

Report of the Head of Planning, Sport and Green Spaces

Address WATERCRESS BEDS SPRINGWELL LANE RICKMANSWORTH

Development: Retention of a 3 Bedroom Chalet Style House as Residential Use from Ancillary Offices for a Garden Centre.

LBH Ref Nos: 24597/APP/2017/109

Drawing Nos: GA100 - Watercress Beds Floor Plans
GA101 - Watercress Beds Elevations
MB/3108/1 - Watercress Beds Location Plan
Watercress Beds Letter of Support

Date Plans Received: 11/01/2017 **Date(s) of Amendment(s):**

Date Application Valid: 11/01/2017

1. **SUMMARY**

This application relates to a building that was formerly used for storage/administration purposes ancillary to the site's former use as a garden centre. The building has been converted without planning permission to a 3-bed house. Planning permission is now sought for its retention.

The site is located within the green belt where schemes involving new residential development are usually resisted. Conversion of existing buildings can be accepted in exceptional circumstances. Whilst the building lends itself to a residential conversion and requires no major adaptation or extension to make it habitable, it has not been demonstrated that a viable alternative use for the building could not be found that would be more appropriate in the green belt. The proposal is therefore considered contrary to green-belt policy.

Furthermore, the site is located within Flood Zone 3b, the functional floodplain, and the establishment of a residential dwelling in such in an area would put the safety of the occupants of the dwelling at unacceptable risk. It is therefore considered that the proposal is fundamentally unacceptable and that the application should be refused.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NONSC **Non Standard Condition**

The site is located within the functional floodplain (Flood Zone 3b) and the proposed change of use from a less vulnerable office/storage structure to a more vulnerable dwelling is wholly inappropriate due to the risk of safety towards future occupants as a result of flooding. The proposal therefore conflicts with the National Planning Policy Framework (NPPF), Policy 5.12 of the London Plan and Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012).

2 NONSC **Non Standard Condition**

Satisfactory evidence that the continued use of the building for office and/or storage purposes, which would support the rural economy, has not been provided and, in the absence of such, the proposal is considered to be in conflict with policies H8, OL1 and

OL14 of the Hillingdon Unitary Development Plan Saved Policies adopted 2007.

3 R9 Green Belt Refusal

The site is in the metropolitan green belt wherein there is a general presumption against any development other than that essential for agriculture or that falling within any of the exceptions set out in policy O1 of Hillingdon's Unitary Development Plan Saved Policies (adopted 2007.). The development proposed does not accord with those policies, it does not fall within any of the exceptions contained therein, nor are there any special circumstances or reasons to justify overriding the policies. The proposal is therefore contrary to the Council's adopted policies in particular policy EM2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) and policy OL1 of the Hillingdon Unitary Development Plan Saved Policies adopted 2007.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF	National Planning Policy Framework
NPPF10	NPPF - Meeting challenge of climate change flooding coastal
LPP 3.4	(2015) Optimising housing potential
LPP 5.12	(2016) Flood risk management
LPP 6.13	(2016) Parking
LPP 7.16	(2016) Green Belt
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE34	Proposals for development adjacent to or having a visual effect on rivers
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood

	protection measures
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL14	Change of use or conversion of redundant agricultural buildings
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3. CONSIDERATIONS

3.1 Site and Locality

The site is located within the green belt, on a triangular plot which is effectively an island due to it being bordered by the River Colne to the east, Springwell Lake to the north and a man made cut to the north which diverts water from the River Colne into Springwell Lake.

The site is accessed via gates onto Springwell Lane to the north. A hard surfaced track runs along the northern site boundary and serves an existing detached chalet style dwelling which is the northernmost building within the site. Adjacent to this is a detached office building and, slightly further to the west, the building which is the subject of this application. The buildings back onto a landscaped (predominately grass) area which continues down to the banks of the river. The track continues further to the west where it provides access to a yard area.

The site itself falls within Flood Zone 3b, and is part of the functional floodplain of the River Colne..

The wider surrounding area is predominantly rural in nature. To the north, Springwell Lane is bordered by lakes, patches of woodland and small fields. The road curves to the south and east where it is flanked, on the eastern side, by the Grand Union Canal.

There is mixed residential development located on the opposing bank of the River Colne to the east. This includes two modern blocks of flats, Willow Court and Ridge House, and Lock Cottages which is a terrace of two-storey dwellings, also modern in appearance. There is further sporadic residential, light industrial and agricultural development to the south. The collection of buildings and surrounding woods and scrub land make up the Springwell Lock Conservation Area.

3.2 Proposed Scheme

The proposal seeks permission to continue using a detached single-storey building (with rooms in roof space) for private residential purposes. The building is set within the grounds of Summerfield / Watercress Beds and is adjacent to an existing detached dwelling.

No external modifications or extensions are proposed.

3.3 Relevant Planning History

24597/A/89/1968

Summerfield Springwell Lane Rickmansworth

Change of use of watercress beds to garden nursery and erection of associated shop and office building with parking for 28 vehicles ; erection of a 4 bedroom bungalow

Decision: 07-08-1990 Approved

24597/APP/2000/2079 Summerfield & Watercress Beds Springwell Lane Rickmansworth
RESIDENTIAL DEVELOPMENT COMPRISING TEN TWO-BEDROOM FLATS AND FIVE THREE-BEDROOM FLATS

Decision: 28-02-2001 Refused

24597/APP/2006/1877 Summerfield & Watercress Beds Springwell Lane Rickmansworth
ERECTION OF A THREE-BEDROOM DETACHED DWELLINGHOUSE AND A SINGLE STOREY DETACHED BUILDING FOR USE AS AN OFFICE (CLASS B1).

Decision: 21-02-2008 Withdrawn

24597/APP/2006/1878 Summerfield & Watercress Beds Springwell Lane Rickmansworth
ERECTION OF A THREE-BEDROOM DETACHED DWELLINGHOUSE AND A SINGLE STOREY DETACHED BUILDING FOR USE AS AN OFFICE (CLASS B1)(DUPLICATE APPLICATION).

Decision: 21-02-2008 Withdrawn

24597/APP/2013/3101 Summerfield Office Building Springwell Lane Rickmansworth
Change of use to residential (Prior Approval)

Decision: 05-12-2013 Refused

24597/E/99/1953 Summerfield & Watercress Beds Springwell Lane Rickmansworth
Change of use of the land from a mixed use for residential purposes and as a garden nursery to the storage of waste materials and graded infilling material (Appeal against Enforcement Notice Application for planning permission deemed to have been made pursuant to Section 174 of The Town and Country Planning Act 1990)

Decision: 19-04-2000 Refused

Appeal: 19-04-2000 Dismissed

Comment on Relevant Planning History

The site was historically used for growing watercress, with a dwelling known as 'Summerfield' located towards the north of the site. An application was then approved to redevelop the site as a garden centre. This involved the demolition of Summerfield and replacement with the current dwelling on site on a broadly similar position. Further buildings were approved to provide ancillary office and storage space. The building that is subject of this application was one of these ancillary storage buildings.. A condition prohibiting the use of these buildings for any purposes other than ancillary office/storage space was attached to the approval for the garden centre. The site was also levelled and the majority of the watercress beds filled in.

The garden centre operated for only a short time and the site does not appear to have been

fully completed before the use ceased. No part of the site is currently in use as a garden centre.

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.EM3 (2012) Blue Ribbon Network
- PT1.EM4 (2012) Open Space and Informal Recreation
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- NPPF National Planning Policy Framework
- NPPF10 NPPF - Meeting challenge of climate change flooding coastal
- LPP 3.4 (2015) Optimising housing potential
- LPP 5.12 (2016) Flood risk management
- LPP 6.13 (2016) Parking
- LPP 7.16 (2016) Green Belt
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM14 New development and car parking standards.
- BE4 New development within or on the fringes of conservation areas
- BE13 New development must harmonise with the existing street scene.
- BE20 Daylight and sunlight considerations.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE34 Proposals for development adjacent to or having a visual effect on rivers
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL14 Change of use or conversion of redundant agricultural buildings
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Environment Agency:

Object to the application for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in paragraph 102 of the National Planning Policy Framework which states that for areas at risk of flooding a site-specific flood risk assessment must be undertaken which demonstrates that the development will be safe for its lifetime. It does not comply with paragraph 94 of the National Planning Policy Framework which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk and coastal change.

The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to assess the impact of climate change using an appropriate method for calculating flood levels. The development is classified as a minor development of a more vulnerable usage falling within Flood Zone 3. The FRA correctly identified both the higher central (35%) and upper end (70%) climate change allowances to be assessed, with only the 35% being designed to.

The FRA failed to use the correct method to calculate the flood levels with these climate change allowances, an intermediate approach is expected, which would likely utilise a stage-discharge rating curve to interpolate flood levels from river levels taken from modelled nodes.

(Officer comments: A revised FRA was submitted and a response still awaited. However, the Council's own Flood and Water Management Officer has maintained an objection of the grounds of the location of the site within Flood Zone 3b and it is considered that this means any subsequent FRA could not justify development within what is the functional floodplain).

Harefield Tenants and Residents Association. Objection. We object to the change of use to Residential as it is an inappropriate use of Green Belt Land. It also falls within a Flood Zone that is classified as more vulnerable with a high probability of flooding. Not appropriate for Residential use.

The chalet style building for offices/tea room doesn't appear to have planning approval. It was only erected relatively recently. There is very little information on the previous use, Garden Centre, and when it ceased to be in use and if it has been marketed for the approved use.

We object strongly to the change of use on this vulnerable Green Belt land and request refusal.

(Officer comment: The building was approved as part of the development of the site as a garden centre and aerial photographs show that it was under construction in 2008 and completed by the time of the next records in 2012. Matters relating to the location of the building within a Flood Zone are discussed within the main body of this report. No formal pre-application advice has been given indicating that this proposal would be viewed favourably).

5 letters of objection from members of the public:

One letter raises concerns over car parking but appears to be based on the false impression that the application relates to the development of the site as a garden centre.

- The building has been used for residential purposes for some time.
- The site is a mess and a plan for the whole site needs to be presented before any application is approved.
- Two new buildings and biomass boilers have been built without planning permission.
- Concern over pre-planning advice saying that the application would be looked upon favourably.

(Officer comment: The application has been made to regularise the use of the building. The application being considered relates to the building alone. It is appreciated that there are concerns raised regarding other activities on site but these are not material considerations with regard to determining this application and will be subject of planning enforcement and/or Environmental Health action if deemed necessary. A separate application for the biomass boilers is currently being considered reference 24597/APP/2017/158).

Internal Consultees

FLOOD & WATER MANAGEMENT:

The FRA produced by Flood Risk Consultants state that the proposal lies in Flood Zone 3, the functional flood plain however it does not acknowledge that the change of use is entirely within Flood Zone 3b as identified in the LBHillingdon SFRA and the site is therefore identified in Table 3 of the Planning Practice Guidance as Development should not be permitted for a more vulnerable use.

The application should be refused as the applicant does not demonstrate that the site is safe and flood risk is suitably mitigated through the provision of an appropriate flood risk assessment.

HIGHWAYS:

The application site is accessed from Springwell Lane and forms a 1.3ha enclosed site with a gated access drive. In addition to the office building, the site comprises a detached bungalow and a garden centre. There is a detached garage at the side of the office building and additional parking could be provided on the access road.

Due to the location of the site and the availability of off street parking, the proposal would not have any major impact on the highway and transport networks.

(Officer note: The garage has been converted. However, it is accepted that there is adequate space available for parking on the access road and other hard surfacing adjacent to the building).

LANDSCAPES:

The appearance and character of every detail on this Green Belt site jars and appears unsympathetic in this rural / Colne Valley location - from the brick piers, walls and steel gates at the entrance to the suburban looking brick- built bungalows and close cut swathes of grass.

It represents exactly the type of urban sprawl that is contrary to policy EM2 (Green Belt) and EM3 (Blue Ribbon Network) - albeit the structures themselves were the subject of a previous approved.

RECOMMENDATION

If the application is recommended for approval, landscape enhancements should be introduced in accordance with saved policy BE38 (and EM3). The emphasis should be on suitable mixed native planting with the intention of screening the development and improving the biodiversity through appropriate planting (a mix of woodland /meadows) supported by suitable management /

maintenance regimes. Condition RES9 (parts 1,2,4,5 and 6).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within the green belt where development involving a net gain in residential properties is resisted in accordance with national, regional and local planning policies. Although the site itself has been previously developed, this was to support a garden centre use which is regarded as an acceptable open land use as per policy OL 1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

There is provision made within the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) under policy OL 14 for the conversion of existing buildings within the green belt in exceptional circumstances:-

- The building to be converted must be substantial and attractive and able to last for many years following normal levels of repair and maintenance.
- There should be no adverse impact upon the established character and appearance of the surrounding area.
- There should be no adverse amenity impacts.
- Development should be compliant with policy OL 2 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and provide sympathetic landscaping where necessary.
- Conversion to residential is less preferential than other uses such as small businesses.

The building housing the proposed retained dwelling is in good condition and does not require any extension or significant external alteration. Whilst relatively modern, the design is not utilitarian or unattractive. It is considered that there would be some justification for the principle of its conversion to residential use. There is, however, concern that no convincing evidence has been provided that the building could not be retained in its approved use as an office and store serving a garden centre or similar commercial purpose within the site and, as such, the proposal does not fully satisfy the requirements of policy H 8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

Policy OL1 states that within the Green Belt the Local Planning Authority will not grant planning permission for changes of use of existing land and buildings, other than for purposes essential for and associated with the following uses:

- (i) agriculture, horticulture, forestry and nature conservation;
- (ii) open air recreation facilities;
- (iii) cemeteries.

In the absence of any information demonstrating that the building could not be viably used for a purpose more appropriate to the greenbelt, the proposed change of use of the building to a dwelling is therefore considered contrary to policy OL1.

The NPPF requires local planning authorities in their consideration of a planning application to give substantial weight 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.

It is acknowledged that Hillingdon and London Plan policies support new housing. Policy H1 of Hillingdon's Strategic Policies sets out the borough's housing targets for the period 2011 to 2021 (4,250 dwellings) and states that the Council will seek to meet and if possible exceed this target, in accordance with other Local Plan policies. The majority of this housing growth is expected to be delivered on sites to be identified in the Council's emerging Site Specific Allocations. The Council will support housing development including changes of use on other sites, subject to compliance with all other relevant policy. The Council considers that it can meet its housing targets without having to allow any additional housing in its Green Belt. The provision of housing on this site is therefore not considered to outweigh the potential harm of losing a site that might be out put to a use more appropriate to its green belt setting.

7.02 Density of the proposed development

It is not considered that the proposed residential use of the building would result in an over intensive use of the site that would be out of keeping with that of the immediate surroundings or would cause undue disturbance towards occupants of neighbouring properties. It is therefore considered that the proposal complies with policy BE 13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 3.4 of the London Plan (2016)

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

The building has already been approved and has been constructed in accordance with submitted plans. It can be viewed from Springwell Lane to the south but does not appear out of keeping given the presence of modern blocks of flats in the form of Willow Court and Ridge House which are far larger structures and also more prominently positioned. The general appearance of the surrounding area will not be materially impacted upon and the proposal is therefore in accordance with policies BE 4 and BE 13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

This is discussed fully in section 7.01 of this report.

7.07 Impact on the character & appearance of the area

This is discussed fully in section 7.03 of this report.

7.08 Impact on neighbours

The building has been built in accordance with an approved planning application and, as such, impacts brought about by its physical presence such as overbearing or overshadowing are not a material consideration in the determination of this application.

Its use as a dwelling will result in permanent occupation of the building. Windows facing to the front look towards woodland and Springwell Lake and therefore do not result in any overlooking of neighbouring residential buildings. There are ground and first floor windows to the rear that face towards Lock Cottages and, at a more oblique angle, Willow Court. It is considered that the distance maintained between windows of the proposed dwelling and those of the flats is sufficient to prevent invasive levels of overlooking and the presence of tree screening lining the river bank provides further mitigation. There are no significant amenity spaces to the rear of Willow Court that would be overlooked. It is therefore considered that the proposal is in accordance with policies BE 24 and OE 1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

The proposed retained dwelling provides habitable space at ground floor and first floor level. The total GIA provided is approximately 153 m² which is comfortably adequate for a three bedroom two-storey dwelling, based on the recommendations of the Technical housing standards - nationally described space standard. It is therefore considered that the proposal meets the requirements of policy H 8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policy 3.4 of the London Plan (2016).

Rooms within the building are well served by windows and openings on all facades and this allows for a effective daylight and sunlight penetration in accordance with policy BE 20 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) .

The site curtilage incorporates a usable amenity space area of approximately 260 m² and this is considered sufficient to serve a three bedroom dwelling taking into account the recommended minimum standard of 60 m² as set out in the HDAS. It is therefore considered that a satisfactory residential environment can be achieved, in accordance with policy H 8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed retained dwelling utilises established hard surfaced site access taken from Springwell Lane to the north. The access and hard surfaced track were built to specifications required to serve a garden centre development and are therefore considered to be adequate for light residential traffic. It is not considered that a single additional dwelling would result in any excessive or unmanageable increase in traffic on Springwell Lane. It is therefore considered that the proposal complies with policy AM 2 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

The site is located in a fairly remote area with no immediate access to public transport. There is sufficient space for the parking and turning of vehicles associated with the residential use of the site and there would be no need for any extensive additional works in order to accommodate vehicle parking. It is therefore considered that the proposal meets the requirements of policy AM 14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policy 6.13 of the London Plan (2016).

7.11 Urban design, access and security

The site is located in a fairly remote area but the dwelling would not be isolated due to the presence of the neighbouring established dwelling on site. The site is also overlooked to a degree from the public realm and by windows at Willow Court and Ridge House. The site is therefore visible and it is not considered it would be susceptible to anti-social activity.

7.12 Disabled access

The building is uncomplicated in layout and all rooms are easily accessible. Although the first floor can be accessed only by stairs there are bedroom, kitchen and bathroom facilities at ground floor level.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, Landscaping and Ecology

The current site landscaping largely consists of a lawn area which appears suburban in character and does not effectively integrate towards the wider rural surroundings. Were the application to be approved, it is considered appropriate to attach a condition requiring a sensitive landscaping scheme to be provided for the site in order render it more harmonious towards its surroundings. Subject to landscaping, the proposal would therefore satisfy policies EM 3 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) and BE 34 and BE 38 of the Hillingdon Local Plan: Part Two Saved UDP

Policies (November 2012).

7.15 Sustainable waste management

Not applicable.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

The approved use of the building as an office/store is regarded as 'less vulnerable' by the Technical Guidance to the National Planning Policy Framework. The change of use to residential represents an escalation in flood risk vulnerability status to 'more vulnerable'. The site lies within Flood Zone 3b which is the classification attached to the functional floodplain. The Technical Guidance maintains that the only development that should be permitted in such a location is essential infrastructure and water compatible development. The application is accompanied by a Flood Risk Assessment (FRA) which sets out potential mitigation measures as well as refuge and safety plans that would be followed in the event of a flood. However, given the extreme vulnerability of the site to flooding and the dangers this poses, particularly for a building which would be in permanent residential occupation, it is therefore considered that the use of the building as permanent residential accommodation cannot be supported due to the severe safety risk that any occupants would be exposed to.

It is accepted that there is an existing dwelling on site. However, this replaced a long established residential property 'Summerfields' which was demolished at the time of the redevelopment of the site as a garden centre and did not result in any intensification of residential use on the site.

The proposal is therefore fails to meet the requirements of the NPPF and associated Technical Guidance, Policy 5.12 of the London Plan (2016) or Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012).

7.18 Noise or Air Quality Issues

Not applicable.

7.19 Comments on Public Consultations

RESPONSE TO TENANTS & RESIDENTS ASSOCIATION:

The building was approved as part of the development of the site as a garden centre and aerial photographs show that it was under construction in 2008 and completed by the time of the next records in 2012. Matters relating to the location of the building within a Flood Zone are discussed within the main body of this report.

RESPONSE TO LETTERS OF REPRESENTATION:

The application has been made to regularise the use of the building. The application being considered relates to the building alone. It is appreciated that there are concerns raised regarding other activities on site but these are not material considerations with regard to determining this application and will be subject of planning enforcement and/or Environmental Health action if deemed necessary. A separate application for the biomass boilers is currently being considered reference 24597/APP/2017/158

7.20 Planning Obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

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

10. CONCLUSION

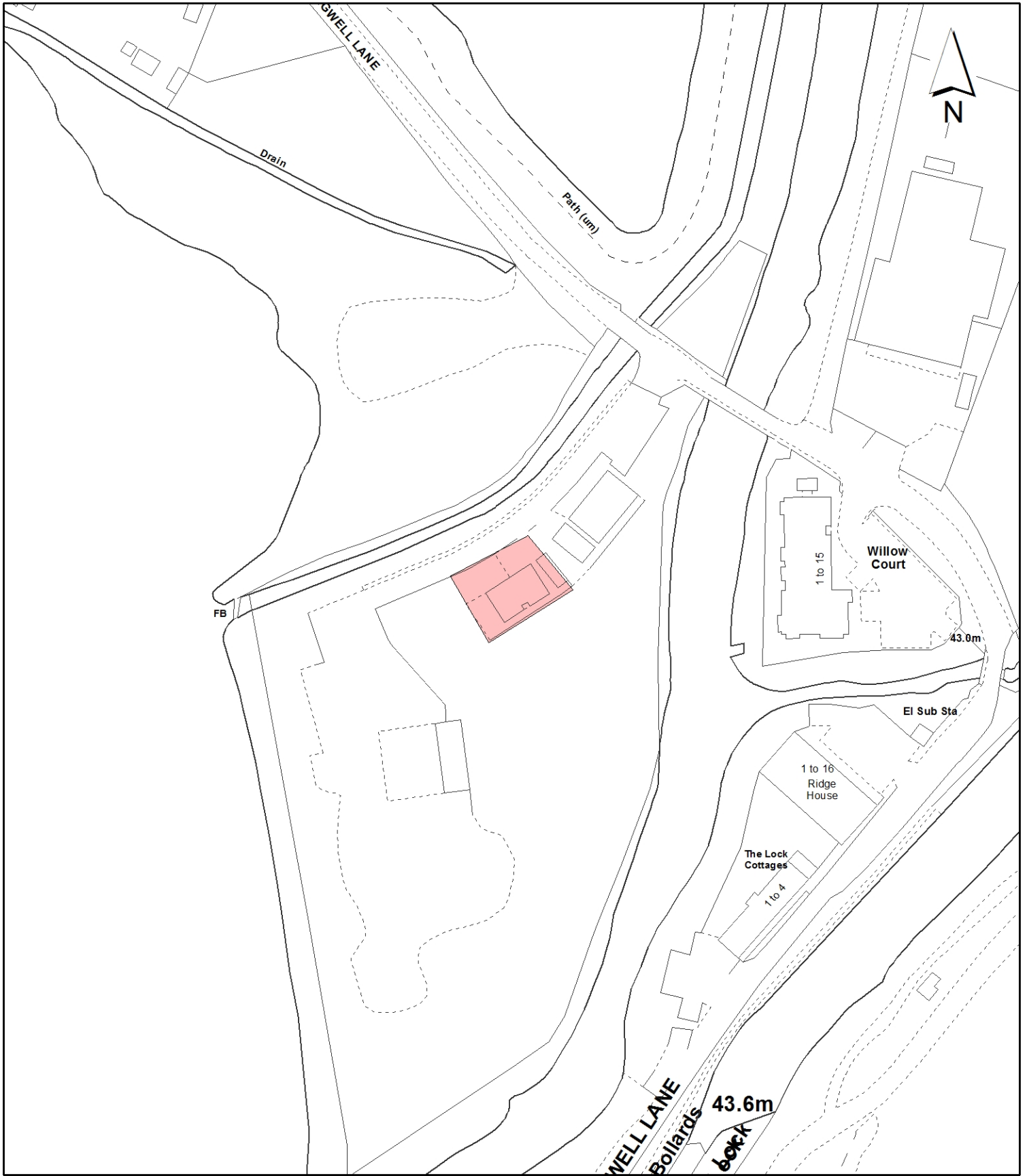
Whilst the principle of conversion of a building within the green belt to residential may be acceptable in exceptional circumstances, this does not outweigh the fundamental objections to the proposal on the basis of its siting within the functional floodplain and the resultant risk this would pose to the safety of future occupants of the building.

11. Reference Documents

- National Planning Policy Framework (NPPF)
- Technical housing standards - nationally described space standard
- Technical Guidance to the National Planning Policy Framework
- HBC Addendum to the Strategic Flood Risk Assessment and Sequential Test
- The London Plan (2016)
- Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012)
- Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)
- Hillingdon Design and Accessibility Statement SPG - Residential Layouts
- Accessible Hillingdon SPD

Contact Officer: James McLean Smith

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Watercress Beds
 Springwell Lane
 Rickmansworth**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
24597/APP/2017/109

Scale:
1:1,250

Planning Committee:
North

Date:
March 2017

