Green Belt and Metropolitan Open Land will be undertaken in the Hillingdon Local Plan: Part 2- Site Specific Allocations LDD.

Any proposals for development in Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances test.

Any proposals for development in Green Chains will be firmly resisted unless they maintain the positive contribution of the Green Chain in providing a visual and physical break in the built-up area; conserve and enhance the visual amenity and nature conservation value of the landscape; encourage appropriate public access and recreational facilities where they are compatible with the conservation value of the area, and retain the openness of the Green Chain.'

Retained UDP policies in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) generally endorse national and regional guidance. In particular, policy OL1 assesses appropriate uses in the Green Belt and policy OL4 assesses new buildings.

As made clear in ministerial advice, the development represents inappropriate development within the Green Belt. Therefore 'very special circumstances' would need to be demonstrated to justify the development.

Applicant's Case

The Design & Access Statement submitted with the application advises that a case of very special circumstances is detailed in the document and a following health report, but to date, no such health report has been received. The D & A Statement goes on to describe the personal circumstances of the applicant, stating that Mr S. Smith and family are members of the Gypsy Traveller community and they have Gypsy Status for planning purposes. It goes on to advise that:

'It is important that the Smith family have a stable place to live, so consistent health care can be maintained.

Both Mr Smith and his wife have close interdependent relationships with their families (many of which live close by) and it is seen as vital that they are able to live close to family (particularly parents) and continue to contribute to providing care and everyday assistance to the family'.

The D & A Statement goes on to advise that the visual impact of the development is minimal and there is screening around the site which improves during each growing season.

It goes on to consider policy and legislation, noting that the Government's Planning policy for traveller sites promotes more private traveller site provision and paragraph 23 of policy H makes it clear that it does not seek to exclude all new sites from the countryside, and this is a semi-rural location, with the backdrop of the existing aggregate extraction business with associated commercial activity.

The document then states that having regard to the Government's Planning policy for traveller sites - Impact assessment (March 2012), it is clear the new policy was prepared in the knowledge that nationally there remains a significant need for more sites. According to this document, the total number of Gypsy and traveller caravans counted in the biannual counts has gone up by 39% between 2000 and 2011 but over the same period, the percentage of caravans on authorised sites has only increased by 2%. There has been a 22% increase in caravans on authorised sites between 2006 - 2011 but there are still more caravans on unauthorised developments than when Circular 1/2006 came in.

The document therefore goes on to advise that the very special circumstances that are particularly relevant in this instance relate to health, unmet need for sites and the Gypsy Status of the family. Firstly, there is a lack of available sites in the area, secondly there is a lack of a five year supply of land for Gypsy site provision and thirdly, there is a need for the family to be able to access regular health care.

The document goes on to advise that there is a substantial unmet need for more pitches in the greater region as a whole and this needs to be given substantial weight, particularly as the current figures for unmet need are likely to be an underestimate. This lack of provision also has implications for Article 8 of the Human Rights Act. There also appears to be no Development Plan Document in place that covers Gypsy sites and there will not be any new plans or policy in place for some time.

The document also advises that if permanent permission is deemed to be unacceptable, temporary permission may be acceptable to the family.

Officer Consideration

The NPPF makes clear that sustainable development comprises social, economic and environmental dimensions and that these should not be pursued in isolation as they are 'mutually dependant'. By its nature, the development compromises the openness of the Green Belt and therefore the environmental dimension of sustainability. The site is also located within Flood Zone 2 and therefore not generally suitable for residential use (see Section below) and being sited away from other built development, would involve additional resources to access and service, which also compromises the social and economic dimensions. Such compromises are contrary to the spirit of mutual dependency and its environmental, social and economic impacts make the development inherently unsustainable and contrary to the definition of sustainable development contained in the NPPF.

The NPPF states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. New residential uses and buildings within the Green Belt represent inappropriate development and therefore 'very special circumstances' need to be demonstrated.

The submitted Design & Access Statement advises that the applicant's case revolves around the issues of unmet need for sites, health and the Gypsy Status of the family.

As regards unmet need for additional sites, the information contained in the Design and Access Statement suggests that there is need for additional pitch provision at the national level, but little/no information has been submitted which relates to the local area. Having regard to the criteria in paragraph 22 of the NPPF, at a) the existing level of local provision and need for sites needs to be assessed.

In this regards, Hillingdon contains one authorised traveller site, Colne Park at Cricketfield Road, West Drayton, which provides 22 Gypsy and traveller site pitches. An initial assessment undertaken as part of an appeal on a site on Jacket Lane, Northwood (App. No. 57685/APP/2011/1450 refers) in October last year acknowledged that assessment of need was difficult, particularly predicting in-migration from other areas. However, Council records reveal that in the last 10 years, it only received the one proposal for an additional Gypsy and traveller pitch which was on that site. A number of unauthorised encampments have also been the subject of enforcement proceedings, but the Council does not consider these to be a reliable indicator of need. The assessment concluded that the Colne Park site would be likely to be capable of accommodating new demand for additional pitch provision. Although it does not currently have any vacant pitches, anticipated turnover rates at the site (5 pitches have become available over the last 5 years) and an assessment of likely new householder formation rates amongst the Gypsy/traveller community suggest that the site could accommodate likely demand, at least over the next 5 years. The Council will also be undertaking a full assessment of the need for Gypsy and traveller provision as part of the production of its Site Allocations document for the Local Plan.

As regards criterion b) the availability (or lack) of alternative accommodation for the applicants, the Council uses Locata Housing Services (LHS) to manage the letting of available vacancies on pitches and in bricks and mortar accommodation. Housing need is determined by assessing the current housing circumstances of the applicants. A priority 'band' is then allocated according to the urgency of the housing need. The applicant's housing needs would be assessed through this system to determine the level of priority and therefore the availability of suitable accommodation. However, as it appears that the applicant has not registered with the Council as being in housing need, it has not been possible to assess the suitability of alternative accommodation.

Notwithstanding the issues regarding unmet need, the Secretary of State has confirmed that unmet need, whether for Traveller sites or for conventional housing, was "unlikely to outweigh harm to the green belt and other harm" and would not constitute the "very special circumstances" justifying inappropriate development in the Green Belt.

As regards the other personal circumstances of the applicant (criterion c) of paragraph 22 of the NPPF), whilst the family's desire to live in the area is understandable in order to be close to other family members, particularly parents in order to provide everyday care and support, this does not amount to very special circumstances that would clearly outweigh the presumption against development in the Green Belt. On the contrary, these circumstances are not 'very special' or even 'special', but rather ordinary and commonplace and could be cited by many prospective families wishing to locate in the area. Furthermore, any arguments made concerning Article 8 of the Human Rights Act would not be supported, as this site is located within a flood zone and therefore its residential use presents a direct threat to its inhabitants. This is dealt with in Section below.

As regards criteria d) and e), the assessment of this site in terms of locally specific policy has been addressed in this and other sections of the officer's report and criterion e) is not directly applicable in this instance.

The residential use of the site involving the proposed siting of a static caravan within the centre of the site, the siting of a mobile caravan adjacent to the western boundary with associated parking spaces for two vehicles and hardstanding covering the entirety of the site, together with associated residential paraphernalia would give the site an urban

appearance, out of keeping with its rural location. Furthermore, additional works have been carried out in connection with the residential use, such as 1.8 - 2.0m high close boarded fencing has been erected along two boundaries of the field which has detracted from the openness of the site and added to its urban appearance.

The development therefore represents inappropriate development, the retention of which is harmful by definition, to the Green Belt contrary to the NPPF (March 2012), Planning policy for traveller sites (March 2012), Policy 7.16 of the London Plan (July 2011), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

The western boundary of the Widewater Lock Conservation Area lies adjacent to the site, on the opposite side of the access road.

The development has introduced a residential use and involve caravans being sited on the fringe of the conservation area, where previously there was an open paddock. The Council's Conservation and Urban Design Officer advises that the development, due to its proximity to the conservation area, is detrimental to its character and appearance which is derived its rural location, surrounded by open fields, lakes and trees and the 18th century Grand Union Canal with its distinctive features and buildings. The proposed caravan structures as well as the associated (and necessary) residential paraphernalia associated with the residential use would spoil the open semi-rural setting. Furthermore, the hardstanding and 'post and rail fence' would unacceptably dominate the area to the detriment of the character and appearance of the conservation area.

The development is therefore contrary to the NPPF, Policy 7.8 of the London Plan and Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.04 Airport safeguarding

There are no airport safeguarding concerns raised by this application.

7.05 Impact on the green belt

This is considered in Section 7.01 above.

7.07 Impact on the character & appearance of the area

This is considered in Section 7.01 above.

7.08 Impact on neighbours

The nearest residential property to the application site is Lock Cottage, sited some 35m to the east of the application site on the opposite side of the access road. Having regard to the nature and scale of the development and the existing use made of the access road which also serves a sand and gravel works, the residential use of the site and associated building works are not considered to be harmful to the residential amenities of the occupiers of this or any other residential property, by reason of overshadowing, dominance, loss of privacy, noise generation and/or general disturbance. The development therefore complies with Policies BE20, BE21, BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

The Council's guidelines relating to internal floor space standards are not applicable to mobile homes and caravans.

The area around the static and mobile caravans would provide adequate amenity space for the occupiers of the site.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal shows two parking spaces on site. The Council's Highway Engineer advises that the access to the site is acceptable, but that in view of the need to provide space for a towing vehicle, three spaces would be needed to serve the static and mobile caravans. However, given the size of the site, additional space could be provided and therefore no objections are raised, subject to conditions. The development is considered to comply with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The relevant issues have been considered in other sections of this report.

7.12 Disabled access

Not applicable to this development.

7.13 Provision of affordable & special needs housing

Not applicable to this development.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan advises that new development should retain topographical and landscape features of merit and that new planting and landscaping should be provided wherever it is appropriate.

The Council's Tree/Landscaping Officer advises that there are no significant trees or other vegetation of merit on the site. Although screen planting has been shown on the plans, more detail is needed such as species, size, number etc. This could have been conditioned had the application been recommended favourably.

Policies EC1 and EC3 of the Hillingdon Local Plan safeguards designated ecology sites and advises that if development is proposed on or near such sites, an ecological assessment may be required to demonstrate that the development would not have unacceptable ecological effects.

Notwithstanding the possible impact of the water treatment plant on water quality, which forms a reason for refusal, given the scale and nature of the development, it is considered that the development would be unlikely to have a detrimental impact on the ecology of these sites, or have any implications for protected species in the area.

7.15 Sustainable waste management

An area adjacent to the entrance of the sited has been shown as providing storage space for waste and recycling, the details of which could have been conditioned had the application not of been recommended for refusal.

7.16 Renewable energy / Sustainability

The Council's Sustainability Officer advises that given the scale and nature of the development, no objections are raised on renewal energy/ sustainability grounds.

7.17 Flooding or Drainage Issues

The Council's Flood and Water Management Officer provides an explanation as to why the site has 2 contradictory zonings in terms of its flood risk and then goes on to advise that it should be considered to lie within Flood Zone 2 as this is based upon more up-to-date and accurate data.

The NPPF (March 2012) advises that inappropriate development in areas at risk of flooding (Flood Zones 2 and 3 and those parts of Zone 1 which have critical drainage

problems) should be avoided by directing development away from areas at highest risk. It goes on to advise that a sequential approach should be used in areas known to be at risk of flooding and that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas of a lower probability of flooding. It specifies that a flood risk assessment is required for all new development in Flood Zones 2 and 3.

Technical Guidance to the National Planning Policy Framework (March 2012) identifies caravans, mobile homes and park homes intended for permanent residential use are highly vulnerable uses within Flood Zone 2 and proposals for a change of use, the Sequential and Exception Test should be applied.

The application has not been accompanied by a Flood Risk Assessment which would need to apply the Sequential and Exception Tests. Indeed, having regard to the nature of the proposed development and location of the site, it is difficult to envisage any circumstances in which the proposal could satisfy these tests. On this basis, the Environment Agency and the Council's Flood and Water Management Officer advise that the flooding risks associated with the development are unknown and object to the scheme.

This is also a Source Protection Zone (SPZ)¹ and a groundwater abstraction point is located nearby. The Environment Agency also raise objection to the scheme on the basis of the inclusion of a water treatment plant. They advise that an additional discharge to ground from a non-mains drainage system could cause pollution to the water supply and given that groundwater is shallow in this area, a discharge to ground may be ineffective.

In the absence of a drainage risk assessment, the potential risks of pollution can not be assessed and the scheme fails to comply with the NPPF, Policy 5.14 of the London Plan (July 2011) and Policy EM1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

7.18 Noise or Air Quality Issues

The proposal does not give rise to any concerns relating to noise or air quality.

7.19 Comments on Public Consultations

As regards the points raised to public consultation, points (i), (ii), (v), (viii) - (x), (xii), (xiii) - (xvi), (xix) - (xxi) have been dealt with in the officer's report. Points (iii), (iv), (xxii), (xxvii) and (xxviii) are noted. As regards point (vi), the lighting from the residential use of the outbuilding and external lighting is typical of a residential plot and is not unduly detrimental on the amenities of surrounding properties as to warrant a separate reason for refusal. As regards point (xi) the close boarded fencing around the wider site is to be considered in a separate enforcement report. Point (xvii) represents speculation and a commercial use of the site is not being proposed as part of this application. Points (xviii) and (xxv) do not raise a material planning concern. As regards point (xxiv), it is considered that the site is adequately separated from the Grade II listed Lock Cottage so that its setting would not be adversely affected.

The relevant planning issues raised have been dealt with in the officer's report.

7.20 Planning Obligations

Not applicable to this development.

7.21 Expediency of enforcement action

A further report which considers the expediency of taking enforcement action on this site

will be presented to this committee.

7.22 Other Issues

The application site is located within an area that has been safeguarded by High Speed Two Ltd. They advise that access to the application site is from a road HS2 has identified as potentially being needed during construction and wetland habitat is intended to be created to the north of the application site. However, they advise that the two developments can coexist alongside each other, and on this basis, they do not object to the application, although they do advise of the need for an informative, advising the applicant that the site may be compulsory purchased in the future, which has been attached.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should

consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

10. CONCLUSION

The site forms part of the Green Belt. The development represents inappropriate development and no compelling reasons have been put forward or are evident to suggest that 'very special circumstances' exist to outweigh Green Belt policy.

The use and associated structures are also detrimental to the character and appearance of the adjoining Widewater Lock Conservation Area.

Furthermore, the site lies within Flood Zone 2 where the siting of caravans, mobile homes and park homes intended for permanent residential use represents a highly vulnerable use. A Flood Risk Assessment as required by the NPPF has not been submitted with the application and the development does not meet the Sequential and Exceptions Tests. The Environment Agency and the Council's Flood and Water Management Officer therefore raise objection to the development. The Environment Agency have also lodged an objection on the grounds of the inclusion of a water treatment plant within this sensitive area forming part of a Source Protection Zone (SPZ)¹.

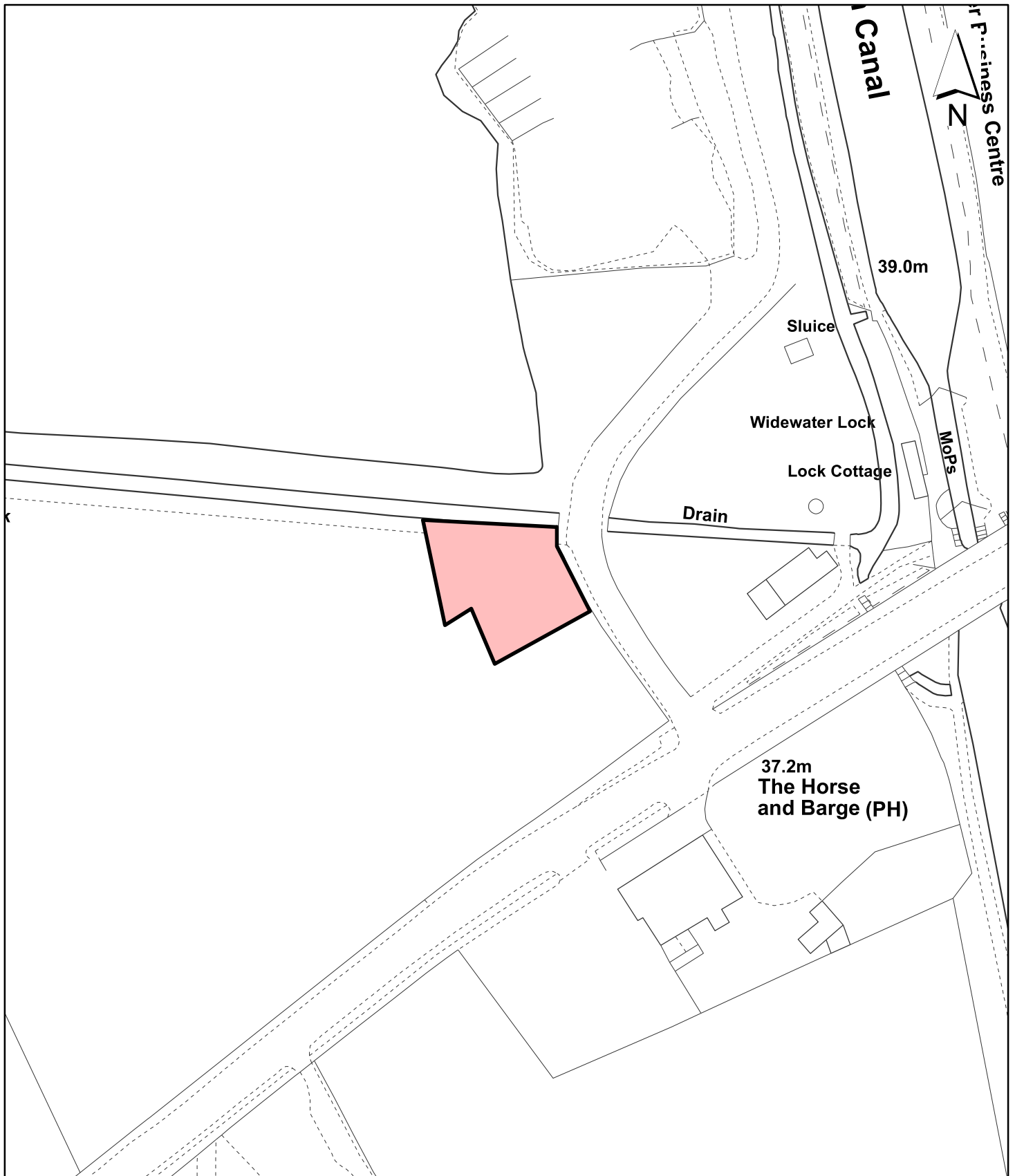
The application is recommended for refusal.



11. Reference Documents

NPPF (March 2012)
Planning policy for traveller sites (March 2012)
Technical Guidance for NPPF (March 2012)
National Planning Practice Guidance (March 2014)
London Plan (July 2011)
Hillingdon Local Plan (November 2012)
HDAS: Residential Layouts & Accessible Hillingdon
Consultation responses

Contact Officer: Richard Phillips

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Land Adjacent to Widewater Lock (Barn Farm), Moorhall Road, Harefield</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>69682/APP/2014/32</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North Application</p>	<p>Date</p> <p>March 2014</p>	
		 <p>HILLINGDON LONDON</p>	