



Mr Robin Buchanan
P R O Vision Planning & Design
Grosvenor Court, Winchester Road
Ampfield
Winchester SO51 9BD

Application Ref:
67666/APP/2015/2413

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 up to 53 residential units (Use Class C3/C2) and associated private and public open space, pedestrian and vehicular access and parking, including demolition of garden centre (Outline application).

Location of development: Sipson Village Garden Centre Sipson Road Sipson

Date of application: 01 July 2015

Plan Numbers: See attached Schedule of plans

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

Head of Planning and Enforcement

Date: 14 December 2015

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 (2015) and the NPPF.
- 2 · The proposed development, by reason of the siting, overall size, bulk and height of the proposed structures and buildings, the associated infrastructure and the increased intensity of use would prejudice the openness of the Green Belt, resulting in an unacceptable degree of urbanisation. The proposal is therefore contrary to Policy OL1 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) Policy 7.16 of the London Plan (2015) and the NPPF.
- 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), Policy EM7 of the Local Plan Part 1, Policy 7.18 of the London Plan (2015) and the NPPF.
- 4 · The application has failed to demonstrate that the proposed development would comply with the development plan in respect of energy/sustainable design, contrary to Policies 5.1, 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan (March 2015).
- 5 · 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 3.10 -3.13 of the London Plan (2015).
- 6 · 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 construction training, air quality monitoring and 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).

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

SCHEDULE OF REASONS

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.

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

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
A7	Developments likely to increase helicopter activity
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
EC2	Nature conservation considerations and ecological assessments
EC3	Potential effects of development on sites of nature conservation importance
EC5	Retention of ecological features and creation of new habitats
H4	Mix of housing units
H5	Dwellings suitable for large families
LE1	Proposals for industry, warehousing and business development
OE1	Protection of the character and amenities of surrounding properties

SCHEDULE OF REASONS

	and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OL1	Green Belt - acceptable open land uses and restrictions on new development
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.11	(2011) Affordable housing targets
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.7	(2011) Renewable energy
LPP 7.16	(2011) Green Belt
LPP 7.19	(2011) Biodiversity and access to nature
LPP 7.2	(2011) An inclusive environment
LPP 8.2	(2011) Planning obligations
NPPF	

3 . The Local Planning Authority has actively engaged with the applicant at the 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 energy/sustainable design policies, lack of an appropriate provision of on site affordable housing, and failure to provide planning obligations. Accordingly, the planning application has been refused.

4 . 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

SCHEDULE OF REASONS

Plan Policies (2015). 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.

- 5 . You are advised that had the Local Planning Authority not refused the application for the above reasons it would have required that further archaeological works be undertaken in accordance with advice received from the Greater London Archaeological Advisory Service prior to determining an application, and had the development been considered acceptable in other regards the Local Planning Authority would have imposed conditions to prevent development occurring until appropriate archaeological investigations had been undertaken.
- 6 . The Local Planning authority has taken into consideration the requirements of paragraph 186 and 187 of the National Planning Policy Framework and has worked pro-actively with the applicant through extensive negotiations to address material planning issues wherever possible. Notwithstanding these discussions, the scheme was ultimately considered to fail to comply with the development plan for the reason identified above.
- 7 . You are advised that had the Local Planning Authority not refused permission for the above reasons, and had the development been considered acceptable in other regards it would have required that the applicant enter into a legal agreement to secure an appropriate provision of on site affordable housing and planning obligations relating to construction training, air quality monitoring and project monitoring & management, as set out within the Officers Report.

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

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SCHEDULE OF PLANS

Highway Correspondence dated 20/10/2015 - received 20 Oct 2015
8113-SK-001/A swept paths - received 20 Oct 2015
8113-ATR-001/A - received 20 Nov 2015
1620 P01 - Site Location Plan 1_2500 A3 - received 26 Jun 2015
1620 P02 Option A Site Layout - Rev B 1_1250 A3 - received 26 Jun 2015
1620 P03 Option B Site Layout - Rev A 1_1250 A3 - received 26 Jun 2015
LPA covering letter - received 26 Jun 2015
Noise Impact Assessment - received 01 Jul 2015
Planning Statement - received 01 Jul 2015
Travel Plan - received 01 Jul 2015
Flood Risk Assessment - received 01 Jul 2015
Ecological Report (January 2012) - received 01 Jul 2015
Transport Statement - received 01 Jul 2015
Energy Sustainability Statement - received 01 Jul 2015
Heritage Statement - received 01 Jul 2015
Statement of Community Involvement - received 01 Jul 2015
Air Quality Assessment November 2015 - received 25 Nov 2015
Tree condition Survey - received 01 Jul 2015
Drainage Strategy Rev A - received 01 Jul 2015

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.