

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

**Address** 141 CHARVILLE LANE HAYES

**Development:** Erection of 2 cabins, single storey workshop building, gate/fence, demolition of existing buildings and change of use from scrapyard (Sui Generis) to car repairs (Use Class B2)

**LBH Ref Nos:** 72426/APP/2017/2914

**Drawing Nos:** Planning Statement  
17-01  
17-02  
17-03  
Transport Statement

**Date Plans Received:** 08/08/2017 **Date(s) of Amendment(s):**

**Date Application Valid:** 10/08/2017

### DEFERRED ON 11th January 2018 FOR FURTHER INFORMATION .

Members will recall that this application was deferred from the 11th January 2018 Central and South Planning Committee. Members requested clarification of a number of points before it was reported back to committee. The applicant has provided clarification/further information on the following points. Officer comments are provided where appropriate.

1. When did the former use of the land stop?

The applicant has provided the following information:

The site comprises a dwelling (143) and a large yard area (141) known as Allen's Yard. The site operated as both a builder's yard for the storage of building materials and plant (Ref: 35619/B/93/0123) and a scrap yard for the processing of scrap metal/waste transfer (Ref: 35619/A/92/1045). It was operated by Peter George Allen and family. A lawful use for both elements was established in the early 1990's and the scrap metal processing operation eventually ceased in September 2014, when the Environmental Agency Permit for Waste Management and Waste Transfer was surrendered. The site remained in active use for the storage of building materials up until Mr. Allen's death in March 2016. Materials and scrap metal were being stored on the site up until purchase by the applicant, Baldwins Repair Group.

Following the grant of probate in May 2016, the site was marketed as a house, with industrial yard, on the open market. It was marketed and purchased as a going concern, with the redevelopment potential of the site subject to planning. Baldwins purchased the site in mid-2016. The buildings on site were structurally sound and still contained building materials; scrap metal and other waste materials at the point of purchase.

Officer comments:

It is important to establish whether the former use as a scrap yard/builders' yard has been abandoned or merely suspended, in order that appropriate weight can be attached to the historic use of the site. Abandonment is a legal concept used to describe the circumstances in which the rights to resume a use which has been lawfully carried out in the past may be lost because the use has ceased. The courts have generally determined that abandonment may

occur where there has been a deliberate intention to cease a use by reason of the premises having been left vacant for a considerable period, or the buildings having deteriorated to the extent that their re-use would involve works that would be tantamount to a re-build, or by the introduction of a different use that supersedes that which came before.

If a use has been abandoned, the land will have a "nil" use and the resumption of any previous use will require planning permission.

As a guide, the considerations to be taken into account in deciding whether a use has been abandoned are set out in the case of *Castell y Mynach Estate v Secretary of State for Wales and Taff Ely Borough Council*. These are: the period of non-use, the physical condition of the land, whether there had been any other use, and the owner's intentions.

In light of the information submitted by the applicant, it is not considered that the former use of the site has been abandoned. The period of no active use is extremely short, and given the continued use, up until its sale, for storage of building materials; arguably there has not been a point of non-use. It also appears evident that the landowner and his successors in title have never intended for the use to end.

## 2. When were the former buildings demolished?

Initial work commenced shortly after purchase in October 2016 when the stores on the eastern boundary were removed and replaced by the portacabins. The building to the west boundary was partially deconstructed, while the operational yard was squared up. No further work has taken place. It is noted that a number of the original structures remain standing on the site.

### Officer Comment:

There does not appear to be a statutory minimum time limit for a cleared site to lose benefit of being a developed site in the Green Belt. This is a matter of fact and degree, depending on the individual circumstances of each case. Given the relatively recent date when the stores were demolished, these structures can still be taken into account in determining the net loss of building footprint on the site.

## 3. How is car exhaust and potential paint fumes to be controlled?

Baldwins are a Bodyshop not mechanical, so they would not have any car running for a period of time, other than to move them from space A to space B, however, they do have car fume exhaust extractors and which have certified methods and calibrations. The Bodyshop will be certified by BSI PAS10125, which is the Industry standard for equipment and processes to meet the environment and H&S regulations. The spray booths are enclosed facilities and will meet all of the above specification from new installation and conform as follows to:

- The ceiling (input) filters will be high quality MSF 560G media and housed in the air input plenum located at ceiling level at the front of the spray booth cabin. The extract will be two-stage system comprising 100mm pax 1000 filter plus a MS 290 secondary filter to meet emission limits for EPA.
- COSHH Regulations: 1994, with regard to Local Exhaust Ventilation and Air Circulation Machinery/Plant (Defra Pg6/34(11)).
- HSG178, which recommends on design and construction of vehicle spray booths.
- EH9 and EH16, which cover the spraying of highly flammable liquids and isocyanates. The paint scheme we use is water-based colour scheme, which does not contain any isocyanates.
- HSG258, which gives guidance on local exhaust ventilation (LEV) to control airborne contaminants.

· The Environmental Protection Act 1990, including relevant Process & Technical Guidance Notes.

(Officer note: This can be secured by condition).

4. How is the run-off from car washing to be controlled?

Water run-off will be controlled in the normal manner as part of a surface water drainage system for the yard. Standard interceptor filters are employed to syphon particles and petrochemicals.

(Officer note: This can be secured by condition).

5. Does the reduction in footprint of the buildings on site include the new cabins?

The proposed development includes the removal of five existing structures. These will be replaced with new buildings, but this will result in a net reduction of floor space by 37sqm.

6. Why are the cabins being recommended for approval forward of the established building line?

Officer comment: This issue has been covered in the officer report. There will be a net reduction of buildings, thereby enhancing the open character of the site. Although the cabins are set further forward in the site than the buildings they are replacing, given the commercial nature of the site and the potential for increase planting along the front boundary, this will further soften the appearance from the street.

7. Explain the need for condition 7 (control of vibration).

This condition was not requested by the Environmental Protection Unit and has been deleted.

8. Are conditions 10 (control of dust) and 11 (Construction Environmental Management Plan) necessary?

These conditions are considered appropriate, given the close proximity of neighbouring properties.

9. Is condition 8 (noise) sufficient to protect residential amenity from car engine noise.

The applicant explains that Baldwins are a Bodyshop not mechanical, so they would not have any car running for a period of time, other than to move them from space A to space B.

10. How will the hedgerow be secured?

This is covered by landscape condition 5.

11. Recovery lorries

The Transport Statement supplied a tracking diagram for a 3.5t rigid vehicle (Transit based) which is a smaller type of vehicle used in recovery work.

## 1. **SUMMARY**

The application seeks planning permission for the erection of 2 cabins, single storey workshop building, gate/fence, demolition of existing buildings and change of use from scrapyard (Sui Generis) to car repairs (Use Class B2). The applicants have demonstrated by way of the submission of a Design and Access Statement and a Transport Statement that the proposed change of use would not detract from highway or pedestrian safety and the visual amenity of the Green Belt.

## 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 17-02 and 17-03, and shall thereafter be retained/maintained for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

### **3 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)

### **4 COM22 Operating Hours**

The premises shall not be used except between 0800 and 18.00 Mondays - Fridays and 0800 to 12.00 Saturdays and at no time on Sundays, Public or Bank Holidays.

#### **REASON**

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

### **5 COM9 Landscaping (car parking & refuse/cycle storage)**

No further 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 Refuse Storage
  - 2.b Cycle Storage
  - 2.c Means of enclosure/boundary treatments
  - 2.d Car Parking Layouts
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.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. Schedule for Implementation

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) and Policy 5.17 (refuse storage) of the London Plan (2016)

### **6 COM15 Sustainable Water Management**

Within three months of the date of this approval details of a soakaway or tank to control surface water from the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The scheme will need to ensure that the new pipework should not be connected to any existing surface water network which drains to any road or sewer. Water run off from any hard paving associated with the development should also be directed to a soakaway or made permeable. The development shall only be undertaken in accordance with those approved details, and the approved scheme shall be implemented within three months of the written approval of the details and before the workshop is erected. The installed scheme shall be retained for the duration of the development.

#### REASON

To ensure that surface water is controlled and the development does not increase the risk of flooding contrary to Policy EM6 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); Policies 5.12 and 5.13 of the London Plan (March 2016); the NPPF and Planning Practice Guidance (March 2014)

### **7 COM16 Scheme for site noise control**

The rating level of the noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall

be made in accordance to the latest 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**8 COM20 Air extraction system noise and odour**

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**9 NONSC Non Standard Condition**

Within three months of the date of this approval a scheme for protecting the surrounding dwellings from dust emitted from the construction works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of dust control measures and other measures as may be approved by the Local Planning Authority. The development shall only be undertaken in accordance with that scheme, and the approved scheme shall be implemented within three months of the written approval of the details and before the workshop is erected.

**REASON**

It is known that dust from construction works can cause nuisance by soiling surfaces and other articles in and about buildings. Dust can also cause irritation such as irritation to the eyes, nose and throat. There is growing evidence and concern that dust especially the very small and fine dust particles can cause or exacerbate respiratory ill-health.

**10 NONSC Non Standard Condition**

Within three months of the date of this approval and prior to the commencement of operations on the construction of the workshop within the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the LPA. The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction, traffic and construction materials delivery. It will ensure appropriate communication with the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangements should be made for monitoring and responding to complaints relating to demolition and construction. All further demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP.

**REASON**

To safeguard the amenity of the surrounding area in accordance with policy OE5 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

## INFORMATIVES

### 1 I52 **Compulsory Informative (1)**

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

### 2 I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) 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.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
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.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
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
OE5	Siting of noise-sensitive developments
LPP 7.16	(2016) 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 (2016). 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.

### 4 I47 **Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs,

including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

## **5            12            Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

## **6            15            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **7            16            Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **8            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](http://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.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site covers approximately 1180 square metres and is located on the North Western side of Charville Lane. To the East and West are residential properties with an access road leading to Abbeyfields Equestrian Centre to the rear running along the Western boundary. There is a community Centre opposite.

The application site lies within Green Belt as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

#### **3.2 Proposed Scheme**

The proposal is for the Change of use from Sui Generis to Use Class B2 (General Industry) involving the removal of the original buildings and fencing and the erection of single storey workshop buildings, 2 portable cabins and gate and fence to South and West boundaries. The application is partly retrospective

#### **3.3 Relevant Planning History**

72426/APP/2016/4440      141 Charville Lane Hayes

Change of use of land from Sui Generis to Use Class B2 (General Industry), installation of 2 x portable cabins and gate and fence to South and West boundaries, involving removal of existing structures and fencing (Retrospective).

**Decision:** 19-05-2017      Withdrawn

72426/APP/2017/795      141 Charville Lane Hayes

Change of use of land from Sui Generis to Use Class B2 (General Industry), erection of single storey workshop buildings, 2 x portable cabins and gate and fence to South and West boundaries involving removal of existing structures and fencing. (Retrospective).

**Decision:** 04-05-2017      Refused

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

72426/APP/2017/795 - Change of use of land from Sui Generis to Use Class B2 (General Industry), erection of single storey workshop buildings, 2 x portable cabins and gate and

fence to South and West boundaries involving removal of existing structures and fencing (refused)

72426/APP/2016/4440 - Change of use of land from Sui Generis to Use Class B2 (General Industry), installation of 2 x portable cabins and gate and fence to South and West boundaries involving removal of existing structures and fencing (Withdrawn)

The previous submission was refused on the basis that the proposal constituted inappropriate development in the Green Belt and that no special circumstances were provided to overcome the presumption against inappropriate development in the Green Belt. The proposal also failed to demonstrate that the development would not significantly increase trip generation to and from the site and that vehicles would be able to enter and leave in a forward gear to the detriment of highway safety.

#### **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:

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.

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

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

BE23 Requires the provision of adequate amenity space.

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.

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

OL4 Green Belt - replacement or extension of buildings

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

OE5 Siting of noise-sensitive developments

LPP 7.16 (2016) 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**

Six neighbours were consulted for a period of 21 days expiring on the 12 September 2017.

One response was received raising the following issues:

- Traffic congestion, although the number of full time staff has reduced from the previous submission the parking spaces remain the same, which would deem that traffic flow and workload remains unchanged, which contributes to a large flow of vehicular traffic on Charville Lane. The road is in a traffic calming area due to speeding issues. There are continual traffic issues particularly during am/pm hours of the school run.
- This business would and has (prior to the previous refusal) attracted a large number of tow trucks, lorries and long trailers, which caused congestion on this narrow residential lane.
- The porta cabins are extremely unsightly, obtrusive and not in keeping with the aesthetic/characteristic view of the tree lined street. They jut out and protrude ridiculously. The application states they replace existing building, but there were none where they are located, only hedges. There is ample room on site to reposition the cabin further back where they would be visually less intrusive.
- The cabins block the light and view of 143 Charville Lane, which may be intentional if the long term aim is to knock the building at no. 143 down to make the site larger.
- This is a residential road and there is no desperate need of additional employment for such a small zone. The application demonstrate no due regard for the local community the works were undertaken within a month of purchase with no planning permission/consultation with local residents.
- The Council should verify the applicants statement on low risk flooding as recent property purchases for neighbouring properties suggest otherwise.
- Contaminated land, the site has been dormant for approximately 20 years. The applicant removed the existing structures, gates etc prior to planning putting the site/neighbours at potential contamination risk.

### **Internal Consultees**

Environmental Protection Unit:

There is potential for noise emitted from the site affecting other premises in the area. No activities within the structures or external to the structures be operated unless the noise and pollution levels aren't at levels that would amount to statutory nuisance. If such noisy or polluting activities are planned then prior consent must be sought and approved by the LPA. No objection subject to condition for the regulation of noise; the submission of a vibration protection scheme; the management of dust and a Construction Environmental Management Plan.

Highways Officer:

This second retrospective application is for the change of use from Sui Generis to B2 at a site in Charville Lane Hayes. The first application was refused as it did not provide sufficient detail over the traffic generated at the site. Charville Lane is a local road in Hayes with parking restrictions outside the property. There is a grass verge along the edge of Charville Lane which is part of the public highway. There is no footpath outside the site along Charville Lane.

The site has a PTAL value of 1b (poor) which suggests there will be a strong reliance on private cars for trip making. The site is on the corner of Charville Lane and a private lane and the existing access to the site is on Charville Lane close to the corner. Charville Lane is used by parents as a parking area in the morning and afternoon when dropping off and picking up children from nearby Charville Primary School. It is assumed that the site will be used for a car repair use as there are 36 car parking spaces and some ancillary building proposed as part of the application. The existing crossover is proposed to be used as the main access to the site and it is expected that recovery trucks would be using the site when picking up and dropping off cars for repair. The latest application form indicates there will be 10 employees on site whereas previously there were 32. It is expected that there will be significant car repair activity at the site so there will be additional traffic generated by the proposed change in use given that the existing use was not previously in use. A Transport Statement by MES dated July 2017 has been supplied in support of the application. The TS says that TfL as the highway authority for the site were contacted over the scoping and it should have been LBH. The TS gave results of a Personal Injury Accident data review and that showed although there were 12 accidents in the area there was no conclusive trends. The TS compared the proposed use and the existing site use and indicated that there was very little difference in trips. However it is a long time since the site operated as a scrap yard so all the trips must be seen as additional. The TS also supplied a tracking diagram for a 3.5t rigid vehicle (Transit based) which is a smaller type of vehicle used in recovery work. With only 10 employees on site a Workplace Travel Plan will not be required. There are no secure covered cycle storage proposed (5 spaces) for the site and there is no information provided on how waste materials will be stored and then collected but these issues can be conditioned. The new entrance to the site is via a new double gate set back from Charville Lane and with a revised crossover. Ideally the access to the site should have been provided away from the existing junction with the private lane rather than close to it. The provision of a central vehicular access would afford the opportunity to provide a footpath outside the frontage of the site at the applicant's expense. There are no details of the surface material used in the parking area for run-off and spillage of material onto the highway and this can be conditioned. From the above comments there are a number of small highway issues that could be improved at the site but on their own do not provide sufficient reasons for refusal.

## **7. MAIN PLANNING ISSUES**

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

The National Planning Policy Framework states that the essential characteristics of Green Belts are their openness and their permanence. A Local Planning Authority should regard the construction of new buildings as inappropriate except in special circumstances. These can include the complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt. This is a previously developed site, which has a Sui Generis permission for the use of the site as a scrap yard.

Policy OL4 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) advises that replacement buildings within the Green Belt will only be permitted if the development would not result in any disproportionate change in the bulk and character of the original building; the development would not significantly increase the built up appearance of the site or having regard to the character of the surrounding area would not injure the visual amenities of the green belt by reason of siting, materials, design, traffic or activities generated.

The proposed development is to change the use of the site to a car repairs (Use Class B2). This includes the installation of a new workshop and two portacabins replacing 5 original structures, with an overall reduction in floor space of 37sq.m. Therefore although the portacabins would be situated further forward in the plot and therefore be more visually noticeable from the street, overall the built up appearance of the site would be reduced.

Having regard to the existing lawful use of the site the proposal would result in the re-use of a brownfield site, which would result in the increased openness of its character and appearance with the potential for environmental enhancement. an improved access and employment. Given the backdrop of the structures against the other buildings to the rear, side and opposite, on balance, it is not considered the proposal would significantly increase the built up appearance of the site or harm the visual amenity of 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**

National Planning Policy Framework and Policy OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that any development is not disproportionate, does not injure the visual amenities of the Green Belt and does not create a 'built-up appearance'.

The proposed use is similar to the previous use of the site, including single storey commercial buildings, open storage and parked vehicles. The replacement of the previous 5 single storey structures, with 3, including an overall reduction in the footprint of the built environment would enhance the open character of the site. There is also potential for further environmental enhancement with the inclusion of landscaping, including the provision of a new hedgerow along the road frontage, which would further soften and screen the development. As such the proposed development would comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1, OL4, BE13, and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**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. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area.

The proposed development is located within an existing business site, which submitted photographs show previously housed a number of buildings and machinery. Along the front and side boundary the 2m high corrugated sheet fencing has been replaced with a 2.4 m high palisade fence. The proposed workshop sits in part of the footprint of an original building and would measure 36.2 m in depth, 7.8 m in width and have a pitched roof of 4.3 m in height. The two cabins are situated to the front of the site with cabin 'A' siting in part on the footprint of a former building and measuring 9.7 m in width, 3.1 m in depth and with a flat roof of 3.3 m. Cabin 'B' sits further forward, set back 1. 4m from the front boundary and measures 9.7 m in width, 3.7 m in depth with a flat roof of 3.3 m. The proposal replaces 5 buildings with 3 and although the cabins are set further forward in the site than the buildings they are replacing, given the commercial nature of the site it is not considered that the proposal would be detrimental to the character and appearance of the wider area. It is also noted that the submitted Planning Statement mentions the potential for increase planting along the front boundary to further soften the appearance from the street and this could be conditioned for submission if all other aspects of the proposal are considered acceptable.

Therefore the proposal would comply with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new development or uses which have the potential to cause noise annoyance will only be permitted if measures can be undertaken to alleviate the potential disturbance where a development is acceptable in principle.

The Environmental Health Officer has advised that there is potential for noise emitted from the site to affect other premises in the area and that no activities within the structures or external to the structures should be operated unless the noise and pollution levels aren't at levels that would amount to statutory nuisance. If such noisy or polluting activities are planned then prior consent must be sought and approved by the LPA. However they have raised no objection in principle subject to conditions for the regulation of noise; the submission of a vibration protection scheme; the management of dust and a Construction Environmental Management Plan.

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to safeguard neighbouring residential amenity from inappropriate development. The proposal includes the erection of a replacement single storey workshop building along the Western boundary adjacent to the access road and set back approximately 8.8 m from the rear of the site where it adjoins the Equestrian Centre. To the front of the site the two cabins are positioned 1 m from the shared boundary with no. 143 and stand at a height of 3.3 m. Given the proposal replaces in part existing structures and the degree of separation it is not considered that the structures would significantly impact on the amenity of the neighbouring properties in accordance with the requirements of Policies BE20, BE21 and BE24.

#### **7.09 Living conditions for future occupiers**

Not applicable to this application.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The Council's Highway Officer has advised that the site has a PTAL value of 1b (poor) which suggests there will be a strong reliance on private cars for trip making. Charville Lane is a local road in Hayes with parking restrictions outside the property. It has a grass verge along the edge of Charville Lane which is part of the public highway. There is no footpath outside the site along Charville Lane. The site is located on the corner of Charville Lane and a private lane and the existing access to the site is on Charville Lane close to the corner. Charville Lane is used by parents as a parking area in the morning and afternoon when dropping off and picking up children from nearby Charville Primary School. The site will be used for a car repair use with 36 car parking spaces and some ancillary buildings are proposed as part of the application. This application indicates there will be 10 employees on site whereas previously there were 32. It is expected that there will be

significant car repair activity at the site so there will be additional traffic generated by the proposed change in use given that the existing use was not previously in use. A Transport Statement by MES dated July 2017 has been supplied in support of the application. The TS says that TfL as the highway authority for the site were contacted over the scoping and it should have been LBH. The TS gave results of a Personal Injury Accident data review and that showed although there were 12 accidents in the area there was no conclusive trends. The TS compared the proposed use and the existing site use and indicated that there was very little difference in trips. However it is a long time since the site operated as a scrap yard so all the trips must be seen as additional. The TS also supplied a tracking diagram for a 3.5t rigid vehicle (Transit based) which is a smaller type of vehicle used in recovery work. With only 10 employees on site a Workplace Travel Plan will not be required. There is no secure covered cycle storage proposed (5 spaces) for the site and there is no information provided on how waste materials will be stored and then collected but these issues can be conditioned. The new entrance to the site is via a new double gate set back from Charville Lane and with a revised crossover. Ideally the access to the site should have been provided away from the existing junction with the private lane rather than close to it. The provision of a central vehicular access would afford the opportunity to provide a footpath outside the frontage of the site at the applicant's expense. There are no details of the surface material used in the parking area for run-off and spillage of material onto the highway and this can be conditioned. From the above comments there are a number of small highway issues that could be improved at the site but on their own do not provide sufficient reasons for refusal.

The proposal is therefore considered to comply with the requirements of Policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

**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**

This is an existing commercial site, with little in the way of existing landscaping. The Planning Statement advises that it is possible to include planting areas via a Landscaping Scheme. The submission of details of such a scheme could be conditioned for submission if all other aspects of the proposal were considered acceptable.

**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**

The Council's mapping system identifies the surrounding area is potentially at risk from surface water flooding. As such any development would need to ensure they would not increase this risk and contribute to surface water run off. Details for mitigation could be conditioned if all other aspects of the proposal were acceptable.

**7.18 Noise or Air Quality Issues**

Policy OE3 advises that 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, lay-out or administrative measures. The existing lawful use of the site as a

scrap yard has no limitations on hours of use, any subsequent approval could impose restrictions to protect the amenity of the neighbouring properties outside of core working hours.

#### **7.19 Comments on Public Consultations**

Concerns have been raised over the loss of view from no. 143, however within Planning there is no right to a view also any future development such as potential increase in size of the site incorporating the adjacent property would require planning permission in its own right and the suitability of such a development would be assessed on its own merits at that time. All other issues raised will be addressed within the report.

#### **7.20 Planning obligations**

Not applicable to this application.

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

None.

#### **7.22 Other Issues**

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

### **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**

For the reasons outlined above and given that the development complies with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies November 2012) and the NPPF, this application is recommended for conditional approval.

#### **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 (2016)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

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#### Notes:

 Site boundary

For identification purposes only.

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Site Address:

**141 Charville Lane  
Hayes**

Planning Application Ref:

**72426/APP/2017/2914**

Planning Committee:

**Central & South**

Scale:

**1:1,250**

Date:

**February 2018**

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services  
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