

Report of the Head of Planning, Sport and Green Spaces

Address PLOT 4, 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/2015/2989
Drawing Nos: Plot 4 (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 Use Class B8 (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 single storey portacabins along the western boundary and large area of hardstanding and the parking/storage of vehicles. The land was previously in use as a storage yard, but has been in use for car sales.

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.

The site occupies an area of previously developed land, and is therefore viewed as an exception to inappropriate development within the Green Belt, however insufficient information has been provided on the traffic and highways safety impacts of the use.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 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 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).

2 153 **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
OL1	Green Belt - acceptable open land uses and restrictions on new development
LPP 7.16	(2015) Green Belt
NPPF9	NPPF - Protecting Green Belt land

3 159 **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 (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 00.10 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 Use Class B8 (Storage) to Sui Generis to be used to sell cars.

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/2015/2988 Plot 3, 91 Park View Road Hillingdon
Change of use from storage (Use Class B8) to recycling centre (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 sites official use of land is for B8 use (storage), however the plot has been unlawfully used for the sale of cars.

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

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 4 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.

Two objections were received from the resident of No. 35 Chestnut Avenue stating:

- i) too much industrial development on the site.
- ii) the plan has been amended to an area used for a metal recycling yard.
- iii) the site is situated within the Green Belt and not suitable for its current use.
- iv) also within a residential area and causes extreme stress and nuisance to nearby residents.

Internal Consultees

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

Environmental Protection Unit:

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 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...of the Green Belt". "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

The proposed use is defined as inappropriate development within the Green Belt, and should not be approved unless very special circumstances exist. The proposed use for the selling of motor vehicles, would occupy an area of land previously used for the storage of motor vehicles. The proposed use is therefore not considered significantly different to the storage of motor vehicles and would not result in an intensification of the site, as well as the proposed use now occupying a smaller area of land as a result of the subdivision of the wider plot.

By virtue of the previous occupation of the site, and the similarities between the previous and existing use, it is considered there would be no greater impact on the openness of the Green Belt and would be an exception to inappropriate development within the Green Belt.

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

The proposed use would be considered as an exception to inappropriate development within the Green Belt as result of the previous occupation of the site, and the similarities between the previous and existing use, it is considered there would be no greater impact on the openness of the Green Belt and would be an exception to inappropriate development within the Green Belt.

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

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 application site is located to the western side of the wider plot and positioned approximately 70m from the rear gardens of the neighbouring properties. The selling of motor vehicles is considered not to have an adverse impact on the residential amenities of the neighbouring dwellings, by virtue of its proposed use and the existing businesses on site and the levels of noise currently generated.

The Environmental Protection Unit were also consulted who stated, 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.

7.10 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 site is situated on the edge of the Green Belt and comprises of a small subdivided area of land consisting of single storey portacabins along the western boundary and large area of hardstanding and the parking/storage of vehicles. The land was previously in use as a storage yard, but has been in use for car sales.

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.

The site occupies an area of previously developed land, and is therefore viewed as an exception to inappropriate development within the Green Belt, however insufficient information has been provided on the traffic and highways safety impacts of the use.

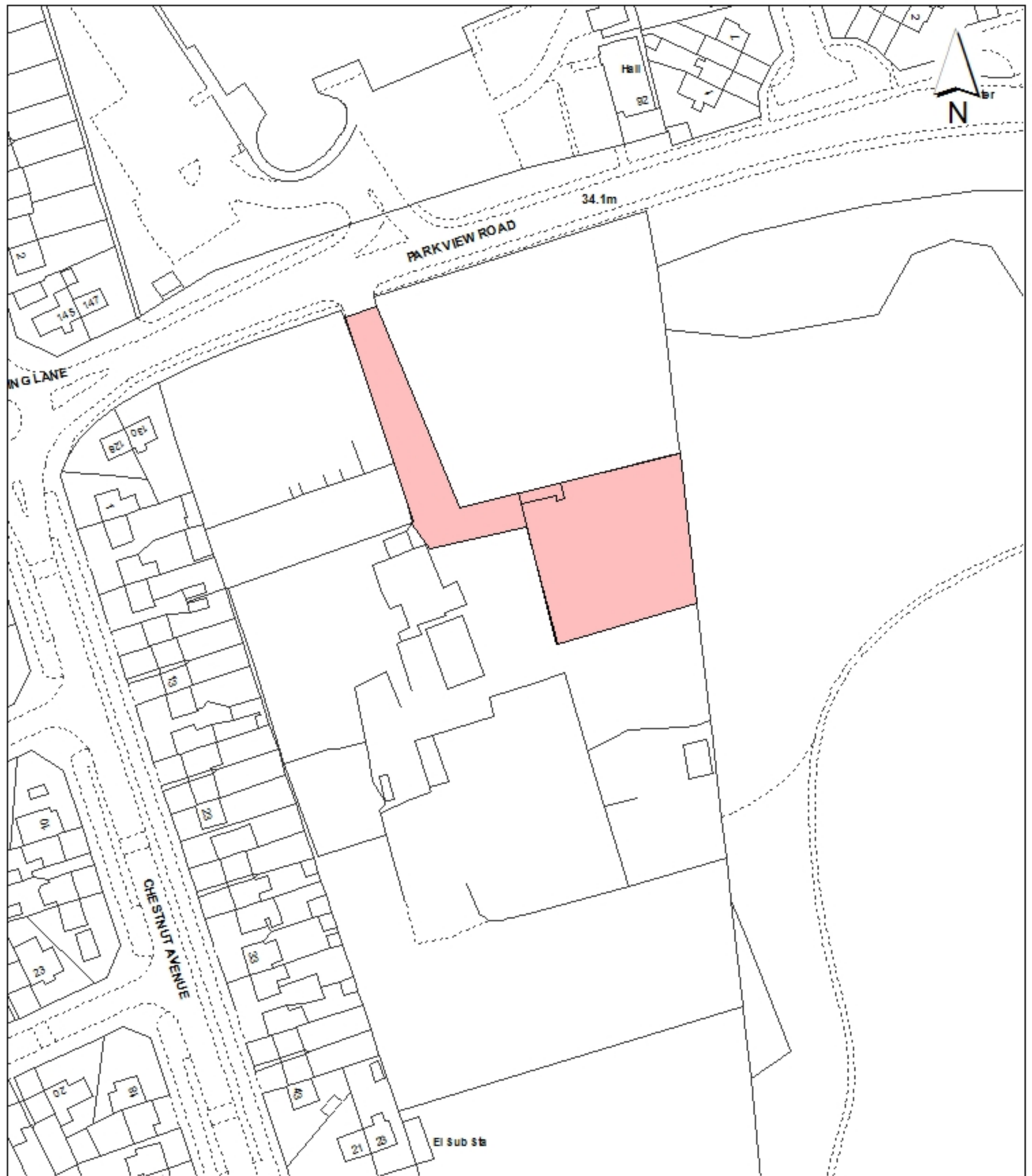
The application is therefore recommended for refusal.

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 4, 91 Park View Road

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section

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

Planning Application Ref:

20207/APP/2015/2989

Scale:

1:1,250

Planning Committee:

C&S

Date:

January 2016



HILLINGDON
LONDON