

Report of the Head of Planning, Sport and Green Spaces

Address THE OLD QUARRY SPRINGWELL LANE RICKMANSWORTH

Development: Storage and distribution of inert waste in place of virgin material (Retrospective Application).

LBH Ref Nos: 15220/APP/2011/714

Drawing Nos: Planning Supporting Statement
7888110176/R3998/01
7888110176/R3998/03
7888110176/R3998/02
Amec Technical Note to Environment Agency, dated November 2012
Agent's email dated 15/3/13

Date Plans Received: 21/03/2011 **Date(s) of Amendment(s):**

Date Application Valid: 06/04/2011

1. SUMMARY

The application site forms part of a former chalk quarry sited within the Springwell Lock Conservation Area at the northern end of the Borough. The quarry also forms part of the Green Belt.

This application seeks retrospective permission for the storage and distribution of up to 35 tonnes a day, of inert (recycled) waste material which has replaced naturally sourced materials, used in connection with a landscaping supply and distribution business (which is ancillary to the main use of the site as a skip hire storage and servicing depot).

In essence the business has always involved supplying landscaping materials. It is now the case that landscaping materials (such as sand, wood chips etc) are sourced from recycled materials, rather than from the natural environment.

The applicants state that due to changes in environmental legislation as well as the demand for more environmentally-friendly (recycled) products, many of the materials are now sourced from recycled or recovered resources.

The planning application is necessary as the Environment Agency (EA) considers the recycled material to be 'waste' and therefore the supply of the recycled landscaping materials requires an Environmental Permit to cover the site. The EA permit cannot be issued ahead of a planning permission being granted.

The planning history on this site is complex. In a report to the North Planning Committee meeting on 19th July 2007, it was accepted that on the balance of probabilities, the use of the site for the storage and servicing of waste vehicles was established and at the time, the small scale operation for the supply and distribution of landscaping materials was ancillary to the main use of the site. The scale and intensity of the landscaping supply operation hasn't changed.

Therefore, as there has been no material change of use of the site and no operational development associated with the different sourcing of landscaping materials, the development has not involved any adverse impacts on the Green Belt, the Springwell

Conservation Area or surrounding residents.

The Environment Agency originally objected to the application as they felt it posed a risk to ground water resources. However, following protracted negotiations and the submission of further details, the EA have withdrawn their objection, subject to the imposition of a sustainable drainage condition.

The application is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 NONSC **Non Standard Condition**

Within 3 months of the date of this permission, and based upon Drw. No. 7888110176/R3998/03, full details of the storage bunkers shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented within 3 months of the Council's written approval and retained as such thereafter.

REASON

In order to ensure that the storage areas present a satisfactory appearance in order to safeguard the character and appearance of the Springwell Lock Conservation Area and the openness of the Green Belt, in accordance with Policies OL1 and BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NONSC **Non Standard Condition**

The inert material brought onto the site for use by the ancillary landscaping business shall not exceed 35 tonnes per day.

REASON

In order to comply with the terms of the application and to ensure that the use of the site does not intensify in order to safeguard the character and appearance of the Springwell Lock Conservation Area and the openness of the Green Belt, in accordance with Policies OL1 and BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NONSC **Non Standard Condition**

Within 3 months of the granting of planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) a scheme to dispose of surface water shall be submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate that surface water will be drained from the site so as not to pose a risk to controlled waters and shall not include any infiltration through contaminated ground.

The approved details shall be implemented within 3 months of the Council's written approval and retained as such thereafter.

Reasons

To ensure the protection of controlled waters as the site is located in a Source Protection Zone 1 where groundwater is abstracted for drinking water purposes, in accordance with the policy 5.13 of the London Plan (July 2011).

4 NONSC **Non Standard Condition**

There shall be no processing or sorting of materials on site.

REASON

In order to comply with the terms of the application in order to ensure that the use of the site does not intensify in order to safeguard the character and appearance of the Springwell Lock Conservation Area and the openness of the Green Belt, in accordance with Policies OL1 and BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

5 NONSC Non Standard Condition

Vehicles movements to and from the site, including the distribution or collection of inert waste hereby approved, shall be restricted to the hours of 08.00 hours and 18.00 hours, Monday to Friday and not at anytime on Sundays, Public or bank holidays.

Reason

To safeguard the residential amenity of the occupiers of adjoining or nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT 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.

NPPF1

NPPF3

NPPF9

NPPF10

NPPF12

LPP 5.12 (2011) Flood risk management

LPP 5.13 (2011) Sustainable drainage

LPP 5.15 (2011) Water use and supplies

LPP 5.17 (2011) Waste capacity

LPP 5.18 (2011) Construction, excavation and demolition waste

LPP 5.21 (2011) Contaminated land

LPP 7.14 (2011) Improving air quality

LPP 7.15 (2011) Reducing noise and enhancing soundscapes

LPP 7.16 (2011) Green Belt

OL4 Green Belt - replacement or extension of buildings

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

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
OE7	Development in areas likely to flooding - requirement for flood protection measures
MIN16	Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.

3

Due to the site being located in a Source Protection Zone 1 a bespoke waste permit would be required for the site. As part of this, a site condition report would be required to establish soil and groundwater baseline conditions at the site. This work could be carried out at the same time as the site investigation requirements detailed in the above condition in order to save time and costs.

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms part of the former Springwell Lane Quarry, located on the east side of Springwell Lane, close to where it crosses the Grand Union Canal and Springwell Lock within the R. Colne valley on the western side of the borough. The site forms a 0.3 hectare site in the south western corner of the quarry which is in use by J.Byne Haulage Ltd. as a skip hire depot. The site is accessed from Springwell Lane via an access road on the northern side of the quarry.

The land rises steeply to the east with the quarry having been cut into the the valley side with the main quarry faces being to the east. There are a number of residential properties fronting Springwell Lane on the western side of the quarry. The former quarry forms part of the Springwell Lock Conservation Area which centres upon the canal and its lock. The character of the wider area is rural, with open fields and lakes comprising the river plain to the east and farmland to the west. The site also forms part of the Green Belt and the Colne Valley Park as identified in the Hillingdon Local Plan. The commercial/industrial uses that are operating within the quarry are largely screened by the quarry cliffs and embankments.

At the southern end, the site comprises a two storey building with various single storey extensions/outbuildings used as offices and an adjoining workshop used to repair, service and maintain company vehicles. A portacabin is also sited to the west of the building which is used by a night watchman. To the north and west of the buildings is a compound, the area to the west is principally used to store skips whereas to the east, the site mainly provides staff car parking. On either side of the access into the site, there are a number of bunkers formed by railway sleepers which are used to store topsoil, wood chippings, ballast and sand. There is a metal container used to store scrap metal. The rest of the compound provides parking and storage space for the company's lorries.

The southern part of the site is covered by a Tree Preservation Order and to the north, the quarry is adjoined by an Ecological Area of Metropolitan Borough Grade 1 Importance.

The site also forms part of Flood Zone 2.

3.2 Proposed Scheme

This application seeks retrospective permission for the storage and distribution of up to 35 tonnes a day of recycled landscaping materials (classified as waste by the EA).

The recycled materials are now used rather than naturally sourced landscaping materials. The recycled landscaping supplies are distributed to customers as part of a business which is ancillary to the main use of the site as a skip hire and servicing depot by J. Byne Haulage Ltd.

The recycled landscaping supplies are sent out to customers for landscaping purposes on in skips on skip lorries once these trucks have returned to the site. The recycled materials (such as sand, shingle, woodchip and bark, turf, topsoil and crushed concrete) is stored on site in dedicated areas (bunkers, bins, covered and open bays) and there is no processing of the material at the site.

The application is supported by the following document:

Planning Supporting Statement, March 2011

This provides the background to the application. It advises that due to changes to environmental legislation, as well as increasing demand for environmentally-friendly products, many of the materials stored on site are now previously used, recycled or recovered resources, rather than material of virgin extraction. The nature of the material handled at site has not changed, it is still clean, uncontaminated and inert but its sourcing has changed.

There would be no increase in the intensification of the use of the site. The application has been submitted as the Environment Agency considers the material 'waste' so requires an Environmental Permit to cover the site. This, in turn, requires a planning permission.

The site is then described, together with its access. Planning policy is then assessed and the planning history described. The development is then described and environmental issues considered. The assessment then provides a detailed policy analysis. The report then concludes that there would be no adverse environmental or residential impacts and the scheme complies with relevant policy and therefore permission should be granted.

Technical Note to the Environment Agency, November 2012

This note was produced in response to the EA in their letter dated 30/10/12 which advised on the need for 2 conditions and seeks to demonstrate that the current proposals for the continuation of small scale storage of inert wastes at the site can be operated to eliminate the potential for pollution of groundwaters and therefore one of the conditions recommended by the EA in their letter dated 30/10/12 would not be required.

The note advises that the small amount of inert material that is to be stored on site will be stored on a slightly raised impermeable concrete base that would be separated into a number of bays. Material would be brought to site by skips and tipped into the appropriate bays. Runoff from the bays would be intercepted and discharged to a sealed drain. This drain would connect to the existing cesspit on site. The cesspit is currently emptied at regular intervals and is tankered off site for treatment. This would eliminate any infiltration of runoff from the bays that may pose a risk to controlled waters.

3.3 Relevant Planning History

Comment on Relevant Planning History

The planning history on this site is very complex and often obscure. It involves the granting of certificates of established use, the first for 'the garaging and minor repairs and maintenance of waste transference vehicles' the second for 'a transfer station for waste from the construction industry, and non-hazardous industrial waste' (15220A/79/250 and 15220B/79/941 refer) which have contradictory plans attached to the files and the latter certificate appears to contradict the former.

In an attempt to clarify the planning history, the Council sought two opinions from legal Counsel, one in November 2003, the other in February 2007 and officers held interviews with surrounding residents in 2007.

A comprehensive report was presented to the North Planning Committee meeting on 19th July 2007. This made best use of the often contradictory information available on the history of the site and concluded that it would not be expedient to pursue enforcement action against the skip hire business on this site and the use of part of the site for the storage and sale of soil/hardcore/landscaping materials (which was considered to be ancillary to the main skip hire business and only occurred on a small area of the site).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.HE1 (2012) Heritage
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.EM11 (2012) Sustainable Waste Management

Part 2 Policies:

- NPPF1
- NPPF3
- NPPF9
- NPPF10
- NPPF12
- LPP 5.12 (2011) Flood risk management
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.15 (2011) Water use and supplies
- LPP 5.17 (2011) Waste capacity
- LPP 5.18 (2011) Construction, excavation and demolition waste
- LPP 5.21 (2011) Contaminated land

LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 7.16	(2011) Green Belt
OL4	Green Belt - replacement or extension of buildings
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
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
OE7	Development in areas likely to flooding - requirement for flood protection measures
MIN16	Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **18th May 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

11 neighbouring properties have been consulted and a site notice has been displayed. A letter of objection from Consensus Planning has been received, advising that they have been engaged by the Springwell Residents and Conservation Association (SRCA). The letter raises the following points:-

(i) The Old Quarry is divided into two main areas by a north to south strip of land owned by Thames Water. Historically, the eastern part of the site, furthest away from neighbouring homes was granted Established Use Certificates for the most unsociable uses ie waste transfer and concrete manufacturing, with the south western part of the site, the application site being restricted to the quieter and cleaner use of maintenance of waste transfer vehicles only. The long standing principle of protecting the Conservation Area and residential properties from dirty and noisy activities in the western half of the site is challenged by this application. The application is not a 'theoretical' and technical change (Para. 1.1.4 of Planning Statement) but a significant change from a vehicle depot to a waste management site which in planning terms, represents a fundamental change which conflicts with the UDP and all previous planning decisions by officers and inspectors which would unlock the site to waste management/transfer use and an unstoppable intensification in a sensitive location, that is not suitable for waste management/transfer,

(ii) The application is characterised by misleading, inaccurate and in cases, untrue information which try to confuse the planning history and misrepresent current activity levels and their impacts on residents, the Conservation Area and Green Belt. For instance, Section 2.4 - Planning History of Planning Statement - Area of the permitted use on the established use certificate for a waste transfer station (152208/79/941 refers) is very clear - it is the far north-eastern corner of the quarry

and not the applicant's site (a later application for a certificate of lawfulness (15220/APP/2002/683) for the use of the site for waste transfer and other activities was refused),

(iii) Existing permitted use (Paragraph 1.1.6 of Planning Statement) for 'garaging and minor repair and maintenance of waste transfer vehicles' is specific and not the noisy, and potentially polluting waste management activity sought and a significant intensification on the scale proposed is unacceptable,

(iv) The application states that there are parking spaces for 5 cars and 4 skip lorries and Para. 1.1.8 of Planning Statement states that 4 waste lorries operate from site, in line with established use certificate, but residents have recorded significantly greater numbers of skip and tipper lorries operating from the site,

(v) Site staff and drivers of the lorries park their cars in the public car park adjacent to Springwell Lock which is intended as an amenity for public enjoyment,

(vi) Application states that the site is not within an area at risk of flooding (see Para. 2.3.4 of Planning Statement) which is false as entire site is zoned as an area 'at risk of extreme flood' by the EA on their Flood Map. This alone should justify refusal of application and enforcement action being taken. SRCA does not believe there is effective or sustainable drainage at the site and this needs to be investigated with the EA. Site is approximately 30m away from River Colne and Grand Union Canal and a potential polluter of these waterways,

(vii) Site is adjacent to an Ecological Area of Metropolitan Borough Grade 1 Importance,

(viii) The land, by virtue of its historical and current uses is suspected of being contaminated which should be investigated with the Environment Agency,

(ix) The site is surrounded by trees which are covered by a blanket Tree Preservation Order,

(x) Application seriously underestimates employment, stating a total of 5 employees when at least 15 vehicles operate from the site plus on-site maintenance staff and loader driver,

(xi) Para. 1.2.2 of Planning Statement is misleading as material will be brought to the site in 30 tonne tipper lorries as well as skips, tipped into the yard and sorted with noisy plant, including a loader and grab buckets, This is a significant understatement of the potential current and future intensity and material volumes that can be handled by the 15 or so tipper and skip lorries currently active on site,

(xii) By replacing virgin material with waste material (Para. 1.2.5 of Planning Statement), a completely new economic model (ie. zero cost of imported waste) will give rise to a major intensification of the site for the importation of materials for sorting, storing and distribution,

(xiii) In terms of Para. 3.3.3 of Planning Statement, SRCA members report that skips and lorries loaded with waste have started regularly returning to the site already,

(xiv) Para. 3.4.9 of Planning Statement is very misleading as since 1981, when officer noted the site is well screened, the site has been greatly enlarged by the removal of a large earth embankment and mature trees which once screened the site from public view. The site can now be seen from the road outside Noakes Cottages, particularly when trees are not in leaf,

(xv) As regards Para. 4.2.35 of Planning Statement, in terms of Policy LE1, proposal would conflict with regeneration of the local area and improvements made to public amenity and Springwell Lock,

(xvi) Extra movements of waste vehicles through conservation area (Para. 4.2.33 of Planning Statement) would add to traffic generation and congestion, increasing visual and audible intrusion, contrary to Policy OE1,

(xvii) As regards Para. 4.2.42 Of Planning Statement, site is significant producer of noise and dust which will increase with undoubted intensification that would accompany a waste management/transfer use,

(xviii) Application has significant highway implications for the wider network which do not appear to have been considered,

(xix) Combined with environmental impact on adjoining woodland, nature conservation issues and local residents, there are strong grounds to require a screening opinion for an EIA to be submitted as part of the application which has not happened.

HAREFIELD TENANTS AND RESIDENTS ASSOCIATION:

Our members reviewed this retrospective planning application at our last meeting and members object to the change requested.

We are concerned about the extra noise and dust that would be created by bringing on to the site inert waste which would obviously need sorting rather than just the taking of a delivery of virgin materials.

If retrospective permission is given it could very easily turn into another Waste Transfer Station to the detriment of the local residents.

THREE RIVERS DISTRICT COUNCIL:

No objection has been received.

ENVIRONMENT AGENCY:

PLANNING OFFICER COMMENT

The original comments from the EA were received on 17/6/11 and raised objection to the scheme. Following amendments, further comments from the EA were received on 30/10/12, these removed the objection subject to conditions.

Following amendments, further comments from the EA were received on 28/11/12, these comments noted that one of the conditions would now no longer be necessary. The comments from 28/11/2012 are below:.

"Further to our letter dated 30 October 2012 (reference NE/2012/116161/01) and following a telephone conversation with Josef Balodis of AMEC, we have since received an email from Amec dated 8 November 2012. The email includes a Technical note providing further details of the drainage scheme.

Having reviewed this additional information we are now satisfied that Condition 1 relating to site investigation works can be omitted. This is because the proposed drainage for run off from areas of inert waste is a sealed system and therefore will not increase the existing risk to groundwater.

Condition 2 relating to drainage should remain. A drainage strategy for the whole site will be required to address this condition. The condition is included below for your reference.

Condition 2

Within 6 months of the granting of planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate that surface water will be drained from the site so as not to pose a risk to controlled waters and shall not include any infiltration through contaminated ground.

Reason

To ensure protection of controlled waters. The site is located in a Source Protection Zone 1 where groundwater is abstracted for drinking water purposes.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Policy 5.21 of the London Plan requires that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination."

Internal Consultees

URBAN DESIGN/CONSERVATION OFFICER:

Background:

The site is a disused quarry to the east of Springwell Lane and the Grand Union canal and lies within the Springwell Lock Conservation Area. The area is at a lower level and well-screened by woodland on elevated land around it. The site is currently sub-divided and used by a number of storage and haulage businesses, involving parking and access by cars and lorries.

Comments:

Given the location of the site, the proposed area for storing inert waste would not be visible from the street scene of the area. The existing landscaping and woodland area would further mitigate the visual impact and the proposal would not be considered detrimental to the character and appearance of the conservation area.

HIGHWAY ENGINEER:

Access to Haulage site that is shared with other businesses on the industrial estate is gained from the eastern side of Springwell Lane, to the north of the site over the Grand Union Canal via a hump bridge linking to Uxbridge Road A412.

The site is currently used for skip and waste material storage, where some waste material is transported for landscaping purposes.

The proposal is for storage and distribution of approximately 35 tonnes of clean, uncontaminated and inert waste a day from the site for landscaping or other purposes using skip lorries that are based at the site.

The applicant fails to provide a traffic assessment or address predicted increase in axial loading and traffic volume particularly in Springwell Lane over the canal bridge, due to their proposed activity.

However, for the purpose of highway assessment, theoretically we should assume that a fully loaded 8 cubic yard skip weighs a maximum of 10 tonnes and the weight of the skip wagon is usually around 2 tonnes, so the total weight of the skip lorry and full skip combined is 12 tonnes

being transported over the canal bridge.

Considering the location of site and current traffic movements by the applicant and other businesses in the area, the proposal is not considered to be prejudicial to highway. Consequently no objection is raised on the highways aspect of the proposals.

TREE/LANDSCAPE OFFICER:

Background:

The site is a disused quarry to the east of Springwell Lane and the Grand Union Canal. The site is currently sub-divided and used by a number of storage and haulage businesses, involving parking and access by cars and lorries. The site is generally flat with a few localised changes of level. Although well-screened by woodland on elevated land to the north, south and east - part of which is protected by Tree Preservation Order No. 1 - there are no significant landscape features on the site which constitute a constraint on development. It lies within the Springwell Lock Conservation Area.

Proposal:

The proposal is a part-retrospective application to store and distribute up to 35 tonnes of inert waste, including soil, sands and gravels for re-use in the landscape industry.

Landscape Considerations:

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.

Saved policy OL26 seeks to protect and preserve trees and woodlands and encourage their preservation.

The proposed use involves no loss of existing landscape features and should have no cumulative visual impact on local residents or views from public space.

Recommendations:

No objection and, in this case, no need for landscape conditions.

ENVIRONMENTAL PROTECTION OFFICER:

I have reviewed the planning support statement submitted by Amec Earth and Environmental UK dated March 2011. EPU do not have concerns except that the applicant proposes early operating hours of 6am which would clearly have some noise impact on the nearby residential cottages due to vehicle movements associated with the proposal, in particular during early hours when there are lower background noise levels.

EPU therefore recommends that the applicant consider alternative operating hours thus, the recommended planning condition is given below.

Condition

H4 Vehicles movements, including the distribution or collection of inert waste hereby approved, shall be restricted to the hours of 08.00 hours and 18.00 hours, Monday to Friday and not at anytime on Sundays, Public and Bank holidays.

Reason

To safeguard the residential amenity of the occupiers of adjoining or nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

WASTE AND RECYCLING MANAGER:

There are no specific comments regarding this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site forms part of the Green Belt. The NPPF and Policy 7.16 of the London Plan (July 2011) and Policies OL1 and OL4 of the Hillingdon Local Plan : Part Two - Saved UDP Policies (November 2012) seek to protect the openness of the Green Belt, guard against 'inappropriate development' and avoid significant increases in the built-up appearance of sites. As the development has not involved any operational development and no material change of use at the site, with only the stored landscaping materials being sourced differently, with no intensification of the use or traffic generated, the development is not considered to be 'inappropriate' and has had no adverse impacts upon the Green Belt. The development complies with the above national, regional and local policy guidance.

7.02 Density of the proposed development

Not applicable to this development.

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

The development has not had any impact upon the character and appearance of the Springwell Lock Conservation Area. The Council's Urban Design/Conservation Officer raises no objections to the proposals.

7.04 Airport safeguarding

The application raises no airport safeguarding issues.

7.05 Impact on the green belt

This is dealt with in Section 7.01 of this report.

7.07 Impact on the character & appearance of the area

The development has not altered the quantities or siting of landscaping material stored on site which is well screened from the boundaries of the site. The nature of the development has had no impact upon the character and appearance of the street scene or character of the area.

7.08 Impact on neighbours

The nearest residential properties to the application site front Springwell Lane, namely Nos. 1 and 2 Canal Cottages to the north east on this side of Springwell Lane and Springwell Cottage, Nos. 1 and 2 Noakes Cottages and Willowcot to the west of the site, on the opposite side of Springwell Lane. The site is reasonably well screened from surrounding residential properties, with earth/spoil embankments, timber fencing, trees and hedging on the boundaries.

As a result of the development, there has been no alteration in the intensity of the use of the site, and no changes to the number of movements or size of vehicle servicing the site. Furthermore, no additional dust would be created and the nature of the waste stored on site has not altered and being inert, it does not biodegrade so it is non-odorous. Therefore, it is considered that the surrounding residential properties have not been adversely affected by the replacement of virgin landscaping material with material sourced from 'waste'.

A condition is recommended to control the times of the lorries to the current operating times.

7.09 Living conditions for future occupiers

Not applicable to this development.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The development has had no impact upon traffic generation and the number or type of lorries accessing the site. The Council's Highway Engineer raises no objections to the

proposal but did seek clarification concerning any weight limits on the bridges over the Grand Union Canal and the River Colne. The agent in his email dated 15/3/13 states that there are no weight restrictions on the bridges which has been confirmed.

The proposal, which only changes the sourcing of the landscaping material stored on site would not have any implications for parking on site.

7.11 Urban design, access and security

Not applicable to this development.

7.12 Disabled access

Not applicable to this development.

7.13 Provision of affordable & special needs housing

Not applicable to this development.

7.14 Trees, Landscaping and Ecology

Given the nature of the proposals, the development has had no impact upon surrounding trees, landscaping or ecology of this or adjoining sites.

7.15 Sustainable waste management

The scheme would encourage the recycling of inert landscaping materials. No objections are raised.

7.16 Renewable energy / Sustainability

Not applicable to this development.

7.17 Flooding or Drainage Issues

The Environment Agency originally objected to this scheme as the site is located within a Source Protection Zone 1 area and the perceived threat to a ground water aquifer from which public drinking water is obtained. However, following protracted discussions with Environment Agency officers, which has included a site inspection, the Environment Agency have withdrawn their objection, and can support the development, subject to recommended conditions which are included within the officer's recommendation.

7.18 Noise or Air Quality Issues

The development has not altered the frequency of lorry movements to the site or the size of lorry servicing the site. As such, there are no adverse impacts as regards noise or air quality.

7.19 Comments on Public Consultations

The comments by the Harefield Tenants and Residents Association and points (i), (ii), (iii), (x), (xii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) raised by the SRCA are noted. However, this application only seeks retrospective permission to alter the sourcing of inert materials stored and distributed on site in connection with an ancillary landscaping business. As regards Point (iii), the history on this site is not clear cut as detailed in the comments of the planning history section. Points (iv) and (v) are noted but apart from the physical limitation on vehicles imposed by the size of the site, there are no restrictions on vehicle numbers. Points (vi) and (viii) are dealt with in the report and the EA has been heavily involved in this application. As regards Points (vii) and (ix), the adjacent Ecological Area of Metropolitan Borough Grade 1 Importance and adjoining trees would not be effected by the development. Point (xi) is speculation. As regards point (xiii), this is a retrospective application.

7.20 Planning Obligations

Not applicable to this development.

7.21 Expediency of enforcement action

There are no outstanding enforcement issues at this site.

7.22 Other Issues

No other relevant [planning issues are raised by this application.

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

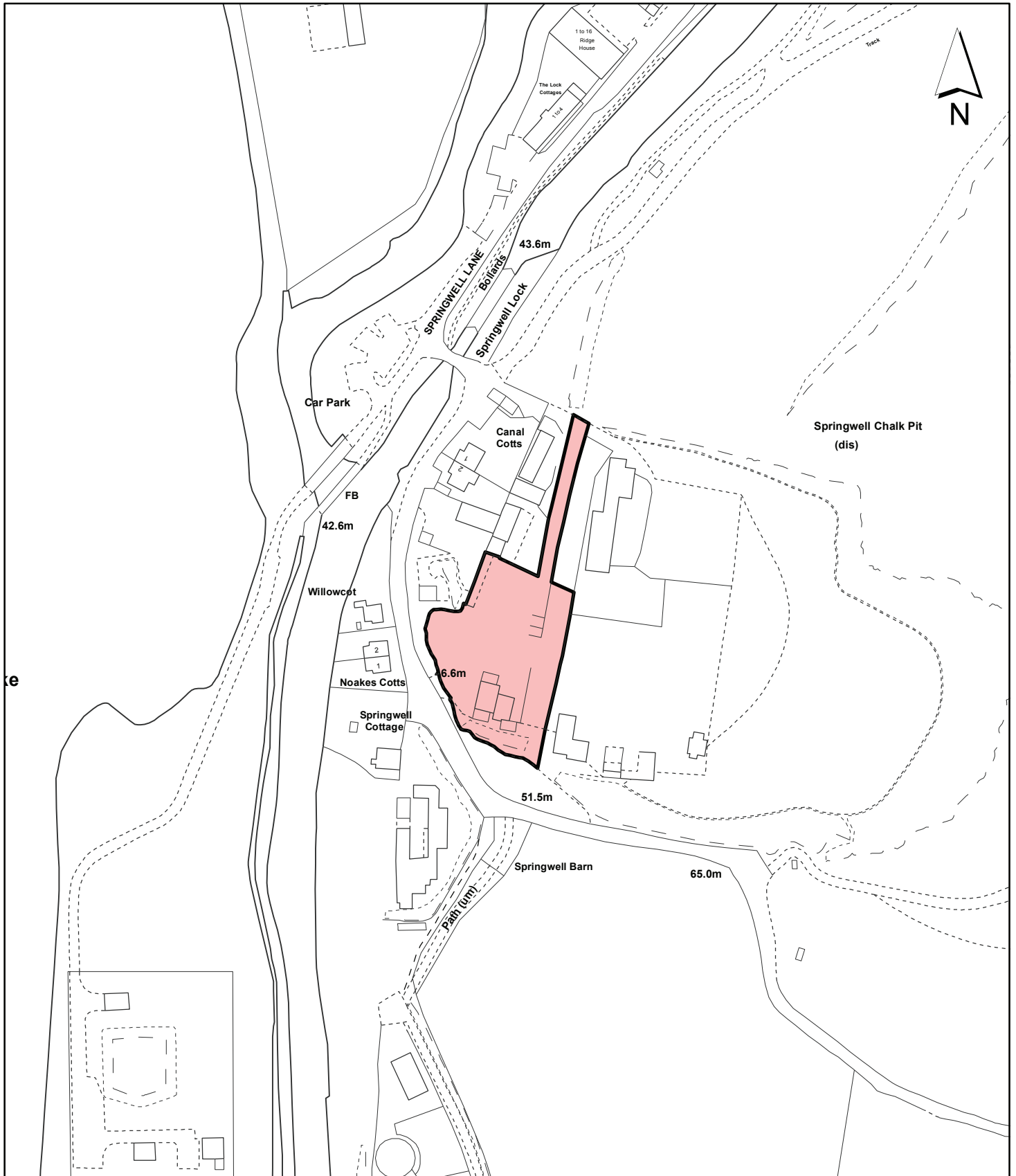
The development is recommended for approval, subject to conditions to ensure that the use of the site conforms to the terms of the application.

11. Reference Documents


National Planning Policy Framework (March 2012)
London Plan (July 2011)
Hillingdon Local Plan (November 2012)
Consultation responses

Contact Officer: Richard Phillips

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Notes

 Site boundary

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Planning Application Ref:
15220/APP/2011/714

Scale
1:2,000

Planning Committee
North

Date
**September
 2013**



HILLINGDON
 LONDON