

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

**Address** CAR BREAKERS YARD ADJACENT 1, RIVERSIDE COTTAGES THE COMMON WEST DRAYTON

**Development:** Retrospective application for the change of use of Unit 1 to sale of Motor Vehicles and Unit 2 to use for Contractors Plant, both buildings being previously used in conjunction with the overall use of the site as a breakers yard.

**LBH Ref Nos:** 4161/APP/2016/2736

**Drawing Nos:** Location Plan  
Existing Block Plan (1:100)  
Existing Site Plan (1:1250)  
Proposed Uses (1:100)  
Planning Statement  
Existing Uses (1:100)  
Existing Site Layout  
Flood Risk Assessment  
Manual Highway Survey

**Date Plans Received:** 14/07/2016 **Date(s) of Amendment(s):**

**Date Application Valid:** 09/09/2016

### 1. SUMMARY

The application seeks retrospective planning permission for the change of use of Unit 1 to sale of Motor Vehicles and Unit 2 to use for Contractors Plant, both buildings being previously used in conjunction with the overall use of the site as a breakers yard. The proposal is not considered to result in inappropriate development within the Green Belt. The applicant has submitted a second updated Flood Risk Assessment which confirms that the breakers yard use has been accepted and the buildings have been approved and this is simply a change of use. In this case as a less vulnerable use these uses do not change in vulnerability and are considered acceptable. The proposal is not considered to give rise to highway concerns. As such the application is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 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:

Proposed Plan Received 8.9.16

Site Plan Proposed Received 8.9.16

Flood Risk Assessment Received 15.2.17, including the attached flood warning and evacuation plan.

The flood warning and evacuation plan should be reviewed annually to ensure that it is kept up-to date with any changes to Flood Information. This could include flood map changes and flood policy changes due to updated information that could become available

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), policy DMEI 9 Management of Flood Risk of the Hillingdon Local Plan Part 2 - Development Management Policies (2020), policy 5.12 Flood Risk Management of the London Plan (March 2016), the National Planning Policy Framework (2019) and the Planning Practice Guidance (Flood Risk and Coastal Change) March 2014.

### INFORMATIVES

#### 1 152 **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).

#### 2 153 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 9	Management of Flood Risk
DMEI 12	Development of Land Affected by Contamination
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 7.16	(2016) Green Belt
NPPF- 13	NPPF-13 2018 - 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 Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

### 3. **CONSIDERATIONS**

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

The application site is bounded to the south by the east-bound slip road of the M25 to the M4, the River Wraysbury to the east, a residential caravan park to the north and residential properties to the west. The site is located within the Green Belt. The site also lies within Flood Zone 2. The Lawful use of the site is for car breaking, storage and dismantling operations which was granted a certificate of lawfulness for an existing use under planning ref: 4161/APP/2000/238CLU.

### 3.2 Proposed Scheme

The application seeks retrospective planning permission for the change of use of Unit 1 to sale of Motor Vehicles and Unit 2 to use for Contractors Plant, both buildings being previously used in conjunction with the overall use of the site as a breakers yard.

### 3.3 Relevant Planning History

4161/AA/86/1401 West Drayton Car Spares Ltd The Common West Drayton  
Reserved mats. of outline (base unknown)(P)

**Decision:** 25-02-1987 ALT

4161/AB/86/3101 West Drayton Car Spares Ltd The Common West Drayton  
Advertisement (P)

**Decision:** 14-11-1986 Refused

4161/AJ/91/0553 1-2 Riverside Cottages(Car Spares Ltd) The Common West Drayton  
Erection of caravan for caretakers accommodation (retrospective application)

**Decision:** 21-08-1992 ALT

4161/AK/91/3629 Car Spares(W Drayton)Ltd The Common West Drayton  
Retention of advertisement hoardings for a period of two years

**Decision:** 04-03-1992 Refused **Appeal:** 03-09-1992 Dismissed

4161/AM/92/0938 1-2 Riverside Cottages(Car Spares Ltd) The Common West Drayton  
Restoration of land including landscaping and perimeter fencing

**Decision:** 16-10-1992 Approved

4161/AN/94/0864 Car Spares(W Drayton)Ltd The Common West Drayton  
Storage and breaking of scrap cars, storage of spare parts and parking of vehicles (Application for a Certificate of Lawfulness for an existing use or operation or activity)

**Decision:** 31-12-1994 NFA

4161/AP/94/0942 Car Spares(W Drayton)Ltd The Common West Drayton  
Details of landscaping scheme following grant of planning permission ref. 4161AM/92/938 dated 16/10/92; Restoration of land incorporating mounding, landscaping and fencing to the perimeter

**Decision:** 07-03-1995 Approved

4161/APP/2000/238 Car Spares Of West Drayton Limited The Common West Drayton  
USE OF LAND FOR CAR BREAKING, STORAGE AND DISMANTLING OPERATIONS  
(APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR

OPERATION OR ACTIVITY)

**Decision:** 12-07-2000 Approved

4161/APP/2000/749 South Of Car Spares Fronting M4 The Common West Drayton  
TEMPORARY USE OF LAND FOR THE STORAGE AND PARKING OF MOTOR VEHICLES  
(INCLUDING VANS AND LORRIES)

**Decision:** 12-07-2000 Refused **Appeal:** 24-11-2000 Dismissed

4161/APP/2003/1383 Car Spares, 1 Riverside Cottage The Common West Drayton  
INSTALLATION OF A 30 METRE HIGH TELECOMMUNICATIONS TOWER, EQUIPMENT AND  
GENERATOR FOR A PERIOD OF 12 MONTHS

**Decision:** 20-08-2003 Refused **Appeal:** 08-01-2004 Allowed

4161/APP/2003/1585 1 Riverside Cottages The Common West Drayton  
INSTALLATION OF TEMPORARY MOBILE TELECOMMUNICATIONS APPARATUS  
COMPRISING 20 METRE HIGH MAST, 3 PANEL ANTENNAS, 1 DISH ANTENNA, EQUIPME  
HOUSING AND ANCILLARY DEVELOPMENT FOR A PERIOD OF SIX MONTHS  
(RETROSPECTIVE APPLICATION)

**Decision:** 20-08-2003 Refused

4161/APP/2004/2048 Land At Donkey Lane At North West Corner Of Car Spares The Com  
CHANGE OF USE OF THE LAND FROM AGRICULTURAL USE TO USE FOR THE PARKING  
STORAGE, VALETING AND SERVICING OF MOTOR VEHICLES AND LORRIES IN  
CONNECTION WITH TRANSPORT BUSINESS (APPEAL AGAINST ENFORCEMENT NOTICE  
APPLICATION DEEMED TO HAVE BEEN MADE PURSUANT TO SECTION 174 OF THE TOV  
AND COUNTRY PLANNING ACT 1990)

**Decision:** 24-02-2005 Withdrawn **Appeal:** 24-02-2005 Withdrawn

4161/APP/2004/2049 Land At Donkey Lane At North West Corner Of Car Spares The Com  
THE ERECTION OF CORRUGATED FENCING AND GATES INCLUDING THE FORMATION (C  
A NEW ACCESS AND THE FORMATION OF A TARMACADAM, STONE, GRAVEL, RUBBLE  
AND DEBRIS HARDSTANDING (APPEAL AGAINST ENFORCEMENT NOTICE; APPLICATIO  
FOR PLANNING PERMISSION DEEMED TO HAVE BEEN MADE PURSUANT TO SECTION 1  
OF THE TOWN AND COUNTRY PLANNING ACT 1990)

**Decision:** 24-02-2005 Refused **Appeal:** 24-02-2005 Dismissed

4161/APP/2004/809 Car Spares, 1 Riverside Cottage The Common West Drayton  
RETENTION OF 20 METRE HIGH TOWER, THREE ANTENNAS, ONE 300mm DIAMETER DI  
ANTENNA AND RADIO EQUIPMENT CABINET

**Decision:** 09-11-2004 ALT

4161/APP/2005/266 Car Spares Of West Drayton Limited The Common West Drayton  
INSTALLATION OF FEATHER EDGE FENCING AND GATES (INVOLVING REMOVAL OF SHRUBS AND OLD LORRY BODIES)

**Decision:** 06-08-2009 NFA

4161/APP/2006/1610 South Of Car Spares Fronting M4 The Common West Drayton  
CHANGE OF USE OF GREEN BELT LAND TO TOURING CARAVAN PARK SITE INVOLVING CREATION OF NEW VEHICULAR ACCESS.

**Decision:** 23-10-2008 NFA

4161/APP/2006/948 Car Spares, 1 Riverside Cottage The Common West Drayton  
RETENTION OF 20 METRE HIGH TELECOMMUNICATIONS TOWER COMPRISING 3 ANTENNAS, ONE 300mm DISH, RADIO EQUIPMENT CABINET AND ANCILLARY FENCING FOR A TEMPORARY PERIOD OF 12 MONTHS.

**Decision:** 27-04-2006 Approved

4161/APP/2012/2271 Car Spares Ltd, Riverside Cottage The Common West Drayton  
Proposed change of use of part of the site (section to the southern part of the site) to use for the storage, dismantling and destruction of motor vehicles, and the reversion of part of the site (section to the north-east corner of the site) to amenity use. The remainder of the site will continue to be used for the storage, dismantling and destruction of motor vehicles.

**Decision:** 31-05-2013 Refused **Appeal:** 24-04-2014

4161/APP/2018/3142 Unit 3 Riverside Business Park The Common West Drayton  
Use of land for short term storage of cars for Heathrow Airport (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 23-10-2018 Refused

4161/APP/2020/160 Unit 3 Riverside Business Park The Common West Drayton  
Use of unit as a MOT centre

**Decision:** 13-03-2020 Refused

4161/AR/96/0217 West Drayton Car Spares Ltd The Common West Drayton  
Erection of a detached house

**Decision:** 16-09-1996 NFA

4161/AT/97/0596            South Of Car Spares Fronting M4 The Common West Drayton  
Change of use from open land to storage of vehicles for a two year period (retrospective application)

**Decision:** 26-11-1997    Refused

4161/AW/98/1578            South Of Car Spares Fronting M4 The Common West Drayton  
Change of use of open land to use for parking and storage of motor vehicles including vans, lorries, boats, scrap vehicles and portable buildings (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990)

**Decision:** 18-10-1999    Refused

4161/AX/98/1588            1-2 Riverside Cottages(Car Spares Ltd) The Common West Drayton  
Non-compliance with conditions 1,2 and 3 of planning permission ref.4161AM/92/938 dated 16/10/92; Restoration of land including landscaping and perimeter fencing (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990)

**Decision:** 18-10-1999    Refused

4161/K/78/1524            West Drayton Car Spares Ltd    The Common West Drayton  
Reserved mats. of outline 00000/4161J (P)

**Decision:** 18-09-1978    Approved

4161/M/80/0313            West Drayton Car Spares Ltd    The Common West Drayton  
Extension/Alterations to Retail premises (P) of 30 sq.m.

**Decision:** 23-06-1980    ALT

4161/N/80/0483            West Drayton Car Spares Ltd    The Common West Drayton  
Siting of residential caravan.

**Decision:** 25-11-1980    ALT

4161/P/80/0484            West Drayton Car Spares Ltd    The Common West Drayton  
Siting of a watchman's caravan.

**Decision:** 25-11-1980    ALT

4161/PRE/2000/73            South Of Car Spares Fronting M4 The Common West Drayton  
APP RETURNED USE OF LAND FOR THE STORAGE AND PARKING OF MOTOR VEHICLE:

**Decision:**

4161/PRE/2004/195      South Of Car Spares Fronting M4 The Common West Drayton  
TP PRE CORRES: USE OF LAND FOR STORAGE OF IMPOUNDED VEHICLES

**Decision:**

4161/Q/80/0485      West Drayton Car Spares Ltd    The Common West Drayton  
Alterations to elevation (P)

**Decision:** 23-06-1980    ALT

4161/R/80/0505      West Drayton Car Spares Ltd    The Common West Drayton  
Householder dev. (small extension,garage etc) (P)

**Decision:** 24-11-1980    ALT

4161/S/81/0681      West Drayton Car Spares Ltd    The Common West Drayton  
Mixed dev. on    1.5600 hectares (outline)(P)

**Decision:** 27-08-1981    Refused

4161/T/81/1835      West Drayton Car Spares Ltd    The Common West Drayton  
Householder dev. (small extension,garage etc) (P)

**Decision:** 29-07-1982    ALT

4161/V/81/1836      West Drayton Car Spares Ltd    The Common West Drayton  
Householder dev. (small extension,garage etc) (P)

**Decision:** 12-08-1982    ALT

4161/W/81/1837      West Drayton Car Spares Ltd    The Common West Drayton  
Householder dev. (small extension,garage etc) (P)

**Decision:** 29-07-1982    ALT

4161/X/81/1838      West Drayton Car Spares Ltd    The Common West Drayton  
Retention of site control kiosk.

**Decision:** 18-08-1982    ALT

4161/Y/81/1839                      West Drayton Car Spares Ltd    The Common West Drayton  
Retention of residential caravan.

**Decision:** 29-07-1982    ALT

4161/Z/81/1908                      West Drayton Car Spares Ltd    The Common West Drayton  
Mixed dev. on    1.8000 hectares (outline)(P)

**Decision:** 08-07-1985    ALT

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

There has been an extensive planning history at this site as listed above. It is noted that planning permission was recently refused for the change of use of unit 3 to an MOT centre. The only reason for refusal related to the lack of a Flood Risk Assessment.

## **4. Planning Policies and Standards**

London Borough of Hillingdon Development Plan (from 17 January 2020)

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
West London Waste Plan (2015)  
The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

1.4 Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)



1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

1.6 The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

1.7 Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

## **UDP / LDF Designation and London Plan**

The following Local Plan 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:

DMEI 4 Development on the Green Belt or Metropolitan Open Land

DMEI 9 Management of Flood Risk

DMEI 12 Development of Land Affected by Contamination

DMHB 11 Design of New Development

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 7.16 (2016) Green Belt

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**

A site notice was displayed at the site which expired on 14.10.16. No responses received.

## Internal Consultees

Flood and Water Management (summary):

The officer firstly states: It is assumed that the breakers yard use has been accepted and the buildings have been approved and this is simply a change of use. In which case as a less vulnerable use these uses do not change in vulnerability and are acceptable.

The officer then highlights issues to do with the wider site (this is not to do with the change of use application being determined) where it is highlighted that areas of hardstanding in the wider landholding contribute to flooding elsewhere, on this basis the officer objects to the proposals.

Officer comment: The question that arises from these comments is whether the Council can insist on some improvements or removal of hardstanding elsewhere on the site. The applicants 2nd FRA does not consider this (as it did not need to).

In theory some form of flood improvement works could be conditioned, if it was considered reasonable to do so. There are various tests which apply to the imposition of planning conditions. One of them is that it must be 'reasonable' to impose the condition. In effect this is whether it is fair to impose a condition. The use of this land in the green belt for various non conforming uses has existed back to the early 1980's. The buildings subject to the changes of use (within the red lines on the location plan) are a very small part of the wider land holding and over time the areas of hardstanding have evolved over the wider land holding, such that they have become part of the established use of the land. It would not be reasonable to seek to control this land through this change of use application, it is considered that if there are red line applications in the future which include large areas of hardstanding that these applications would then enable an opportunity to reduce the areas of hardstanding and address wider flooding issues that affect the site.

Highways Officer -

No Transport Assessment submitted

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The application site is located within the Metropolitan Green Belt. Paragraph 133 of the new NPPF (February 2019) advises that Green Belts are of great importance and their fundamental aim is to "prevent urban sprawl by keeping land permanently open".

Paragraph 145 of the NPPF states that:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the

development plan (including policies for rural exception sites); and  
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:  
- not have a greater impact on the openness of the Green Belt than the existing development; or  
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy DMEI 4: of the Local Plan Part 2 (January 2020) Development in the Green Belt or on Metropolitan Open Land states that:

A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.  
B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to: i) the height and bulk of the existing building on the site; ii) the proportion of the site that is already developed; iii) the footprint, distribution and character of the existing buildings on the site; iv) the relationship of the proposal with any development on the site that is to be retained; and v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

The proposed alterations to the building are all internal and would not have any impact upon the openness of the Green Belt. It is therefore considered that the use of Unit 1 to sale of Motor Vehicles and Unit 2 to use for Contractors Plant, represent appropriate development and that there are no objections in principle with the proposal in terms of existing and emerging national, regional and local plan policies as regards to 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**

As stated above, the application site is located within the green belt and as such the development must be considered against relevant policy and guidance contained within the NPPF.

Paragraph 145 of the NPPF states that:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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- A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.
- B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to: i) the height and bulk of the existing building on the site; ii) the proportion of the site that is already developed; iii) the footprint, distribution and character of the existing buildings on the site; iv) the relationship of the proposal with any development on the site that is to be retained; and v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

The proposed alterations to the building are all internal and would not have any impact upon the openness of the Green Belt. It is considered that the use of the building as an MOT centre would not result in a significant intensification of use over that which is authorised as a car breaking business and as such would not have a detrimental impact on the Green Belt.

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

The application forms confirm that the proposal would not result in any external alterations to the site.

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

It is considered that the use of the buildings for the sale of motor vehicles and use for contractors plant, would not result in a significant intensification of use over that which is authorised as a car breaking business and as such would not have a detrimental impact on residential amenity.

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

Not applicable to this application.

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

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Despite the application not being supported by a Transport Assessment, the location of the site appears to be located along a section of road which is privately maintained beyond the remit of the Highway Authority. Furthermore, it is not envisaged that displaced parking would take place along the adopted highway. As such the proposal is considered acceptable in highway terms.

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

The issues are addressed in the sections above.

#### **7.12 Disabled access**

No accessibility concerns are raised.

#### **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**

The application site is located within Flood Zone 2.

The applicant has stated in an FRA that:

The proposed land use would be classed as "Less Vulnerable" and is permitted without the need for a Sequential or Exception Test. The site is considered to be at a low risk of flooding and no further protection measures. The scheme does not involve any increase of built footprint nor of impermeable area. There is accordingly no impact on third parties and no need for mitigation. The application site lies in the Environment Agency Flood Warning Area for the River Colne. In view of this, a Flood Warning and Evacuation Plan (FWEP) has been prepared for the users of the site (Appendix A). It is noted in the FWEP that the flow in the River

Colne is strongly influenced by the chalk aquifer that feeds the river. Flooding is therefore very moderate in the catchment and has a long lead time. There is thus ample opportunity for preparatory action eg relocation of valuable items and closure of the site, prior to any flooding.

POLICY DMEI 9 of the Hillingdon Local Plan - Development Management Policies (2020) states:

A) Development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk. Where no appropriate sites are available, development

should be located on the areas of lowest flood risk within the site. Flood defences should provide protection for the lifetime of the development. Finished floor levels should reflect the Environment Agency's latest guidance on climate change.

B) Development proposals in these areas will be required to submit an appropriate level Flood Risk Assessment (FRA) to demonstrate that the development is resilient to all sources of flooding.

C) Development in Flood Zone 3b will be refused in principle unless identified as an appropriate development in Flood Risk Planning Policy Guidance. Development for appropriate uses in Flood Zone 3b

will only be approved if accompanied by an appropriate FRA that demonstrates the development will be resistant and resilient to flooding and suitable warning and evacuation methods are in place.

D) Developments may be required to make contributions (through legal agreements) to previously identified flood improvement works that will benefit the development site.

E) Proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

The application was originally supported by a Flood Risk Assessment dated 2012 which referred to the development proposed under application reference 4161/APP/2012/2271. It is noted that this application was refused. The applicant was asked to submit an FRA that related to the application under submission and which addressed both the risk of flooding from the proposed use and safety matters in the event of a flood.

A second FRA has been submitted which confirms the breakers yard use has been accepted and the buildings have been approved and this is simply a change of use to enable the current uses of the buildings to be regularised. Put simply the FRA explains removes any possible ground the Council might have to refuse the development because it is located in a flood plain. However this only partly addresses flooding issues as although no physical development is occurring the Council expects when granting changes of use in the floodplain that the applicant addresses the safety of those occupying such buildings. This is judged in proportion to the sensitivity of the use (residential use, where people sleep overnight in the building, being more sensitive than the type of use proposed in this case).

Of importance as part of the updated flood risk assessment is that an acceptable warning and evacuation plan has been submitted. Subject to this being conditioned the proposals are considered to be acceptable with respect to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), policy DMEI 9 Management of Flood Risk of the Hillingdon Local Plan Part 2 - Development Management Policies (2020), policy 5.12 Flood Risk Management of the London Plan (March 2016), the National Planning Policy Framework (2019) and the Planning Practice Guidance (Flood Risk and Coastal Change) March 2014.

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

Not applicable to this application.

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

NO external consultee comments have been received.

#### **7.20 Planning obligations**

Not applicable to this application.

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

Not applicable to this application.

#### **7.22 Other Issues**

No other issues raised.

### **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

### **10. CONCLUSION**

The application seeks retrospective planning permission for the change of use of Unit 1 to sale of Motor Vehicles and Unit 2 to use for Contractors Plant, both buildings being previously used in conjunction with the overall use of the site as a breakers yard. The proposal is not considered to result in inappropriate development within the Greenbelt. The applicant has submitted a second updated FRA which confirms that the breakers yard use has been accepted and the buildings have been approved and this is simply a change of use. In this case as a less vulnerable use these uses do not change in vulnerability and are considered acceptable. The proposal is not considered to give rise to highway concerns. As such the application is recommended for approval.

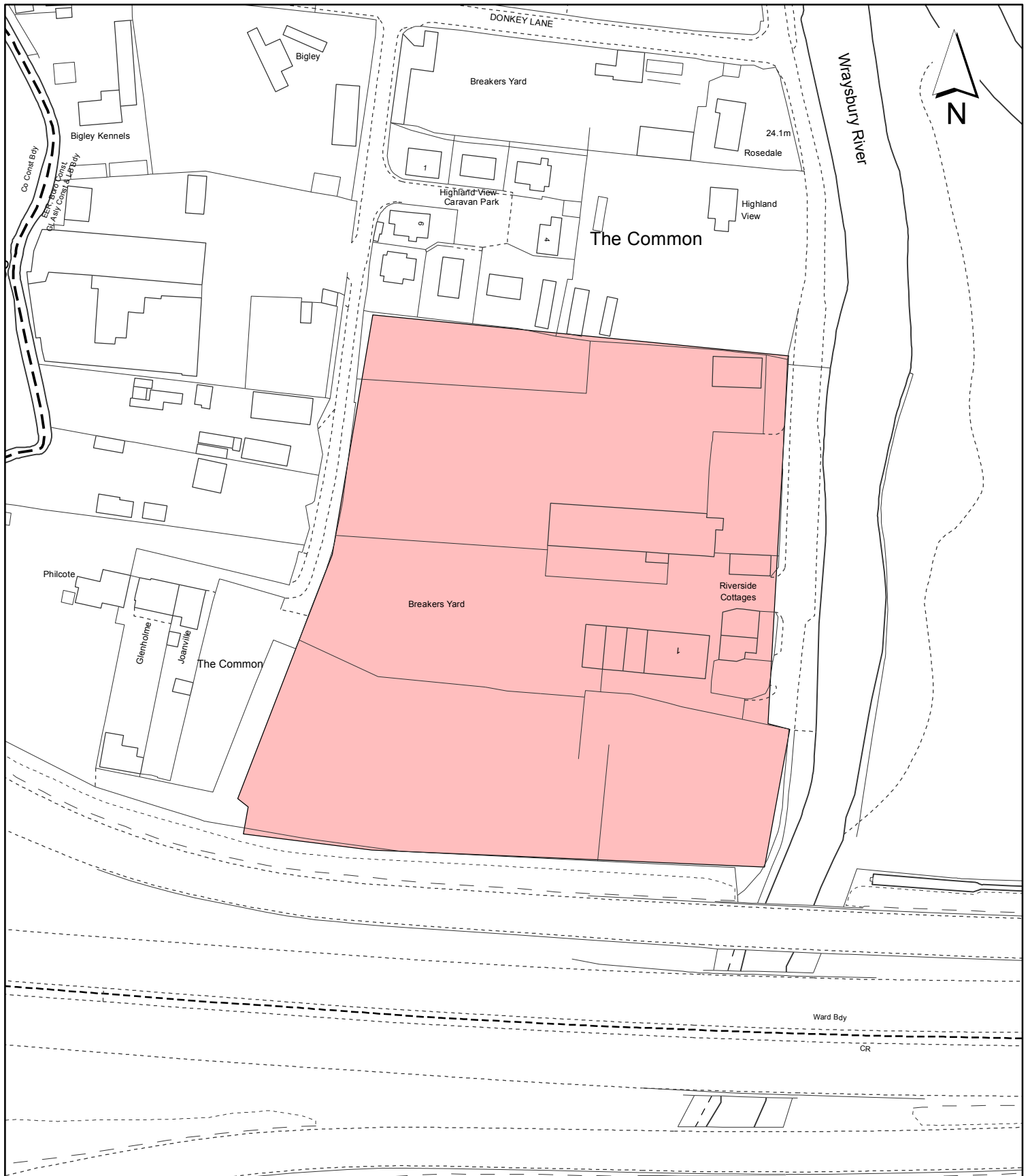
### **11. Reference Documents**

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
West London Waste Plan (2015)  
The London Plan - Consolidated With Alterations (2016)  
National Planning Policy Framework

**Contact Officer:** Nicola Taplin

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**Notes:**

 Site boundary

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Site Address:  
**Car Breakers Yard  
 Adjacent 1 Riverside Cottages  
 West Drayton**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:  
**4161/APP/2016/2736**

Scale:  
**1:1,500**

Planning Committee:  
**Central & South**

Date:  
**July 2020**

