

Appendix PV1

Council's decision notice



Barry Kitcherside
65 Mansard Cottage
Stoneleigh Road
Limpsfield Chart
Oxted Surrey
RH8 0TP

Application Ref: 67666/APP/2013/1579

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Mixed use development comprising of 53 residential units (Use Class C3), 3 light industrial commercial units (maximum 450 sqm total) (Use Class B1), neighbourhood community centre (Use Class D1), and 2 retail units (150 sqm each) (Use Class A1), together with associated private and public open space, pedestrian and vehicular access and parking, including the demolition of existing garden centre (Application for outline planning permission with all matters reserved apart from access).

Location of development: Heathrow Garden Centre & Land Adj To Heathrow
Garden Centre Sipson Road Sipson

Date of application: 15 July 2013

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning & Enforcement

Date: 14 October 2013

- NOTES:
- (i) Please also see the informatives included in the Schedule of Reasons.
 - (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

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SCHEDULE OF REASONS

- 1 · The proposed 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 OL1 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2011) and the NPPF.
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- 2 · The applicant has failed to provide, through an appropriate legal agreement, an appropriate provision of on site affordable housing. The proposal is therefore contrary to Saved Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies Policies 3.10 -3.13 of the London Plan.
- 3 · The submitted ecological assessment has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area. The proposal is therefore contrary to Policy EC1 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the NPPF.
- 4 · The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of education, health, libraries, construction training, employment and training initiatives, project management and monitoring fee). Given that a legal agreement to address this issue has not at this stage been offered or secured, the proposal is considered to be contrary to Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).
- 5 · The application has failed to demonstrate that the development would not have a significant impact on an Air Quality Management Area (AQMA). The uncertainty of the impacts is heightened by the lack of information to support the suitability of the development proceeding in this location. Accordingly, the proposal is contrary to Policy 7.14 of the London Plan and the Council's Supplementary Planning Guidance on Air Quality and the provisions set out in the National Planning Policy Framework.
- 6 · In the absence of a Noise Assessment to establish that the residential use can be sited, designed or insulated from road and aircraft noise, the application has failed to demonstrate that the proposed development would not be subject to unacceptable levels of noise, detrimental to the residential amenities of future occupiers. This is contrary to Policy OE5 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

SCHEDULE OF REASONS

- 7 · The development as currently proposed would not ensure appropriate levels of vehicular and pedestrian safety and it has not been demonstrated that the unacceptable arrangements in relation to vehicle manoeuvring would not have adverse impacts on the operation of the highway network. The development is therefore contrary to Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

INFORMATIVES:

- 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 · 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 (July 2011) and national guidance.
- 3 · The Local Planning Authority has actively engaged with the applicant both at the pre application and application stage of the planning process, in order to achieve an acceptable outcome. However, the scheme results in a number of fundamental planning concerns, including inappropriate development in the Green Belt, failure to demonstrate unacceptable ecological impacts would not occur, failure to demonstrate compliance with noise and air quality policies, inadequate access arrangement, lack of an appropriate provision of on site affordable housing, and failure to provide planning obligations. Accordingly, the planning application has been refused.

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.CI2	(2012) Leisure and Recreation
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise

Part 2 Policies

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

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SCHEDULE OF PLANS

004_TK04 Rev B - received 11 Oct 2013
004_TK05 Rev B - received 11 Oct 2013
Drainage Strategy Rev A - received 09 Oct 2013
Green Belt Report - received 15 Jul 2013
Planning Statement - received 15 Jul 2013
Statement of Community Engagement - received 15 Jul 2013
Transport Assessment - received 15 Jul 2013
Community Consultation - received 15 Jul 2013
Flood Risk Assessment - received 15 Jul 2013
Heritage Statement - received 15 Jul 2013
Ecology Report - received 15 Jul 2013
Air Quality Assessment - received 15 Jul 2013
Addendum Note to Transport Assessment dated October 2013 - received 11 Oct 2013
APL_001 - received 22 Jul 2013
APL_002 - received 22 Jul 2013
APL_100 - received 22 Jul 2013
APL_101 - received 22 Jul 2013
APL_200 - received 22 Jul 2013
DESIGN AND ACCESS STATEMENT (JUNE 2013) - received 22 Jul 2013
BS5837 Survey - Map 1 - received 22 Jul 2013
BS5837 Survey - Map 2 (3) - received 22 Jul 2013
BS5837 Survey - Map 4 - received 22 Jul 2013
ENERGY STATEMENT - received 01 Oct 2013
TREE SURVEY - received 15 Jul 2013

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://.Planning-inspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.