

## Report of the Head of Planning, Sport and Green Spaces

**Address** PLOT 5, 91 PARK VIEW ROAD HILLINGDON

**Development:** Change of use from storage (Use Class B8) to car sales (Sui Generis) (Retrospective)

**LBH Ref Nos:** 20207/APP/2015/2987

**Drawing Nos:** Plot 5 (Location Plan - 1:1250)

**Date Plans Received:** 07/08/2015                      **Date(s) of Amendment(s):**

**Date Application Valid:** 11/09/2015

### 1. SUMMARY

Full planning permission is sought for the Change of Use from storage to car sales (Sui Generis).

The site is situated on the edge of the Green Belt and comprises of a small subdivided area of land consisting of a whole area of hardstanding, portacabins and parking of vehicles across the site.

The site is located within the Green Belt where the only acceptable uses of open land are for agriculture, horticulture, forestry and nature conservation, open air recreational facilities and cemeteries.

As such the use of land for car sales is considered contrary to Policy OL1 of the Hillingdon Local Plan Part Two: Saved UDP Policies. Furthermore, insufficient information has been provided on the traffic and highway safety impact of the use.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The development represents inappropriate development within the Green Belt, which is, by definition, harmful to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the use, which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt, contrary to the National Planning Policy Framework, Policy 7.16 of the London Plan (March 2015), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### 2 NON2 Non Standard reason for refusal

The proposed development by virtue of the loss of all the soft landscaping, the creation of an open hardstanding parking area and emphasising the appearance of a hard surfaced area, is considered detrimental to the character, appearance and visual amenity of the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework, Policy 7.16 of the London Plan (March 2015), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1 and OL4 of the Hillingdon

Local Plan: Part Two - Saved UDP Policies (November 2012).

**3 NON2 Non Standard reason for refusal**

In the absence of a transport assessment, it has not been demonstrated that the traffic generation in relation to the proposed use, car parking provision, pedestrian and cycling provisions and arrangements for segregation of vehicular and pedestrian movement would not have adverse impacts on the operation of the adjoining highway network and vehicular and pedestrian safety. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**INFORMATIVES**

**1 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), the London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

**3. CONSIDERATIONS**

**3.1 Site and Locality**

The application site comprises a subdivided plot within a large area of land within the Green Belt. The site is set back from the main road and is sited along the rear boundary walls of the neighbouring dwellings along Chestnut Avenue.

The larger site consists of a number of commercial businesses such as car sales, garage, and scrap yards.

**3.2 Proposed Scheme**

Retrospective Planning Permission is sought for the change of use from storage to car sales (Sui Generis).

**3.3 Relevant Planning History**

20207/APP/2015/2650 91 Park View Road Hillingdon

Use of plot 1 as a scrap metal/recycling centre (Application for a Certificate of Lawful Development for an Existing Development)

**Decision:** 01-10-2015 Refused

20207/APP/2015/2988 Plot 3, 91 Park View Road Hillingdon

Change of use from storage (Use Class B8) to recycling centre (Sui Generis) (Retrospective)

**Decision:**

20207/APP/2015/2989 Plot 4, 91 Park View Road Hillingdon

Change of use from storage (Use Class B8) to car sales (Sui Generis) (Retrospective)

**Decision:**

20207/C/90/0922 Drayton Tyres West Drayton Road Hillingdon

Erection of replacement building to accommodate vehicle tyre and exhaust system centre with associated car parking

**Decision:** 12-06-1992 Approved

20207/D/91/1591 Drayton Tyres West Drayton Road Hillingdon

Use of land for retail sale and fitting of new and part worn tyres and vehicular exhaust systems and open storage of tyres (Application for Established Use Certificate)

**Decision:** 18-03-1992 Refused

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

The application states change of use of land from storage to Car Sales. It is clear from historical photographs of the site that it previously comprised of soft landscaping and trees.

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

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

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

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

LPP 7.16 (2015) Green Belt

NPPF9 NPPF - Protecting Green Belt land

#### **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 total of 12 external consultees were consulted via letter on 14.09.15 including the Whitethorn Residents Association.

A site notice was also attached to the front of the site on 16.09.15.

One objection was received from the occupier of No. 35 Chestnut Avenue stating the use of the land is not suitable on Green Belt.

### **Internal Consultees**

The Environmental Protection Unit and The Highways Authority were also consulted on 14.09.15.

Environmental Protection Unit:

Further to this application I wish to make the following comments:

EPU wish to object to this application as there is no information provided regarding any welfare facilities, garages, any plant or machinery in use, merely the provision of a plan and opening hours.

A s.80 notice for noise has already been served on the current occupiers of the site, restricting the activities within the boundary area outlined in red on this application.

If the committee are minded to approve the application, I would recommend the following conditions:

1) Car sales shall only take place within the area outlined in red. No car repairs or breaking shall take place anywhere on the site unless specifically agreed with the Planning Department.

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

2) The site shall not be used outside the hours of 09:00 and 18:00, Monday to Friday, and between the hours of 09:00 and 13:00 on Saturdays. The site shall not be used on Sundays or Bank Holidays.

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

3) The site shall not be used for delivery and the loading or unloading of goods outside the hours of 09:00 and 18:00, Monday to Friday, and 09:00 and 13:00 on Saturdays. The site shall not be used on Sundays or Bank Holidays.

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

5) No plant or machinery shall be utilised on the site without first providing information to the Environmental Protection Unit regarding noise levels to ensure that the noise emitted from the site shall be at least 5dB below background levels. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

The Highways Authority:

- i) The application should be supported by a transport assessment report.
- ii) Details of number of cars for sale and provision of parking for staff and visitors should be provided.
- iii) Details of provision for cyclist and pedestrians should be provided.
- iv) Information regarding previous use in terms of parking and movement should be provided. The site would benefit from some form of segregation of vehicular and pedestrian movements for safety reasons.
- v) The site has very poor public transport accessibility.

## **7. MAIN PLANNING ISSUES**

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

The whole of the application site is designated as Green Belt and there are currently no proposals to remove this land from its Green Belt designation. The main policy issue in relation to this development is therefore considered to be the principle of the development within the Green Belt and its impact on the character and appearance of the Green Belt.

The National Planning Policy Framework (NPPF) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Nevertheless, the document states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 88. states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Para. 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The London Plan strongly supports the protection, promotion and enhancement of London's open spaces and natural environments. Policy 7.16: Green Belt states that in

terms of planning decisions:

"The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance".

In terms of local policy, Part 1 of the Local Plan continues to give strong protection to Green Belt land. The relevant policy in the Local Plan is EM2 which makes clear that:

"The Council will seek to maintain the current extent, "Any proposals for development in the Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances test".

The policies of Part 2 of the Hillingdon Local Plan - Unitary Development Plan Saved Policies are also relevant. Planning policy on Green Belt land is set out at Policies OL1, OL2 and OL4. These policies give strong emphasis to not normally permitting new building/uses in the Green Belt, reflecting overarching national and London wide policies.

Of particular relevance is Saved Policy OL1 of the Hillingdon Local Plan Part 2, which endorses both national and London Plan guidance. Policy OL1 states 'Within the Green Belt, as defined on the Proposals Map, the following predominantly open land uses will be acceptable:

- Agriculture, horticulture, forestry and nature conservation;
- Open air recreational facilities;
- 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 change of use from a storage yard to car sales has resulted in the intensification of the whole site being characterised by a hardstanding area which has resulted in the loss of trees, vegetation and soft landscaping, and replaced with a large area of hardstanding littered with cars and portacabins giving the site a more commercial/industrial appearance. This is considered to have a significant impact on the openness of the Green Belt and therefore, by definition, the proposal is inappropriate development in the Green Belt. In light of paragraph 87 of the NPPF, the onus is therefore placed upon the applicant to demonstrate 'very special circumstances' under which planning permission should be granted and that "very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations".

The applicant has not submitted any form of statement to indicate that there is a compelling need for the development or cited any very special circumstances.

#### IMPACT ON THE GREEN BELT

The most important attribute of Green Belts is their openness and the aim of preserving the openness of Green Belt land which is reiterated in the NPPF and Local Plan Part 2 Policy OL1.

Paragraph 89 of the NPPF, which states the LPA should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions which are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 89 states exceptions to inappropriate development in the Green Belt is the construction of new buildings/use on previously developed sites (brownfield land) whether redundant or in continuing use and would not have a greater impact on the openness of the Green Belt.

The definition of previously developed sited(brownfield land) is land which is or was occupied by a permanent structure and fixed surface infrastructure.

Aerial photographs show Plot 5 was characterised by open land consisting of trees, bushes and soft landscaping. The current use has changed the character and appearance of the site, being littered with cars and portacabins giving it a far more commercial/industrial appearance and therefore having a far greater impact on the openness of the Green Belt.

Thus, it is considered that the use as a car sales area of this Green Belt land would no longer effectively fulfil its function of checking unrestricted urban sprawl, assist in safeguarding the countryside from encroachment, or preserve its setting and special character and openness of the Green Belt and is contrary to Policy OL1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), London Plan Policy 7.16 and the provisions of the NPPF.

#### **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**

See Section 7.01.

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

See Section 7.01.

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

Policy OE1 relates to other environmental considerations and states that 'planning permission would not normally be granted for uses or associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area, because of, amongst other things, siting and appearance'.

The site abuts the rear boundary wall of the properties along Chestnut Avenue, however the site proposes to be used as a car dealership. It is considered the parking and selling of motor vehicles would not result in an adverse impact on the residential amenity of the neighbouring dwellings, by virtue of the existing businesses on site and noise generated.

The Environmental Protection Unit were also consulted and state the site should only be used for the sale of cars between working hours from Monday to Friday, and half day on Saturday with no additional use of machinery or plant without the submission of further information.

The application site consists solely of cars for sale, and is considered not to result in the creation of excessive noise, dust and pollution and therefore would be in accordance with Policy OE1 of the Hillingdon Local Plan Part Two Saved UDP Policies.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Hillingdon Local Plan: Part Two Policy AM7 relates to traffic generation of new development with (ii) particularly relating to highway and pedestrian safety. AM14 states the need for all development to comply with the Council's adopted parking standards.

Comments from Highways officer consider that further information regarding a transport assessment, car parking provisions, pedestrian and cyclist provisions, previous traffic movement for B8 use, and arrangements for segregation of vehicular and pedestrian movement should be requested.

As it stands the amount of information submitted with reference to car parking and layout is insufficient to comply with Policies AM7 (ii) and AM14 of the Hillingdon Local Plan Part Two: Saved UDP Policies.

**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 use has resulted in a loss of trees and soft landscaping and this forms part of the reason for refusal.

**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**

These issues are covered in section 7.08.

**7.19 Comments on Public Consultations**

Issues raised have been covered within the main report.

**7.20 Planning obligations**



Not applicable to this application.

#### **7.21 Expediency of enforcement action**

The matter is under investigation by the Council's enforcement section and should the application be refused a further enforcement report will be forwarded for consideration by the committee.

#### **7.22 Other Issues**

None.

### **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 and also the guidance contained in Probity in Planning, 2009.

#### 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 site is situated on the edge of the Green Belt and comprises of a small subdivided area of land consisting of a whole area of hardstanding, portacabins and parking of vehicles across the site.

The site is located within the Green Belt where the only acceptable uses of open land are for agriculture, horticulture, forestry and nature conservation, open air recreational facilities and cemeteries.

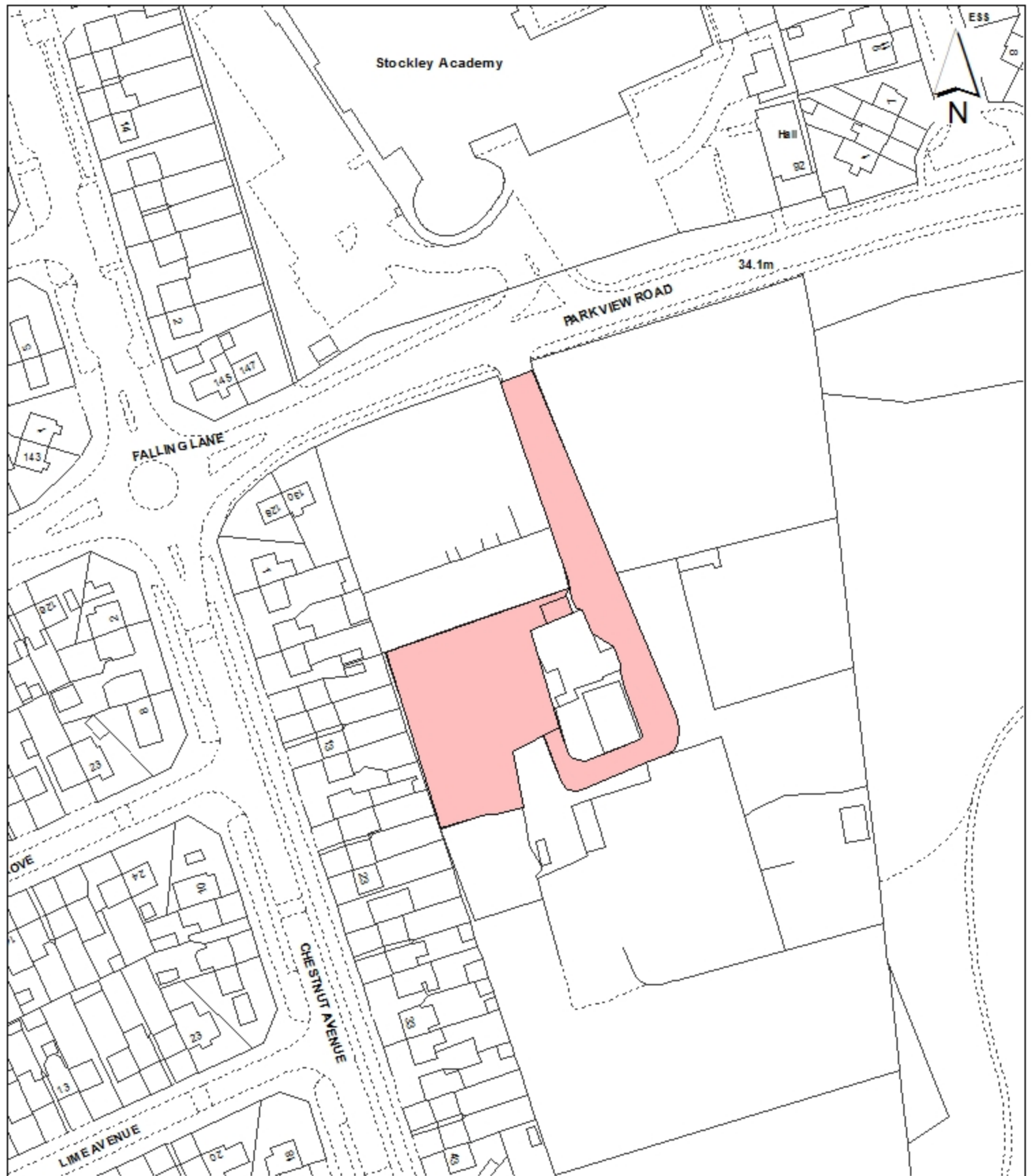
As such the use of land for car sales is considered contrary to Policy OL1 of the Hillingdon Local Plan Part Two: Saved UDP Policies. Furthermore, insufficient information has been provided on the traffic and highway safety impact of the use and is therefore recommended for refusal.

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

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (2015)  
National Planning Policy Framework

**Contact Officer:** Naim Poptani

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.

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Site Address:

**Plot 5, 91 Park View Road**

Planning Application Ref:

**20207/APP/2015/2987**

Planning Committee:

**C&S**

Scale:

**1:1,250**

Date:

**January 2016**

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services  
Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
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**HILLINGDON**  
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