

Report of the Head of Planning, Transportation and Regeneration

Address LAND OPPOSITE 176-184 FORE STREET EASTCOTE

Development: Change of use from unrestricted Class B8 open storage to a restricted use for positioning of up to 68 containers for self-storage use.

LBH Ref Nos: 70717/APP/2019/1188

Drawing Nos: 1901_01C
Site Plan
3202101

Date Plans Received: 06/04/2019 **Date(s) of Amendment(s):**

Date Application Valid: 23/04/2019

1. SUMMARY

The application seeks planning permission for the change of use from unrestricted Class B8 storage to a restricted use for positioning of up to 68 containers for self-storage use. The proposal represents inappropriate development within the Green Belt and it is considered that the proposal fails to demonstrate very special circumstances to overcome the harm by reason of inappropriateness and substantial harm to the openness of the green belt.

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 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), Policies OL1 and OL4 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019), Policy 7.16 of the London Plan (2016) and the National Planning Policy Framework (February 2019).

2 NON2 Non Standard reason for refusal

The positioning and scale of the proposed containers is close proximity to the boundaries of the site would be clearly visible within the street scene and the wider open countryside to the detriment of the visual amenity of the wider area. The proposal is therefore contrary to the aims of Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NON2 Non Standard reason for refusal

The proposal has failed to demonstrate that the use of the land for the positioning of up to 68 containers on the land would not result in an unacceptable rise in intensity and frequency of traffic movements in and around the application site. It is therefore considered that the proposal would be detrimental to highway and pedestrian safety contrary to

Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) and Policy 6.12 of the London Plan (March 2016).

INFORMATIVES

1 159 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 the policies from the Councils Local Plan: Part 2 - Development Management Policies With Modifications (March 2019), then London Plan Policies (March 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.

2 171 LBH worked applicant in a positive & proactive (Refusing)

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.

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 site comprises an area of approximately 1900 sq.m and is situated on the South West side of Fore Street, opposite no. 176 - 184 and to the North of Haste Hill Nursery. The site was granted approval under a certificate of lawful use (70717/APP/2015/921) as a storage facility (Class B8). The site has access onto Fore Street secured with tall metal gates and security fencing with the fence set behind planting. The rear of the site is bordered by a tall hedge with mature oak trees set within. There were two storage compounds either side of the entrance enclosed with very high fences. Internally within the site fencing has been erected to create a further compound, which is storing pallets.

The site is set within the edge of the Green Belt with the Developed Area following the edge of the road to the front.

3.2 Proposed Scheme

The proposal is for the change of use from unrestricted Class B8 open storage to a restricted use for positioning of up to 68 containers for self-storage use.

3.3 Relevant Planning History

70717/APP/2015/921 Land Opposite 176-184 Fore Street Eastcote
Use of land for storage purposes within Class B8 (Application for a Certificate of Lawful Development for an Existing Development)

Decision: 01-05-2015 Approved

70717/APP/2018/1386 Land Opposite 176-184 Fore Street Eastcote
Provision of hard standing and associated use of land for storage (Application for a Certificate of Lawful Development for an Existing Development)

Decision: 22-06-2018 Approved

Comment on Relevant Planning History

70717/APP/2018/1386 - Provision of hard standing and associated use of land for storage (Application for a Certificate of Lawful Development for an Existing Development) (approved)

70717/APP/2015/921 - Use of land for storage purposes within Class B8 (Application for a Certificate of Lawful Development for an Existing Development)(approved)

The previous submissions established the lawful use of the site as a B8 storage use with the provision of hard standing.

4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The

public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

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:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

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

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

OL4 Green Belt - replacement or extension of buildings

DMEI 4 Development on the Green Belt or Metropolitan Open Land

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

- LPP 7.16 (2016) Green Belt
LPP 6.12 (2016) Road Network Capacity
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

9 neighbours and the Northwood Hills Residents Association were consulted for a period of 21 days expiring on the 17 May 2019. A site notice was also erected on the lamp post opposite. 14 responses were received raising the following issues:

- Increase traffic and noise pollution in a residential area
- Impact on highway safety due to the narrowness of the road, which already serves 3 schools
- Impact on the quality of life of local residents
- There are currently 2 companies's using the site and there have been nothing but problems. The window company frequently has bonfires and the pallet company collect at all times night and day
- Inconsiderate parking and anti-social behaviour
- Allowing a potential 60 new business to enter the site will greatly add to the disruption
- Increased traffic movements would exacerbate mud/debris spread over the road to the detriment of highway safety
- Opening hours too long and Sunday opening completely unacceptable
- The yard operators have shown they cannot control the tenants activities already
- The proposal will require hard standing for the shipping containers. It is understood the land has already been covered in concrete. If this is so then Enforcement actions should be taken to have this removed as it cuts down natural land drainage and contributes to surface water flooding
- There is no information on parking provision
- How are the hours of operation to be restricted with no staff
- It is also stated occasional visits from a commercial company to remove rubbish, however there is no bin store provided
- The site as proposed can be equated with lock up garages which are a lure for drugs addicts and pushers
- Detrimental to the Green Belt
- The applicant has not given any special circumstances for development
- What kind of material will be stored in the containers. How will this be overseen and regulated
- Will the site be illuminated during hours of darkness
- How many commercial units will use the site
- How many visits are expected daily
- If the gates are kept locked vehicles will be parking in the road prior to access causing a highway safety issue
- Would traffic calming measures be needed due to the increased traffic movements
- Impact on trees and wildlife
- Access for emergency vehicles will be restricted
- Impact on the neighbouring SSSI

A petition against the proposal has also been received.

A Ward Councillor has stated that:

As I am sure you will understand, local residents are very concerned about this proposal which I hope the Council will reject. However, if officers are minded to recommend approval I would be grateful if it could be referred to the North Planning Committee, on the grounds of the likely harm caused to the green belt if the proposals are allowed to go through. This site backs onto part of Ruislip Woods a SSSI and as such this use must be completely unacceptable.

Eastcote Conservation Panel has commented as follows:

This land is situated within an area of Green Belt and classed as agricultural land. It also forms a boundary with Park Wood which is a SSSI, National Nature Reserve, Nature Conservation Site of Metropolitan or Borough importance. It is also within an Archaeological Priority Area.

Fore Street is one of the oldest streets in Eastcote, consequently is very narrow and unsuitable for any increase in traffic heavy or otherwise. This proposal is not acceptable for this area.

The proposal will require hard standing for the shipping containers and for vehicular movements. It is understood that the land has already been covered with concrete. If this is so then Enforcement action should be taken to have this removed immediately as it cuts down natural land drainage and contributes to surface water flooding in the area.

It would appear that the pre-application advice was a meeting with the ASB Unit & the Enforcement Team. Therefore, some type of changes have already been made to this land without planning permission.

It is stated on the application form that there are trees and shrubs on the site, therefore, there should be a full tree survey submitted with the application. This has not been submitted.

The application form does not give any information regarding parking, the submitted document Site Layout shows the whole area completely covered with containers. One parked vehicle for a container would completely block the site for other users.

No staff are to be employed, therefore, it is a puzzle how the hours of access are going to be restricted to those stated on the application form.

It is also stated that occasional visits from a commercial company to remove rubbish will take place. However, there does not appear to be any form of bin store provided for users of the site.

A site as proposed can be equipped with lock up garages, which are a lure for drug addicts and pushers. There is no control over the items stored.

This proposal will be detrimental to the Green Belt and to Park Wood.

The visible containers will be unsightly and detract from the green belt.

Should this application be approved the next step will be to declare the land brown field and applications for housing forthcoming.

The applicant has not given any special circumstances for this development to take place on green belt land.

The applicant has not submitted a tree survey, this should be sought before any determination is made.

We ask that the application be refused.

Internal Consultees

Highways

The proposal is for the provision of 68 shipping containers for domestic 'self-storage' purposes only with a restriction of operational hours proposed i.e. Monday to Friday - 8am to 8pm, Saturday - 9am to 5pm & Sunday 9am to 1pm. It is highlighted by the applicant that as compared to the existing scenario, overall impacts would be 'limited' as no operational time restrictions apply at present.

The main focus of the appraisal is on the change of use to a more regularised but expanded 'self-storage' operation equating to 68 shipping containers. It is accepted that B8 storage uses can, in the main, be relatively dormant in outlying areas due to the possibility of a reasonable spread of activity throughout opening hours which inherently dilutes peak activity at any particular single period. However the proposal would potentially be an intensified use of the site envelope in comparison to current and previous activities given the scale of container provision and proportionate impacts. It is therefore highlighted that the applicant, other than stating "the storage would be mainly for domestic self storage, for which visitation by most users is inevitably infrequent in any event", has not submitted sufficient information with particular reference to the detail of expected frequencies and intensity of the proposal in order to allow the Highway Authority to make an informed decision on the proposal. Without such detail and sound scheme justification, there is a presumption of the development being over-intensive for the scale of site envelope which could lead to detrimental impacts on the locality resulting from associated vehicular activities. This view is supported by the submitted vehicle 'swept path' analysis which indicates that an 8m rigid truck requires multiple and excessive manoeuvres in order to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds. A remedy for this scenario would be for a substantive reduction in container numbers which would aid matters.

On the assumption that the aforementioned requirement for a full and detailed transport appraisal on the level of expected frequency of operation and likely impacts is not forthcoming, the application cannot be determined on transport/highway grounds and is therefore considered contrary to policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016).

A highways refusal on this basis is therefore recommended.

Environmental Protection - No response

Contaminated Land - No comments

Trees/Landscaping

This site is occupied by an area of open land to the west of Fore Street, which is currently being used to store high stacks of timber pallets. The east boundary is defined by a dense hedgerow but there is a wide gap at the entrance which is secured by recently installed galvanised palisade fencing. The site lies within the Green Belt, a designation which restricts urban sprawl and seeks to maintain openness of the countryside.

No trees or other landscape features will be affected by the proposal. The containers will all be accommodated on the southern section of the overall site, opposite the gated entrance. The storage

of containers will amount to industrial clutter in the landscape and will restrict the openness and visual permeability of the site - which is contrary to Green Belt policy. The proposal is detrimental to the character and appearance of the area and conflicts with Green Belt policy. If there is over-riding justification for this use, the visual impact should be controlled by a) restricting the height of the stored containers and b) conditioning the colour of the containers. A colour such as 'invisible green' should be specified which is visually recessive and will not clash with the natural landscape - BS /RAL reference to be specified.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The National Planning Policy Framework states that the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These can include limited infilling or partial redevelopment of previously developed sites. In consideration of applications substantial weight should be given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt clearly outweighs other circumstances.

Policy OL1 of adopted Hillingdon Local Plan (November 2012) also advises that within the Green Belt the Local Planning Authority will not grant planning permissions for new buildings or changes of use other than for purposes essential for and associated with predominantly open land use such as agriculture and open air recreation facilities.

Policy OL4 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) advises that replacement 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 or having regard to the character of the surrounding area would not injure the visual amenities of the green belt by reason of siting, materials, design, traffic or activities generated.

Policy DME1 4 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) advises that inappropriate development in the Green Belt will not be permitted unless there are very exceptional circumstances. Policy DME1 4 continues by advising that redevelopment on sites in the Green Belt will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt.

The lawful use of the land as a B8 storage was established in a previous certificate of lawfulness. It is noted that there were previously two buildings on the site, however these occupied no more than a quarter of the site. The further inclusion of a large number of shipping containers covering virtually the whole site would cause substantial harm to the openness of the green belt, in contravention to the requirements of the National Planning Policy Framework, Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DME1 4 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019).

7.02 Density of the proposed development

Not relevant to this proposal

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

Not relevant to this proposal

7.04 Airport safeguarding

Not relevant to this proposal

7.05 Impact on the green belt

The site has established use for B8 storage and it is noted that two buildings were previously situated on the northern boundary of the site, as were seen on aerial photographs from 2003. These were fairly modest in scale and occupied less than a quarter of the site. It is also noted that under the existing use there is no restriction on the scale or type of storage the site can be used for.

The proposal as detailed in this planning application is for the siting of 68 storage containers on site. Limited details have been provided of the units, however the dimensions at approximately 6.1m long and 2.5m wide would correspond to a standard 20ft shipping container with a height of 2.6m. The proposals involve significantly more coverage of the site with structures than existed in 2003. The certificate of lawfulness for B8 use of the land does not enable structures to be erected without planning permission.

The requirements of paragraph 145 g) of the NPPF only allow complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt. In consideration of applications substantial weight should be given to any harm to the Green Belt. The authorised use of the land is currently open storage and the inclusion of 68 shipping containers and associated works to provide a total of 1,037sqm of container based floorspace would significantly increase the built up appearance of the site to the detriment of the openness and visual amenity of the Green Belt contrary to paras. 144 and 145 of the NPPF, Policy OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019).

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) seek to ensure that new development complements and improves the character and amenity of the area.

The proposed container units would be situated predominantly along the boundary of the site and at a height of 2.6m would be clearly visible above any fencing surrounding the plot. The positioning of the containers is close proximity to the boundary and each other would present as a solid block of over 59m long along the southern boundary and over 58m along the northern boundary. A further block of 9.7m would extend along the western boundary, with 2 further block of over 18m and 10.7m on the eastern boundary fronting Fore Street. The scale of the development is such that it would be clearly visible within the street scene and the wider open countryside and would present as a commercial premises to the detriment of the visual amenity of the wider area. Therefore the proposal fails to comply with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

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) states that new development or uses which have the potential to cause noise annoyance will only be permitted if measures can be undertaken to alleviate the potential disturbance where a development is acceptable in principle.

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to safeguard neighbouring residential amenity from inappropriate development. The site is situated on the opposite side of the road from the residential properties fronting Fore Street. There is potential for noise emitted from the site to affect other premises in the area and that no activities within the structures or external to the structures should be operated unless the noise and pollution levels aren't at levels that would amount to statutory nuisance. No details have been provided as to the potential impact however conditions for the regulation of noise; the submission of a vibration protection scheme; the management of dust and a Construction Environmental Management Plan could be imposed if all other aspects of the proposal were acceptable.

7.09 Living conditions for future occupiers

Not relevant to this proposal

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan 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 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The Council's Highway Officer has advised that the main focus of the appraisal is on the change of use to a more regularised but expanded 'self-storage' operation equating to 68 shipping containers. It is accepted that B8 storage uses can, in the main, be relatively dormant in outlying areas due to the possibility of a reasonable spread of activity throughout opening hours which inherently dilutes peak activity at any particular single period.

However the proposal would potentially be an intensified use of the site envelope in comparison to current and previous activities given the scale of container provision and proportionate impacts. It is therefore highlighted that the applicant, other than stating "the storage would be mainly for domestic self storage, for which visitation by most users is inevitably infrequent in any event", has not submitted sufficient information with particular reference to the detail of expected frequencies and intensity of the proposal in order to allow the Highway Authority to make an informed decision on the proposal. Without such detail and sound scheme justification, there is a presumption of the development being over-intensive for the scale of site envelope which could lead to detrimental impacts on the locality resulting from associated vehicular activities. This view is supported by the submitted vehicle 'swept path' analysis which indicates that an 8m rigid truck requires multiple and excessive manoeuvres in order to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

It is therefore considered that the proposal would fail to comply with the requirements of Policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) to the detriment of highway safety.

7.11 Urban design, access and security

Not relevant to this proposal

7.12 Disabled access

Not relevant to this proposal

7.13 Provision of affordable & special needs housing

Not relevant to this proposal

7.14 Trees, Landscaping and Ecology

The Landscape Architect has advised that there are no trees or other landscape features that will be affected by the proposal. However the site lies within the Green Belt which restricts urban sprawl and seeks to maintain openness in the countryside. The storage containers will amount to industrial clutter in the landscape and will restrict the openness and visual permeability of the site contrary to Green Belt Policy.

7.15 Sustainable waste management

Not relevant to this proposal

7.16 Renewable energy / Sustainability

Not relevant to this proposal

7.17 Flooding or Drainage Issues

Not relevant to this proposal

7.18 Noise or Air Quality Issues

Not relevant to this proposal

7.19 Comments on Public Consultations

Issues relating to hours of operations and noise pollution are controlled under the Control of Pollution Act. This should be reported to the Council's Environmental Protection Unit. Incidents of abuse or intimidation should be reported to the police. All other issues are addressed within the relevant section of the report.

It was noted at the time of the Officer site visit that the site had not been concreted merely the apron leading to the road.

7.20 Planning Obligations

Not relevant to this proposal.

7.21 Expediency of enforcement action

The Council has launched a number of planning enforcement investigations over the past number of years. These investigations resulted in the approval of boundary fencing and the laying of hardstanding on certain parts of the site.

The containers proposed as part of this application have not yet been provided on the site and are not the subject of enforcement proceedings.

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

10. CONCLUSION

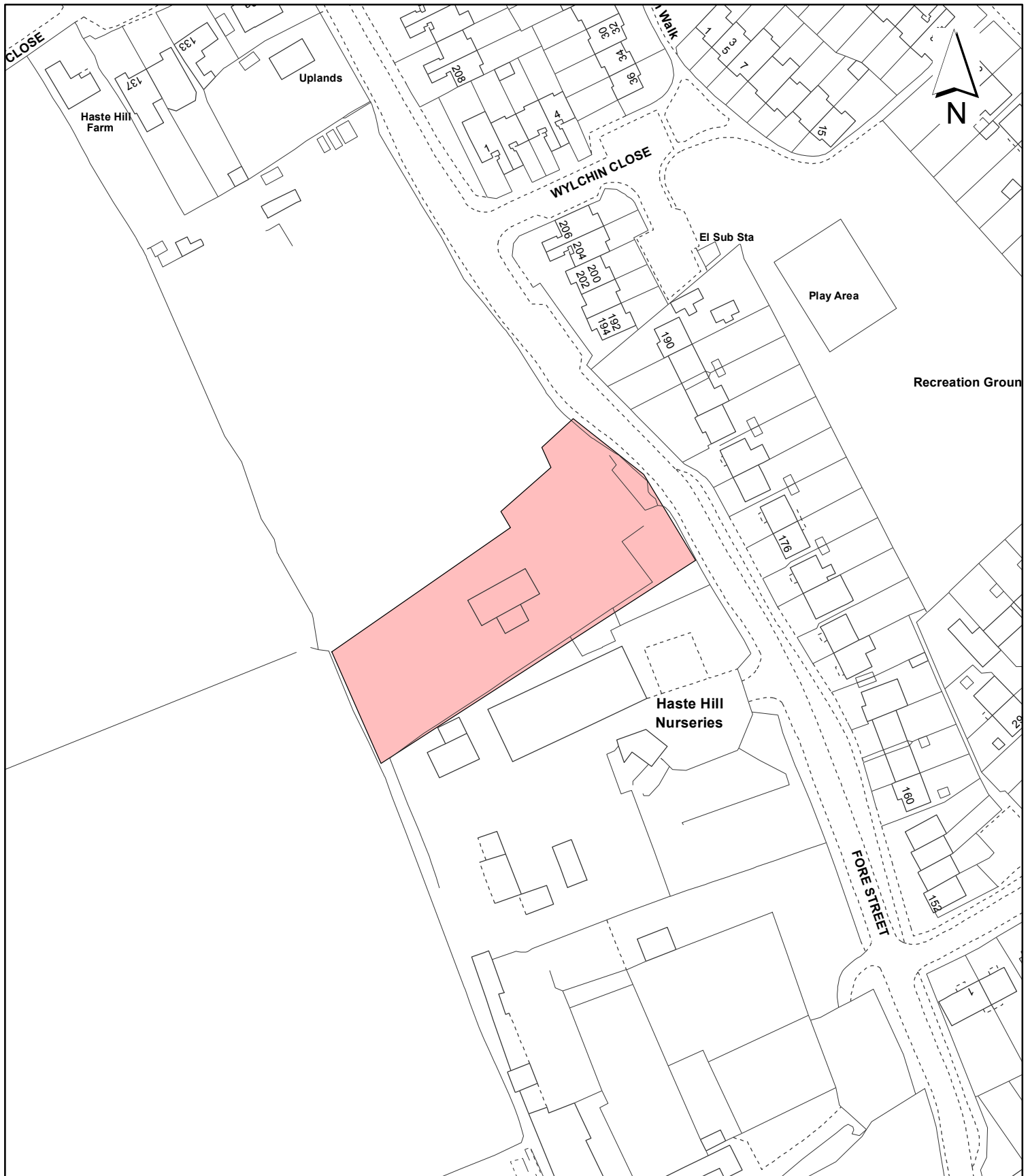
The proposal fails to demonstrate very special circumstances required to overcome the harm by reason of inappropriateness for development within the Green Belt. The provision of a total of 1,037sqm of container based storage would significantly increase the built up appearance of the site to the detriment of the visual amenity of the Green Belt contrary adopted policy.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (2016).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Land opposite 176- 184 Fore Street
 Eastcote**

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

Planning Application Ref:
70717/APP/2019/1188

Scale:
1:1,250

Planning Committee:
North

Date:
July 2019

