

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received
2. Application complies with all relevant planning policies and is acceptable on planning grounds
3. There is no Committee resolution for the enforcement action
4. There is no effect on listed buildings or their settings
5. The site is not in the Green Belt (but see 11 below)

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards
7. No petition of 20 or more signatures has been received
8. Application has not been supported independently by a person/s
9. The site is not in Green Belt (but see 11 below)

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha
11. Householder application in the Green Belt

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses
13. Refusal of change of use from retail class A1 to any other use
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development)
16. Certificate of Lawfulness (for existing use or Development)
17. Certificate of Appropriate Alternative Development

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings)
19. PRIOR APPROVAL APPLICATION
20. OUT-OF-BOROUGH OBSERVATIONS
21. CIRCULAR 18/84 APPLICATION
22. CORPSEWOOD COVENANT APPLICATION
23. APPROVAL OF DETAILS
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval
25. WORKS TO TREES
26. OTHER (please specify)

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Building Control, Sport & Green Spaces**

Address LAND (CANAL) ADJACENT TO THE OLD ORCHARD, GRAND UNION
CANAL PARK LANE HAREFIELD

Development: Change of use to three residential moorings.

LBH Ref Nos: **71797/APP/2016/1419**

Drawing Nos: PL16-SLP
Existing Plan
PL16-Block

Date Plans received : 17/05/2016

Date(s) of Amendment(s):

Date Application Valid: 17/05/2016

1. **SUMMARY**

Planning permission is sought for the change of use to residential moorings. This is a retrospective application.

Although the canal is not annotated as being within the Green Belt, the canal passes through the Green Belt. The application site does not include the means of mooring. However, the boats are permanently attached in various ways and there has been a proliferation of materials storage, formation of gardens, sheds and other structures on the bank, which is in the Green Belt. These appear alien to the immediate open landscape setting. The proposal is considered to be harmful to the openness and visual amenities of the Green Belt.

The moorings are located outside of an urban area. They are not in a sustainable location. The proposal is therefore contrary to Policies BE33 and OL1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012). It is therefore recommended that planning permission should be refused

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The use of the land adjoining the moorings for open storage and other uses ancillary to the moorings 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 use of the land is harmful to the visual amenities and openness of the Green Belt. As such, the proposal is therefore contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy 7.16 of the London Plan (2015) and the National Planning Policy Framework.

2 NON2 Non Standard reason for refusal

The application site, and the land being used in association with the development applied for is not within an urban area. and is considered to be incongruous and out of place. The applicant has advanced personal circumstances which are not considered of sufficient

weight to justify the development in this case. As such the proposal represents unsustainable development contrary to Policy BE33 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the National Planning Policy Framework.

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 (2015) and national guidance.

** Pt 1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area

Pt 1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards

Pt 1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing

Pt 1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations

Pt 1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

AM14 New development and car parking standards.

AM18 Developments adjoining the Grand Union Canal - securing facilities for canal borne freight

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

LPP 7.16 (2015) Green Belt

NPPF9 NPPF - Protecting Green Belt land

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

OL10 Colne Valley Park

BE14 Development of sites in isolation

BE16 New development on the northern frontage of the A4 (Bath Road)

BE17 Design and layout of new development at Heathrow Airport

BE32 Development proposals adjacent to or affecting the Grand Union Canal

BE33 Proposals for the establishment of residential moorings

LPP 7.30 (2015) London's canals and other rivers and waterspaces

NPPF National Planning Policy Framework

NPPF1 NPPF - Delivering sustainable development

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 (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.

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. Although no pre-application discussions took place there have been extensive post application discussions.

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3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the Grand Union Canal close to Black Jacks lock. The moorings are located on the offside (non-towpath) side of the canal adjacent to an open field. There is a public footpath through the field which leads to a stile /gate accessing Park Lane.

3.2 Proposed Scheme

Planning permission is sought for the change of use to three residential moorings. These are intended to be permanent moorings. The residential use of a vessel or floating structure is distinguished from leisure and recreational use which may include some element of overnight accommodation both whilst out cruising and at its mooring base. The boats currently on the site are conventional vessels originally designed and built for navigation. The agent confirms that the vessels are navigable and can leave the moorings for collection of water, disposal of waste and pump-out. It is not accepted that a use of the canal for mooring can be divorced from the means of mooring to the canal bank, nor that the facilities provided on the bank can be disregarded. The aerial photographs of the area show a marked change by 2015 to what is now present on the canal, and on the bank.

**3.3 Relevant Planning History
Comment on Planning History**

There is no relevant planning history.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 22nd June 2016

4.2 Site Notice Expiry Date:- Not applicable

6. UDP / LDF Designation and London Plan

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

Part 1 Policies:

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

PT1.BE1 (2012) Built Environment

PT1.CI2 (2012) Leisure and Recreation

Part 2 Policies:

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Pt 1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area

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LPP 7.30 (2015) London's canals and other rivers and waterspaces

NPPF National Planning Policy Framework

NPPF1 NPPF - Delivering sustainable development

NPPF7 NPPF - Requiring good design

In addition: None.

7. MAIN PLANNING ISSUES

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