

Report of the Head of Planning, Sport and Green Spaces

Address EASYHOTEL HEATHROW BRICKFIELD LANE HARLINGTON

Development: Change of use from Use Class B1 (former mini cab/chauffeurs office) to Use Class C1 (Hotel) (Retrospective)

LBH Ref Nos: 18/APP/2016/1416

Drawing Nos: T406-0
T406-11
Location Plan (1:1250)
T406-07
T406-08
T406-09
Technical Transport Note
Covering Letter/Statement (Ref: A093244/SM/sm)

Date Plans Received: 11/04/2016 **Date(s) of Amendment(s):**

Date Application Valid: 20/04/2016

1. **SUMMARY**

The proposal seeks retrospective change of use of a former mini/cab chauffeurs office to hotel use. There is no specific planning permission or Certificate of Lawfulness relating to the building or its former use, although there is evidence held by and accepted in writing by the Council that the building is lawful by reason of the passing of time and that the former use was taking place more than 10 years ago, but has now ceased. Given this position, it is reasonable to consider the acceptability of the change of use. The site is within the Green Belt and re-use of buildings can be considered to be not inappropriate provided they are of permanent and substantial construction and preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. No other harm has been identified. It is considered that the requirements for re-use are met and that planning permission can be granted.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 NONSC **Non Standard Condition**

Within 3 months of the date of this permission or within a time frame otherwise agreed in writing by the Local Planning Authority, the applicant shall carry out and submit details of a landfill gas survey for the ground at the development site. If landfill gas is found the applicant shall install remediation measures to prevent gas ingress to the building which shall be retained to the satisfaction of the Local Planning Authority.

REASON: The Councils records show that the development site is adjacent to a landfill. A gas survey is required to clarify the gas issues to determine the remedial works which may be required, in accordance with Policy OE11 of the Hillingdon Unitary Development Plan Saved 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.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
T2	Location of tourist accommodation and conference facilities
T4	Hotels, guest houses and other tourist accommodation - location, amenity and parking requirements
LPP 7.16	(2015) Green Belt
NPPF1	NPPF - Delivering sustainable development
NPPF9	NPPF - Protecting Green Belt land

3 I59 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.

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In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the Easy Hotel, located on Brickfield Lane, Harlington. The application property has been in use as a hotel since planning permission for a change of

use was granted in the 1960's, and has become part of the 'Easy Hotel' franchise over 8 years ago. The application property is two storey with single storey extensions.

The hotel building is located to the eastern side of the application site, with the remainder of the application site laid to hard-standing, providing off-street parking provision for approximately 100 cars. The subject building is in the south-east corner of the site.

3.2 Proposed Scheme

This application seeks retrospective planning permission for the change of use of the building from its previous use as a mini cab/chauffeurs office to hotel use (Use Class C1). The building for which the change of use is sought is single storey and located in the far south eastern corner of the site. The building was formerly used as a minicab/chauffeurs office prior to being incorporated as part of the hotel. The building has been the subject of internal refurbishment and rearrangement to provide hotel accommodation. This accommodation consists of 11 en-suite bed rooms, a linen room and circulation space.

3.3 Relevant Planning History

18/AC/90/1186 Garth Hotel Brickfield Lane Harlington

Continued use of mini cab business (Appeal against enforcement notice; application for Planning Permission deemed to have been made pursuant to Section 88 of the Town & Country Planning Act 1971)

Decision: 06-11-1990 Withdrawn **Appeal:** 06-11-1990

18/ADV/2008/118 Garth Hotel Brickfield Lane Harlington

1 internally illuminated box sign to the side, 1 externally illuminated wall sign, 1 externally illuminated totem pole advert at the front entrance and 1 externally illuminated canopy sign.

Decision: 21-01-2009 SD

18/APP/2002/250 Garth Hotel Brickfield Lane Harlington

ERECTION OF A WOODEN OFFICE STRUCTURE TO REPLACE A DERELICT PORTACABIN (RETROSPECTIVE APPLICATION)

Decision: 26-08-2008 NFA

18/APP/2002/457 Garth Hotel Brickfield Lane Harlington

CHANGE OF USE TO CHAUFFEUR OFFICE

Decision: 04-08-2008 NFA

18/APP/2005/522 Garth Hotel Brickfield Lane Harlington

ERECTION OF A TWO STOREY HOTEL WITH LOWER GROUND FLOOR AND CAR PARKING (INVOLVING DEMOLITION OF EXISTING HOTEL AND OFFICE)

Decision: 10-05-2005 Refused

18/APP/2006/117 Garth Hotel Brickfield Lane Harlington
ERECTION OF A NEW 74-BEDROOM HOTEL WITH UNDERGROUND CAR PARKING
(INVOLVING DEMOLITION OF EXISTING HOTEL BUILDINGS).

Decision: 13-04-2006 Refused **Appeal:** 25-01-2007 Dismissed

18/APP/2008/513 Garth Hotel Brickfield Lane Harlington
ERECTION OF A SINGLE STOREY BEDROOM BLOCK TO THE NORTH END OF THE SITE
CONTAINING 15 BEDROOMS, OPERATIONAL AREAS FOR THE HOTEL AND A CENTRAL
COURTYARD AREA TOGETHER WITH THE ERECTION OF A 5M WIND TURBINE ON A 9M
HIGH MAST ADJACENT TO THE CAR PARK (INVOLVING DEMOLITION OF EXISTING
BEDROOM ANNEX).

Decision: 27-10-2008 Withdrawn

18/APP/2016/1414 Easyhotel Heathrow Brickfield Lane Harlington
Rear infill extension (Retrospective)

Decision:

18/PRC/2015/185 Easyhotel Heathrow Brickfield Lane Harlington
Regularisation of extension to existing hotel

Decision: 19-01-2016 OBJ

18/PRE/2003/92 Garth Hotel Brickfield Lane Harlington
T P PRE-CORRES: REDEVELOPMENT OF SITE

Decision:

18/PRE/2005/137 Garth Hotel Brickfield Lane Harlington
T P PRE - CORRES: DEVELOPMENT OF SITE

Decision:

18/X/85/1258 Garth Hotel Brickfield Lane Harlington
Established use certificate (P)

Decision: 15-10-1987 Refused

Comment on Relevant Planning History

The building for which the change of use is now sought has been the subject of a number of planning applications:

- 18/APP/2002/250 was a retrospective planning application for the retention of an office building. The Council determined to take 'no further action' in relation to the application and

identified in correspondence dated 26 August 2008, that the building in question was lawful and that the authorised use of the building was as part of the hotel complex (Use Class C1) and invited the submission of an LDC.

· 18/APP/2002/457 was a planning application for the change of use of the building to a chauffeurs office. Again the Council determined to take 'no further action' in relation to the application.

· Subsequent applications relating to the wider hotel site have identified the presence of the building, as a mini-cab office, including a 2006 planning appeal and a planning application in 2008 (Ref:18/APP/2008/513).

Based on the planning history, it is clear therefore that the Council has accepted that the single storey building, the subject of this change of use application, is lawful and has been on the site for in excess of 14 years.

4. Planning Policies and Standards

The site is within the Green Belt. Policy EM2 of the Local Plan states that the Council will seek to maintain the current extent, hierarchy and strategic functions of the Green Belt. Any proposals for development in the Green Belt will be assessed against national and London Plan policies. Saved policy OL1 of the Hillingdon Local Plan Part 2 endorses both national and London Plan Guidance. Policy OL1 states 'Within the Green Belt as defined on the Proposals Map, the following predominantly open land uses will be acceptable:

- Agriculture, horticulture, forestry and nature conservation;
- Open air recreational facilities
- Cemeteries

Policy 7.16 of the London Plan states that the Mayor supports the current extent of London's Green Belt and its protection from inappropriate development. The strongest protection should be given to London's Green Belt, in accordance with national guidance.

Paragraphs 79-92 of the NPPF give clear policy guidance on the functions the Green Belt performs, its key characteristics, acceptable uses and how its boundaries should be altered. Paragraph 90 of the NPPF states that certain (other) forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The main issue is considered to be whether the proposal would be inappropriate development in the Green Belt, including its effect upon its openness, for the purposes of the NPPF.

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:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbours were consulted on 14/04/2016 and a site notice was displayed from 19/04/2016. One objection was received from the Harlington Conservation Area Advisory Panel as follows:

This hotel has expanded enormously over the years, converting many outbuildings to hotel accommodation, with most of these changes appearing to lack planning permission. The two current applications are the latest in this string of extensions which are all prejudicial to the openness of the Green Belt and could be deemed to be inappropriate development in the Green Belt. We therefore hope that permission for these extensions will not be granted. While visiting the site we noted a further recent development. The land that makes up the western portion of the site was originally grass and trees (see aerial photo on p.3 of 'Infill Building Planning Statement April 2016' submitted with these planning applications) but is now a continuous sheet of concrete used for additional car parking. This appears to be run as an additional business, alongside the hotel, as the parking signs give instructions on how to pay if you are not a hotel resident. This is an additional change of use that is also inappropriate in the Green Belt, so we hope appropriate enforcement action will be taken.

BAA Safeguarding: No objection

Internal Consultees

Highways Officer: No objection.

Environmental Protection Unit: Advises that the site is close to a former landfill site and requests a precautionary condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The issue of the principle of development is interlinked with the location of the site within the Green Belt and thus is discussed in detail in Section 7.05.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

BAA Safeguarding has no objections

7.05 Impact on the green belt

The site is within the Green Belt. Policy EM2 of the Local Plan states that the Council will seek to maintain the current extent, hierarchy and strategic functions of the Green Belt. Any proposals for development in the Green Belt will be assessed against national and London Plan policies. Saved policy OL1 of the Hillingdon Local Plan Part 2 endorses both national and London Plan Guidance. Policy OL1 states 'Within the Green Belt as defined on the Proposals Map, the following predominantly open land uses will be acceptable:

- Agriculture, horticulture, forestry and nature conservation;
- Open air recreational facilities
- Cemeteries

Policy 7.16 of the London Plan states that the Mayor supports the current extent of London's Green Belt and its protection from inappropriate development. The strongest protection should be given to London's Green Belt, in accordance with national guidance.

Paragraphs 79-92 of the NPPF give clear policy guidance on the functions the Green Belt performs, its key characteristics, acceptable uses and how its boundaries should be altered. Paragraph 90 of the NPPF states that certain (other) forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The main issue is considered to be whether the proposal would be inappropriate development in the Green Belt, including its effect upon its openness, for the purposes of the NPPF.

Whilst no Certificate of Lawful Existing Development has been obtained, there is considerable evidence that the Council has informally accepted that the building has been present on the site for in excess of four years, that the building has previously been in use as a mini cab/chauffeurs office for a period in excess of 10 years and is of permanent and substantial construction. There is limited information available prior to the change of use, however, the applicant describes the alterations to convert it to hotel use as largely internal in nature. Since the mini cab/chauffeurs office use has now ceased the application for use as part of the hotel is retrospective. In considering this proposal, it is necessary to consider whether the change of use will:

- Preserve the openness of the Green Belt; and
- Not conflict with the purposes of including land in the Green Belt.

Turning to the openness of the Green Belt, it is clear that the change of use will not result in

any increase in physical development from that already present on site. It is retrospective but based on available evidence no external changes as a result of the re-use have impacted on the openness of the Green Belt.

The change of use must also be considered in terms of the nature of the use and whether the change could have any impact in terms of intensity of use. In regard to traffic implications the submitted Transport Note assesses the likely impact on vehicle numbers accessing the site. This concludes that the likely number of traffic movements associated with the hotel use would be no more than that assessed with the former mini-cab/chauffeurs office.

It is considered that the proposal is not inappropriate development for the purposes of paragraph 90 of the NPPF because it involves the re-use of a building of permanent and substantial construction, is not harmful to the openness of the area and is not at odds with the purposes of including land within the Green Belt. Given this, it is not necessary to consider whether very special circumstances exist that weigh in favour of the development being permitted. It is thus considered that the development is acceptable in principle and in terms of its impact on the Green Belt and is thus compliant with Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy 7.16 of the London Plan (2015) and the National Planning Policy Framework.

7.07 Impact on the character & appearance of the area

The change of use is considered to have a neutral impact on the character and appearance of the area.

7.08 Impact on neighbours

The building in question is remote from any residential neighbours. The proposal is a change of use with no external changes and the development therefore is not considered to result in any harmful impact upon the amenity of occupiers of neighbouring properties by reason of a material loss of outlook, loss of daylight, over-shadowing or over-dominance. The development would therefore be acceptable in respect to Policies BE20 and BE21 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Highways and Traffic Officer has no objections. The site has an extensive open car park. It is controlled by a payment system. The change of use does not result in additional traffic implications. No adverse issues arise and the development is considered to comply with policies AM7 and AM14.

7.11 Urban design, access and security

Urban design issues are discussed in other sections of this report.

With regard to security, there is CCTV on the site, the extension to the hotel can only be reached via the main reception and it backs onto open land where there is a security fence. Thus no adverse issues arise.

7.12 Disabled access

The application building is accessed via the main reception where there is level wheelchair accessible access and the extension to the hotel is linked internally and to the same overall standard.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

No trees, landscape or ecological considerations arise.

7.15 Sustainable waste management

The extension utilises the existing hotel facilities and no additional issues are raised.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The objectors comments have been noted. In response, the agent confirms "that having spoken with our client, there are no other uses being operated from the site. Our client has confirmed that all car parking at the site is associated with the use of the hotel."

The site operates as a hotel under the 'Easy Hotel' franchise. The site provides overnight accommodation for customers and if they require it, a "stay, park & fly" facility. This provides extended parking for customers of the hotel only. This is an ancillary offer and is common place at hotel sites around airports.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

An objector has raised an issue relating to non-hotel activities operating on the site. The applicant has responded that no other activities are taking place.

If the Committee are mindful to refuse the application, it would remain that the development would be unauthorised. It is anticipated that the applicant will appeal against such a decision. However, the Council would need to consider whether formal enforcement action needs to be taken

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 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

Not applicable to this application.

10. CONCLUSION

The proposal seeks retrospective change of use of a former mini/cab chauffeurs office to hotel use. There is no specific planning permission or Certificate of Lawfulness relating to the building or its former use, although there is evidence held by and accepted in writing by the Council that the building is lawful by reason of the passing of time and that the former use was taking place more than 10 years ago, but has now ceased. Given this position, it is reasonable to consider the acceptability of the change of use. The site is within the Green Belt and re-use of buildings can be considered to be not inappropriate provided they are of permanent and substantial construction and preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. No other harm has been identified. It is considered that the requirements for re-use are met and that

planning permission can be granted.

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 (2015)
The London Plan 2015 Minor Alterations Parking Standards (March 2016)
National Planning Policy Framework

Contact Officer: Cris Lancaster

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Notes:

 Site boundary

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Site Address:

**Easyhotel Heathrow
Brickfield Lane**

**LONDON BOROUGH
OF HILLINGDON**
Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

18/APP/2016/1416

Scale:

1:1,250

Planning Committee:

Central & South

Date:

July 2016



HILLINGDON
LONDON