

## **Report of the Head of Planning, Transportation and Regeneration**

**Address** SOUTH BUCKINGHAMSHIRE DISTRICT COUNCIL OUTBOROUGH  
MIDDLESEX

**Development:** Part retrospective application for use of site as B8 use and construction of 4 x ancillary buildings, an electric substation, 9 x lighting columns and replacement boundary fence and gate at Link Park Heathrow, Thorney Mill Road, Iver

**LBH Ref Nos:** 39702/APP/2018/3292

**Drawing Nos:**

**Date Plans Received:** 07/09/2018

**Date(s) of Amendment(s):**

**Date Application Valid:** 07/09/2018

### **1. SUMMARY**

This application is being reported to the major applications planning committee so officers may issue an objection on behalf of the London Borough of Hillingdon (LBH) to South Buckinghamshire District Council for the part retrospective application for use of the site referred to as 'Link Park Heathrow' as storage and distribution falling within Use Class B8.

The proposal does not conform to the types of development allowed by the National Planning Policy Framework and as such the proposal constitutes inappropriate development in the Green Belt, requiring very special circumstances to justify the proposal. The development causes harm to the openness and purposes of the Green Belt and no very special circumstances have been provided by the applicant or are evident, which overcome the presumption against inappropriate development in the Green Belt. For this reason it is recommended that members object to this Out of Borough application.

### **2. RECOMMENDATION**

**That:-**

- 1. The Council formally object to the proposal for the reasons stated within the Officer's report.**
- 2. All consultation responses are forwarded to South Buckinghamshire District Council.**

#### **1 NON2 Non Standard reason for refusal**

The development represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to the aims of Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2016) and the NPPF.

### **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site lies within South Buckinghamshire District Council, the site is located at Link Park Heathrow which is situated to the west of the administrative boundary of LBH.

The site was formerly used for mineral extraction and the storage of aggregates. Within the last 2 years, hard surfacing has been laid and the site is used to store cars. The site also consists of a warehouse, a concrete slab and ancillary buildings (Use Class Sui Generis). A small part to the north east part of the site lies within the administrative boundary of the LBH.

### **3.2 Proposed Scheme**

Part retrospective application for use of site as B8 use and construction of 4 x ancillary buildings, an electric substation, 9 x lighting columns and replacement boundary fence and gate at Link Park Heathrow, Thorney Mill Road, Iver.

### **3.3 Relevant Planning History**

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

A planning application was made to the London Borough of Hillingdon under ref: 73420/APP/2017/4617 for use of the site for Class B8 open storage use and erection of security fence, ancillary buildings and structures. The application was refused for the following reason:

The development represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to the aims of Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy OL1 of the the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2016) and the NPPF.

At the same time, several concurrent applications are being considered by South Buckinghamshire District Council which are listed below:

PL/18/2484/EU: UNDECIDED - Application for a Certificate of Lawfulness for Existing Use relating to the Land forming the south west of Link Park as B2 (General Industrial)

PL/18/2470/EU: UNDECIDED - Application for a Certificate of Lawfulness of Existing Use relating to site as open storage (B8 Use).

18/00632/CM: UNDECIDED - Section 73 application to continue the development approved by consent BD/1111/79 (storage of aggregates involving the reception of railborne aggregates, and their storage under cover to be used for the production of asphalt and coated road stone and delivery of clean granite) without complying with condition 6 to allow additional hours operations of the site(Monday to Fridays: 05:00 - 22:00 & Saturdays and Sundays: 05:00 - 15:00) (BCC ref CM/0038/18)

17/02353/FUL: UNDECIDED - Part retrospective application for use of site as B8 use and construction of 4 x ancillary buildings, an electric substation, 9 x lighting columns and replacement boundary fence and gate.

17/00433/CM: OBJECTION TO CC - Consultation on planning application CM/16/17 re:

Section 73 application to continue the development approved by consent BD/1111/79 (storage of aggregates involving the reception of railborne aggregates, and their storage under cover to be used for the production of asphalt and coated road stone and delivery of clean granite) without complying with condition 6 to allow additional hours operations of the site(Monday to Fridays: 05:00 - 22:00 & Saturdays and Sundays: 05:00 - 15:00) | Link Park Heathrow Thorney Mill Road Iver Buckinghamshire.

Reason: South Bucks District Council OBJECTS to the application on the grounds that the increased operational hours would lead to increased HGV movements at unsociable hours that would be harmful to the character and amenities of the area and of residential properties adjoining the site and also those residential properties further along Thorney Mill Road in Iver. The proposal is therefore contrary to South Bucks District Council Core Policy CP16 (South of Iver (Opportunity Area)) and Buckinghamshire's Minerals and Waste Core Strategy DPD Policy CS7 which both require applications at this site to deliver a reduction in HGV movements. Notwithstanding the foregoing, South Bucks District Council also wishes to highlight that it is considered that there appears to be no extant planning permission for this site as its current use is unauthorised.

It should also be noted that aerial photos between 2008 and 2015 suggest that the operations associated with mineral extractions and storing of aggregates on part of the site fell within the London Borough of Hillingdon, no formal application for the use was made.

#### **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:

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

NPPF- 13 NPPF-13 2018 - 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**

Not applicable to this application.

##### **Internal Consultees**

Highways

No significant objections given the proposal as the proposal is likely to result in lighter traffic movement into LBH.

## **7. MAIN PLANNING ISSUES**

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

The application site is located within the Green Belt, the application site is visually prominent in views along Thorney Mill Road. The extensive hardstanding, metal fencing, gates and signage is visually intrusive and would have a significant adverse impact on the openness of the green belt. Furthermore, the associated portakabins, metal fencing and lighting columns exacerbate harm to the openness of the Green Belt. Officers strongly object to the application for this reason.

The NPPF Glossary (2012) defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure'. The NPPF is very clear where it notes 'this excludes land that has been developed for minerals extraction'.

Officers consider the current use of the site for commercial activity falling into Use Class B8 is unauthorised. The principle of development is required to be established under National and Local Green Belt Policy. The National Planning Policy Framework (NPPF) attaches great importance to the Green Belt. 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. The NPPF states that once Green Belt boundaries have been defined, LPAs should plan positively to enhance the beneficial use of the Green Belt.

The NPPF lists five purposes of including land in the Green Belt. These are listed as:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land; and
- The fundamental aim of Green Belt Policy is to keep land permanently open.

Paragraph 146 of the NPPF (2018) notes certain forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt which includes mineral extraction. It is considered that this proposal does not fall within one of these exceptions.

It is considered that the commercial development which includes hardstanding and an enclosure intrudes into the undeveloped landform and result in loss of openness to the Green Belt. Should the development be allowed, this part of the Green Belt land would fail to fulfil its function of checking unrestricted urban sprawl, or assist in safeguarding the countryside from encroachment.

### **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 'principle of development'.

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

The application site is located within the Green Belt, the application site is visually prominent in views along Thorney Mill Road. The extensive hardstanding, metal fencing, gates and signage is visually intrusive and would have a significant adverse impact on the openness of the Green Belt.

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

The nearest residential units within the administrative boundary of the London Borough of Hillingdon are situated approximately 283m to the east of the site in between which is dense screening. As such, the proposal is unlikely to harm the amenity of nearby residents within LBH.

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

Not applicable to this application.

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

The site has a direct vehicular access off Thorney Mill Road with adequate sight lines for the 40mph speed limit. The access is approximately 300m from the width restriction (to the east) that limits HGV traffic along Thorney Mill Road.

Thorney Mill Road is a classified road and the site was previously used for aggregates until 2014. The site has since been used for car storage which is proposed to continue on the site. There is one large building (circa 4000 sq.m) remaining on the site. The site has a PTAL of 1a(very poor) which suggests there will be a very strong reliance on private vehicle trips to and from the site by employees and visitors.

The highways officer raised no significant concerns over the proposals given the reduction in HGV movements over the previous use and small increases in lighter traffic.

#### **7.11 Urban design, access and security**

The proposed security fencing and lighting is visually obtrusive and impacts on the openness of the Green Belt.

#### **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**

Not applicable to this application.

#### **7.15 Sustainable waste management**

Not applicable to this application.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application.

#### **7.17 Flooding or Drainage Issues**

Not applicable to this application.

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application.

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

Not applicable to this application.

#### **7.20 Planning obligations**

Not applicable to this application.

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

The Council's enforcement team is aware of the breach of planning control and are in the process of taking action.

## **7.22 Other Issues**

Not applicable to this application.

## **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 set out in the above report, Officers request Members of the Major Applications Planning Committee to agree to the objection to South Buckinghamshire District Council.

**11. Reference Documents**

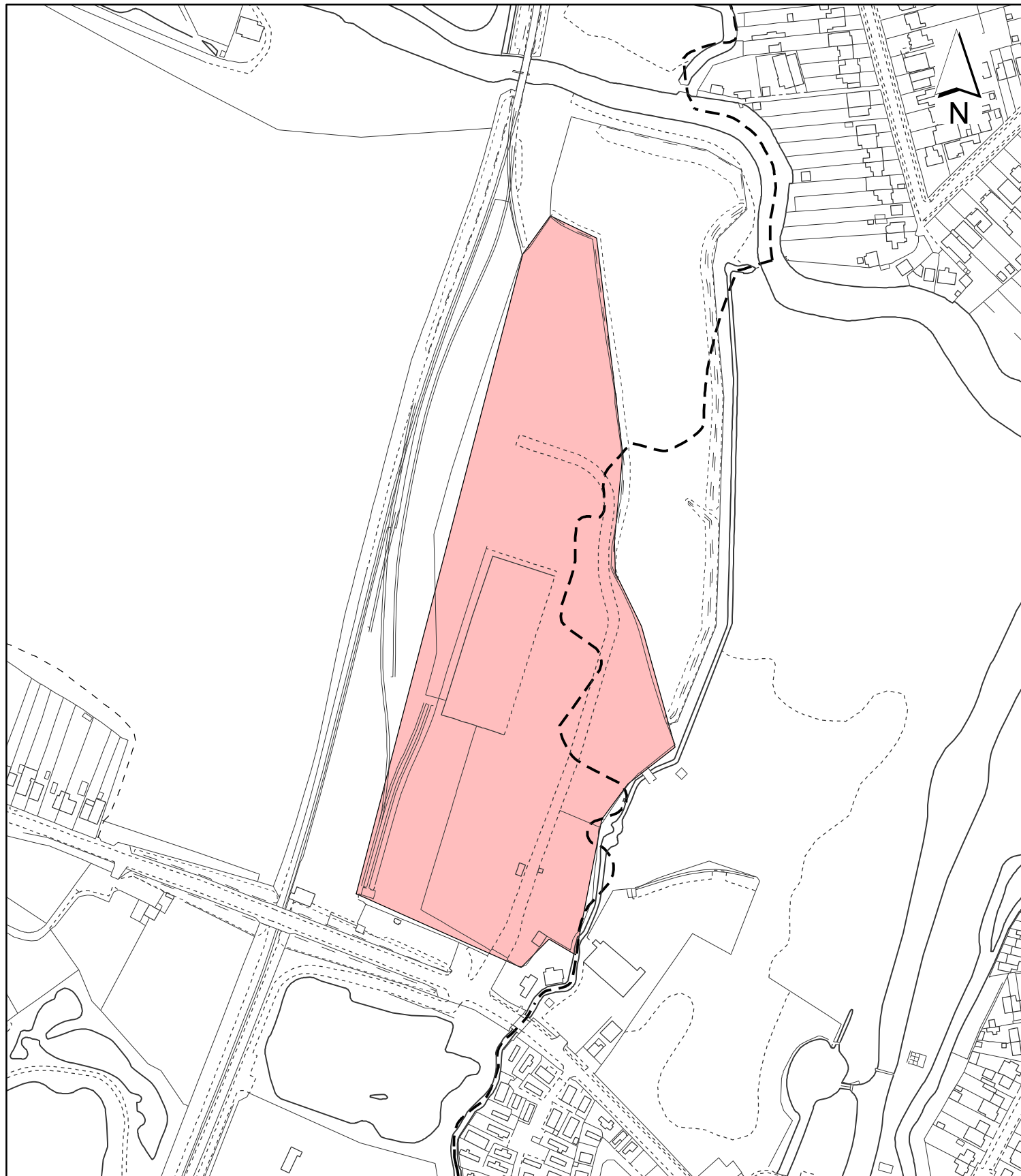
National Planning Policy Framework (2018)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

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

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# Notes:

 Site boundary

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Site Address:

**SOUTH BUCKINGHAMSHIRE  
DISTRICT COUNCIL  
MIDDLESEX**

Planning Application Ref:

**39702/APP/2018/3292**

Planning Committee:

**Major**

Scale:

**1:3,250**

Date:

**October 2018**

**LONDON BOROUGH  
OF HILLINGDON**

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Planning Section**

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LONDON