

Report of the Head of Planning, Sport and Green Spaces

Address LORDS BUILDERS MERCHANTS DAWLEY ROAD HAYES

Development: Variation of condition 5 (Storage Heights) of planning permission Ref: 43554/APP/2013/1028 dated 17/10/2013 to increase the height building materials can be stored (Single storey detached shed, raising of roof of existing warehouse and alterations to cladding)

LBH Ref Nos: 43554/APP/2013/3779

Drawing Nos: Visual Impact Assessment
Site Location Plan
Design, Access and Planning Statement
7621/7
7621/5 Rev.A
7621/6 Rev.A
Planning Statement (Ref: 1705/JJ)

Date Plans Received: 18/12/2013 **Date(s) of Amendment(s):**
Date Application Valid: 20/12/2013

1. SUMMARY

The application seeks the Variation of Condition 5 to allow for the increased storage of height of building materials to be stored on the land to 5m in height.

The application relates to Lord's Builders Merchants, located on the western side of Dawley Road. Contained within the site is an existing rectangular building which measures 95 metres in width by 11.7 metres in depth, which is located adjacent to the northern boundary line of the site. The front part of the building, approximately 38.7 metres in width, is the retail sales area and office section of the building, which is contained within a two storey pitched roof industrial building. The rear part of the building, 56.3 metres in width, contains a warehouse area with a flat roof above. This was granted consent under application reference 43554C/92/787, which granted continued use of the land as a builder's merchants.

Planning application 43554/APP/2013/1028 was granted for a single storey detached shed, the raising of the roof of the existing warehouse and alterations to the external cladding. Condition 5 of this permission stated:

No building materials stored on the land shall be stored so as to exceed 4 metres in height, as measured from the existing ground level adjacent to where the materials are stored within the site.

It is this condition which the applicant seeks to vary to allow higher storage heights within the site.

The storage area is currently screened by a mature belt of trees which provides a good screen to the storage area. Subject to the trees being retained (which is controlled by a separate tree protection condition (number 7) on planning permission reference 43554/APP/2013/1028) the increase in height of building materials by an additional metre to 5m in height would not affect the openness of the Green Belt and would have an

acceptable impact on the visual amenities of the surrounding area.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 7621/5 Rev. A , 7621/6 Rev. A and 7621/7 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

3 COM6 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 NONSC Non Standard Condition

No building materials stored on the land shall be stored so as to exceed 5 metres in height, as measured from the existing ground level adjacent to where the materials are stored within the site. Furthermore, no building materials shall be stored within the tree protection zones as shown on plan reference Tree Constraints Plan 01 (shaded pink

areas) for as long as the use of the site remains as a builders merchants.

REASON

To ensure the protection of the openness of the Green Belt, in accordance with Policy 7.16 of the London Plan (July 2011) and the National Planning Policy Framework.

6 COM27 Traffic Arrangements - submission of details

The development hereby approved shall not be occupied until details of the turning space shown on plan reference 7621/6 Rev. A has been laid out and made available only for the use of vehicle movements.

Thereafter, the turning area must be permanently retained and kept clear of obstruction and used for no purpose other than the movement of vehicles at any time.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

7 COM8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

2.a There shall be no changes in ground levels;

2.b No materials or plant shall be stored;

2.c No buildings or temporary buildings shall be erected or stationed.

2.d No materials or waste shall be burnt; and.

2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

8 COM9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Means of enclosure/boundary treatments

2.b Hard Surfacing Materials

2.c External Lighting

4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4.c A long term maintenance plan to ensure the trees on the boundary lines of the site are maintained to a minimum height of at least 5.5 metres.

5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

9 COM10 Tree to be retained

Trees, hedges and shrubs within the site shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first

planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

10 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1427/14-02 and 1427/14 03A contained within the submitted Visual Impact Assessment.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

11 RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

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).

2 153 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.

BE13	New development must harmonise with the existing street scene.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
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.
LPP 7.16	(2011) Green Belt
LPP 7.2	(2011) An inclusive environment
OE1	Protection of the character and amenities of surrounding properties and the local area

3 11 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

5 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

6 159 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. 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to Lord's Builders Merchants, located on the western side of Dawley Road. Contained within the site is an existing rectangular building which measures 95 metres in width by 11.7 metres in depth, which is located adjacent to the northern boundary line of the site. The front part of the building, approximately 38.7 metres in width, is the retail sales area and office section of the building, which is contained within a two storey pitched roof industrial building. The rear part of the building, 56.3 metres in width, contains a warehouse area with a flat roof above. This was granted consent under application reference 43554C/92/787, which granted continued use of the land as a builder's merchants.

The remainder of the site is covered in hardstanding and is used for the storage of goods, parking and servicing access and turning area. To the western boundary of the site is a cluster of trees, with a tree belt spanning the width of the southern boundary line. Access into the site is via a crossover from Dawley Road, situated in the northeastern corner of the site.

To the north of the site is a group of commercial buildings with a golf course to the west and south. The site is situated within the Green Belt, as identified in the Policies of the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application seeks Variation of condition No. 5 (Storage Heights) of planning permission Ref: 43554/APP/2013/1028 which granted a detached storage shed and enlarged warehouse building dated 17/10/2013 to increase the height building materials can be stored to up to 5 metres in height.

3.3 Relevant Planning History

43554/89/1078 Rover Builders Merchants Ltd. Dawley Road Hayes
Use of land as builders merchants yard (Application for Established Use Certificate)

Decision: 27-02-1992 Refused

43554/A/89/1411 Rover Builders Merchants Ltd. Dawley Road Hayes
Use of land as builders merchants yard (Application for Established Use Certificate) (duplicate application)

Decision: 27-02-1992 Refused

43554/ADV/2011/93 Burdens Dawley Road Hayes
Adverts to building frontage and approach and information signs

Decision: 26-01-2012 NFA

43554/ADV/2013/36 Lords Builders Merchants Dawley Road Hayes
Installation of 1 x free standing sign

Decision: 16-10-2013 Approved

43554/APP/2013/1028 Lords Builders Merchants Dawley Road Hayes
Single storey detached shed, raising of roof of existing warehouse and alterations to cladding

Decision: 16-10-2013 Approved

43554/APP/2013/3778 Lords Builders Merchants Dawley Road Hayes
Details pursuant to conditions 3 (Site Levels), 4 (Materials), 7 (Tree protection) and 8 (Landscaping Scheme) of planning permission Ref: 43554/APP/2013/1028 dated 17/10/2013 (Single storey detached shed, raising of roof of existing warehouse and alterations to cladding)

Decision: 14-02-2014 Refused

43554/C/92/0787 Hendricks Lovell Builders Merchants Dawley Road Hayes
Continued use of premises as builders merchants

Decision: 23-03-1994 Approved

43554/D/92/1722 Hendricks Lovell Builders Merchants Dawley Road Hayes
Use of land as a builders merchant's yard and turf depot (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990)

Decision: 14-04-1994 Withdrawn **Appeal:** 14-04-1994 Withdrawn

43554/E/94/3078 Hendricks Lovell Ltd Dawley Road Hayes

Installation of double-sided externally illuminated name sign

Decision: 14-10-1994 Approved

43554/F/94/1494 Hendricks Lovell Builders Merchants Dawley Road Hayes

Details of brick samples in compliance with condition 3 of planning permission ref. 43554C/92/787 dated 23/03/94; Continued use of premises as builders merchants

Decision: 20-10-1994 Approved

Comment on Relevant Planning History

The use of the site was approved as Builders Merchants under application reference 43554C/92/787. The rear part of the warehouse, measuring 56.3 metres in width was granted consent as part of this permission.

Attached to the approval was a legal agreement which required the occupier to undertake a number of works to the site, including carrying out works within the wall survey and the realignment of the wall fronting Dawley Road. All of these works were completed in accordance with the legal agreement. Also contained within the document are a number of prohibitive covenants which are listed below:

3.9 a) No outdoor storage shall take place on the Land in those areas which are indicated on the plans as car parking spaces, turning circle or landscaped.

3.9 b) No material stored on the Land shall be stored so as to exceed three (3) metres in height as measured from ground level to the west of the line marked XX on the plans.

3.9 c) No material stored on the Land shall be stored so as to exceed four (4) metres in height as measured from ground level to the east of the line marked XX on the plans.

The covenants, therefore, clearly allows the storage of goods on the land around the buildings up to a certain height.

Planning application 43554/APP/2013/1028 was granted for a single storey detached shed, the raising of the roof of the existing warehouse and alterations to the external cladding. Condition 5 of this permission stated:

No building materials stored on the land shall be stored so as to exceed 4 metres in height, as measured from the existing ground level adjacent to where the materials are stored within the site.

REASON

To ensure the protection of the openness of the Green Belt, in accordance with Policy 7.16 of the London Plan (July 2011) and the National Planning Policy Framework.

Application reference 43554/APP/2013/3778 for the approval of details pursuant to conditions 3 (Site Levels), 4 (Materials), 7 (Tree protection) and 8 (Landscaping Scheme) of planning permission Ref: 43554/APP/2013/1028 dated 17/10/2013 (Single storey detached shed, raising of roof of existing warehouse and alterations to cladding)

was recently refused for the following reason:

The details submitted in respect of conditions 4, 7 and 8 are not considered acceptable as inadequate tree protection measures are proposed, no details about the retaining wall behind the new sheds have been submitted and the proposed landscape scheme is inadequate and unacceptable. The proposal would therefore result in the loss of or damage to existing trees and would not enhance the visual amenities of the locality, contrary to Policies BE13 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.BE1 (2012) Built Environment

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

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

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.

LPP 7.16 (2011) Green Belt

LPP 7.2 (2011) An inclusive environment

OE1 Protection of the character and amenities of surrounding properties and the local area

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed which expired on 23.1.14 and 6 neighbouring properties were consulted by letter dated 24.1.14. No responses were received.

Internal Consultees

Highways Officer:

No alterations are proposed to the access, internal road, turning areas and car parking layout. As such no objections are raised on highway grounds.

Access Officer:

No impact on accessibility and therefore no comments offered.

Tree and Landscape Officer:

No plans have been submitted with this application to clarify which area will be affected by the increase in storage height, nor the existing landscape context/screening.

However, there is a related application 2013/3778 which is seeking to remove the boundary conifers in the south-east corner of the site. My e-mail of 6 December made clear that the conifers would need to be retained, but could be trimmed back by: 'trimming back the lateral branches and crown lifting the trees on the north side only to 5 metres above ground level'. This advice appear to have been ignored as has the intention of the original legal agreement.

The proposal to raise the storage height is therefore unacceptable. The only way agreement may be reached is if a plan clearly shows the location of the storage together with any screen planting. Any proposed tree surgery work needs to be clearly specified by a tree surgeon.

Officer comment: The applicants have since submitted a detailed Visual impact Assessment which demonstrates that the existing trees within the site would screen the storage from view and this contains a plan which would ensure a protection zone around the trees which has been requested by the Trees and Landscaping Officer to ensure the protection of the trees in the site.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The National Planning Policy Framework states in paragraph 89 that limited infilling or partial redevelopment of Brownfield Sites within the Green Belt which would not impact the openness of the Green Belt, are considered acceptable. Policy 7.16 of the London Plan (July 2011) states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. The impact on the openness of the Green Belt is addressed below.

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

The National Planning Policy Framework states in paragraph 89 that limited infilling or partial redevelopment of Brownfield Sites within the Green Belt which would not impact the openness of the Green Belt, are considered acceptable. Policy 7.16 of the London Plan (July 2011) states that the strongest protection should be given to London's Green Belt, in accordance with national guidance.

Policy OL1 of the Hillingdon Local Plan (November 2012) states that within the green belt, as defined on the proposals map, the following predominantly open land uses will be acceptable:

- (i) agriculture, horticulture, forestry and nature conservation;
- (ii) open air recreational facilities;
- (iii) cemeteries

The local planning authority will not grant planning permission for new buildings or for changes of use of existing land and buildings, other than for purposes essential for and associated with the uses specified at (i), (ii) and (iii) above. The number and scale of buildings permitted will be kept to a minimum in order to protect the visual amenity of the green belt. The existing site was granted consent for continued use as a builders merchants under application reference 43554C/92/787, which required large area of hardstanding for the storage of materials and vehicle parking and turning areas. The current site is largely covered in hardstanding and whilst designated as Green Belt, does not currently retain much soft landscaping or green space, with the only exception being the trees belt adjacent the boundary line shared with the Green Belt. The 1992 permission also allowed for the storage of goods up to a height of 3 or 4 metres in large areas of the site and large areas of the site are currently covered with building materials. The tree belt provides a good screen to the storage area. The applicants have submitted a Visual Impact Assessment which confirms the provision of a buffer zone to protect the trees. The Impact Assessment confirms the storage to be on racking with back boards and canopy in dark green. Given the detail contained within the Visual Impact Assessment it is considered that provided the trees are retained at the current height of 5.5m, the storage of materials up to a height of 5m in height would not be readily apparent from views outside of the site and would not unacceptably affect the openness of the Green Belt. There are two views from where the storage would be visible, points 2 & 13 in the report, however, from these locations views of the existing storage at a height of 4 metres would be readily available and the increase in height does not result in increased visibility such that it would result in increased harm to the openness of the Green Belt. The tree protection is the subject of a separate conditions of planning permission 43554/APP/2013/1028 which is required to be discharged and is also recommended as part of this application.

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

As set out above, the tree belt provides a good screen to the storage area and it is considered that providing the trees are retained at the existing height of 5.5m that the storage of materials up to a height of 5m would not be apparent from views outside of the site. The only exceptions to this would be points 2 & 13 in the visualisation report, however, views of the storage racks would already be available from these positions and it and would not unacceptably affect the character and appearance of the area and would not detract from the openness of the Green Belt.

7.08 Impact on neighbours

The land to the north is taken up by a number of commercial buildings. Therefore, the proposed increase in height of the storage would not impact the residential amenity of any

neighbouring occupier. The increase in height would not result in any significant over dominance to the land to the north and is considered to comply with Policies BE20 & BE21 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

No alterations are proposed to the access, internal road, turning areas and car parking layout. As such no issues are raised in terms of traffic impact, car/cycle and pedestrian safety.

7.11 Urban design, access and security

Not applicable to this application.

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 tree belt along the boundary of the site with the Green Belt is an important screen to the storage area. The retention of these trees at a height of 5.5m is the critical determining factor in this application. The tree belt provides an good screen to the storage area and it is considered that providing the trees are retained at the height of 5.5m that the storage of materials up to a height of 5m in height would not be apparent from views outside of the site and would not unacceptably affect the openness of the Green Belt. The tree protection is subject of a separate conditions of planning permission 43554/APP/2013/1028 which is required to be discharged and is recommended again as part of this application. It is also noted that the applicant has now submitted a plan as part of the visual impact assessment which provides a non-storage area to give greater protection to trees within the site and this would also be controlled by condition.

7.15 Sustainable waste management

Not applicable to this application

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

None received.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No additional issues raised

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

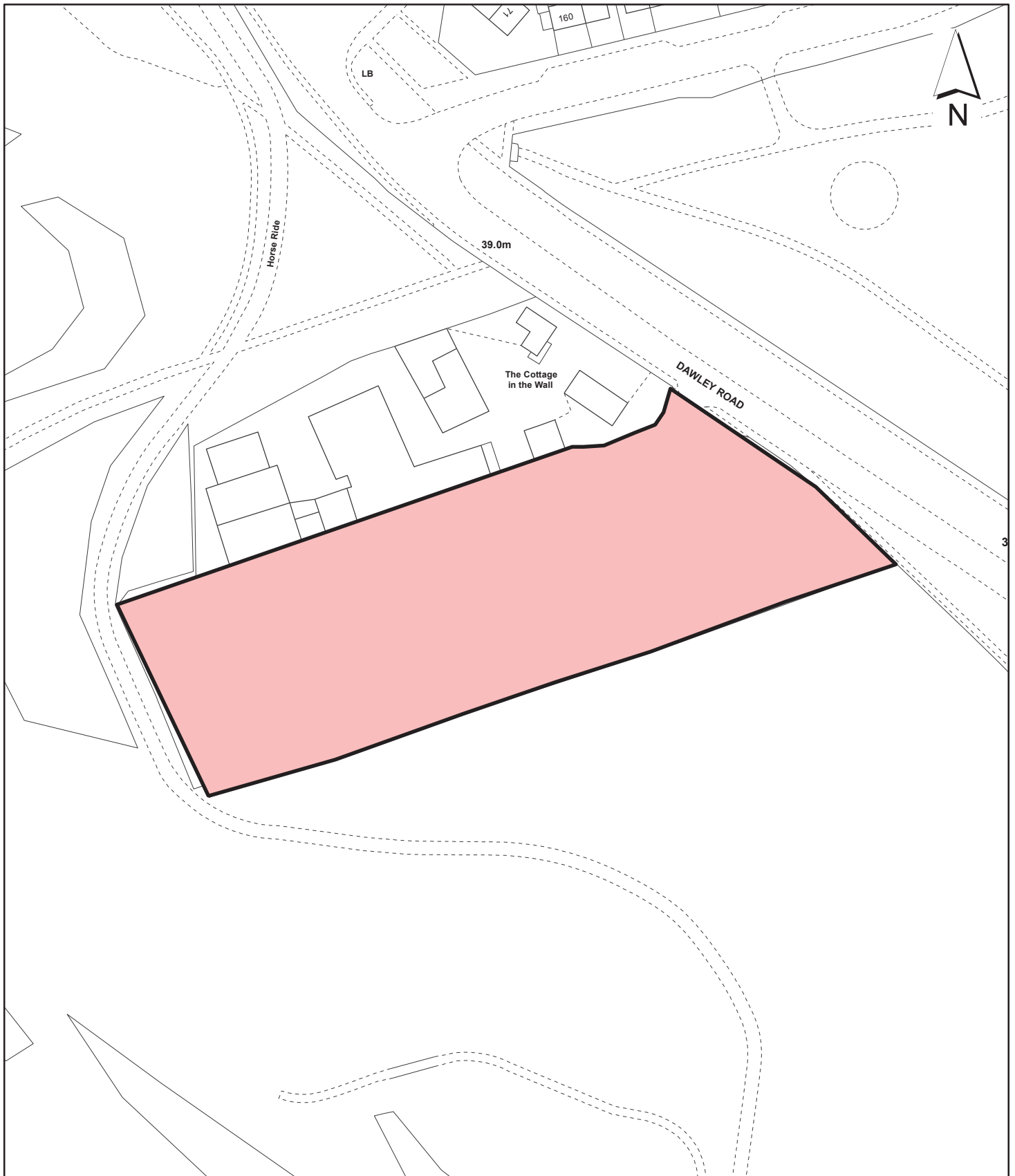
The variation of condition 5 to allow for the increased storage of height of building materials to be stored on the land to 5m in height is considered acceptable. The storage area is currently screened by a mature belt of trees which provides a good screen to the storage area. Subject to the trees being retained (which is controlled by a separate landscaping condition (number 8) on planning permission reference 43554/APP/2013/1028, which would be added again to this consent), the increase in height of building materials by an additional metre to 5m in height would not affect the openness of the Green Belt. As such the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan (November 2012);
The London Plan (July 2011);
National Planning Policy Framework.

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Lords Builders Merchants Dawley Road Hayes</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>43554/APP/2013/3779</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>Central and South</p>	<p>Date</p> <p>April 2014</p>	



HILLINGDON
LONDON