

## Report of the Head of Planning & Enforcement Services

**Address** LAND AT GRAND UNION CANAL BANK, SPRINGWELL FARM  
SPRINGWELL LANE HAREFIELD

**Development:** Restoration of a former wetland area to create a habitat for a number of species to include tree works, excavating leaf matter and sediment to create on-line ponds of variable depths and an interpretation zone on the canal towpath.

**LBH Ref Nos:** 67241/APP/2010/1939

**Drawing Nos:** Un-scaled Location Plan  
9080/01/pod Version 1  
9080/02/pod Version 1  
9080/001/pod Version 1  
9080/002/pod Version 1  
9080/003/pod Version 1  
9080/004/pod Version 1  
Design and Access Statement  
London's Environmental Code of Practice

**Date Plans Received:** 19/08/2010 **Date(s) of Amendment(s):**

**Date Application Valid:** 31/08/2010

### 1. SUMMARY

Planning permission is sought for the restoration of a former wetland area to create a habitat for a number of species involving excavation of leaf matter and sediment to create on-line ponds of variable depths and an interpretation zone on the canal towpath. The proposal would make a positive contribution to ecology and nature conservation in this area.

### 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 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 BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **3 NONSC Non Standard Condition**

No development shall take place until the Local Planning Authority has agreed the details of the appointment of an ecologist to oversee the proposed works. The approved ecologist must be present on site for the duration of the restoration works. Any potential adverse effects linked to the restoration works shall be reported to the Local Planning Authority and Natural England. Appropriate mitigation measures advised by the Local Planning Authority and Natural England shall be implemented and so maintained for the duration of the restoration works.

#### **REASON**

To ensure that protected species and/or habitats are firstly protected from development works and that potential adverse effects linked to development works are put in place to ensure that disturbance to onsite ecological receptors is minimal, in accordance with policy EC1 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

### **INFORMATIVES**

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

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

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

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC4	Monitoring of existing sites of nature conservation importance and identification of new sites
EC5	Retention of ecological features and creation of new habitats

#### **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

#### **4 I6 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not

empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **5            I15                    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.

## **6            IT05                    Wildlife and Countryside Act 1981**

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats or nesting birds or other species. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work.

## **7            IT01                    Removal of dead wood**

The removal of dead wood: This does not require the formal consent of the Local Planning Authority.

## **8**

You are advised that the application site is within 250m of two landfill sites. Both sites were licensed to accept inert wastes, therefore the risk of gas production and migration appears to be low. However, due to the proximity of the site, it is recommended that care is taken when carrying out excavation. You are advised to consult the Environmental Protection Unit on 01895 250155 if you require any advice.

## **9**

The applicant/developer is advised to refer to the current British Waterways' "Code of Practice for Works affecting British Waterways" in order to ensure that any necessary consents are obtained. ([www.britishwaterways.co.uk/media/documents/code of practice 2010,pdf](http://www.britishwaterways.co.uk/media/documents/code_of_practice_2010.pdf)).

## **10**

You are advised that a Natural England license is required if, on the basis of specialist knowledge, it is considered that the proposed activity is reasonably likely to result in an

offence being committed. For future reference, our standing advice on protected species can be found at:

[http://www.naturalengland.org.uk/regions/south\\_east/ourwork/standingadvice/protectedspecies/standingadviceconsultation/default.aspx](http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/protectedspecies/standingadviceconsultation/default.aspx)

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The applicants are advised that the Council will seek confirmation from Natural England that the applicant's proposed Ecologist is suitably qualified to oversee the works, as required by condition 3.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site comprises a section of the Grand Union Canal bank forming part of Springwell Farm located on the west side of Springwell Lane. The application site lies within the Green Belt and is a Nature Conservation Site of Grade I Importance.

#### 3.2 Proposed Scheme

The existing bank, the subject of this application, was once a wetland area but has overgrown over time. It is proposed to restore the wetland area in the interests of habitable creation, through shallow excavation of a section of the bank some 1800sq.m in area. Hardwood posts would be positioned along the canal bank to retain the backfill for the creation of the wetland area.

The proposed works would also involve lowering the sill and bank by approximately 1m and widening it to give an inlet of between 0.8m and 3m to create a new on-line pond/channel parallel to the canal. A shallow wetland would be created in the middle of the new channel using materials from the excavation. Wildlife refuge/otter holts would be created on this area.

The spoil from the channel would be used to raise the existing bund to create a flat top area which would be used as an access for maintenance purposes. The existing trees will be retained around the new wetland area.

#### 3.3 Relevant Planning History

##### Comment on Relevant Planning History

None

### 4. Planning Policies and Standards

#### UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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

OL2 Green Belt -landscaping improvements

BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC4	Monitoring of existing sites of nature conservation importance and identification of new sites
EC5	Retention of ecological features and creation of new habitats

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

1 nearby adjoining owner, the Harefield Tenants & Residents and the Ickenham Residents Associations consulted. No comments received.

British Waterways: No objections, subject to an informative relating to the "code of Practice for Works affecting British Waterways"

Environment Agency: We have no objection to the proposed development but we would advise that there is only one connection to GUC at the downstream end.

The current proposal has two connections, at the top and bottom of the backwater. The problem with having one at the top is the backwater is more likely to have a higher silt input, and be less of a refuge for fish from water pollution incidents.

The works have already been granted flood defence consent and no flood risk issues were identified at that time.

Natural England: Natural England is supportive of the proposed habitat restoration of wetlands. However, biological surveys of the area were not attached to the application. In order for us to assess the level of impact that the works may potentially have on protected species and habitats (and address proposed mitigation measures designed to reduce any adverse impact) we require this information. We recommend that you request the applicant to submit a Phase 1 Habitat Survey of the proposed restoration area. Until we receive this information, we cannot comment on the level of impact that this restoration may have on existing biology.

### **Additional Comments:**

Our comments still stand with regards to habitat surveys as we would expect these surveys to be undertaken prior to the submission of a planning application. However, as requesting biological surveys to be undertaken would cause a delay to the restoration work (and potential loss of funding for the project) we advise you of the following:

1. An appropriate ecologist must be on site during works to ensure that protected species and/or habitats are firstly protected from development works and that potential adverse effects linked to development works are put in place to ensure that disturbance to onsite ecological receptors is minimal;

2. A Natural England license is required if, on the basis of specialist knowledge, it is considered that the proposed activity is reasonably likely to result in an offence being committed.

For future reference, our standing advice on protected species can be found at:

[http://www.naturalengland.org.uk/regions/south\\_east/ourwork/standingadvice/protectedspecies/standingadviceconsultation/default.aspx](http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/protectedspecies/standingadviceconsultation/default.aspx)

### **Internal Consultees**

Tress/Landscape: The site is an area of low-lying wetland to the east of the Grand Union Canal. Situated opposite the sewage works, the site is accessed via Springwell Farm, off Springwell Lane.

The site drawings confirm that there are a number of waterside trees, including Ash, Willow and Field Maple, together with scrubby Elder and naturally occurring native grasses and herbaceous wetland species. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area. This area is designated Green Belt and is a Nature Conservation Area of Borough Grade 1 Importance.

PROPOSAL: The proposal is to restore the former wetland area in the interests of habitat creation, by the shallow excavation of silt and leaf litter to create on-line ponds/channels parallel to the canal. The variable depths and natural profiles will encourage biodiversity and benefit fish spawning.

Trees will be retained and changes of level/excavation will be adjusted to prevent damage to trees. Some minor maintenance work is envisaged to enhance the light levels and reduce leaf fall. All excavated spoil/arising are to be accommodated within the canal using a range of natural edge profiles. Exposed soils will be planted with locally sourced native wetland species. The site is not accessible to the public and only the inlet and outlet (where the channel links into the canal) will be visible from the towpath on the opposite (west) bank of the canal.

LANDSCAPE CONSIDERATIONS: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. This is essentially a low-key landscape/biodiversity enhancement project. The objective seeks to benefit the character, appearance and ecology of the area.

RECOMMENDATIONS: No objection and in this instance no need for landscape conditions.

Environmental Protection Unit: No objections

Environmental Protection Unit (Contamination): The application site is within 250m of two landfill sites. Both sites were licensed to accept inert wastes, there the risk of gas production and migration appears to be low. However, due to the proximity of the site, a gas informative is recommended.

## **7. MAIN PLANNING ISSUES**

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

The proposal represents a nature conservation development within an area designated as a Nature Conservation Site of Grade 1 Importance and in the Green Belt. The proposal would therefore be acceptable in principle subject to other policies in the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

### **7.02 Density of the proposed development**

This is not applicable to this application.

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

This is not applicable to this application.

### **7.04 Airport safeguarding**

This is not applicable to this application.

#### **7.05 Impact on the green belt**

Planning Policy Guidance Note 2: Green Belts (PPG2) states that the most important attribute of the Green Belt is its openness. Therefore, the construction of new buildings in the Green Belt is inappropriate unless it is for a limited range of uses including agriculture, forestry, recreation, limited alteration/re-building of dwellings, and infilling major developed sites as identified in adopted plans.

PPG2 also makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The guidance adds that such circumstances will not exist unless the harm is clearly outweighed by other considerations and that it is for the applicant to show why permission should be granted.

The proposal falls within nature conservation works which is an acceptable development in the Green Belt. Therefore, the proposal would comply with policy OL1 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The proposal would retain the existing trees on the site and is considered to improve landscaping in this area. As such, the proposal would comply with policy OL2 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), which seeks comprehensive landscape improvement in the Green Belt.

#### **7.06 Environmental Impact**

The proposal involves the creation of a wetland enhancement scheme to reclaim a wetland area adjacent to the Grand Union Canal. The proposal is considered to make a positive contribution to ecology and nature conservation and would be for the benefit of sprawling fish, fry habitat and wetland plants, to name but a few.

The comments of Natural England are noted and a planning condition is recommended requiring an ecological expert to be at hand for the duration of the restoration works.

Overall, subject to the above condition, the proposal would not only protect but would also enhance the existing habitat in the area, in accordance with policies EC1, EC4 and EC5 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

The proposed development would maintain and improve the character and visual amenities of this part of Springwell Farm. The proposal would comply with policy BE38 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

There are no residential properties nearby that would be adversely affected by the proposed development.

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

This is not applicable to this application.

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

This is not applicable to this application.

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

This is not applicable to this application.

#### **7.12 Disabled access**

This is not applicable to this application.

#### **7.13 Provision of affordable & special needs housing**

This is not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

These issues have been covered in Sections 6, 7.05 and 7.06 above.

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

This is not applicable to this application.

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

This is not applicable to this application.

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

The Environment Agency has confirmed that there are no flood related issues.

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

This is not applicable to this application.

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

There are no third party comments

#### **7.20 Planning Obligations**

This is not applicable to this application.

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

This is not applicable to this application.

#### **7.22 Other Issues**

There are no other relevant issues.

### **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**



This is not applicable to this application.

**10. CONCLUSION**

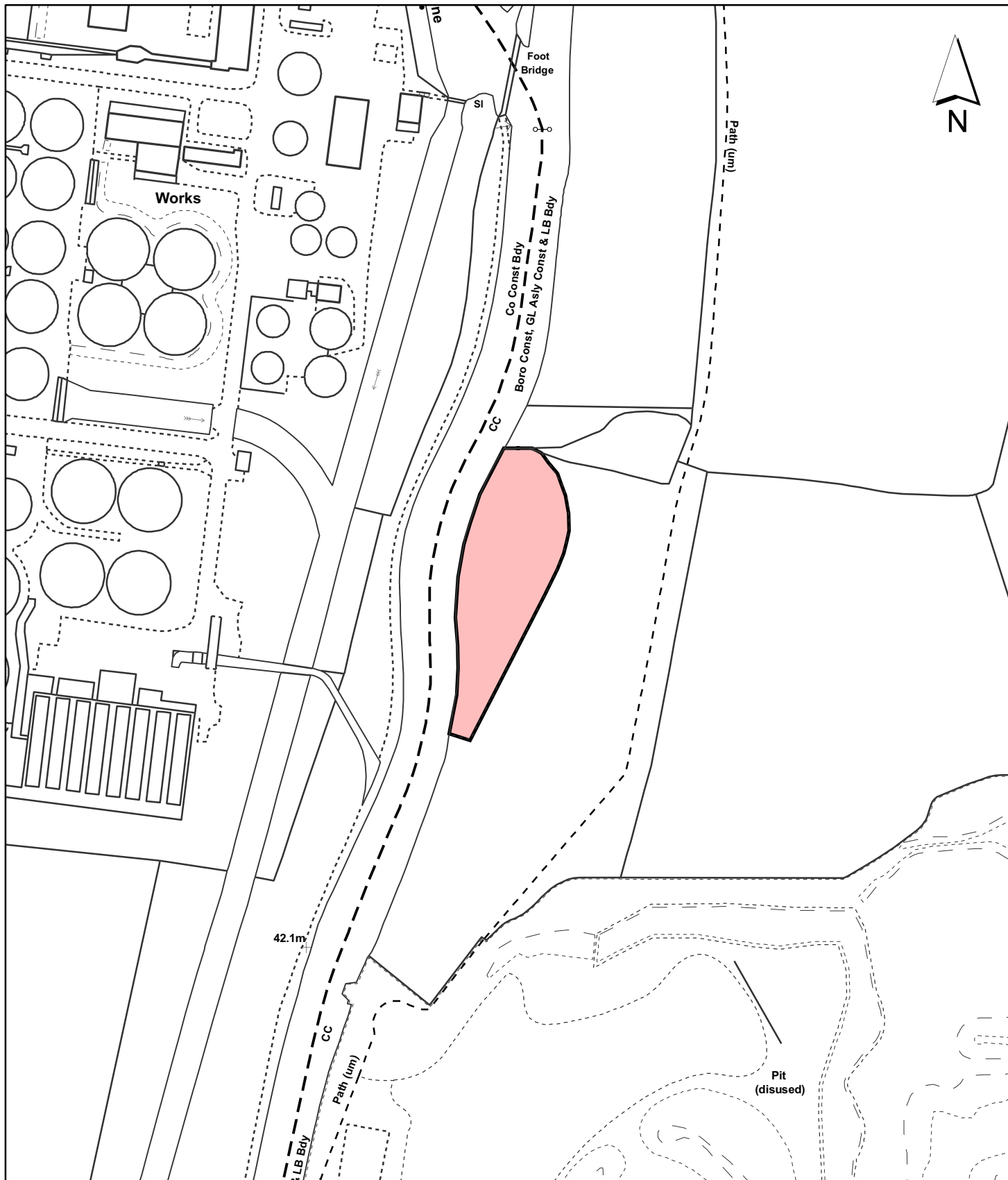
The proposal would represent an improvement and would make a positive contribution to nature conservation and habitable wildlife. The proposal would accord with the aforementioned policies and as such, is recommended for approval.

**11. Reference Documents**

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

**Contact Officer:** Sonia Bowen

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## Notes



Site boundary

For identification purposes only.

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London Borough of Hillingdon  
100019283 2010

Site Address

**Land at Grand Union Canal  
bank, Springwell Farm  
Springwell Lane, Harefield**

Planning Application Ref:

**67241/APP/2010/1939**

Planning Committee

**North**

Scale

**1:2,000**

Date

**November  
2010**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning, Environment  
& Community Services**

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