

## **Report of the Head of Planning & Enforcement Services**

**Address:** LAND AT CROWS NEST FARM BREAKSPEAR ROAD SOUTH HAREFIELD

**Development:** Detached storage building to be used for the processing and storage of bio fuel and compost

**LBH Ref Nos:** 1113/APP/2011/1020

**Drawing Nos:** 25420/WP Rev. A  
CNF 1  
Design and Access Statement  
Report on Development  
CNF 2

**Date Plans Received:** 28/04/2011

**Date(s) of Amendment(s):**

**Date Application Valid:** 12/05/2011

### **1. SUMMARY**

The application relates to the construction of a detached storage building within the curtilage of an existing waste facility in the Green Belt. It is stated that this building would be used for the processing and storage of bio fuel and compost. As the site is located in the Green Belt and waste facilities are not one of the essential uses of land and buildings which are specified as acceptable, this building and its intended use is considered inappropriate development within the Green Belt and no very special circumstances have been put forward by the applicant.

No details have been supplied to show that the site is suitable for the proposal in terms of its proximity to the source of waste; ability to use transport sources other than road haulage; the nature of the proposed use and its scale; and the full transport impact of all collection and transfer movements and therefore fails to satisfy the criteria of Policy 5.17 of the London Plan 2011.

### **2. RECOMMENDATION**

**REFUSAL for the following reasons:**

#### **1        NON2        Non Standard reason for refusal**

The proposal represents inappropriate development within the Green Belt and no very special circumstances to justify the development have been demonstrated which would outweigh the harm that would be caused to the Green Belt as a result of the development. The proposal is therefore contrary to policy OL1 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), Policy 7.16 of the London Plan (2011) and PPG2 Green Belts

#### **2        NON2        Non Standard reason for refusal**

No evidence has been provided to show the site is suitable for the proposal in terms of its proximity to the source of waste, ability to use transport sources other than road haulage, the nature of the proposed use and its scale and the full transport impact of all collection and transfer movements. The application therefore fails to adequately demonstrate that the site is suitable and sustainable site for waste management, contrary to policy 5.17 of

the London Plan (2011).

## 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

|          |   |
|----------|---|
| OL1      | Green Belt - acceptable open land uses and restrictions on new development  |
| OL2      | Green Belt - landscaping improvements   |
| OL4      | Green Belt - replacement or extension of buildings  |
| BE13     | New development must harmonise with the existing street scene.  |
| BE15     | Alterations and extensions to existing buildings  |
| BE19     | New development must improve or complement the character of the area.   |
| 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. |
| AM14     | New development and car parking standards.  |
| AM7      | Consideration of traffic generated by proposed developments.  |
| 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   |
| LPP 5.17 | (2011) Waste capacity   |
| LPP 7.16 | (2011) Green Belt   |

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site is located 200m west of Breakspear Road and consists of a large farm and organic waste recycling facility known as Crows Nest Farm. This is predominantly an area of open countryside with a small number of dwellings and farms scattered in the area. The land to the north, south and west of Crows Nest Farm comprises of open fields with hedgerows and hedgerow trees, with a public footpath to the south linking Breakspear Road south towards High View Farm to the north-west.

The farm and organic waste recycling facility is spread over a large area of land

approximately 0.29 hectares and consists of several large industrial style sheds and storage buildings associated with the use as a waste recycling facility. An access road connects the site to the main Breakspear Road along the eastern boundary with Crows Nest Farm House located approximately 200m north east and directly opposite the Breakspear Arms Public House. The buildings within the farm complex are generally similar in height and design with an eaves height of approximately 4m and finished height of 6m to the top of the roof. The existing buildings range between 300sqm and 800sqm per building. The materials consists of mixture of brick and metallic sheeting over the flank walls and roof finished in a green coated paint.

### **3.2 Proposed Scheme**

The proposal seeks to erect a new detached storage building for the processing and storage of bio fuel and compost. The location of the building will be adjacent to an existing storage building situated along the north western boundary approximately 200m west from the access into the site from Breakspear Road. The proposed building would measure 34m deep by 19m wide and has a pitch roof which would have an eaves height of 5m up to a maximum height of 7.6m to the ridge. The materials used would consist of both block and metallic sheeting. There would be block work up to the eaves on both eastern and western flanks with the northern rear elevation also using block with a metallic cladded sheeting covering this elevation. The front or southern flank would remain open. The roof would be pitched and finished in a similar grey steel sheeting as the rear elevation.

### **3.3 Relevant Planning History**

1113/AG/89/2490                    Crows Nest Farm Breakspear Road South Harefield

Change of use of agricultural buildings to light commercial storage including scaffolding and building equipment and retention of vehicle and caravan storage site

**Decision:** 12-10-1990    Approved

1113/APP/1999/2230                    Land Rear Of Crows Nest Farm Breakspear Road South Harefield

USE AS A COMPOSTING STATION (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY)

**Decision:** 10-02-2000    Refused

1113/APP/2002/1425                    Crows Nest Farm Breakspear Road South Harefield

USE OF LAND AT SITE AS A COMPOSTING CENTRE (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION)

**Decision:** 19-05-2004    Approved

1113/APP/2002/2590                    Crows Nest Farm Breakspear Road South Harefield

ERECTION OF A SINGLE STOREY LINKED EXTENSION (INVOLVING DEMOLITION OF EXISTING OUTBUILDINGS)

**Decision:** 10-09-2003    Approved

1113/APP/2008/2945                    Crows Nest Farm Breakspear Road South Harefield

Erection of a single storey side extension to form garage and extension to existing covered verandah.

**Decision:** 04-12-2008   Approved

1113/S/78/0112                    Crows Nest Farm Breakspear Road South Harefield  
Agricultural development - 2.0000 hectares (Full)(P)

**Decision:** 17-04-1978   Approved

#### **Comment on Relevant Planning History**

There are multiple applications on this site since the early seventies. In 1990 planning permission was granted (ref 1113/AG/89/2490) on the site for a change of use from agricultural buildings to light industrial. The use as a composting centre became lawful in 2004, when a Certificate of Lawful Use was issued (ref 1113/APP/2002/1425).

#### **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:

- OL1                    Green Belt - acceptable open land uses and restrictions on new development
- OL2                    Green Belt -landscaping improvements
- OL4                    Green Belt - replacement or extension of buildings
- BE13                    New development must harmonise with the existing street scene.
- BE15                    Alterations and extensions to existing buildings
- BE19                    New development must improve or complement the character of the area.
- 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.
- AM14                    New development and car parking standards.
- AM7                    Consideration of traffic generated by proposed developments.
- 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
- LPP 5.17                    (2011) Waste capacity
- LPP 7.16                    (2011) 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

Three surrounding neighbours and Harefield Tenants and Residents Association were consulted on the site.

Harefield Tenants and Residents Association: No objection subject to appropriate design. Our members note that the proposed detached storage building is a very large structure within the Green Belt with open views from the countryside on three sides. We recognise that the activity has planning consent and there may be special circumstances for the erection of this structure. We would therefore request that if approval is given that by condition, the building materials should blend in with the environment and also that a condition is added that should the business activity cease that the structure is removed to protect the Green Belt in the future.

Environmental Agency: No objection subject to the following conditions.

#### Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters

The development shall be carried out in accordance with the approval details.

#### Reason

The site lies within SPZ1, this designation refers to the Principal (Chalk) aquifer that is beneath the clay identified in the submitted document. We would not object to clean roof drainage discharging to ground via soakaway in this area but we would object to surface water from other areas on site discharging into the soakaway.

Please note that any soakaway would necessarily be deep due to the clayey ground and must be very carefully designed, constructed and maintained so that it does not form a pollution pathway for surface contamination or surface water drainage to migrate into the Principal aquifer. Additionally, any soakaway or infiltration device must not be located in land affected by contamination and its base must not discharge directly into groundwater. To allow for seasonal fluctuation in the chalk groundwater level, the base of the device must be as shallow as possible and there must remain at least 5 metres of unsaturated zone - i.e. since our maps indicate groundwater lies approximately 14 m below site ground level, the base of the soakaway must be no deeper than 9 metres below ground level.

#### Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

#### Reason

To protect the underlying Principal (chalk) aquifer from contamination by ensuring the piling method

and the piles themselves are unlikely to be a pathway for pollution to migrate downwards. We recommend that developers follow the risk management framework provided in our guidance for Piling into Contaminated Sites and also refer to the document: Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention

Thames Water: Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application. With regard to water supply, this comes within the area covered by the Veolia Water Company.

### **Internal Consultees**

Highways: The proposed building is to meet the increasing demand for green waste and to meet the Environment Agency's requirements to provide a covered storage area. No alterations are proposed to the existing access in Breakspear Road South. The proposals are not considered to generate significant additional traffic and parking demand (if any). No objection is therefore raised on the highways aspect of the proposals.

West London Waste Plan Project Manager: The site is not listed in the draft West London Waste Plan as a safeguarded site, an existing site for intensification or the co-location of waste facilities, or as a proposed site for future waste development. It has not previously been considered for inclusion in the draft Plan. While we note there is an existing waste facility on the site, as it is located within the Green Belt it is not considered an appropriate site for a more intensive waste treatment use.

Environmental Protection Unit: Should planning permission be granted I would recommend the conditions relating to suitable hours of use and the construction site informative be applied.

Landscape Officer: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other landscape features will be affected by the development and the proposed new building will have little impact on views into the site, or the landscape setting, provided that the roof and any cladding is an appropriate colour.
- The existing barns are coloured a pale grey green which sits comfortably within the landscape. The colour of any new structure should be similar and, if not, a recessive colour which can be comfortably assimilated into the landscape. The BS, or RAL paint colour should be specified now or conditioned. Due to the local landscape character and site context, no additional planting or landscape treatment is required in this case.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Crow's Nest Farm is located within the Greenbelt. PPG2 (Green Belts) states that the most important attribute of the Green Belt is its openness. Therefore, the construction of new buildings in the Green Belt is inappropriate unless it is for, agriculture and forestry, essential facilities for outdoor sport and recreation, for cemeteries and or other uses of land which preserve the openness of the Green Belt, limited infilling or redevelopment of major developed sites identified in adopted development plans which meet the criteria specified in Annex C of Planning Policy Guidance Note 2 (Green Belts) 1995.

The proposal does not conform to the types of development allowed by Policy OL1 and no special circumstances have been provided. The principle of development is therefore unacceptable.

### **7.02 Density of the proposed development**

Not applicable to this application

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

Not applicable to this application

#### **7.04 Airport safeguarding**

Not applicable to this application

#### **7.05 Impact on the green belt**

Central Government planning policy on the Green Belt is provided by PPG2: Green Belts, published in January 1995 (amended March 2001). Hillingdon's main local policy guidance is set out in Chapter 3 of the UDP Saved Policies (September 2007) entitled 'Open Land and Countryside'. It should also be noted that the London Plan (2011) maintains an overall, strategic position on the Green Belt in and around London.

PPG2 advises that there is a general presumption against inappropriate development within the Green Belt and that such development should not be approved except in very special circumstances. PPG2 advises that material changes of use of land are inappropriate unless they maintain openness and do not conflict with the purposes of including the land within the Green Belt (Paragraph 3.12). Paragraph 3.4 advises that new buildings represent inappropriate development unless they are for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including lands in it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling in existing villages and limited affordable housing
- Limited infilling or redevelopment of major existing developed sites identified in adopted plans.

The London Borough of Hillingdon Unitary Development Plan Saved Policies September(2007) Policies OL1 and OL4 essentially re-iterate advice in PPG2. In this case the proposal is for the intensification of the use of the site for the storage and processing of waste. The application does not fall within any of the exceptions set out in PPG2, and as such the proposal represents inappropriate development in the Green Belt.

There is a presumption against inappropriate development in the Green Belt and as such there is an in principle objection to the scheme. PPG2 states that very special circumstances are required to justify inappropriate development. In this case the applicant has provided no such justification and the proposal represents a departure from Policy OL1 of the UDP Saved Policies September 2007, the London Plan (2011) and PPG2: Green Belts and is unacceptable in this regard.

#### **7.06 Environmental Impact**

The Environment Agency have been consulted on the proposal and have no objection to the building in question subject to certain conditions. A Preliminary Risk Assessment has been submitted to the Environment Agency and subject to appropriate conditions on soakaway, it is considered the proposal would not have an environmental impact.

#### **7.07 Impact on the character & appearance of the area**

The storage building would be 200m from the nearest highway. Breakspear Road is a secondary road that cuts through the Green Belt and is generally defined by mature hedgerows and some trees along the boundary. Along the entrance directly to the east of the site, a large existing building 6m in height screens the remaining buildings from this section of the highway. At present the rear buildings on this site are visible approximately 150m to the south east along Breakspear Road. Given that the height of the proposed

storage building would be 2m higher than the existing storage buildings on the site, there would be slight visibility of top of the building from a small section of this road. There would, however, be approximately 260m separation distance from this stretch of the highway to the proposal, indeed, there are no public footpaths nearby either from which which a vantage point could be gained and with taking account of the neutral colouring of the building and the quick moving traffic, the proposal is considered not to cause significant harm to street scene to merit a refusal on this ground.

#### **7.08 Impact on neighbours**

The proposed storage building would be positioned adjacent to several buildings similar in size and appearance in an established use. There are no neighbouring properties within the immediate area. The nearest dwelling to the proposal would be the Crow Nest Farm House which is located 180m north east of the site. It is therefore considered that overlooking or loss of privacy would not be a concern in this application.

#### **7.09 Living conditions for future occupiers**

Not applicable to this application

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

Highways have commented on the proposal and satisfied that the proposal would not lead to any additional traffic strains or parking demand and it therefore complies with Policies AM7 & AM14 of the Hillingdon UDP.

#### **7.11 Urban design, access and security**

The proposal is located within the Green Belt and would need to meet certain policies associated with the Green Belt which is discussed in the Other Issues section. This section deals specifically with design and its impact on the surrounding neighbours.

##### **Building Bulk and Scale**

The proposal would be positioned adjacent to an existing storage building and it would have a similar footprint to the existing buildings within the compost centre. It would have a pitch roof finish with a maximum height of 7.6m. Policy OL4 of the UDP notes that the Local Planning Authority will only permit the replacement or extension of buildings within the Greenbelt if; the development would not result in a disproportionate change in bulk or character to the original building; the development would not significantly increase the built up appearance of the site; and having regard to the character of the surrounding area the development would not injure the visual amenities of the Green Belt by reason of siting, materials, design. In this case the scheme would not represent replacement or extension of any building rather it is a new structure in the Green Belt. It is considered that due to its positioning adjacent to several storage buildings similar in size and design, it would be difficult to argue the proposal would significantly or disproportionately change the built up appearance of the site or character of the surrounding area. Its location 200m from the adjacent highway, and the existing buildings that would screen the proposal from this highway, would also prevent the proposal having a detrimental impact on the street scene. The proposal is therefore considered acceptable in terms of size and bulk and complies with policy BE13 of the UDP (Saved Policies September 2007).

#### **7.12 Disabled access**

Not applicable to this application

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application

#### **7.14 Trees, Landscaping and Ecology**

The Landscape Officer has no objection to the proposal and has commented that no trees or other landscape features will be affected by the development. Given the positioning, the

landscape officer has also commented that no additional planting would be required. As such the proposal is considered to comply with Policy BE38 of the UDP (Saved Policies September 2007).

**7.15 Sustainable waste management**

See section 7.22

**7.16 Renewable energy / Sustainability**

Not applicable to this application

**7.17 Flooding or Drainage Issues**

The Environment Agency have been consulted and consider the proposal would not lead to any flooding or drainage concerns subject to a condition requiring written consent to be obtained from the Local Planning Authority for any infiltration of surface water drainage into the ground.

**7.18 Noise or Air Quality Issues**

Not applicable to this application

**7.19 Comments on Public Consultations**

None

**7.20 Planning Obligations**

Not applicable to this application

**7.21 Expediency of enforcement action**

Not applicable to this application

**7.22 Other Issues**

Policy 5.17 of the London Plan 2011 expects the Borough to plan for sufficient additional waste sites to meet future apportionment needs. The West London Waste Plan DPD is currently in public consultation. The emerging DPD identifies existing and proposed waste transfer and waste management sites across six west London Boroughs. The emerging DPD sets out policies covering future waste facility proposals. Any new sites not identified in the Plan have to justify why they are needed in addition to the Plan's list of existing and proposed sites. It is noted that limited material weight can be attached to this DPD at present given it is only at the stage of public consultation and has not yet been adopted as policy.

With regard to the new adopted London Plan policy, Policy 5.17 of the London Plan requires maximum use to firstly be made of existing waste storage and processing sites. The application has made no reference to the location of capacity of other sites, and as such given the Green Belt location concern is raised regarding the suitability of this site and that it is totally reliant on road transport into/out of the site.

Policy 5.17 of the adopted London Plan (2011) sets out the selection criteria for waste management, storage and processing sites, noting that regard should be had to the following criteria:

- i) locational suitability;
- ii) proximity to the source of waste;
- iii) the nature of activity proposed and its scale;
- iv) the environmental impact on surrounding areas, particularly noise emissions, odour and visual impact and impact on water resources;
- iv) the full transport impact of all collection, transfer and disposal movements, particularly maximising the potential use of rail and water transport;
- vi) primarily using sites that are located on Preferred Industrial Locations or existing waste management locations.

No compelling evidence has been submitted to justify the location of the proposal against other requirements set out in Policy 5.17. Part of the thrust behind Policy 5.17 is to site waste management and disposal sites in strategic and sustainable locations which enable transfer of waste by sources other than solely road haulage. This site can only be served by road haulage and this site is not considered to be a location which complies with the above criteria of Policy 5.17 of the London Plan.

Without an adequate justification as to how the scheme complies with Policy 5.17 the scheme is considered unacceptable in principle.

#### **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**

Not applicable to this application

#### **10. CONCLUSION**

For the reasons outlined above and given that there is a presumption against development in the Green Belt, the development is contrary with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for refusal.

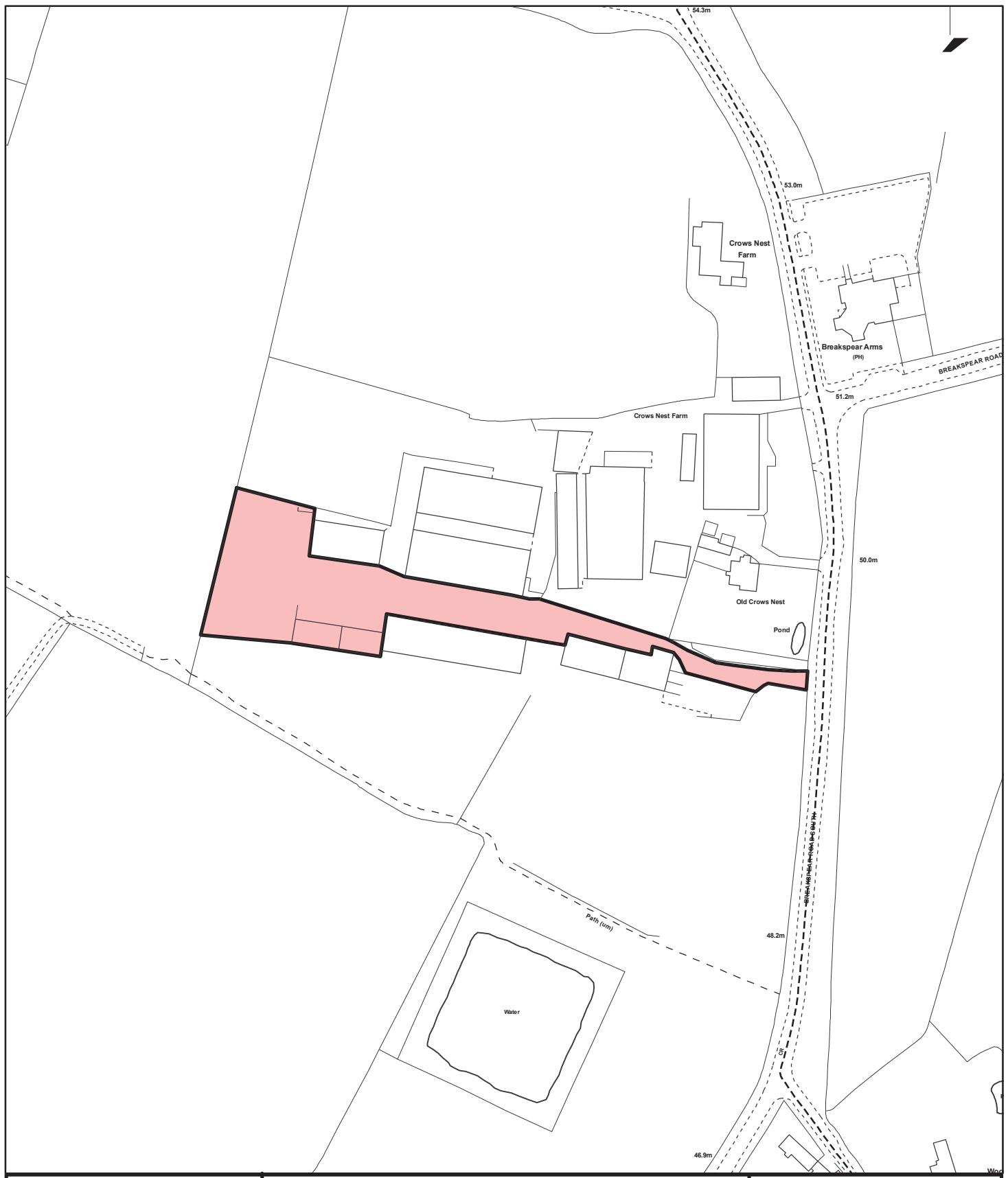
#### **11. Reference Documents**

Adopted Hillingdon Unitary Development Plan (Save Policies September 2007)  
Planning Policy Guidance Note 2: Green Belts  
The London Plan (July 2011)

The Draft West London Waste Plan

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### Notes

 Site boundary

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### Site Address

**Land at Crows Nest Farm,  
Breakspear Road South,  
Harefield**

**LONDON BOROUGH  
OF HILLINGDON**

Planning, Environment, Education & Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1113/APP/2011/1020**

Scale

**1:2,000**

Planning Committee

**North**

Date

**September  
2011**



**HILLINGDON**  
LONDON