

Report of the Head of Planning & Enforcement Services

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

Development: Vary conditions 2 and 11 of planning permission SBD/8207/96 in order to import no more than 20,000 tonnes of material for recycling and to allow vehicles to unload unused/reject asphalt between 6am to 10pm Monday to Friday and 7am to 6pm Saturday and Sunday at Aggregate Industries UK Limited, Thorney Mill Road, Iver, Slough. (Consultation by Buckinghamshire County Council)

LBH Ref Nos: 39707/APP/2011/1988

Drawing Nos: Supporting Statement

Date Plans Received: 15/08/2011 **Date(s) of Amendment(s):**

Date Application Valid: 15/08/2011

1. SUMMARY

The application is for the variation of conditions 2 and 11 of planning permission SBD/8207/96 in order to import no more than 20,000 tonnes of material for recycling and to allow vehicles to unload unused/reject asphalt between 6am to 10pm Monday to Friday and 7am to 6pm Saturday and Sunday. The proposed operation has occurred at the site for the last two years, with no complaints of nuisance relating to the operation received by Hillingdon Council's Environmental Protection Unit. The proposal will have a limited impact on the Green Belt as there will be no increase in the current amount of material for recycling or the number of lorry movements within the site.

2. RECOMMENDATION

No Objection

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a rail fed asphalt plant located on Thorney Mill Road. The application site is located on the boundary of Buckinghamshire County Council and London Borough of Hillingdon. The application site is located on land designated as Green Belt. The site is not located close to any residential properties in Hillingdon.

3.2 Proposed Scheme

The proposal is to vary conditions 2 and 11 of planning permission SBD/8207/96 in order to import no more than 20,000 tonnes of material for recycling and to allow vehicles to unload unused/reject asphalt between 6am to 10pm Monday to Friday and 7am to 6pm Saturday and Sunday. The proposal is to renew temporary planning permission SBD/09/00592/CM for a further two years.

3.3 Relevant Planning History

Comment on Relevant Planning History

The original planning permission SBD/8207/96, dated 29 July 1998, was granted permission at an appeal for a coated roadstone recycling operation at the site. The Planning Inspector stated that while the application site is located within the Green Belt, the proposed scheme would not result in significant harm to the Green Belt. In July 2009 Buckinghamshire County Council granted a two year temporary planning permission (SBD/09/00592/CM) for variation of conditions 2 and 11 of the planning permission SBD/8207/96 to allow up to 20,000 tonnes of material to be imported for recycling and to allow vehicles to unload unused/reject asphalt between 6am to 10pm Monday to Friday and 7am to 6pm Saturday and Sunday. The temporary permission (SBD/09/00592/CM) expired on July 2011. It should be noted that the London Borough of Hillingdon did not object to the 2009 temporary permission.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

OL5 Development proposals adjacent to the Green Belt

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

This is a consultation by Buckinghamshire County Council.

Internal Consultees

Environmental Protection Unit:

I confirm that EPU has not been in receipt of complaint of nuisance from the activity which I note was subject to an identical temporary permission over the past 2 years. As such EPU would not raise objection to the proposed extension of this permission for a further 2 years.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development was established under the original planning permission SBD/8207/96 and the temporary planning permission (SBD/09/00592/CM).

7.02 Density of the proposed development

Not applicable on this application.

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

Not applicable on this application.

7.04 Airport safeguarding

Not applicable on this application.

7.05 Impact on the green belt

Policy OL5 (Hillingdon's Unitary Development Plan Saved Policies September 2007) will only allow development adjacent to or conspicuous from the Green Belt if the development will not injure the visual amenities of the Green Belt. The proposed scheme, extension of temporary planning permission SBD/09/00592/CM, will have a limited impact on the visual amenities of the Green Belt and the proposed operation will not result in any increase in the level of material stored at the site.

7.07 Impact on the character & appearance of the area

Not applicable on this application.

7.08 Impact on neighbours

Not applicable on this application.

7.09 Living conditions for future occupiers

Not applicable on this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposal would not result in any change in the number of lorry movements as the proposal is for the continuation of the recently expired temporary planning permission SBD/09/00592/CM. There would be no traffic impact within the London Borough of Hillingdon as vehicles turn right when leaving the site and do not drive through Hillingdon.

7.11 Urban design, access and security

Not applicable on this application.

7.12 Disabled access

Not applicable on this application.

7.13 Provision of affordable & special needs housing

Not applicable on this application.

7.14 Trees, landscaping and Ecology

Not applicable on this application.

7.15 Sustainable waste management

Not applicable on this application.

7.16 Renewable energy / Sustainability

Not applicable on this application.

7.17 Flooding or Drainage Issues

Not applicable on this application.

7.18 Noise or Air Quality Issues

The site is an existing asphalt plant. The application seeks to extend the recently expired temporary permission to order to import no more than 20,000 tonnes of material for recycling and to allow vehicles to unload unused/reject asphalt between 6am to 10pm Monday to Friday and 7am to 6pm Saturday and Sunday. The Council's Environmental Protection Unit has not received any complaints of nuisance relating to this operation over the past two years. As such, it is not considered that the proposal would have any detrimental impacts on the amenity of residents within the London Borough of Hillingdon.

7.19 Comments on Public Consultations

7.20 Planning obligations

Not applicable on this application

7.21 Expediency of enforcement action

Not applicable on this application.

7.22 Other Issues

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

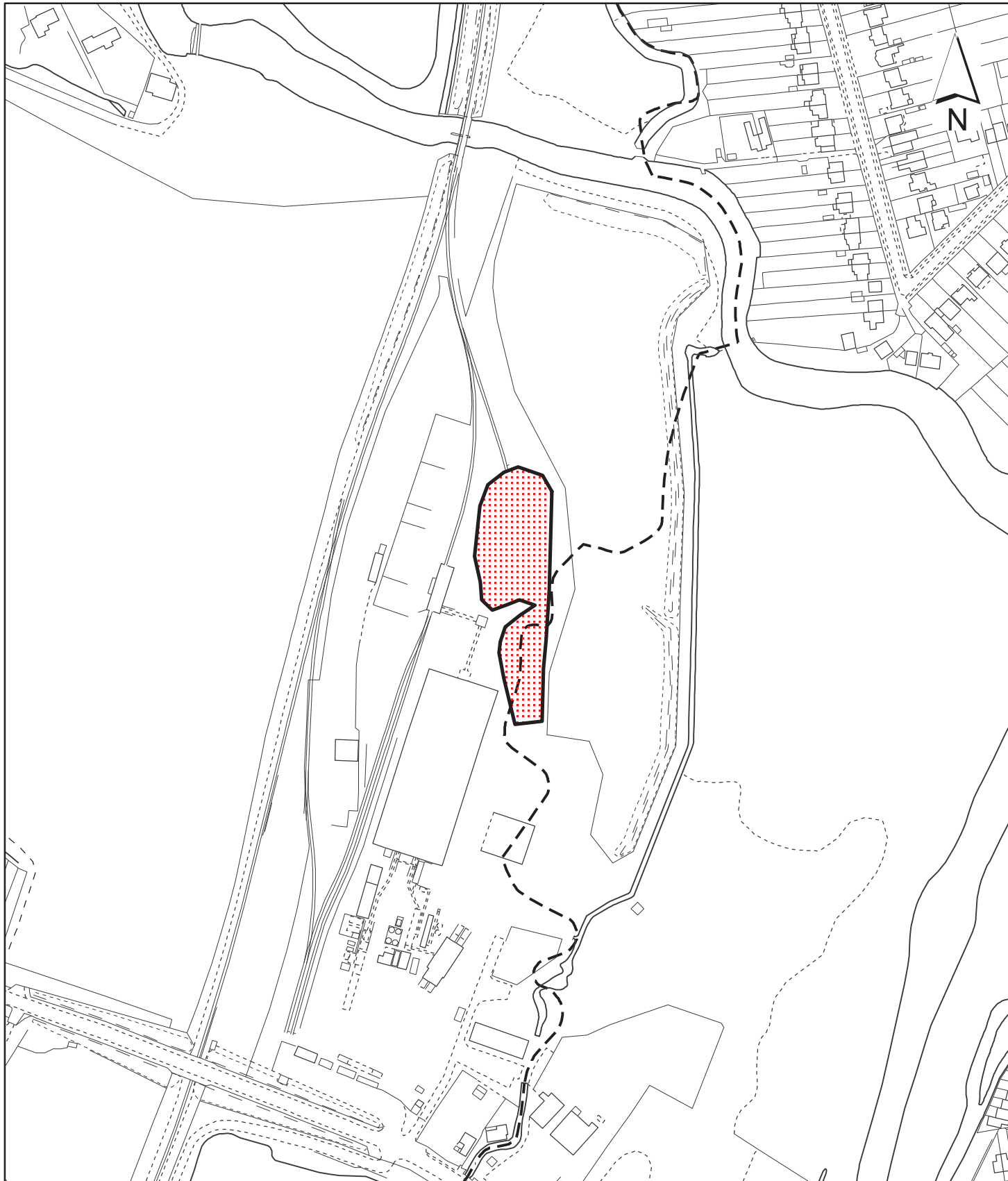
There are no objections to the variation of conditions 2 and 11 of planning permission SBD/8207/96 in order to import no more than 20,000 tonnes of material for recycling and to allow vehicles to unload unused/reject asphalt between 6am to 10pm Monday to Friday and 7am to 6pm Saturday and Sunday. The proposed operation has occurred at the site for the last two years and Hillingdon Council's Environmental Protection Unit has not received any complaints of nuisance relating to this operation during this time. The proposal will have a limited impact on the Green Belt as there will be no increase in the current amount of material for recycling or the number of lorry movements within the site above that which has been present in the last two years.

11. Reference Documents

Hillingdon's Unitary Development Plan Saved Policies September 2007.

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Notes



Site boundary

For identification purposes only.

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Site Address

**Aggregate Industries UK Limited
Thorney Mill Road
Iver, Slough**

Planning Application Ref:

39707/APP/2011/1988

Planning Committee

Central and South

Scale

1:3,000

Date

**August
2011**

**LONDON BOROUGH
OF HILLINGDON**
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