

Report of the Head of Planning & Enforcement

Address LAND EAST OF OLD MILL LANE AND NORTH OF PACKET BOAT LANE
COWLEY

Development: Creation of new public park, construction of pedestrian footbridge and associated landscaping works.

LBH Ref Nos: 66756/APP/2010/198

Drawing Nos: Flood Risk Assessment - WSP
0140-D-001 Rev 1
0140-D-002 Rev 3
Planning Statement
0140-D-003 Rev 2
0140-D-004 Rev 1
0140-D-005 Rev 2
0140-D-006 Rev 1
WP-CC/39 AR653 Rev B
Design and Access Statement
Extended Phase 1 Habitat Survey

Date Plans Received: 29/01/2010

Date(s) of Amendment(s):

Date Application Valid: 10/02/2010

1. SUMMARY

This application seeks full planning permission for the creation of a new public park on land currently in the ownership of Stockley Park Consortium Limited (SPCL). The approximately 2.74ha site, which is located to the north of Packet Boat Lane in Cowley, currently comprises unmanaged woodland.

This proposal has arisen from a planning obligation required under the terms of a 2000 s106 agreement for the development of Phase 3 of the Stockley Business Park with the land ownership to be eventually handed over to the Council.

The proposal consists of the construction of a new pedestrian footbridge over the River Frays, the creation of a meandering pathway through the site, and significant landscaping and ecological enhancements, including the removal of dead and dangerous trees and the planting of new trees and shrubs.

It is considered that the proposal would significantly enhance the character and appearance of the site, and create a valuable public open space. The proposal is considered to comply with relevant London Plan and UDP policies and, accordingly, approval is recommended, subject to appropriate conditions.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

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 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 OM2 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 OM14 Secured by Design

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on

Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

6 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative 8 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

7 OM15 General Litter/Waste

No development shall take place until a scheme detailing the method of disposal, storage and collection of litter and waste materials discarded by patrons, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

REASON

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

8 NONSC Contamination

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the users of the park when the park is developed for public access. All works, which form part of this remediation

scheme, shall be completed before any part of the development is used (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for any remedial works.

Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development of the public park can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

10 NONSC Pathways

Notwithstanding information provided with the planning application, before development commences, plans and details of the surface material (which shall be a hard wearing and/or resin bonded material, which contrast in both colour and luminance with its surrounding areas) for paths shall be submitted to and approved in writing by the Local Planning Authority. There after the paths shall be constructed and surfaced in accordance with the approved plans and details.

REASON:

To ensure that a suitable surface is maintained for wheelchair users and ambulant disabled people and to accord with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

11 NONSC Site access

Notwithstanding information provided), before development commences, a scheme shall be prepared which demonstrates how means of access to the bridge for vehicles (including motor bikes) is to be prevented, while access to the site for disabled persons (including those utilising mobility scooter, wheel chairs and the like) is provided. The scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON:

To ensure access to the site for disabled persons is not prevented and to accord with

Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

12 NONSC Ramp

Notwithstanding the details shown on plan 0140-D-005 Rev 2, before development commences, plans and details showing that the ramp leading to the bridge complying with BS8300:2009, including continuous handrails fitted to both the ramp and steps, shall be provided to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

REASON:

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

13 NONSC Ecology 1

Prior to commencement construction on site, a detailed Ecological Management Plan to include full details of ecological enhancement measures and protection of wildlife habitation shall be submitted to and approved in writing by the Local Planning Authority.

REASON:

To promote ecological enhancement measures and the protection of wildlife habitation, and appropriate planting and to accord with policies EC1, EC3 and EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

14 NONSC Ecology 2

Prior to the commencement of development an Ecological Clerk of Works shall be appointed by the applicant and retained as part of the construction team to brief construction workers on ecological issues, including a briefing of site personnel concerning identification of voles, bats and badgers and other endangered species legal obligations in respect of endangered species, and actions to be taken in the event of endangered species being present and to ensure that best practice is implemented during all site clearance, tree felling, earthworks and construction activities. The scope of works of the Ecological Clerk of Works shall include regular checks for endangered species including and water vole and badgers in areas prior to their being disturbed by construction workers or activities so as to ensure that incidental killing of endangered species does not occur during the course of works.

REASON:

To promote ecological enhancement measures and the protection of wildlife habitation, and appropriate planting and to accord with policies EC1, EC3 and EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 NONSC Wildlife surveys

Prior to development commencing, the applicant shall undertake surveys to assess the presence of:

- i) Water vole
- ii) Badgers

- iii) Bats
- iv) Endangered birds

in compliance with relevant UK and EU legislation and such surveys to be monitored by the Ecological Clerk of Works. The survey shall be undertaken at the appropriate time of year, by a suitably qualified professional. The results shall be logged and included within a report. The report should also include details of mitigation and enhancement where appropriate. The report and survey shall be agreed in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved findings.

REASON:

To ensure the protection endangered species and their habitat in accordance with policies EC1, EC3 and EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), the Habitats Directive, and policy 3D.14 of the London Plan.

16 NONSC Flooding 1

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2010 and the following mitigation measures detailed within the email received from Joe Tang dated 26th February 2010: The soffit level of the bridge is to be set no lower than 540mm above the 1 in 100year plus climate change flood level of 27.77 aod (above Ordnance Datum).

REASON:

To reduce the risk of flooding from blockages to the bridge and to accord with policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

17 NONSC Invasive plant species

Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of *Fallopia japonica* (Japanese Knotweed) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of *Fallopia japonica* during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON:

Fallopia japonica is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring and to accord with policies EC1 and EC3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

18 H1 Traffic Arrangements - submission of details

Development shall not begin until details of all traffic arrangements, including:

- i) detailed design of the drop-off pick up area;

- ii) layout of parking areas and marking out of spaces;
- iii) surface material of the slip road/drop off area;
- iv) construction method statement;
- v) drainage proposals;
- vi) footways;
- vii) turning space;
- viii) sight lines at road junctions;
- ix) kerbs and kerb radii

have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, traffic arrangements must be permanently retained and used for no other purpose at any time.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan . (February 2008).

19 NONSC Management scheme

Before development commences, a scheme for the management of the park, including hours of use, refuse collection and disposal, new woodland planting, the protection and enhancement of wildlife habitat, including a survey of trees to be felled for their potential to support bats, the means of securing the park from public access outside of daylight hours, details of how the proposals will be maintained, monitored and funded in the long term shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON:

To ensure access to park is restricted to day light hours (in view of the absence of any artificial lighting), to ensure the new park is adequately managed and secured when not in use and to accord with section 17 of the Crime and Disorder Act 1998; section 2 of the Local Government Act 2000, the Council's SPG on Community Safety By Design and to accord with policies EC1 and EC5 of the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

20 M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

21 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of porous paving into parking areas has been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

22 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- i) Planting plans (at not less than a scale of 1:100),
- ii) Written specification of planting and cultivation works to be undertaken,
- iii) Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- iv) Details of the Marginal ledges created on the bank of the Frays River (detained in drawing 1040-D-002);
- v) Details of the treatment of an eight metre buffer zone alongside the River Frays;
- vi) Survey, identifying trees to be removed/thinned;
- vii) Implementation programme.

The scheme shall also include details of the following: -

- i) Proposed finishing levels or contours,
- ii) Means of enclosure,
- iii) Car parking layouts,
- iv) Other vehicle and pedestrian access and circulation areas,
- v) Hard surfacing materials proposed,
- vi) Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- vii) Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- viii) Retained historic landscape features and proposals for their restoration where relevant.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

23 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

24 TL7 Maintenance of Landscaped Areas

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

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 Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

- | | |
|------|--|
| AM1 | Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations |
| AM10 | Incorporation in new developments of additions to the proposed |

	cycle network
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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
OL2	Green Belt -landscaping improvements
OL9	Areas of Environmental Opportunity - condition and use of open land
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
EC3	Potential effects of development on sites of nature conservation importance

3

Please note that under the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any works in, over, under or within 8m of a main river such as The Frays River. This is irrespective of any planning permission granted.

4

The buffer zone needs to be eight metres wide measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets the level of the surrounding land. This zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character and left as a natural area for wildlife.

5

The site is located very close to historic landfill. If the development did expose or extract historic waste material it would have to be disposed of at an authorised landfill or treated at a suitable facility and appropriate assessments undertaken to ensure exposed waste does not pose risk to controlled waters.

6 19 **Community Safety - Designing Out Crime**

Before the submission of details required by condition 5, you are advised to consult the Metropolitan Police's Crime Prevention Design Advisor, Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel. 01895 250538).

7 124 **Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out

on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.

9 143 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

10 147 Damage to Verge

You are advised that 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).

11

A licence will be required for any works that may interfere or disturb the badger sett. Natural England should therefore be contacted prior to any works to ensure compliance with the Badger Act 1992. Failure to do so could be a criminal offence.

If a badger licence is sought from Natural England, it is advisable to discuss the wider implications of the development on badgers. The site will become fenced off on one boundary, and a new bridge will open up a route to the main road. Both these factors will have an influence on badger movement, and advice should be sought from Natural England regarding possible mitigation.

Badgers are protected under the Badger Act 1992 and it is an offence to do any of the following:

- (a) damaging a badger sett or any part of it;
- (b) destroying a badger sett;
- (c) obstructing access to, or any entrance of, a badger sett;
- (d) causing a dog to enter a badger sett; or
- (e) disturbing a badger when it is occupying a badger sett.

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A breeding bird survey will be required if operations are scheduled between March and August. It is a criminal offence to disturb breeding birds and the Council is strongly recommended to carry out the required surveys prior to the felling of trees.

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises an area of approximately 2.74ha and is located within the Colne Valley Park and Little Britain area to the west of London, bordering the M25 motorway. It is located just north of Packet Boat Lane to the south of Uxbridge town. The site forms part of the Little Britain Site of Metropolitan Importance for Nature Conservation (SINC M43), a non statutory designation within Greater London, designated by the London Ecology Unit.

The parcel of land is owned by Stockley Park Consortium Limited and its footprint is bounded to the north and south by hedgerows and horse pasture. It is bounded on its western flank by Frays River and its eastern flank by Cowley Lake, a private access track and deciduous wood land.

The site itself comprises mature and semi-mature deciduous woodland, dominated by Sycamore, with a great deal of dead wood both standing and on the ground. There has been no structured woodland management carried out within the site. The dense tree canopy, which restricts light to the woodland floor, and unauthorised grazing, has resulted in little groundcover plant establishment. The ground is uneven in nature and in areas there are piles of building rubble, which appear to have been there for some time. The site at present, does not allow for public access. A barbed-wire fence along the east boundary secures the site from the existing access track which is privately owned and gated.

3.2 Proposed Scheme

It is proposed to establish public access to the site from Old Mill Lane, crossing Frays River by way of a new pedestrian bridge and the creation of a woodland path meandering through the existing woodland.

This will provide a direct link with the existing network of footpaths and bridleways within the Colne Valley Regional Park. The application seeks to conserve the existing conservation resources and maintain and enhance the landscape diversity of the site, whilst also providing accessible facilities and opportunities for countryside recreation.

The landscape proposals are designed to have minimal impact on the existing flora and fauna on the site, whilst also introducing a five year management plan which will include new woodland planting and the protection and enhancement of the existing wildlife habitats to increase bio-diversity within this area.

The site location of the proposed river crossing (i.e. the proposed bridge) is currently owned by London Borough Hillingdon (LBH). The relevant Council departments have agreed in principle to allow the construction of a bridge at this location to access the woodland. SPCL will undertake road and footpath improvement works to this location which will include improved surfacing and bollard installation to maintain a distinction between this area and the road.

A 2.4m high painted steel palisade fence will be constructed on the northern, southern and eastern boundaries with the River Frays, naturally securing the western flank. A gate will be installed on the bridge which will be locked from dusk till dawn on a daily basis to further secure the site and protect it from vandalism.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no direct planning history associated with this site. The creation of and transfer of the land ownership of this pocket of land to the Council will fulfil the planning obligation as required under the terms of the 2000 s106 agreement signed on the 25th of August 2000 for the planning permission to develop Phase 3 of the Stockley Business Park (ref: 37997W/96/1447).

4. Planning Policies and Standards

Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (Consolidated with Alterations since 2004)
Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 2 (Green Belts)
Council's Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Document - Accessible Hillingdon

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.3 To seek greater public access to the countryside for informal leisure activities.
- PT1.5 To carry out and promote countryside management projects to improve the environment and nature conservation value of countryside and open land, particularly in areas which are degraded or derelict and important corridors along roads and watercourses.

Part 2 Policies:

AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM10	Incorporation in new developments of additions to the proposed cycle network
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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
OL2	Green Belt -landscaping improvements
OL9	Areas of Environmental Opportunity - condition and use of open land
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
EC3	Potential effects of development on sites of nature conservation importance

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd March 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The proposal was advertised on the 24th of February 2010 in the Uxbridge Gazette and two site notices were placed on site on the 11th of February 2010.

250 people were consulted with 3 people responding. The comments received were in support of the proposal and the following observations made:

- i) security for the adjoining properties from trespassers and vandals should be provided
- ii) only the minimum number of trees should be felled
- iii) improving access to the site and area of the river an excellent idea.
- iv) the proposal represents an excellent option for utilising unused and unmanaged land.

ENVIRONMENT AGENCY

No objection subject to suitable conditions and informatives being imposed relating to flood risk and land contamination.

CRIME PREVENTION OFFICER

No objection subject to the site being made secure through a locked gate to prohibit vandals and motorbike riders.

NATURAL ENGLAND

No objection subject to a survey on the trees to be felled to assess for their potential to support

bats. The management plan for the site should set out how the proposal will be maintained, monitored and funded in the long term and produced as a condition of the development.

Internal Consultees

Comments were received from 6 internal consultees and summarised below:

POLICY ADVISOR

The main policy issues in relation to this scheme are the impact of the proposal on the openness of the Green Belt, impact on the visual amenities of the Colne Valley Park and Cowley Lock Conservation Area and the impact on ecology and nature conservation.

THE USE

The proposal is for the creation of the publically accessible park, construction of pedestrian footbridge and associated landscaping works. Open spaces, including parks, are considered an appropriate Green Belt use.

Policy OL2 will only permit proposals for development in the Green Belt if it would provide comprehensive landscaping improvements to achieve enhanced visual amenity and other open land objectives.

Officers would also need to be satisfied that the scale of the proposed scheme is not going to harm the openness of the Green Belt; and that it is consistent with Policy OL9 Areas of Environmental Opportunity which includes the Colne Valley Park.

CONSERVATION AREA

The site is located within the Cowley Lock Conservation Area. Saved UDP Policy BE4, requires that development in a Conservation Area will be expected to preserve or enhance the features that contribute to the visual qualities of the area. The potential visual impact on the conservation area must be considered.

The creation of the local park with the proposed landscape enhancements would make positive improvements to the land, contribute positively to the open space provision in the borough and would not affect the overall character and openness of the Green Belt, nor would it be considered harmful to the Colne Valley Park or Cowley Lock Conservation Area.

Subject to further ecological information being submitted to and agreed by the Local Planning Authority prior to commencement of development on site, there are no objections in principle to the proposed scheme.

SUSTAINABILITY OFFICER

The site does not represent a site of high ecological value which would preclude the proposed development and the proposals are to provide a managed green space with native planting and better consideration of ecology.

It is important to note that the assessment undertaken by the Council has considered the need for surveys to be undertaken to identify the presence or otherwise of endangered species on the site. The Habitat Directive requires that the Council undertake the following:

Take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

- (a) all forms of deliberate capture or killing of specimens of these species in the wild;
- (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;

- (c) deliberate destruction or taking of eggs from the wild;
- (d) deterioration or destruction of breeding sites or resting places.

Under article 16 of the Habitat Directive it is possible to derogate the provisions of the requirements in a number of specific scenarios which includes:

in the interest of protecting wild fauna and flora and conserving natural habitats;

The proposals are to provide a managed green space with native planting and better consideration of ecology. The opportunity to protect, conserve and enhance the ecological interests of the site would be lost.

The phase 1 habitat survey submitted with the application advises that further surveys are to be carried out for certain protected species, such as Water Vole.

No objection to the proposal subject to the imposition of conditions to carry out (appropriately timed) surveys to identify the presence or not of endangered species, in this case:

- i) bats;
- ii) badgers;
- iii) water voles;
- iv) other protected species and breeding birds.

Conditions and informatives are also required to ensure if endangered species are identified in surveys, then they (and their habitats) are adequately protected.

If bats or other endangered species are identified or considered likely, then mitigation needs to be established prior to the commencement of any works.

TREES AND LANDSCAPE OFFICER

The area is currently inaccessible, unmanaged woodland with mature and semi-mature deciduous species, dominated by self-set Sycamore. The dense canopy restricts light reaching the woodland floor and the land has been subject to unauthorised grazing, as a result of which there is little ground flora.

The application includes an Extended Phase 1 Habitat Survey. While the Conservation Area designation affords some protection to trees, there are no Tree Preservation Orders affecting the site.

The associated hard and soft landscape works include selective thinning of the poorer quality specimens within the existing woodland which is required on the grounds of safety. This work will create glades and permit natural light into the site, some areas of which will be planted with native mixes of woodland trees, shrubs and bulbs which will enhance the biodiversity and visual interest within the site. A circular footpath through the woods and occasional seats will be provided to enhance the visitors' experience.

The proposal includes maintenance and management notes to guide the successful establishment of the new woodland.

Key Landscape Issues:

Saved policy BE38 seeks to retain and enhance the landscape in association with development. Clearly, this is the main purpose of the application, whose objective are to provide an attractive and accessible open space for enjoyment by the public, while also enhancing the natural flora and fauna of the site in the interests of biodiversity.

With regard to access and sustainability, it might be considered appropriate to provide secure bike parking near the site entrance.

With regard to species protection, the Habitat Survey concludes (at 4.2.3) that a Water Vole survey should be carried out between late April and early October.

There is no objection from the Trees and Landscape Officer subject to the above being secured by condition.

ENVIRONMENTAL PROTECTION UNIT

The Environmental Protection Unit notes and considers the creation of a new park at this location a good use for this land. The land appears to be landfilled in the past according to Planning and EPU records, but now seems to have returned to a natural state after a long time period.

The history of the land is not explained in great detail in the application. No contaminated land information is submitted with the application. From our records it appears that the land was part of a historic landfill site operated by H Sabey. The land in the area was known as the 'Benbow site' (Site 21) in recent years. From our maps it appears that gravel extraction was permitted on 12.4 hectares from 1948 of which 10 hectares were filled. A 5 acre lake was left. Some filling was pre 1960 however by 1969 the filling was completed. There is no record of the type of waste used although some refuse was noted in the North East feeder stream in 1974 when the site was seen as in need of restoration. In 1993 Planning wrote the Damaged and Derelict and Survey. This land was indicated to be naturally regenerated to the point that it can no longer be considered to be damaged or derelict (page 65).

Unfortunately, the Council do not have a site investigation on the land and cannot comment as to whether it is likely to suffer from contamination. It is likely that any soil contamination will be at depth in the refuse, or isolated at the surface from users of the site by the trees and vegetation. Notwithstanding we consider that a preliminary risk assessment and some investigation of the soil and water contamination levels by the developer are necessary. This would enable the Council to be confident that there is no contamination risk from adopting and opening up the park for a formal public use. It is possible that the Stockley Park Consortium may have records including investigations of the site carried out in the past on the land particularly since the 1980's when the land may have been purchased. Stockley Park Consortium did tend to investigate their land holdings after acquisition. This information should be submitted with the application if available.

I would advise attaching our standard land contamination condition so some information can be obtained by the Council on the amount and type of refuse present and contamination levels.

ACCESSIBILITY OFFICER

In assessing this application reference to the Councils Accessible Hillingdon SPD (adopted 21 January 2010) has been made. Specific reference to page 69 is advised.

1. It is noted that a limestone DPt2 material is proposed for the footpath. To ensure that a suitable surface is maintained for wheelchair users and ambulant disabled people, the surface material should be hard wearing and/or resin bonded (eg.gravel). The path surface should contrast in both colour and luminance with its surrounding areas.

2. Whilst no concerns are raised with the bridge design, the kissing gates proposed to prevent vehicular access are not conducive to the principle of access and inclusion. Indeed, a design intended to restrict motorcycles is likely to prevent a mobility scooter and some wheelchairs from gaining access to the bridge.

3. The proposed ramp (shown at 1:15) appears not to comply with BS8300:2009. The ramp should

be checked to ensure compliance. Continuous handrails leading onto the bridge should be fitted to both the ramp and steps.

4. Artificial lighting of at least 200 lux should be provided at the top and bottom of step and ramp flights.

If the above points are addressed then there is no objection to the proposal.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is designated in the (the UDP) as Green Belt land. Development within such areas is subject to national Planning Policy Guidance Note 2 - Green Belts (PPG2). PPG 2 notes that new buildings in the Green Belt are inappropriate development unless they are to be used for:

- * Agricultural or forestry purposes
- * Essential facilities for outdoor recreation
- * Limited extensions to existing dwellings
- * Limited infill in existing villages
- * Limited infill on major sites identified in adopted local plans

The proposal is for the creation of a publicly accessible park, construction of pedestrian footbridge to access that park and for associated landscaping works.

The proposal is considered as appropriate development and accords with PPG2 in this regard.

Policy OL1 of the UDP reiterates PPG2, stating that within the Green Belt the Council will not grant permission for new buildings other than for agriculture, horticulture, forestry, nature conservation, open air recreational facilities, or cemeteries. In this regard, the application is also in accordance with Policy OL1

However, the potential visual impact that the proposed pedestrian bridge could have on the Green Belt must be considered. Therefore, regard should be taken to Policy OL2 which safeguards the Green Belt and seeks to ensure the harmonisation of any proposed development.

The most significant changes to the landscape character and the greatest impact will be from the proposed new bridge. The bridge structure is visually permeable and of a small scale (the minimum development necessary).

Policy OL2 of the UDP notes that where development proposals are located in the Green Belt and considered acceptable in principle, the Council will seek comprehensive landscape improvements.

It is considered that the creation of the local park with the proposed landscape enhancements would make positive improvements to the land, contribute positively to the open space provision in the borough and would not affect the overall character and openness of the Green Belt, nor would it be considered harmful to the Colne Valley Park or Cowley Lock Conservation Area.

The proposal would not unacceptably decrease the open appearance and the view into the Green Belt.

Subject to further ecological information being submitted to and agreed by the Local Planning Authority prior to commencement of development on site, there are no objections in principle to the proposed scheme.

7.02 Density of the proposed development

Not applicable to this proposal.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

The land forming part of this proposal is designated Green Belt and is a site of Metropolitan Importance (SINC M43) and lies within the Cowley Lock Conservation Area.

The area is currently inaccessible, unmanaged woodland with mature and semi mature deciduous species denominated by self-set sycamore. Given the unmanaged state of the land there is limited light reaching the woodland floor and the land has been subject to unauthorised grazing. The proposal to fence and create pedestrian cress via a footbridge and loop pathway and minor vegetation clearance will benefit the site positively not negatively.

Given the land is inaccessible and unmanaged at present the creation of a loop pathway accessed by a footbridge and the clearance of dead wood and further seedling planting will create a positive benefit for a currently unmanaged site. The addition of this piece of land into the Colne Valley Park system will further add to the Colne Valley itself and be an additional publicly accessible open piece of land.

7.04 Airport safeguarding

Not applicable to this proposal.

7.05 Impact on the green belt

It is proposed to provide an attractive and accessible open space for enjoyment by the public while also enhancing the natural flora and fauna of the site in the interests of biodiversity.

The proposal will result in a positive impact on the Green Belt through the enhancement and management of a currently unmanaged area of Green Belt land. This is considered to fully comply with Policies OL1 and OL2 of the UDP, relevant London Plan policies and guidance with PPG2: Green Belts.

7.07 Impact on the character & appearance of the area

Saved Policy BE38 seeks to retain and enhance the landscape in association with development.

The objective is to provide an attractive and accessible open space for enjoyment by the public, while also enhancing the natural flora and fauna of the site in the interests of biodiversity. It is proposed to selectively thin the poorer quality specimens within the site which is required on the grounds of safety. The work will create glades and permit natural light into the site, some areas will be planted with native mixes of woodland trees, shrubs and bulbs which will enhance the biodiversity and visual interest within the site.

7.08 Impact on neighbours

It is proposed to create a new park that is accessible to the public via a footbridge and new secure fencing on the northern, eastern and southern boundaries of the site. The River Fray creates a natural barrier on the western frontage.

It is important that the safety and enjoyment of the existing neighbours is not negatively affected by the proposal. To this end it is proposed to place a lockable gate on the Old Mill Lane side of the bridge to discourage people in the 'park' during the hours of darkness. It is also proposed to secure the site's northern, eastern and southern boundaries with a 2.4m high palistrade fence to secure the neighbouring boundaries.

It is not considered that the use of the park as an informal recreational open space would have any detrimental impact on the amenity of the occupants of the nearest residential properties.

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, Car/cycle parking, pedestrian safety

It is proposed to create a 'drop off' point for people to enter the site from Old Mill Lane. The limestone construction will be free draining, low maintenance and sympathetic with the surrounding area. Flush concrete kerbs will be installed to provide a definitive edge to the lay-by and a timber edged area to the south will provide for extra informal car parking.

The footpath to be constructed within the site will be 1.5m wide and constructed with timber edging and timber stakes and a surface of compacted limestone material similar to that used on the Colne Valley Trail that lies adjacent to the site. The material will be free draining and low maintenance. The setting of the path will avoid all mature trees and the badger setts located on site.

The proposed pathway material is considered to be satisfactory to cater for those with impaired mobility and also to meet the objectives of an un-obtrusive pathway through the site similar with the type of pathway used on the adjacent Colne Valley Trail.

It is not envisaged that there will not be any additional traffic generation to that which currently exists in and around the site. Across Old Mill Lane is existing car parking for the Little Britain Lake recreation area and it is envisaged that this car park will accommodate any users of this land.

7.11 Urban design, access and security

- Urban Design

The bridge is to be constructed of steel and timber, which will provide a slender and elegant design with clean lines and considerable strength. The design itself has been chosen to be sympathetic to the surrounding environment. It will provide a low maintenance and vandal resistant solution with the minimal construction disruption to the existing area from on-site works. The colour of the structure itself will be matched to the existing Little Britain structures.

It is proposed to install a number of timber seats within the site for people to rest and enjoy the environment. Timber bollards will be installed at the Old Mill Lane entrance, which would be in keeping with the timber bollards used on the Little Britain side of Old Mill Lane.

- Security

The development has incorporated measures to reduce the risk of crime. This will be achieved through the installation of a lockable gate on the bridge which will be locked from dusk till dawn daily and the establishment of a 2.4 metre high palisade fence surrounding the northern, southern and eastern boundaries of the site. The western boundary will be

naturally secured by the Frays River. Should approval be granted a condition would be attached to ensure the development meets the Metropolitan Police's Secured by Design criteria.

7.12 Disabled access

The Council's Access officer has raised no objections, subject to clarification on details of the footpath, kissing gates, the proposed ramp and lighting.

The installation of lighting is not considered practical in this case as the site is in an isolated location with no artificial lighting present in the surrounding area. Lighting would adversely affect existing wildlife present at the site (e.g. bats), and given that access to the public is proposed to be prevented (it is proposed that the park be locked from dusk till dawn) during the hours of darkness, lighting has not been proposed.

The surface of the footpath throughout the site is to be hard wearing and the surface is contrasting in both colour and luminance with its surrounding area. A condition is recommended to secure this. This contrast will be achieved as it is proposed to construct the path with timber edging and a surface of compacted limestone material, similar to that used on the Colne Valley Trail that lies adjacent to the site.

Concern has been raised by the Access Officer to the proposed kissing gates (which are required to prevent vehicular access (including motor bikes), which are not conducive to use by persons in mobility scooters etc.

The site's in the Colne Valley, and there has historically been a number of issues which have arisen from unauthorised vehicle entering into park land. It is considered very important that access control is maintained (in particular given the ecological values of the site it is critical that motor cyclists etc do not gain access to the site).

It should be noted that there are other access points (other than the bridge) to the site that disabled persons could utilise.

Given the benefits of the scheme, which would create a new public open space, and significantly enhance the visual amenity and landscape and ecological value of the site, in addition to the need to provide a secure access to the site, it is not considered that refusal could be justified on this basis.

A condition is recommended requiring the applicant to come up with a scheme which both prevents access to the site for unauthorised vehicles, but provides access for disabled persons.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

The application site is currently largely characterised by mature and semi-mature deciduous woodland, dominated by Sycamore, with a great deal of dead wood standing and on the ground. The site is inaccessible and there has been no woodland management carried out within the site in the past. The dense tree canopy, which restricts light to the woodland floor, and past unauthorised grazing on the land, has resulted in limited groundcover and uneven land.

The applicant's Design and Access Statement sets out the landscape objectives for the

site, which include opening the site up to provide an attractive and accessible open space for recreational use, whilst also enhancing the natural flora and fauna of the site. The selective thinning of dense areas of immature and unsuitable trees will take place to open up the canopy and a number of existing glades would be enlarged, and new glades created to allow light to penetrate through to the woodland floor. Selective native planting, including mixes of woodland trees, shrubs and bulbs will take place. This will significantly enhance the biodiversity and visual interest within the site and encourage greater species diversity and habitat creation. A circular footpath through the woods and occasional seats will be provided to enhance the visitors' experience. Details of maintenance and management notes to ensure the successful establishment of the new woodland are provided.

Notably, in order to maintain the character and conservation value of the existing woodland, the positioning of the proposed bridge and woodland path has been designed to cause minimal disturbance to existing mature trees and flora and fauna.

The proposed works are considered to enhance the character and appearance of the site and the long-term management of the hard and soft landscaping is welcomed. The proposal is considered to comply with Policy BE38 of the Hillingdon Unitary Development Plan and notably the Council's Trees/Landscape Officer has raised no objections subject to relevant conditions.

ECOLOGY

The applicant has submitted a Habitat Survey which provides an assessment of the habitat types present on and close to the site, and potential ecological impacts this could have on the redevelopment of the site, particularly with regard to protected species. The report concludes that some protected species may be present on site, such as badgers (there are two badger sets on site) and water voles along the river bank. Although not identified in the survey, the Council's Sustainability Officer has also suggested there could be bats present at the site.

Conditions are recommended to require that further surveys are carried out to identify the presence or otherwise of endangered species.

The application proposes significant habitat enhancements, such as the creation of 'dead hedges', to minimise the impact of the development on the badger sets and their foraging grounds, and works along the river bank, such as the thinning of trees to encourage the growth of flora, and the creation of small ledges into the river to create a shallow bank, which will encourage more diverse vegetation and suitable habitats for water voles.

The proposal would enhance the existing habitats on site and encourage increased flora and fauna, including protected species. The proposal complies with Policies EC1 and EC2 of the UDP, and notably the Council's Sustainability Officer has raised no objections, subject to appropriate conditions.

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 applicant has submitted a Flood Risk Assessment and Drainage Report with the application, due to the proximity of the site to the Frays River. The Environment Agency

have confirmed that they have no objections to the proposal subject to conditions regarding the submitted Flood Risk Assessment, planting and landscape management. As such, it is not considered that the proposed park would lead to an unacceptable increase in the risk of flooding in this area.

7.18 Noise or Air Quality Issues

The establishment of a public park with additional tree and vegetation planting would have the potential to improve air quality in the area.

There is no impact on noise as a result of this proposal.

7.19 Comments on Public Consultations

Of the 250 people consulted, 3 people made a representation to the proposal. The comments received were in support of the proposal with the following observations made:

- security for the adjoining properties from trespassers and vandals is safeguarded
- that only the minimum number of trees are felled
- improving access to the site and area of the river an excellent idea.
- the application represents an excellent option for utilising unused and unmanaged land.

The site is to be made secure by the installation of a lockable gate and palisade fencing on the northern, southern and eastern boundaries (secured by way of condition).

It is proposed to carry out a further tree survey with the removal of only the minimum number of trees necessary to make the site safe for use. It is also proposed to plant additional trees and shrubs which will enhance the flora and fauna within the site.

7.20 Planning obligations

This proposal has arisen as a direct result of Planning Obligations required to be delivered as part of the Stockley Park Phase 3 permission (ref: 37997W/96/1447 issued in August 2000). In that case, to mitigate the impact of development in the Green Belt, the Applicant was required to create several public parks (this planning application relates to one of the park areas).

Under the terms of the Stockley Park Phase 3 legal agreement this parcel of land once landscaped, the ownership of this parcel of land will be transferred to the Council as a public asset.

There are no planning obligations arising from this proposal in itself.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Not applicable to this application.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware

of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

It is considered that the establishment of a new public 'park' will positively contribute towards the borough's public open spaces, and will have a positive impact upon this currently inaccessible and unmanaged woodland

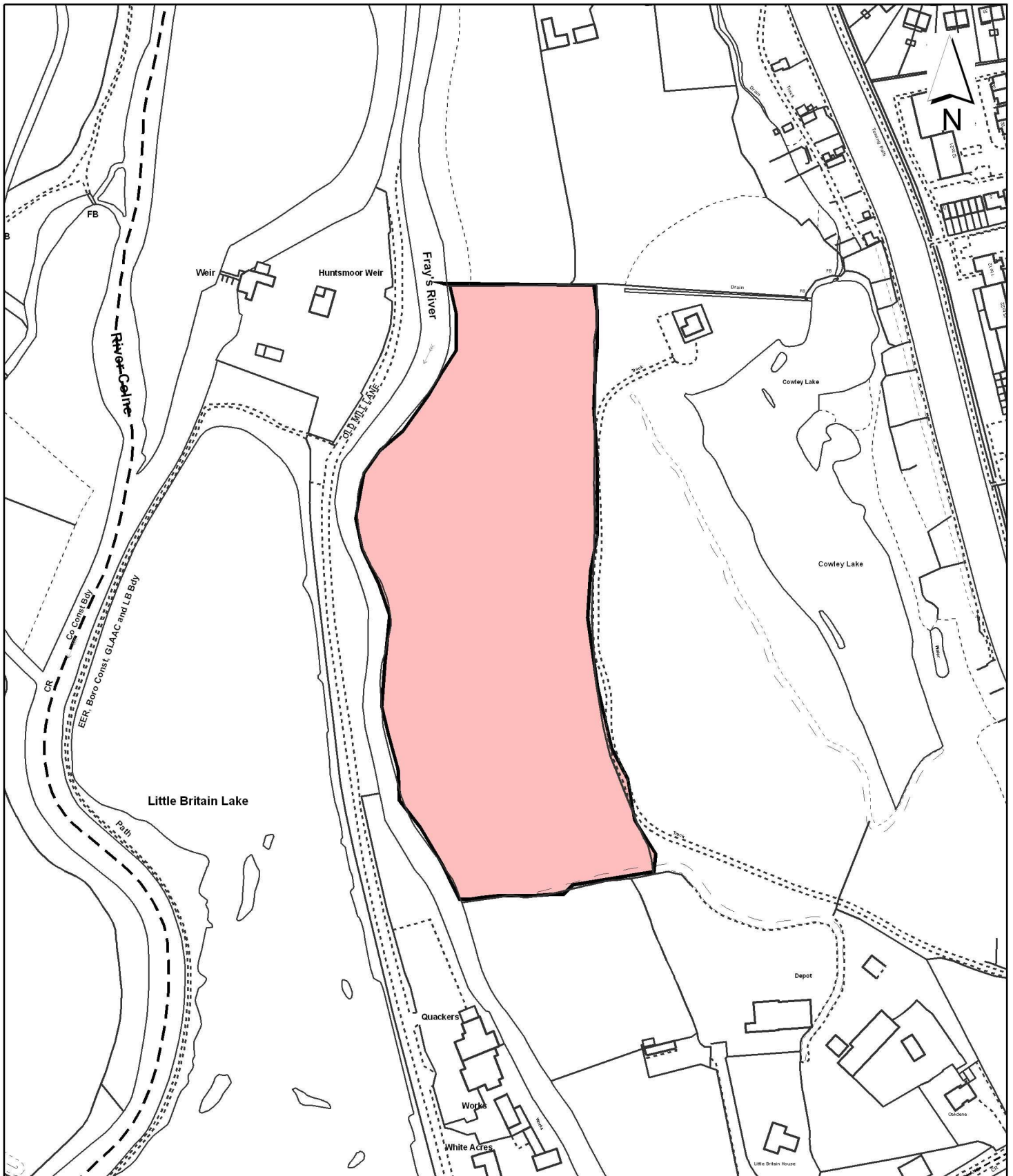
The proposals will significantly enhance the visual amenities and the ecological values of the site. Notably no objections have been received to this proposal. It is considered that the proposal complies with all relevant UDP and London Plan policies and, accordingly, approval is recommended.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (Consolidated with Alterations since 2004)
Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 2 (Inappropriate development in the Green Belt)
Council's Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Document - Accessible Hillingdon

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Notes

 Site boundary
For identification purposes only.

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Site Address

**Land east of Old Mill Lane
and North Packet Boat Lane,
Cowley**

Planning Application Ref:

66756/APP/2010/198

Planning Committee

Central and South

Scale

1:2,500

Date

March 2010

**LONDON BOROUGH
OF HILLINGDON
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