

## Report of the Head of Planning, Transportation and Regeneration

**Address** 611 SIPSON ROAD WEST DRAYTON

**Development:** Use of site as a hand car wash business to include a storage cabin (Retrospective)

**LBH Ref Nos:** 43922/APP/2017/661

**Drawing Nos:** 0346-01/01  
0346-01/02  
0346-01/03  
Supporting Statement

**Date Plans Received:** 22/02/2017

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

**Date Application Valid:** 28/02/2017

### 1. SUMMARY

The application seeks retrospective planning permission for a change of use of the premises to a car wash.

The principle of development in respect of the siting of the car-wash facility within a Green Belt location is considered acceptable, The car washing facility within the main expansive car park of the chauffeur business is such that it is considered to constitute an acceptable use of land within the Green Belt. Furthermore, the scale, height, design, form, coverage and siting of the car-wash facility and associated structures, are such that it would not result in unacceptable harm to the openness and visual amenity of the Green Belt.

The Council's Environmental Protection Unit (EPU) Officer has not expressed any objection to the proposed hours of operation for the car-wash facility, and the nature of operation (incorporating the use of low pressure water sprays and washing/drying with hands and basins). Subject to conditions to restrict hours of operation and noise insulation, the proposal is considered to have an acceptable impact on the occupants of nearby residents.

Accordingly, the application is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number 0346-01/02 and 0346-01/03 and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

#### 2 COM22 Operating Hours

The premises shall not be used except between:

0700 - 1800 Mondays - Saturdays

1000 - 1700 Sundays, Public or Bank Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**3 COM21 Sound insulation /mitigation**

Within three months of the date of this permission, a scheme for the control of noise transmission to the nearby dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures to insulate the plant & machinery as may be approved by the LPA. The scheme shall be implemented within a further three months and thereafter maintained in full compliance with the approved measures for the duration of the development.

**REASON:**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 OM11 Floodlighting**

Any floodlighting or other form of external lighting shall be switched off outside the hours of operation as stipulated in condition 2.

**REASON**

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**5 NONSC Non Standard Condition**

Within three months of the date of this permission, a scheme to dispose of foul and surface water associated with the development hereby approved shall be been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

**REASON**

To protect surface and ground waters and to ensure the development complies with Policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**INFORMATIVES**

**1 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.

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

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

## **3**            I53                      **Compulsory Informative (2)**

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

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
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.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LE1	Proposals for industry, warehousing and business development
LE5	Small scale business activities within the developed area
LPP 7.16	(2016) Green Belt
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land

## **4**            I70                      **LBH worked applicant in a positive & proactive (Granting)**

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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **3. CONSIDERATIONS**

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

The application site comprises an area of hard surfacing within a wider site located on the Eastern side of Sipson Road, to the North of Doghurst Drive. To the South of the site are

residential properties.

The application site upon which the hand car wash sits within is currently used to operate three private hire chauffeur company's which employ over 300 drivers. A Hand Car Wash facility has been operating on the site since 2009. The current company APL Car Wash and valeting have been operating on the site since July 2016.

The site is located within the Green Belt in accordance with the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **3.2 Proposed Scheme**

The proposal is for the change of use of the site to a hand car wash and valeting use to include a storage cabin.

### **3.3 Relevant Planning History**

43922/89/2131                      Rear Of 611 Sipson Road Off    Doghurst Drive Sipson  
Erection of a low power radio transmitter mast and adjoining cabin for associated equipment

**Decision:** 04-01-1990    Withdrawn

45408/APP/2014/1678              Land At Sipson Farm Sipson Road Sipson  
Application to vary condition 2 of planning permission reference 45408/APP/2009/340 dated 21 May 2009 in order to extend the deadline for completion of permitted operations from 20 May 2014 to 5 August 2017.

**Decision:** 31-07-2014    Approved

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

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

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

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

Part 1 Policies:

PT1.BE1              (2012) Built Environment

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

Part 2 Policies:

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

OL4                      Green Belt - replacement or extension of buildings

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.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LE1	Proposals for industry, warehousing and business development
LE5	Small scale business activities within the developed area
LPP 7.16	(2016) Green Belt
NPPF- 13	NPPF-13 2018 - 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**

The Harlington Village Residents Association and Harmondsworth and Sipson Residents Association along with 4 neighbouring properties were consulted by letter dated 6.3.17. and a site notice was displayed to the front of the site which expired on 5.4.17.

By the close of the consultation period, 1 letter has been received from an occupant of a nearby property raising concerns about the change in character of the application site. The concerns include the noise from the pressure washers operating from early in the morning until late at night.

### **Internal Consultees**

EPU OFFICER

Sound insulation scheme Control of plant/machinery noise Scheme for noise control All plant and/ or machinery or any activity planned for the site must not give rise to noise nuisance. The scheme shall include such combination of Noise, Dust and Light pollution prevention measures as may be approved by the LPA. Loud car stereos and/or employee stereos and incessant and/or prolonged engine revving must not occur. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

LIGHT Any light installed shall operate in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination, so as not to cause nuisance to nearby businesses/offices/dwellings. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details

## HIGHWAYS

This is a retrospective application for a car wash business on a site at the corner of Sipson Road (classified road) and Doghurst Drive (local road). The site has a wide entrance off Sipson Road and good visibility in both directions for exiting traffic. There is no access to the site from Doghurst Drive. There are existing waiting restrictions in place on both Sipson Road and Doghurst Drive. The site has already been operating a car wash from the site for some time. The site is used for the storage and parking of hire cars. The washing area is located well within the site so there is space for queues to form. There is also sufficient space for any water to be contained within the site. On the basis of the above comments I have no significant highway concerns over this application

## FLOODWATER MANAGEMENT

There is no information on the current drainage network serving the site and how foul and surface water are separated and managed appropriately with surface water being controlled on site. The applicant also states there is no trade effluent being discharged from this site, which is not correct, and the appropriate permissions need to be sought and provided to demonstrate that this is acceptable. Therefore a drainage condition is recommended.

### **7. MAIN PLANNING ISSUES**

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

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

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

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

The London Plan Policy 7.16 (2016) reaffirms that the strongest protection should be given to London's Green Belt, in accordance with national guidance, and emphasises that inappropriate development should be refused, except in very special circumstances.

Paragraph 133 of the NPPF (2018) states that the Government attaches great importance to Green Belts. 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.

Paragraph 134 of the NPPF states:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

The proposal is by definition considered to represent inappropriate development within the Green Belt. It is considered that the washing of vehicles in the existing car park area would however have no greater visual impact than if it was used as parking for the authorised chauffeur business at the site, which is the authorised use of the site. As such, the existing authorised use of the wider site is considered to represent very special circumstances to justify the use of the application site as car-wash facility, given the impact upon the openness of the Green Belt would be similar.

#### **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 site is not located in a designated area.

#### **7.04 Airport safeguarding**

No airport safeguarding issues arise from the proposed development.

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

The application site is located within the Green Belt and is discussed in section 7.0 above.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development in residential areas complements or improves the amenity and character, therefore the scale and character of a new development is a material consideration.

The proposed use is discussed in the sections above. The modest cabin constructed adjacent to the Southern boundary of the site is considered to relate satisfactorily to the character of the site and surroundings. It is a modest building which is clearly subordinate in scale to the main building on the site. The building is not considered to detract from the openness of the Green Belt or the character of the street scene.

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

The National Planning Framework makes a presumption in favour of sustainable development. However it acknowledges that pursuing sustainable development involves 'seeking positive improvements in the quality of the built environment and peoples's quality of life'.

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two -

Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The car wash facility operates adjacent to the Southern boundary of the site, alongside Doghurst Drive which is defined by a 1.8 m high brick wall. Residential properties are located to the South of Doghurst Drive at a distance of approximately 12 m. The applicant has confirmed that in the first stages cars are hand washed with buckets of water and detergent using a sponge. In the second stage a low pressure water spray is used to clean off the residues from the hand car wash. In the third stage cars are hand dried and polished using cloths. 7 employees work at this business which operates between the hours of 7am and 18.00, 7 days a week.

It is recommended that a condition be imposed to secure a sound insulation scheme to secure control of plant/machinery noise. In combination with a condition to restrict the hours of operation it is concluded that the proposal would not result in the generation of any unacceptable noise and disturbance to any adjacent properties. The EPU Officer has not expressed any objection subject to the imposition of a condition in respect of the hours of operation and the proposal is thus considered to comply with the objectives of Policies BE20, BE21, BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application also seeks permission for a modest timber cabin sited adjacent to the Southern boundary which is defined by a 1.8 m high brick wall. Whilst the cabin is visible above the wall, in view of its scale and separation, is not considered to confer any loss of amenity to occupants of neighbouring properties by way of light, outlook or privacy.

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

Not applicable to this type of planning application.

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

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

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

The Highways Officer has advised that the site has a wide entrance off Sipson Road and good visibility in both directions for exiting traffic. There are existing waiting restrictions in place on both Sipson Road and Doghurst Drive. The site has already been operating a car wash from the site for some time. The site is used for the storage and parking of hire cars. The washing area is located well within the site so there is space for queues to form. There is also sufficient space for any water to be contained within the site. On the basis of the above comments no significant highway concerns are raised and as such, the proposal is considered acceptable in accordance with Policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

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

The development is located within an enclosed, well screened and secure site within the Green Belt, which would not be visible from the public domain and which provides natural surveillance.

The overall design approach is considered acceptable in the context of the semi-



- permanent nature of the development.
- 7.12 Disabled access**
- Not applicable to this type of application.
- 7.13 Provision of affordable & special needs housing**
- Not applicable to this type of application.
- 7.14 Trees, Landscaping and Ecology**
- The proposed car-wash and valeting facility is sited within the main hardsurfaced car park on the site. Therefore, the development does not impact on any of the existing soft-landscaped areas of the site and wider area.
- 7.15 Sustainable waste management**
- Not applicable to this type of application.
- 7.16 Renewable energy / Sustainability**
- Not applicable to this type of application.
- 7.17 Flooding or Drainage Issues**
- The NPPF at paragraph 103 advises that planning applications should ensure flood risk is not increased elsewhere. Policy 5.12 of the London Plan (March 2016) seeks to manage flood risk associated with development and Policy OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding due to surface waters.
- The Council's Flood Water Management Officer has reviewed the scheme and raises no objection subject to a drainage condition.
- 7.18 Noise or Air Quality Issues**
- The issues are addressed in the sections above.
- 7.19 Comments on Public Consultations**
- The representation received from an adjacent neighbouring resident has been addressed within the main body of this application report.
- 7.20 Planning Obligations**
- Not applicable to this type of application.
- 7.21 Expediency of enforcement action**
- Not applicable to this application.
- 7.22 Other Issues**
- None.

## **8. Observations of the Borough Solicitor**

### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in 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 application seeks retrospective planning permission for a change of use of the premises to a car wash.

The principle of development in respect of the siting of the car-wash facility within a Green Belt location is considered acceptable. The car washing facility within the main expansive car park of the chauffeur business is such that in this case it is considered to constitute an

acceptable use of land. Furthermore, the scale, height, design, form, coverage and siting of the car-wash facility and associated structures, are such that it would not result in unacceptable harm on the openness and visual amenity of the Green Belt.

The Council's Environmental Protection Unit (EPU) Officer has not expressed any objection to the proposed hours of operation for the car-wash facility, and the nature of operation (incorporating the use of low pressure water sprays and washing/drying with hands and basins). Subject to conditions to restrict hours of operation and noise insulation, the proposal is considered to have an acceptable impact on the occupants of nearby residents.

Accordingly, the application is recommended for approval.

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

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan 2016  
Supplementary Planning Document Accessible Hillingdon  
National Planning Policy Framework

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