

Report of the Head of Planning, Sport and Green Spaces

Address PLOT 3, 91 PARK VIEW ROAD HILLINGDON
Development: Change of use from storage (Use Class B8) to recycling centre (Sui Generis) (Retrospective)
LBH Ref Nos: 20207/APP/2015/2988
Drawing Nos: Plot 3 (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 of cars to recycling centre (Sui Generis).

The site is situated on the edge of, but within the Green Belt and comprises of a small subdivided area of land comprising single storey prefabricated buildings, machinery, a caravan and skips along the western boundary and large area of hardstanding and the parking/storage of vehicles.

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 as a recycling centre is considered contrary to National and local policies protecting the Green Belt. Furthermore, the use is considered to impact on the residential amenity of adjoining occupiers and insufficient information has been provided on the traffic and highway safety impacts 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 (July 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

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).

3 NON2 Non Standard reason for refusal

In the absence of additional information in regards to the types and numbers of machinery in relation to the existing use as a recycling centre and measures taken to demonstrate that the use would not result in neighbouring and environmental impacts by reason of noise, vibration, dust and pollution, the proposal is considered contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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 (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
LPP 7.16	(2015) Green Belt
NPPF9	NPPF - Protecting Green Belt land

3 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), then 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 occupies a plot along Park View Road which is subdivided into smaller plots that are occupied by a number of different businesses such as car sales, garages, scrap metal and recycling yards. The plot in question measures approximately 00.09 hectares and falls within the boundaries of the Metropolitan Green Belt.

3.2 Proposed Scheme

Retrospective Planning Permission is sought for the change of use from storage of cars to recycling centre (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/2015/2987 Plot 5, 91 Park View Road Hillingdon

Change of use from storage (Use Class B8) to car sales (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 site's previous use was for the storage of cars, however the plot has been unlawfully used as a recycling centre.

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:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

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

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

OL4 Green Belt - replacement or extension of buildings

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 4 adjoining occupiers 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.

Two objections were received from the occupiers of 29 and 35 Chestnut Avenue objecting on the following grounds:

- i) The scrapyard prevents us from living in our home as result of excessive noise, dust and smoke.
- ii) We cannot open our windows and doors or make use of our garden.
- iii) As a result of the operations the noise is deafening and causes the house to shake.
- iv) Work is carried out from 6.30am and goes on all day, with workmen shouting and screaming.
- v) The site was previously occupied by trees and horses and not storage.
- vi) Cars are being crushed causing pollution.
- vii) Not a suitable use for Green Belt land.

Internal Consultees

EPU:

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.

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.

4) 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.

Highways Officer:

- i) The application should be supported by a transport assessment report.
- ii) Details of 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'.

Very special circumstances

It is accepted that Plot 3 was previously used for the storage of motor vehicles. However, the use as a metal recycling has resulted in a considerable intensification which results in the site being littered with scrap metal, skips and machinery giving it a far more industrial appearance than the previous use. 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

It is accepted that the application site was hardstanding on which cars were parked. However, it was mainly open in character. The current use has changed the character and appearance of the site, being littered with scrap metal, skips and machinery giving it a far more 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 recycling centre 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.'

Policy OE3 states "Buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels by engineering, layout or administrative measures."

The application site, Plot 3 is sited to the far side of the wider plot and positioned approximately 70m from the rear gardens of the neighbouring dwellings along Chestnut Avenue. In normal circumstances the separation gap between the site and neighbouring properties would be considered adequate to avoid a detrimental impact on the amenity of the adjoining neighbours. However, given the objections raised by neighbours in regards to excessive noise, dust and pollution, and a lack of information submitted by the applicant regarding the types and numbers of machinery on site, it is considered the proposed use as a recycling centre does have a harmful impact on the residential amenities of the neighbouring properties.

Given the lack of information in regards to the type and numbers of machinery on site, and any subsequent measures taken to mitigate any impact on the neighbouring properties, the use of the site as a recycling centre is considered contrary to Policy OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies November 2012.

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 proposal would not result in a loss of trees and soft landscaping.

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 proposed use is considered as an inappropriate form of land use within the Green Belt as stated within Policy OL1 of the Hillingdon Local Plan Part Two, and although the site occupies a previously developed site, it is considered the use as a recycling centre has a far greater impact on the Green Belt than its use as a storage yard for cars. The site consists of heavy machinery, large skips and a litter of scrap metal which is considered to have a detrimental impact on the openness of the Green Belt. Further information regarding the parking and access arrangements of the site were not submitted, as requested, and is therefore also considered contrary to Policy AM7 and AM14 of the Hillingdon Local Plan Part Two and is therefore recommended for refusal.

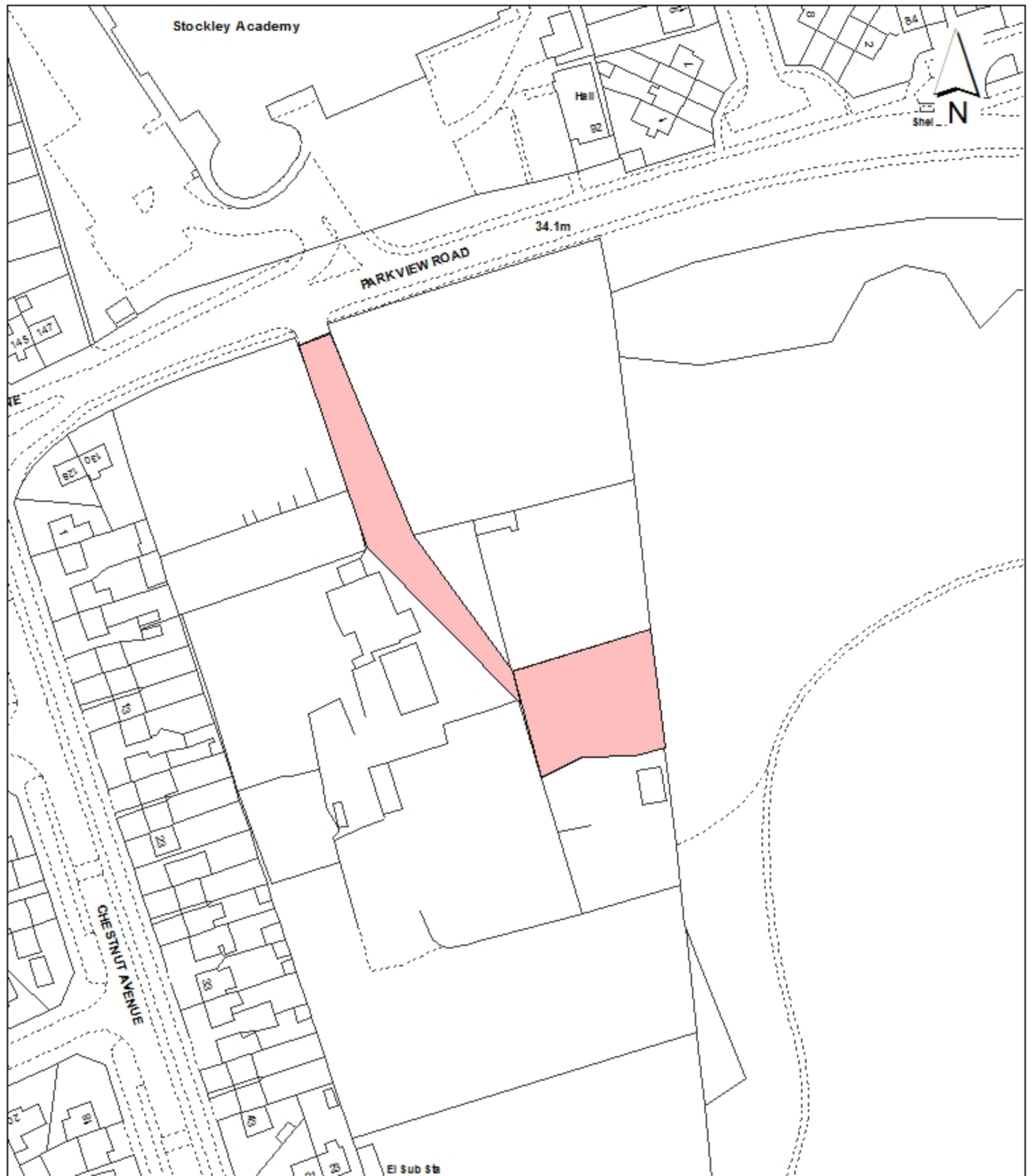
11. Reference Documents

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

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Notes:

 Site boundary

For identification purposes only.

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Site Address:

Plot 3, 91 Park View Road

Planning Application Ref:

20207/APP/2015/2988

Planning Committee:

C&S

Scale:

1:1,250

Date:

January 2016

LONDON BOROUGH OF HILLINGDON

**Residents Services
Planning Section**

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