

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

**Address** CHERRY YARD (SOUTH), HOLLOWAY FARM HARMONDSWORTH ROAD  
WEST DRAYTON

**Development:** Temporary Change of use of land from a commercial plant growing area to car parking for staff for 5 years (Retrospective)

**LBH Ref Nos:** 2688/APP/2016/4029

**Drawing Nos:** 1049 Holloway Farm Mitigior  
1619/TP/01  
1619/TP/02  
Noise Assessment  
Design and Access Statement  
Historic Environment Assessment  
Arboricultural Report  
Transport Statement  
Landscape Assessment

**Date Plans Received:** 03/11/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 03/11/2016

### 1. SUMMARY

The application seeks retrospective planning permission for the temporary change of use of land from a commercial plant growing area to car parking for staff (5 years). The parking area is being used as temporary overspill parking for CCH Ltd. The site is currently a vehicle maintenance depot, a use which is currently unauthorised and for which an application for retrospective permission has been submitted under application reference 2688/APP/2016/3948.

The proposal does not conform to the types of development allowed by national, London Plan and Local Plan policies and as such the proposal constitutes inappropriate development in the Green Belt, requiring very special circumstances to justify the proposal. The development causes harm to the openness and purposes of the Green Belt and no very special circumstances have been provided by the applicant or are evident, which overcome the presumption against inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2016) and the NPPF.

### 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 the aims of Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London

Plan (2016) and the NPPF.

## **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.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
LPP 7.16	(2016) Green Belt
LPP 7.8	(2016) Heritage assets and archaeology
NPPF9	NPPF - Protecting Green Belt land
NPPF12	NPPF - Conserving & enhancing the historic environment

### **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 (2016). 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.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site comprises of an area of land within the Southern half of Cherry Yard, Holloway Farm, Harmondsworth Road located to the North of the village of Harmondsworth. The land is currently used as a parking area and is bounded to the North, South and West by a metal fence with barbed security wire. Trees and vegetation provide screening between the car park and Holloway Close to the West. The parking area accommodates 38 car parking spaces for CCH Ltd coach driving staff. The application site lies within the Metropolitan Green Belt and within an Archaeological Priority Area (APA) as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The site's pre-existing use contained a plant growing area associated with the former garden centre/nursery.

#### 3.2 Proposed Scheme

The application seeks retrospective planning permission for the temporary change of use of land from a commercial plant growing area to car parking for staff (5 years). The parking area is being used as temporary overspill parking for CCH Ltd. The site is currently a vehicle maintenance depot, a use which is currently unauthorised and for which an application for retrospective permission has been submitted under application reference 2688/APP/2016/3948.

#### 3.3 Relevant Planning History

2688/APP/2000/1862 Cch Cars - Holloway Farm Harmondsworth Road West Drayton  
ERECTION OF A SIDE EXTENSION WITH TWO ROLLER SHUTTER DOORS

**Decision:** 06-12-2000 Approved

2688/APP/2003/1301 Holloway Farm Harmondsworth Road West Drayton  
ERECTION OF A SINGLE STOREY BUILDING FOR AGRICULTURAL USE (CONSULTATION UNDER SCHEDULE 2, PARTS 6 AND 7 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)

**Decision:** 11-06-2003 PRQ

2688/APP/2003/1782 Holloway Farm Holloway Close Harmondsworth  
ERECTION OF A SINGLE STOREY BUILDING FOR AGRICULTURAL USE (CONSULTATION UNDER SCHEDULE 2, PART 17 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)

**Decision:** 05-08-2009 NFA

2688/APP/2016/3948 Holloway Farm Harmondsworth Road West Drayton  
Change of use of land from garden centre/nursery to a vehicle maintenance area involving erection of workshop and demolition of glass house and poly tunnels (Retrospective)

**Decision:**

## **Comment on Relevant Planning History**

The following planning history is considered to be of relevance to the application:

2688/APP/2000/1862 - Erection of side extension with two roller shutter doors - APPROVED

2688/H/91/1547 - Erection of a 630m<sup>2</sup> glasshouse with ancillary w.c./store/office and associated car parking, landscaping and security fencing to provide a retail plant centre (involving demolition of existing nursery). APPROVED

3588 - change of use of vacant farm building and agricultural land to a chauffeur driven car hire business and ancillary activities. Refused but allowed at appeal under reference APP/R5510/A/91/182590/P9

In reference to the re-use of agricultural buildings the Inspector advised:

"their use as vehicle storage and as a rest room does not detract from the appearance of the area. From the photographs you provided, the repairs and minor works which have been done have probably improved the appearance of the buildings. The new fence or wall effectively shields most of the parked vehicles from view from the public highway."

In reference to the surrounding area the Inspector advised:

"Bearing in mind the other buildings and uses within the triangle of land around the site, the present use of the appeal site does not, in my view, detract from the character and appearance of the area."

That decision may not have considered the green belt impacts of the vehicle parking in the way now expected by, for example, the NPPF.

## **4. Planning Policies and Standards**

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.HE1 (2012) Heritage

Part 2 Policies:

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.

BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
LPP 7.16	(2016) Green Belt
LPP 7.8	(2016) Heritage assets and archaeology
NPPF9	NPPF - Protecting Green Belt land
NPPF12	NPPF - Conserving & enhancing the historic environment

## 5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

4 neighbouring properties were consulted by letter dated 10.11.16 and a site notice was displayed to the front of the site which expired on 12.12.16

4 letters of objection have been received raising concerns about the retrospective nature of the works which are in conflict with Green Belt Policy and cause traffic problems, out of keeping with the rural nature of the site and surroundings in this Green Belt location.

Heathrow Safeguarding: No Safeguarding Objections.

Heathrow Villages Conservation Area Advisory Panel:

The applicants identify the fact that the site is in the Green Belt, and pose the question of whether the development that has taken place without consent is inappropriate in the Green Belt. We believe it is, and we fear it would set a precedent, and this this would then be just the first of many applications that would transform the whole area of the previous agricultural holding into a commercial and/or industrial zone. The application also mentions the effect of the development on the openness of the Green Belt and on the character and appearance of the surrounding area. We believe the car parking would significantly affect the views from the bridge over the M4 and the stretch of Harmondsworth Road to the South of the motorway, especially in winter when the screening provided by the trees on the boundary along the road is reduced. Instead of a rural outlook the view would mirror those of many car parks all around Heathrow, and the rural setting of Harmondsworth village would also be affected. The integrity of Harmondsworth is also threatened by the proposals to expand Heathrow Airport, but these proposals have not been given the go-ahead so there is every reason to preserve and enhance the village and its surroundings. Following on from this, we do not believe the harm the car park would do to its surroundings is outweighed by other considerations, so there are no very special circumstances that would be necessary to justify the development. We therefore expect the application to be refused. We have two further observations that the Planning Committee should perhaps take into consideration:

- 1) The application describes the use as "a temporary staff car park for CCH Ltd" with space for 38 cars. However, we cannot see how 38 staff can work from the small yard which is all that CCH admit to using as it has room to park far fewer than 38 coaches. We do not therefore believe the use will be as stated on the application.
- 2) Inspection of the area between the car park for which retrospective permission is being sought

and the M4 shows that there have been other significant changes made. The greenhouses have been demolished and recently replaced by a large structure, and an area nearer the M4 is also being used for car parking. These developments suggest to us that our fears of creeping development are well-founded, and we hope enforcement action will be taken in regard to these developments on the adjacent land.

Ward Councillor: Requests that the application is reported to Committee for consideration.

### **Internal Consultees**

Highways Officer:

This retrospective application is to change the use of a parcel of land at the Cherry Yard site in Harmondsworth Road West Drayton to staff car parking (38 spaces). The applicant has supplied a Transport Statement by Paul Mew dated October 2016 in support of the application. This application is for a period of 5 years while the operator, CCH, finds a suitable alternative site for their coach/minibus operation. Currently 44 coaches and mini-buses are stored on site and from as early as 3am drivers arrive to take the coaches out for work and this carries on through the day. The coaches/minibuses return throughout the day and return by end of the day (up to 11:30 pm). Harmondsworth Road is a classified road under the Council's road network. The site has a PTAL value of 2 (poor) so it is likely that many of the workforce will rely on private cars for trip making. There are drivers for each of the coaches/minibuses along with 6 depot staff and there can be as many as 55 staff employed at the site. The TS identified the traffic generation of the site and the use of the car park. There are approximately 122 trips to and from the site each day and the use of the car park was made predominantly by coach/minibus drivers. This activity has been taking place for some time and the impact of the traffic during peak periods is likely to be minimal as the spread of trips is over a long working day. The proposal is to provide car parking by applying a removable gravel surface to the existing agricultural land adjacent to the existing depot. The TS also looked at the suitability of the shared access onto Harmondsworth Road in terms of visibility and shows that there was sufficient sight distances. Given the proximity of the site to Heathrow Airport I suggest a condition restricting the use of the car park for airport related car parking is added to any approval. On the basis of the above comments I have no significant objections to the application.

Landscape Officer:

The triangular-shaped site is occupied by an area of gravelled hard-standing which was formerly a commercial plant growing area and is currently used for car parking. The site is accessed from the west of Harmondsworth Road and lies just South of the boundary of the M4. The compound is surrounded by a chain link fence, with a mature hedgerow (with trees) along the West boundary with Holloway Close. The M4, to the North, lies in a cutting, above which there are tree-lined slopes which screen views into the site. To the East of the site there is a tree-lined embankment supporting the carriageway as it rises towards the bridge over the M4.

COMMENT: The site lies within the Green Belt, a designation which requires special circumstances to justify development. An Arboricultural Report, by Greenlight, provides a survey of trees close to the site. The report confirms that there are no protected trees on, or close to, the site and no 'A' grade trees. Of the 19 No. trees, groups and hedges surveyed, there are 10 No. B grade trees, 1 No. U grade tree. The remaining trees, group and hedge are C grade. The report concludes that no trees have been, or will be, affected by the change of use. The site is relatively discrete and the main views over the site are glimpsed through the roadside trees by North-bound traffic. A Landscape Assessment, by Greenlight, concludes (6.5) that the qualities of openness and permanence (as required in the Green Belt) have not been altered as a result of the the changes. The proposal is to re-surface the car park with Grasscrete or similar. Grasscrete itself (a particular product) is not recommended. Nor is the attempt to establish re-inforced grass. If the car park is to be in regular use, grass will not establish. However, some form of re-inforced (permeable) gravel surface will be

considered suitable, as will the planting of mixed native hedgerows around the car park. If the application is recommended for approval, landscape conditions should be imposed.

RECOMMENDATION: No objection subject to conditions COM8, COM9 (parts 1, 2, 4, 5 and 6), COM10.

## **7. MAIN PLANNING ISSUES**

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

The whole of the application site is designated as Green Belt. The principle of development is required to be established under National and Local Green Belt Policy which is addressed in section 7.05 below.

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

Not applicable to this application.

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

The application site is located within both the Harmondsworth archaeological priority area (APA) and the Heathrow Area archaeological priority zone (APZ). Both are designated by the local authority in recognition of the prehistoric potential, and the Harmondsworth APA includes the potential for evidence of Saxon settlement activity.

A desk-top appraisal has been submitted in support of this application which concludes that Archaeological survival is likely to be moderate to high across the site. Previous topsoil removal within the site may have had an impact on any archaeological remains present immediately beneath the topsoil, although cut features such as pits, ditches and foundations likely survive intact.

The main impact associated with the proposed development, which has been constructed, will be from preliminary site stripping and demolition, the installation of site fencing and welfare facilities and the laying of any new services or drainage trenches. Whilst the works are relatively shallow, they have the potential to truncate or remove any archaeological remains as such remains are likely to be close to the current ground surface. It is possible that the bases of cut features survive below the truncation level.

No archaeological work is recommended on the basis that the scheme has already been completed and any remains that might have been present will have already been truncated, or possibly removed entirely. In light of the sensitivity of the site and its location within APA and APZ, any development proposed for the site is very likely to require further archaeological assessment, both desk-based and field-based, as part of any future planning application.

### **7.04 Airport safeguarding**

The application was referred to Heathrow Aerodrome Safeguarding and a response was received, which stated that the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria,

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

The National Planning Policy Framework (NPPF) attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The NPPF states that once Green Belt boundaries have been defined, LPAs should plan positively to enhance the beneficial use of the Green Belt. NPPF paragraph 81 sets out that LPAs should plan positively to enhance beneficial use of the Green Belt, including providing access, opportunities for recreation, landscape enhancement, and improvement of derelict and damaged land.

The NPPF lists five purposes of including land in the Green Belt. These are listed as:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- The fundamental aim of Green Belt Policy is to keep land permanently open."

Policy OL1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states the LPA will not grant planning permission for new buildings or changes of use of existing lands and building other than for purposes essential for and associated with the uses specified below:

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

Policy OL4 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) states the replacement or extensions of buildings within the Green Belt will only be permitted if the development would not result in any disproportionate change in the bulk and character of the original building; the development would not significantly increase the built up appearance of the site and, 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.

The London Plan strongly supports the protection, promotion and enhancement of London's open spaces and natural environments. Policy 7.16: Green Belt states that in terms of planning decisions:

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

In terms of local policy, Part 1 of the Local Plan continues to give strong protection to Green Belt land. The relevant policy in the Local Plan is EM2 which makes clear that:

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

The proposal does not conform to the types of development allowed by Saved Policy OL1, the London Plan or the NPPF and as such the proposal comprises inappropriate development, requiring very special circumstances to justify the proposal. The applicants have advanced that there are no buildings proposed as part of this application. Paragraph 90 of the NPPF states engineering operations which would be required to resurface the ground to provide car parking area are "not inappropriate in Green Belt" provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. It is however noted that the application is one of two applications at the site. The second application, reference 2688/APP/2016/3948 seeks retrospective planning



permission for the buildings with this current application being separated to deal with the change of use and hardstanding of the parking area. The two applications should be considered together given that one cannot function without the other.

It is considered that the proposed commercial development at Cherry Farm, to include the hardsurfacing, enclosure and the parking of up to 38 cars would intrude into the undeveloped landform and result in loss of openness to the Green Belt. Should the development be allowed, this part of the Green Belt land would fail to fulfill its functions of checking unrestricted urban sprawl, or assist in safeguarding the countryside from encroachment.

It is noted that the applicant has suggested agreement to conditions, which provide mitigation proposals to enclose the car parking area further than it already is, to include a mixed species hedgerow to the boundary and the creation of a permeable surface to replace the existing hard surface. However it is considered that the suggested amendments would not overcome the in principle objection to the development and use of the land which is considered inappropriate development within the Green Belt.

It is therefore considered that the development would cause harm to the openness and purposes of the Green Belt and no very special circumstances have been provided by the applicant or are evident, which overcome the presumption against inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2016) and the NPPF.

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

Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that the layout and appearance of new development harmonises with features of the area which are considered desirable to retain or enhance.

The application site is visible from public vantage points, including the most prominent view from Harmondsworth Road, There is some Vegetation along the roadside boundary with Harmondsworth Road, but views into the site are possible. The site itself was fundamentally open in character. Whilst not of significant landscape value, the site fulfilled its Green Belt function of keeping land open and free from development, of maintaining the character and identity of individual settlements and making a clear distinction between rural and urban environments.

On balance, it is considered that the proposal fails to conserve and enhance the visual amenity of the Green Belt, or harmonise with features of the area which are considered desirable to retain or enhance, contrary to Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

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

Saved Policy OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to protect the environment from the adverse effects of pollutants and to ensure sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable.

There are no residential properties in the immediate vicinity of the site.

#### **7.09 Living conditions for future occupiers**

Not applicable to this application.

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

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The application is supported by a Transport Statement which confirms that this application is for a period of 5 years while the operator, CCH, finds a suitable alternative site for their coach/minibus operation. Currently 44 coaches and mini-buses are stored on site and from as early as 3 am drivers arrive to take the coaches out for work and this carries on through the day. The coaches/minibuses return throughout the day and return by end of the day (up to 11:30 pm). Harmondsworth Road is a classified road under the Council's road network. The site has a PTAL value of 2 (poor) so it is likely that many of the workforce will rely on private cars for trip making. There are drivers for each of the coaches/minibuses along with 6 depot staff and there can be as many as 55 staff employed at the site. The TS identified the traffic generation of the site and the use of the car park. There are approximately 122 trips to and from the site each day and the use of the car park was made predominantly by coach/minibus drivers. This activity has been taking place for some time and the impact of the traffic during peak periods is likely to be minimal as the spread of trips is over a long working day. The proposal is to provide car parking by applying a removable gravel surface to the existing agricultural land adjacent to the existing depot. The TS also looked at the suitability of the shared access onto Harmondsworth Road in terms of visibility and show that there was sufficient sight distances. The Highways Officer has advised that given the proximity of the site to Heathrow Airport, no objection is raised on highway grounds subject to a condition restricting the use of the car park for airport related car parking.

#### **7.11 Urban design, access and security**

The issues are addressed in the sections above.

#### **7.12 Disabled access**

Not applicable to this application.

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

Not applicable to this application.

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

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. Saved policy OL1 and 2, and the National Planning Policy Framework seek to restrict inappropriate development and retain the openness, character and appearance of the Green Belt.

The site lies within the Green Belt, a designation which requires special circumstances to justify development. An Arboricultural Report, by Greenlight, provides a survey of trees close to the site. The report confirms that there are no protected trees on, or close to, the site - and no 'A' grade trees. Of the 19 No. trees, groups and hedges surveyed, there are 10 No. B grade trees, 1 No. U grade tree. The remaining trees, group and hedge are C grade. The report concludes that no trees have been, or will be, affected by the change of use. The site is relatively discrete and the main views over the site are glimpsed through the roadside trees by North-bound traffic. A Landscape Assessment, by Greenlight, concludes (6.5) that the qualities of openness and permanence (as required in the Green

Belt) have not been altered as a result of the the changes. The Council's Landscape Officer has advised that the proposal is to re-surface the car park with Grasscrete or similar. - Grasscrete itself (a particular product) is not recommended. Nor is the attempt to establish re-inforced grass. If the car park is to be in regular use, grass will not establish. However, some form of re-inforced (permeable) gravel surface will be considered suitable, as will the planting of mixed native hedgerows around the car park. Notwithstanding the in principle objection to the proposal, the Council's Landscape Officer has advised that if the application is recommended for approval, landscape conditions should be imposed.

**7.15 Sustainable waste management**

Not applicable to this application.

**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 comments raised throughout the consultation period are addressed in the sections above.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

The expediency of enforcement action will need to be considered after this decision has been taken.

**7.22 Other Issues**

No other issues raised.

**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**

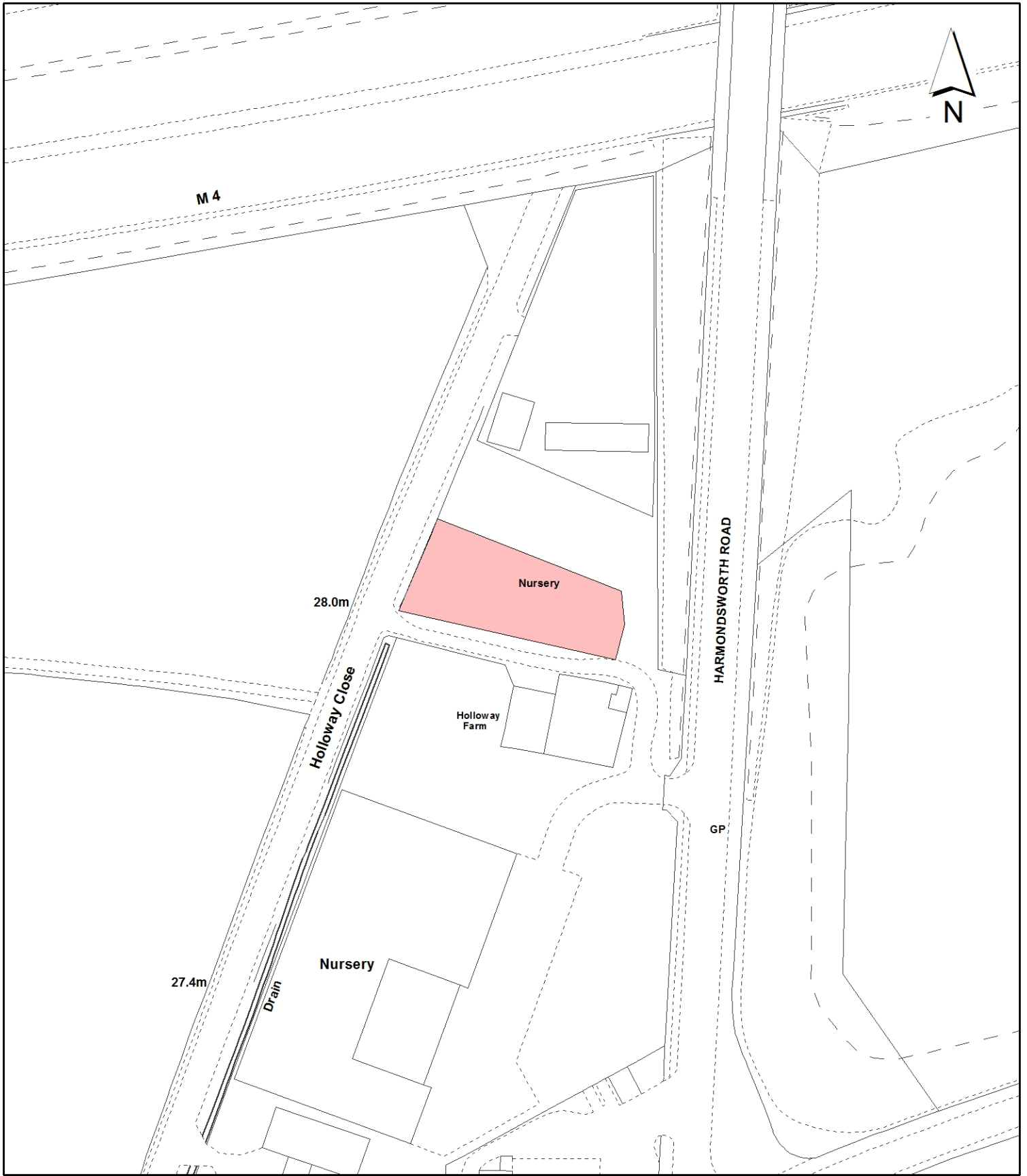
The proposal does not conform to the types of development allowed by national, London Plan and Local Plan policies and as such the proposal constitutes inappropriate development in the Green Belt, requiring very special circumstances to justify the proposal. The development causes harm to the openness and purposes of the Green Belt and no very special circumstances have been provided by the applicant or are evident, which overcome the presumption against inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2016) and the NPPF.

## 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 (2016)  
NPPF

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).  
 Unless the Act provides a relevant exception to copyright.  
 © Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address:  
**Cherry Yard (South),  
 Holloway Farm,  
 Harmondsworth Road**

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

Planning Application Ref:  
**2688/APP/2016/4029**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**April 2017**

