

## Report of the Head of Planning, Sport and Green Spaces

**Address** FIELD HEATH GARDEN CENTRE FIELD HEATH ROAD HILLINGDON

**Development:** Installation of car wash to include a double canopy, wash screen, associated cabins, storage structure, water tank and fence (Retrospective)

**LBH Ref Nos:** 13831/APP/2016/370

**Drawing Nos:** 332/15/03b  
332/15/03c  
332/15/03a  
332/15/04  
332/15/05  
332/15/06  
332/15/07a  
332/15/07b  
332/15/08  
332/15/09  
332/15/09b  
332/15/10  
332/15/11  
Design and Access Statemen  
Planning Statement: Supporting Addendur  
Planning Statemeni  
332/16/01a  
332/16/01b  
Supporting Photographs

**Date Plans Received:** 01/02/2016 **Date(s) of Amendment(s):**

**Date Application Valid:** 10/02/2016

### 1. SUMMARY

The application seeks retrospective planning permission for the retention of a car-wash and valeting facility within the main car park area and adjacent to the south-eastern boundary of the site. The car-wash facility includes an open-sided upvc green-coloured double canopy mounted on galvanised steel posts, a glazed wash screen with green-coloured frames, associated green-coloured galvanised steel cabin (forming Office and rest-room) and grey-coloured storage structure, green-coloured water tank and fence. The car-wash facility was re-positioned from a location adjacent to the northern boundary of the site in early January 2016, and it has been submitted that the car-wash facility is used for purposes incidental to the primary use of the site as a Garden Centre.

The principle of development in respect of the siting of the car-wash facility within a Green Belt location is considered acceptable, as a Planning Inspector determined with an allowed appeal for a previous related application (reference 13831/APP/2010/2959) that a car-wash facility does not constitute an inappropriate development in such location. The appeal was allowed on 02/09/2011 for a single storey detached outbuilding to be used as ancillary office/store for a car wash facility, which was previously positioned adjacent to the northern boundary of the site. The Planning Inspector expressed the view that the car washing facility would be incidental to the primary use of the site as a garden centre, and that a

material change of use would not occur. The washing of vehicles in this area would have no greater visual impact than if it was used as overspill parking and considered the shed to be essential for housing cleaning equipment and materials in association with the car washing facility. Even though the car wash facility has been re-sited adjacent to the southern boundary, its position within the main expansive car park is such that it is considered to constitute an acceptable use of land within the Green Belt. Furthermore, the scale, height, design, form, coverage and siting of the car-wash facility and associated structures, are such that it would not result in unacceptable harm on the openness and visual amenity of the Green Belt.

The Council's Environmental Protection Unit (EPU) Officer has not expressed any objection to the proposed hours of operation for the car-wash facility, and the nature of operation (incorporating the use of low pressure water sprays and washing/drying with hands and basins) as well as significant separation distances to neighbouring residential and non-residential properties, are such that the facility would not result in any adverse harm on residential amenities by reason of noise and/or disturbance. It has been considered that the car-wash facility would not compromise the operation of the existing Garden Centre and it would not result in an unacceptable reduction of the existing car parking provision on the site. It has also been considered that there would be no adverse impact on the adjacent local watercourse, the River Pinn, as it has been submitted that surface water residue associated with the car-wash facility would be discharged into the existing main sewer. It has also been submitted that the applicant has applied for consent to Thames Water to discharge waste water and liquid waste into an existing public foul sewer.

Accordingly, the application is recommended for approval.

## **2. RECOMMENDATION**

### **APPROVAL subject to the following:**

#### **1 NONSC Non Standard Condition**

The car wash and valet facility hereby permitted shall only be used between the hours of 0900 and 1800 Mondays to Saturdays and 1000 and 1600 Sundays and Bank Holidays.

#### **REASON**

To safeguard the residential amenity of the occupiers of adjacent and nearby properties in accordance with Policies BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

## **INFORMATIVES**

#### **1 I52 Compulsory Informative (1)**

The decision to GRANT 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 GRANT 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 (2015) and national guidance.

|          |   |
|----------|---|
| AM7      | Consideration of traffic generated by proposed developments.  |
| AM14     | New development and car parking standards.  |
| BE13     | New development must harmonise with the existing street scene.  |
| BE19     | New development must improve or complement the character of the area.   |
| BE20     | Daylight and sunlight considerations.   |
| BE21     | Siting, bulk and proximity of new buildings/extensions.   |
| BE24     | Requires new development to ensure adequate levels of privacy to neighbours.  |
| EM2      | (2012) Green Belt, Metropolitan Open Land and Green Chains  |
| OE1      | Protection of the character and amenities of surrounding properties and the local area  |
| OE8      | Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures |
| OL1      | Green Belt - acceptable open land uses and restrictions on new development  |
| OL2      | Green Belt -landscaping improvements  |
| OL4      | Green Belt - replacement or extension of buildings  |
| LPP 7.16 | (2015) Green Belt   |
| NPPF     | National Planning Policy Framework  |

### **3 159 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### **4**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application relates to Wyevale-Hillingdon Garden Centre, which is sited off the northern side of Field Heath Road. The southern boundary of the application site is sited

approximately 50m from the highway, with a large parcel of open grassland and wooded trees forming a buffer zone between the site and the highway. The access road leading to the site off the highway is to the south-eastern corner (adjacent to Pield Heath Convent and Roman Catholic House School).

The site comprises a main Garden Centre building, which is orientated more to the western side. There are ancillary storage buildings sited to the north-western and north-central sides of the site. There is an expansive car parking area to the eastern side of the application site. There is a car-wash and valeting facility adjacent to the main car park area and south-eastern boundary of the site. Works to re-position the car-wash facility from a location adjacent to the northern boundary of the site commenced late December 2015 and finished in early January 2016. The retention of the car-wash facility is the specific subject of this application.

The application site lies within the Green Belt as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

### 3.2 Proposed Scheme

This application seeks retrospective planning permission for the retention of the car-wash facility, which includes an open-sided upvc green-coloured double canopy mounted on three galvanised steel posts, a glazed wash screen with green-coloured frames, associated green-coloured galvanised steel cabin (forming Office and rest room) and grey-coloured storage structure, green-coloured water tank and fence.

The double canopy with support posts is 3.3m high, 7.95m wide and 5m deep. The water tank is sited under the canopy and is 3m wide, 2m deep and 2m high. The wash screen is to the east of the canopy and is 4.95m wide and 2.1m high. The cabin building is to the west of the canopy and is 6.1m wide, 2.4m deep and 2.6m high. The storage structure is also to the east of the canopy and is 3m wide, 2.1m deep and 2.1m high. The fence is sited to the rear of the structures and is 1.6m high and 34m wide.

The applicant has submitted that the car-wash facility is used for purposes incidental to the primary use of the site as a Garden Centre, and that the proposed hours of operation are 9.00am to 6.00pm Monday to Friday, 9.00am to 6.00pm Saturday and 10.00am to 4.00pm Sunday and Bank Holidays.

### 3.3 Relevant Planning History

13831/AC/99/0932                      & Adjacent To Pield Heath Garden Centre Pield Heath Road Hillingdon  
Retention of existing garden centre and aquatic centre, provision of a 2 hectare growing area, footway access and additional parking

**Decision:** 28-04-2000      Refused

13831/APP/2005/1738      Milton House Pield Heath Road Hillingdon  
CHANGE OF USE FROM CLASS D1 (ANCILLARY OFFICE TO CORE UNIVERSITY ACTIVITIES) TO CLASS B1(a) (METROPOLITAN POLICE OFFICE), THE ERECTION OF A BICYCLE STORE AND PROVISION OF TWO PARKING SPACES

**Decision:** 02-08-2005      Approved



Change of use of part of car park to non - mechanical car wash to include canopy (Retrospective application).

**Decision:** 03-04-2009 Refused

13831/APP/2009/482 Wyevale Garden Centre Pield Heath Road Hillingdon  
Display log cabin to rear for use as Class A1 Retail (Retrospective Application)

**Decision:** 17-06-2009 Withdrawn

13831/APP/2010/169 Hillingdon Garden Centre Pield Heath Road Hillingdon  
Single storey timber building, involving part demolition of existing polytunnel (Part retrospective application.)

**Decision:** 28-04-2010 Approved

13831/APP/2010/1777 Hillingdon Garden Centre Pield Heath Road Hillingdon  
Details in compliance with condition 5 (details of access to timber shed) of planning permission ref: 13831/APP/2010/169 dated 28/04/2010: Single storey timber building, involving part demolition of existing polytunnel (Part retrospective application.)

**Decision:** 23-09-2010 Approved

13831/APP/2010/2959 Hillingdon Garden Centre Pield Heath Road Hillingdon  
Single storey detached outbuilding to rear for use as office/store for car wash facility.

**Decision:** 08-03-2011 Refused **Appeal:** 02-09-2011 Allowed

### **Comment on Relevant Planning History**

The application site has an extensive planning history that incorporates a number of previous related applications for car-wash facilities. The latest and most relevant is outlined below:

Application reference 13831/APP/2010/2959, which sought permission for a detached outbuilding to the northern boundary for use of office/storage incidental to an existing car wash facility. This application was refused on 08/03/2011, with the reasons for refusal summarised below;

1. The proposed development did not demonstrate any special circumstances to allow inappropriate development within the green belt.
2. The application failed to demonstrate that the development would not be harmful to the visual amenities of the green belt.
3. The application sought permission for the use of an outbuilding in association with a car wash. The use as a car wash has not been subject to previous consent and the application

therefore could not assess the impact of the car wash use on the Green Belt, the use of the site as a garden centre and the wider environment. It was not possible to assess the planning merits of this proposal in terms of its impact upon the nearby watercourses, car parking provision, and the operation of the garden centre.

The above application was allowed at appeal on 02/09/2011, and the Inspector's comments and consideration form a basis and material consideration in the assessment and determination of this application.

#### **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.BE1 (2012) Built Environment

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

OE1 Protection of the character and amenities of surrounding properties and the local area

OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

OL1 Green Belt - acceptable open land uses and restrictions on new development

OL2 Green Belt -landscaping improvements

OL4 Green Belt - replacement or extension of buildings

LPP 7.16 (2015) Green Belt

NPPF National Planning Policy Framework

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

## **External Consultees**

Five neighbouring properties and the Lawrence Cowley Residents Association were consulted on the application by letter dated 12/02/2016, and a site notice was displayed in the area on 01/03/2016.

One objection letter was received from an adjacent neighbour, the grounds of which are summarised below:

1. The siting of the development within the Green Belt represents inappropriate development.
2. The development would be visually intrusive and would impinge on the visual openness of the Green Belt.
3. Development is a breach of a condition for a previous related limited approval, which limits the primary garden centre retail use to the sale of goods directly related to garden leisure activities and no other purpose.
4. Previous applications on the site have been rejected or withdrawn.
5. There is the potential for unacceptable pollution of nearby land and the River Pinn water course.

Case Officer comments: With regards to points 3 and 4 of the objection, it is instructive to note that the precedent for a permitted car wash facility on the site has already been established by the Inspector in allowing the previous related appeal on 02/09/2011. The other grounds of objection will be discussed in the succeeding sections of the report.

## **Internal Consultees**

Environmental Protection Unit (EPU) Officer:

No objection to the proposed development subject to a condition imposed with any decision for approval in respect of the control of the proposed opening hours.

Conservation and Urban Design Officer:

Confirmed with comments that the application site does not lie within a designated area of special local character or conservation, and would not confer any harmful impact upon any nearby heritage assets.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) specifies that any proposals for development in Green Belt will be assessed against National and London Plan policies, including the 'Very Special Circumstances' test.

Policy OL1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) defines the types of development considered acceptable within the Green Belt. These are predominantly open land uses including agriculture, horticulture, forestry, nature conservation, open air recreational activities and cemeteries. It specifies that planning permission will not be granted for new buildings or changes of use of existing land or buildings, which do not fall within these uses.

Policy OL2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that, where development proposals are acceptable within the Green Belt, in accordance with Policy OL1, the Local Planning Authority will seek comprehensive landscaping improvements to enhance the visual amenity of the Green Belt.

The London Plan Policy 7.16 (2015) reaffirms that the strongest protection should be given



to London's Green Belt, in accordance with national guidance, and emphasises that inappropriate development should be refused, except in very special circumstances.

Paragraph 87 of the National Planning Policy Framework (NPPF) reiterates that inappropriate development is, by definition, 'harmful to the Green Belt and should not be approved except in very special circumstances'. It specifies that:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A local Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- i) buildings for agriculture and forestry.
- ii) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries
- iii) the extension or alteration of a building provided that it does not result in disproportionate additions and above the size of the original dwelling.
- iv) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'

The objection from the adjacent neighbour in respect of the car-wash facility being an inappropriate development and impinging on the visual openness of the Green Belt is noted, however this is discussed below.

With regard to the proposed retention of the car-wash and valeting facility within the car park area and adjacent to the southern boundary of the site, it is instructive to note that in allowing the previous related appeal for application 13831/APP/2010/2959, the Inspector commented that the siting of a proposed outbuilding and existing car washing facility to the north of the main car park and adjacent to an area which is used for outside sales and storage, and which is used for car parking overspill, will be incidental to the primary use of the site as a garden centre and a material change of use would not occur. The Inspector considered that the washing of vehicles in the car park area would have no greater visual impact than if it was used as overspill parking, and that the proposed outbuilding would be essential for housing cleaning equipment and materials in association with the car washing facility. As such, the Inspector effectively established that the then existing car-wash facility adjacent to the northern boundary was a permitted acceptable use and that it would not constitute an inappropriate development within the Green Belt.

The Inspector further considered that the proposed outbuilding in conjunction with the car wash facility, would not harm the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the Inspector concluded that very special circumstances were not necessary to justify the permitted development.

The Council did not challenge this Inspector's decision and thus it is a significant material consideration in the determination of this current application.

Whilst this current application incorporates a re-positioned location of the car-washing facility from that proposed in the appeal application to the southern boundary of the site, the southern boundary location of the subject car-wash facility is within the confines of the expansive car park area. Given that the Inspector has already established that a car-wash facility in an adjacent location to the car park area is acceptable use and incidental to the primary Garden Centre use on the site, it is considered that the existing car-wash facility is

not an inappropriate development within the Green Belt, and that very special circumstances are not necessary to justify its retention in that Green Belt location.

Even though the car-wash facility with associated structures is clearly visible from views within the expansive car park, it is sufficiently screened from the Pield Heath Road highway to the south by the intervening screening fence and buffer wooded/landscaped area. The re-positioning of the facility away from the northern boundary of the site is such that it is not clearly visible from the open countryside adjacent to the northern boundary. The double canopy with support posts is the highest constituent element of the car-wash facility at 3.3m high, and it is instructive to note that the 3.3m height is significantly less than the eaves height of the main Garden Centre building on the site. The overall scale and coverage of the facility is modest when compared to the expansive scale of the main building and car park, and the canopy is mainly open-sided and the structures have green colour to blend in visually with the adjacent trees and wooded vegetation to the southern boundary. The development therefore does not result in a disproportionate change in bulk or character to the original main building and it would not significantly increase the built up appearance of the site. As such, it is considered that the car-wash facility would not have a detrimental impact upon the visual amenity and maintenance of the openness of the Green Belt.

Given the above considerations, the principle of the development in respect of the retention of the existing car-wash and valeting facility with associated structures is considered acceptable, as it accords with the objectives of Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2015) and the NPPF.

#### **7.02 Density of the proposed development**

Not applicable, as the application does not incorporate a residential development.

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

The site is not located within any Archaeological Priority Zone, Conservation Area or Area of Special Local Character. The site does not comprise any statutorily or locally listed buildings, so there are no adjacent or host heritage assets that would be adversely impacted on.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

See section 7.0.

#### **7.07 Impact on the character & appearance of the area**

The site is located within the Green Belt, with the surrounding area to the north characterised by open countryside and the area to the south characterised by low density residential development.

As discussed in the 'Principle of the Development' section above, the car-wash facility is significantly lower than the existing main Garden Centre building on the site at a height of 3.3m. The boundary treatments to the southern boundary in respect of the screening fence and wooded trees are such that the car-wash facility is currently well screened and not clearly visible from the surrounding highway and area. It is considered that the use of green coloured steel and glazed materials for the constituent elements are appropriate design solutions, which help to minimise the visual impact on the character and appearance of the surrounding area and the Green Belt context, in accordance with Policies BE13 and BE19 of

the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.08 Impact on neighbours**

The existing car-wash facility is located over 60m from the closest adjacent residential property to the east and south-east, Pield Heath Convent/House School, and located over 110m from the closest adjacent residential property to the south-west, No. 55 Church Road. The facility is sited over 90m away from the northern boundary, which abuts open countryside. Therefore, the car-wash facility has no adverse impact on the residential amenity of any neighbouring occupier in terms of loss of light, loss of outlook, sense of dominance or loss of privacy.

As submitted by the applicant, the use of the car-wash facility incorporates the use of low pressure water sprays and washing/drying by hand, sponges and basins. It has been submitted that the facility employs the use of 3 full time and 4 part time staff which indicates a modest level of operation. In combination with a condition to restrict the hours of operation it is concluded that the proposal would not result in the generation of any unacceptable noise and disturbance to any adjacent properties.

The EPU Officer has not expressed any objection subject to the imposition of a condition in respect of the hours of operation and the proposal is thus considered to comply with the objectives of 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**

Not applicable, as the application does not incorporate a residential development.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 of the Local Plan (Part Two) specifies that new development will only be permitted where it is in accordance with the Councils adopted car parking standards.

The operation of the car-wash and valeting facility takes place in an expansive area that currently facilitates main car parking for the primary Garden Centre use of the site. However, the facility does not encroach onto the outside sales and storage area, and the main car park is very sizeable and contains numerous parking bays. It is instructive to note that in allowing the related appeal, the Inspector commented that the Council had not provided any evidence to suggest that the car park could not comfortably accommodate the demand generated by the garden centre, even at peak times. The Inspector further commented that it would be illogical that the garden centre would promote a facility that led to a shortfall in car parking, as this would be likely to frustrate customers and threaten their safety. The Inspector therefore concluded that the proposed outbuilding to be used in association with the existing car washing facility to the northern boundary would not compromise the operation of the existing garden centre, and that it would not result in an unacceptable reduction of car parking provision on the site.

Given the considerations of the Inspector as outlined above, it is considered that it would not be justified to warrant refusal on the grounds of the loss of any parking bays to facilitate the car-wash and valeting operation, even though the facility has been re-positioned to the southern boundary. It is considered that the operation of the primary Garden centre use

would not be compromised, and it is likely that most of the vehicles and customers accessing the car-wash facility would be visiting the primary garden centre use on the site. It is considered that the location adjacent to the southern boundary is such that significant parking provision is retained, and the development does not have any adverse implications for highway and/or pedestrian safety. As such, it is considered that the proposal does not have any conflict 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 development is located within an enclosed, well screened and secure site within the Green Belt, which would not be visible from the public domain and which provides natural surveillance.

The overall design approach is considered acceptable in the context of the semi-permanent nature of the development.

#### **7.12 Disabled access**

Not applicable to this application.

#### **7.13 Provision of affordable & special needs housing**

Not applicable, as the application does not incorporate a residential development.

#### **7.14 Trees, landscaping and Ecology**

The proposed car-wash and valeting facility is sited within the main hardsurfaced car park on the site. Therefore, the development does not impact on any of the existing soft-landscaped areas of the site and wider area.

#### **7.15 Sustainable waste management**

With regards to sustainable waste management and drainage issues, the objection received in respect of the pollution and adverse impact of the nearby local watercourse as a result of the proposed car washing facility is noted.

The western boundary of the site lies outside of the bank of River Pinn. The applicant has submitted details in the enclosed Design and Access Statement of how surface water and liquid waste/effluents associated with the car-wash facility would be discharged, to ensure the mitigation of the environmental impact of the development on the nearby local watercourse. The Applicant has submitted that liquid waste would be discharged into the main sewer connection on the site, and that they have applied for consent to Thames Water to discharge waste water into a public foul sewer.

The applicant has submitted that the car-wash and valet operation is carried out in a designated area clearly marked and isolated from the site's surface water drainage system, and that the waste water run-off in the designated washing bay is isolated, using gradients to direct waste water to a channel that flows to oil and silt interceptors, which discharge into a manhole. The manhole gives direct access to the public foul sewer, and that this arrangement is in accordance with the Environment Agency's pollution prevention guidelines for Vehicle Washing and Cleaning.

It is instructive to note that the above drainage measures were proposed as part of the allowed appeal application, and the Inspector considered the submission of the measures to be satisfactory.

Subject to the addition of an informative advising the applicant to contact Thames Water in respect of obtaining consent for the discharge of associated waste into a public foul sewer, it

is considered that the use of the proposed development would not have any adverse implications for waste generation and/or drainage issues on the site and the adjacent River Pinn and local watercourses.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

See 'Sustainable Waste Management' section above.

**7.18 Noise or Air Quality Issues**

The Council's EPU Officer has not expressed any concerns in relation to noise and/or air quality issues. The EPU Officer has advised that the imposition of a condition in respect of the control of the proposed hours of operation would ensure the mitigation of any unacceptable noise generation and disturbance to neighbouring properties.

**7.19 Comments on Public Consultations**

The representation received from an adjacent neighbouring resident has been addressed within the main body of this application report.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

None.

**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 Probitry 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**

Not applicable to this application.

#### **10. CONCLUSION**

The principle of development in respect of the siting of the car-wash facility within a Green Belt location is considered acceptable, as a Planning Inspector determined with an allowed appeal for a previous related application (reference 13831/APP/2010/2959) that a car-wash facility does not constitute an inappropriate development in such location. The appeal was allowed on 02/09/2011 for a single storey detached outbuilding to be used as ancillary office/store for a car wash facility, which was previously positioned adjacent to the northern boundary of the site. The Planning Inspector expressed the view that the car washing facility would be incidental to the primary use of the site as a garden centre, and that a material change of use would not occur. Even though the car wash facility has been re-sited adjacent to the southern boundary, its position within the main expansive car park is such that it is considered to constitute an acceptable use of land within the Green Belt. Furthermore, the scale, height, design, form, coverage and siting of the car-wash facility and associated structures, are such that it would not have an unacceptable harm on the openness and visual amenity of the Green Belt.

The Council's Environmental Protection Unit (EPU) Officer has not expressed any objection to the proposed hours of operation for the car-wash facility, and the nature of operation (incorporating the use of low pressure water sprays and washing/drying with hands and basins) as well as significant separation distances to neighbouring residential and non-residential properties, are such that the facility would not result in any adverse harm on residential amenities by reason of noise and/or disturbance. It has been considered that the

car-wash facility would not compromise the operation of the existing Garden Centre and it would not result in an unacceptable reduction of the existing car parking provision on the site. It has also been considered that there would be no adverse impact on the adjacent local watercourse, the River Pinn, as it has been submitted that surface water residue associated with the car-wash facility would be discharged into the existing main sewer.

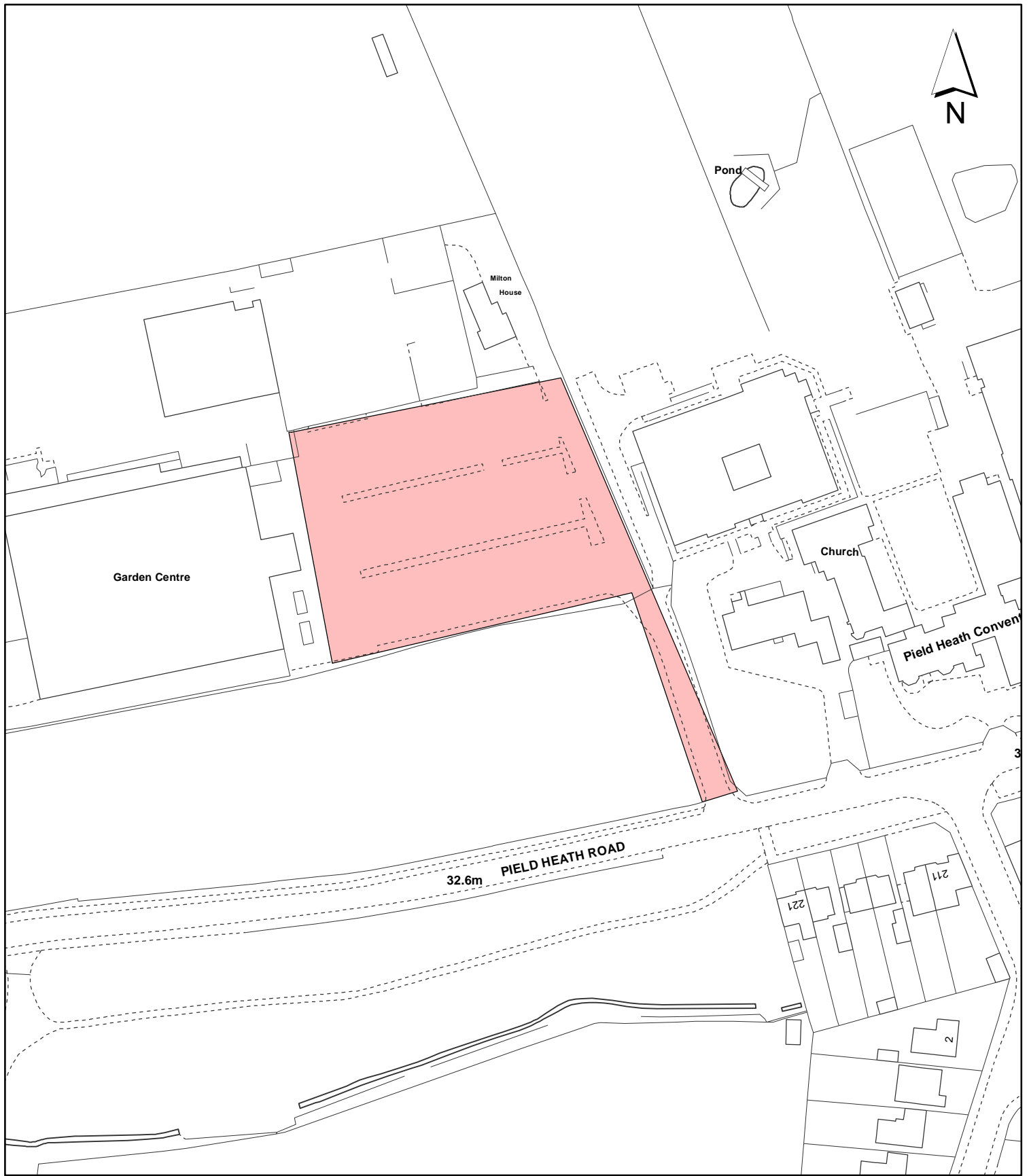
The application is therefore recommended for approval.

#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012).  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (March 2015).  
National Planning Policy Framework.

**Contact Officer:** Victor Unuigbo

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**Notes:**

 Site boundary

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Site Address:

**Field Heath  
 Garden Centre  
 Field Heath Road**

**LONDON BOROUGH  
 OF HILLINGDON**  
**Residents Services  
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 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**13831/APP/2016/370**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**April 2016**

