Report of the Head of Planning, Sport and Green Spaces

Address EASYHOTEL HEATHROW BRICKFIELD LANE HARLINGTON

Development: Rear infill extension (Retrospective)

LBH Ref Nos: 18/APP/2016/1414

Drawing Nos: T406-07

T406-08 T406-09 T406-10 T406-11

Technical Transport Note Planning Statement Location Plan (1:1250)

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

Date Application Valid: 11/04/2016

1. SUMMARY

The proposal is a retrospective application for a rear infill extension. The site is within the Green Belt. The development is considered to be a disproportionate addition over and above the size of the original building which reduces the openness of the Green Belt and is therefore inappropriate development. In such cases 'very special circumstances' must be demonstrated in order to justify a development. No 'very special circumstances' have been demonstrated. It is thus recommended that the application be refused.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The development represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Polices OL1 and OL4 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.

INFORMATIVES

1 | 152 | 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 (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
BE18	Design considerations - pedestrian security and safety
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
NPPF7	NPPF - Requiring good design
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.

4

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.

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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

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.

Proposed Scheme 3.2

Retrospective planning permission is sought for the infill building which functions as a link block between the hotel buildings on site. The infill building provides 5 en-suite bedrooms and a corridor linking the main hotel to the former mini-cab/chauffeurs office building which also now forms part of the hotel and which is subject of a separate application, also on this agenda.

The building for which retrospective permission is sought is in the south-east part of the site where it adjoins the main hotel building. The infill building is a single storey timber clad building with a flat roof designed to match the adjoining structure to the south. It is rectangular in shape, approximately 14.5m long x 6.5m wide x 3m in height and has a total floor area in the order of 94sq m.

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 Plannin 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

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 PARKIN (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/2016/1416 Easyhotel Heathrow Brickfield Lane Harlington

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

(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/W/84/0810 Garth Hotel Brickfield Lane Harlington

Householder dev. (small extension, garage etc) (P)

Decision: 09-07-1984 Approved

18/X/85/1258 Garth Hotel Brickfield Lane Harlington

Central & South Planning Committee - 20th July 2016 PART 1 - MEMBERS, PUBLIC & PRESS

Established use certificate (P)

Decision: 15-10-1987 Refused

Comment on Relevant Planning History

18/APP/2008/513

Sought planning permission for single storey block to the north of the application property. This application was withdrawn. This application confirmed the presence of outbuildings on the part of the site subject to the current application but gave no specific details.

18/APP/2006/117

This application was refused and dismissed at appeal. Within the Inspector's decision letter, paragraph 5 acknowledges that the 'single-storey extensions to the hotel have been on site for so long that they would be likely to obtain a certificate of lawful development'.

This however does not apply to the infill structure for which the applicant has not sought to demonstrate lawfulness. The key issue, however, is that the original building on site has been extended previously. Therefore, whilst the applicant's supporting statement and subsequent discussion indicates that the proposal is limited infill and is therefore appropriate development, the starting point should be, as policy requires, the original building not the current structures less the application proposals.

18/APP/2005/522

This application sought planning permission for a two storey hotel with lower ground floor. This application was refused, however the 'Existing Plans' submitted, indicate the use of a structure as a 'Mini Cab Office'. This building is now subject to a separate application (18/APP/2016/1416) also on this agenda.

18/APP/2002/250

This application sought retrospective planning permission for the erection of a wooden office structure to replace a derelict portacabin. This application was concluded in 2008, which a decision notice being issued which stated; 'it is considered likely that the office structure and fence were erected more than 4 years ago....Therefore No Further Action will be taken on application 18/APP/2002/250'.

The applicants sought pre-application advice in respect of the current development (Reference 18/PRC/2015/185). The conclusion of this was that it was likely that an application for the proposals now before Committee would be refused.

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.T4 (2012) Heathrow Airport

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.
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NPPF9	NPPF - Protecting Green Belt land

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 Uniy: No objection

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

The BAA Safeguarding Manager has confirmed no objections.

7.05 Impact on the green belt

The site is within the Green Belt. Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), 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. Policy OL1 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) endorses both national and London Plan policies. 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 OL1 also acknowledges that the scale of buildings within the Green Belt will be kept to a minimum in order to protect the visual amenity of the Green Belt.

Buildings within the Green Belt should accord with Policy OL4 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) states:

The Local Planning Authority will only permit the replacement or extension of buildings within the Green Belt if:

- (i) The development would not result in any disproportionate change in the bulk and character of the original building;
- (ii) The development would not significantly increase the built up appearance of the site;
- (iii) Having regard to the character of the surrounding area the development would not injure the visual amenities of the Green Belt by reason of siting, materials, design, traffic or activities generated.

Policy 7.16 of the London Plan states that the Mayor supports the current extent of

London's Green Belt and, inter-alia, 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 89 of the NPPF states, inter-alia, that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The sixth bullet point of paragraph 89 states that one exception to inappropriate development is 'limited infilling or the partial or complete redevelopment or previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The applicant has sought to make a case based on a modest increase in floorspace and limited infill compared to that existing on site, whereas the Green Belt policy position is based on an increase from the 'original' building. This matter was considered in the appeal decision referred to in the planning history above and in the applicants supporting statement. In the appeal, both parties agreed that previous extensions could probably be confirmed as established through Certificates of Lawful existing development. This is not the case with the current proposal, hence the planning application seeking to regularise matters. The appeal decision referred to in the planning history suggests that the original building was in the order of 356m2 and that there was 1423m2 on site at the time. The extension, subject of this application adds another 94sqm. Whilst this would be a modest increase over the existing building, it is a substantial increase over the original building which is the starting point for assessing development in the Green Belt.

As it stood, prior to the construction of the infill extension and informally agreed by both the applicant and the Council in references within the planning history (no Certificate of Lawful Existing Development has been sought), this part of the site contained mobile structures, namely a caravan and portable building. The Council's aerial photograph for the site, dated 2012 appears to indicate individual structures whilst that for 2015 appears to show the subject in-fill building. It is therefore a recent construction.

Both of the former structures would constitute a use of the land as opposed to a permanent building. Temporary buildings are excluded from the definition of previously developed land in the NPPF. Whilst the structures appear to have been there for some time, they have not been established as a lawful use of the land.

It is concluded that the development is a disproportionate addition for which 'very special circumstances would be needed in order to justify the development. Since the applicant has sought to advance a case that the development is not inappropriate 'very special circumstances' have not been sought to be demonstrated in any structured way.

In terms of the visual amenities of the Green Belt, it is acknowledged that the application site is situated in a position which is not visible from the street scene or any public place, or is in close proximity to surrounding residential or other properties. It is largely hidden by a 2 metre high wooden fence.

The essential characteristics of the Green Belt are its openness and permanence. The applicant refers to 'perceived' openness and refers to the limited visibility and presence of a

fence. 'Openness' is not a function of visibility but of reduction in the amount of open Green Belt land and there is no policy reference either at NPPF or local policy level to perceived openness. In this regard, in terms of openness the location of the extension behind a fence line is not a relevant consideration. Aerial photographs of the site demonstrate that the previous structures on this part of the site were much smaller than the current development and were not linked to the existing buildings. Therefore, in determining this application, little material weight should be given to their presence.

The development does reduce the openness of the Green Belt and this must be viewed in the context of a cumulative reduction in openness as a result of extensions over and above the original building for which permission has not been obtained.

The development is an extension of the existing hotel facilities and shares its services with the main hotel including refuse disposal. The harm associated with this development is to the Green Belt by reason of inappropriate development. The development is inappropriate and in the absence of any 'very special circumstances' being advanced, it is considered that the development is unacceptable in principle and due to its impact on the Green Belt and is thus contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Polices OL1 and OL4 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 development reduces the openness of the Green Belt, which is an essential characteristic of the Green Belt and is discussed in detail in Section 7.05. It cannot be seen from any public highway and is therefore not injurious to the visual amenity of the street scene.

7.08 Impact on neighbours

The extension to the hotel is not in close proximity to any of the surrounding properties within Brickfield Lane, and the development therefore is not viewed 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. No adverse issues arise and the development is considered to comply with policy 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 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 hotel has a level access and internal door suitable for wheelchair access. The extension 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, landscaping or ecological issues 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 the 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.

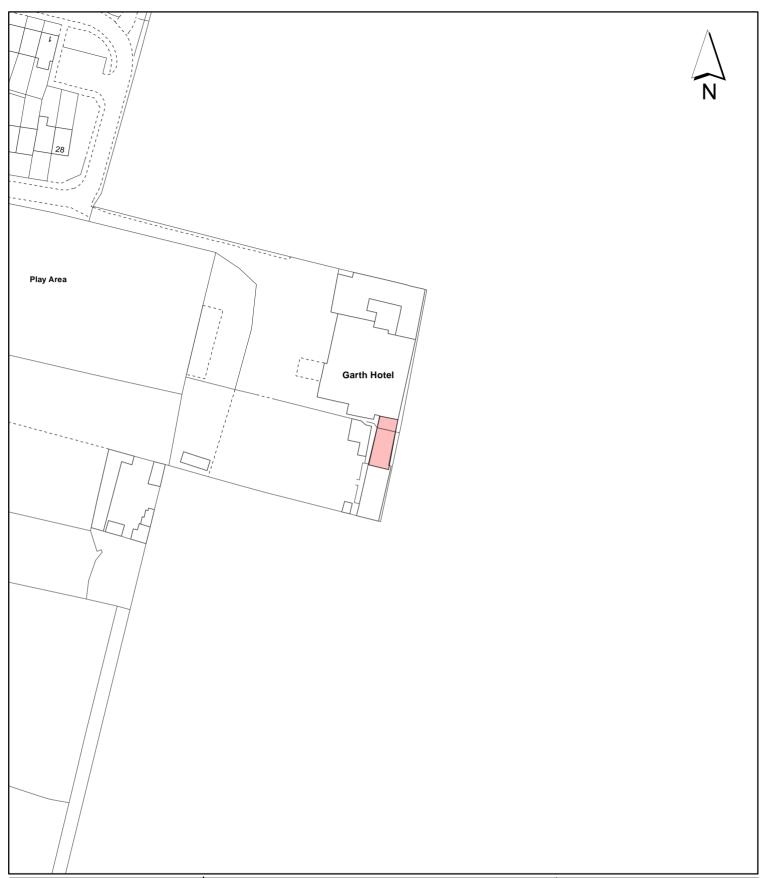
10. CONCLUSION

The proposal is a retrospective application for a rear infill extension. The site is within the Green Belt. The development is considered to be a disproportionate addition over and above the size of the original building which reduces the openness of the Green Belt and is therefore inappropriate development. In such cases 'very special circumstances' must be demonstrated in order to justify a development. No 'very special circumstances' have been demonstrated. It is thus recommended that the application be refused.

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 Telephone No: 01895 250230







Site boundary

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Site Address:

Easyhotel Heathrow Brickfield Lane

Planning Application Ref:
18/APP/2016/1414

Scale:

1:1,250

Planning Committee:

Central & South

Date:

July 2016

LONDON BOROUGH OF HILLINGDON Residents Services Planning Section

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

