



HILLINGDON

LONDON

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| Meeting: | North Planning Committee | | |
| Date: | Thursday 12th July 2012 | Time: | 7.00pm |
| Place: | Council Chamber, Civic Centre, Uxbridge | | |

ADDENDUM SHEET

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| Item: 1 | Page: 1 | Location: Ruislip Lido, Reservoir Road | |
| Amendments/Additional Information: | | Officer Comments | |
| Revised car park layout plans received. Delete: E/A0 2425/29 REV. C (2 of 2) E/A0 2425/31 REV. H (1 of 2) E/A0 2425/32 REV. E (planting) Add: E/A0 2425/29 REV. D (2 of 2) E/A0 2425/31 REV. J (1 of 2) E/A0 2425/32 REV. G (planting) | | The width of a short stretch of the access road has been widened in the vicinity of the proposed pedestrian crossing, where it narrowed to single lane, in order to allow 2 way traffic. The amendments are in response to comments from the Highway Engineer, to ensure that highway and pedestrian safety is maintained. | |
| Dates of amendments Add: 18/6/2012, 21/6/2012, 4/7/2012, 9/7/2012. | | To ensure completeness of the report. | |
| RECOMMENDATION Delete: Approval, subject to no objections from Natural England and any additional conditions Natural England may seek to impose and the following conditions: Add: Approval, subject to the following conditions: | | Natural England has raised no objections to the proposal, subject to conditions and informative. | |
| Natural England's response to the revised application has been received. The letter has been attached as an appendix to this addendum. Natural England raises no objections subject to conditions and an informative. | | The response is noted and suggested conditions and informative added. | |
| Add condition 18 No storage, access or encroachment shall take place within the Ruislip Woods SSSI. All contractors working on site shall be made aware of this requirement and shall be provided with a map that clearly shows the boundaries of the | | Condition added at the request of Natural England. REASON In order to comply with Section 28 of the Wildlife and Countryside Act 1981 (as amended) | |

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| <p>Ruislip Woods SSSI in relation to the development site.</p> | |
| <p>Add condition 19</p> <p>Prior to the commencement of any works which may affect great crested newts or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.</p> | <p>Condition added at the request of Natural England.</p> <p>REASON To protect and enhance wildlife in accordance with the NPPF and Policy 7.19 of the London Plan (July 2011).</p> |
| <p>Add condition 20</p> <p>Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by the Local Planning Authority, detailing how external litter bin facilities for users of the car park will be provided. This shall include a timescale for the provision of the facilities. The approved means, siting and timescale for the provision of the facilities shall be implemented in accordance with the agreed scheme and thereafter permanently maintained.</p> | <p>REASON To protect the visual amenities of the surrounding area and to safeguard the interests of the amenities of visitors to the Lido, in accordance with Policies BE13 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).</p> |
| <p>Add condition 21</p> <p>Development shall not begin until details of a parking management scheme, including the method of control of opening times, control of access, security, waste management, disabled access and maintenance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter shall be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.</p> | <p>REASON In order to comply with the terms of the application and to ensure pedestrian and vehicular safety and convenience, in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).</p> |
| <p>Amend condition 4 (Traffic Arrangements)</p> <p>Replace the words: '(including where appropriate revised carriageway widening, footways, speed table, tactile paving, bollards, timber post and rail fencing and means of surfacing (including resin bonded gravel surface))'</p> | <p>To provide clarity and precision to the condition.</p> |

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| <p>Add: '(including traffic management, signage, speed tables, tactile paving, bollards, fencing and means of surfacing)'</p> | |
| <p>Add informative 7</p> <p>The applicant is advised that should storage, access or encroachment within the Ruislip Woods SSSI be found to occur as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine.</p> | <p>Informative added at the request of Natural England.</p> |
| <p>6 additional letters of objection and one letter raising no objection from Northwood Hills Residents' Association have been received in response to the latest consultation. This includes a letter from Friends of Ruislip Lido, which has been attached as an appendix to this addendum. The main points raised are summarised below:</p> <p>1. No need for the additional car park at the expense of natural woodland.</p> <p>The report does not show that a very special circumstances case has been made for this development.</p> <p>We do not accept that the case has been made for the necessity of this development.</p> <p>2. The Committee should be moved back to a future date, as the officer report was written during the re-consultation period.</p> <p>3. Re-consultations only sent to those who initially responded on line.</p> | <p>1. These issues have been dealt with in the officer's report.</p> <p>2. The 14 day re-consultation related to amendments to the Transport Statement to correct minor factual errors and to a revised Ecological Mitigation Strategy, which included the results of additional species surveys. These issues were fully addressed in the officer's report, with a recommendation for approval, subject to no objections from Natural England. The additional comments from local residents to the consultations on the additional information are fully summarised in this addendum and raise no new substantive issues.</p> <p>3. Consultations were sent by e-mail to those who responded on line. Individual letters were sent to those who made representations by post. These letters were dispatched on 22 June 2012, giving local residents the requisite 14 days to make</p> |

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| <p>4. No objections to the revised proposal.</p> <p>5. The Council fully responsible for damage to a National Nature Reserve and SSSI in respect of its nature conservation importance including bats, reptiles and great crested newts.</p> <p>6. The additional ecological reports are inadequate, concerning protected species and fail to meet the methodology quoted by the report.</p> <p>7. The ecological mitigation strategy does not rest upon available data or required research, nor does it consider impacts other than in a superficial way. The Council is not only in breach of its own policies but the Habitats Directive and Habitats Regulations.</p> <p>8. Under the Habitat Directive and European Protected Species, the impacts of this development require the consideration of alternatives and other tests under Regulation 44 of the Habitats Regulations to be clearly described and presented.</p> <p>9. Strong concerns regarding the approach to a development at the edge of an National Nature Reserve and SSSI and Committee has a clear duty to refuse the application and question how the Council is letting applications like this get so far without the correct appraisals.</p> <p>10. Approval based on poor quality work leaves the Council exposed both to Judicial</p> | <p>representations.</p> <p>4. Noted.</p> <p>5. The site is not within the SSSI. Nevertheless the Council has a duty to make sure that the development does not harm the integrity of the site. Natural England has been consulted and is responsible for making sure that the development does not harm the integrity of the site. The Local Planning Authority has not ignored the issue. Had Natural England indicated that the development would have a significant detrimental impact on the SSSI, then the Council would be likely to refuse the application. It is considered that the loss of this relatively small piece of land is unlikely to have any bearing on the SSSI.</p> <p>6. The Council has commissioned qualified experts who have carried out the surveys in accordance with the relevant guidelines. The Great Crested Newt investigation was taken at a sub-optimum time, but Natural England has provided comments on this. The other surveys were considered suitable for what was being investigated and the limitations outlined where appropriate. It is considered that the Council is in possession of enough information to make an informed decision based on the Natural England standing advice.</p> <p>7. Natural England has commented on the relationship with the SSSI. Further conditions have been recommended to improve the neighbouring sites.</p> <p>8. The Council has considered the tests of the Habitats Directive relevant to the likely harm to protected species. The development is unlikely to have an impact on the long term conservation of species and is responding to a shortfall in car parking in the wider public interest.</p> <p>9. The development is not considered to have a detrimental impact on the SSSI for the reasons set out above, and Natural England share this view. The Council has strongly considered the ecological value of this and the surrounding site, against the need for the development. Natural England will have the final say on the impacts on European Protected Species and this in turn will reinforce the position with regards to the Habitats Directive.</p> <p>10. The Council has sought the views of highly qualified independent experts to fully inform a</p> |
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| <p>Review and notoriety, resulting from clear breaches of Best Practice and legal process and is not in keeping with the Defra's policy towards species and habitats.</p> <p>The report does not take adequate notice of the information supplied concerning the existence on site of three species of reptile and Great Crested Newts in a pond within 150m of the site.</p> <p>11. The Location Plan does not include the area for planting of trees to stop cars floating out of the car park during flooding.</p> <p>12. The total area of the site is now more than the 0.5 Hectares quoted in the report and should be corrected.</p> <p>13. The access road is too narrow.</p> <p>14. Conflict with the Council's Car Parking and Climate Change Policies have been ignored.</p> <p>15. No data has been produced to demonstrate existing parking conditions at Ruislip Lido. There is no evidence/car parking survey to indicate on how many days in any year the existing car park is full or for how long each day.</p> <p>16. This meeting is put back for an accurate and detailed application to be resubmitted. That the committee call for further reports into the necessity and alternatives to this application to be scoped prior to any hearing.</p> <p>The signage to Breakspear crematorium overflow car park should be improved.</p> <p>17. Water Operating levels and flood have not been addressed. There remain serious flood risk issues for downstream properties whose residents have not been consulted including properties in Ladygate Lane.</p> <p>The risks that the site could flood up to a depth of 0.45m and of cars floating out of the car park should not be incurred by</p> | <p>planning decision. This was a responsible approach. Furthermore, the independent ecological surveys did not reveal matters of overbearing reason not to develop the site. The Council considered the relevant standing advice and sought comments from Natural England regarding European Protected Species. The Council considers the need for further mitigation which can be conditioned as part of any subsequent approval.</p> <p>11. The area is within Council control and additional tree planting has been conditioned.</p> <p>12. The point is noted. The access road adds 0.13 hectares to the site area.</p> <p>13. The issue of the width of the access road and footpath has been addressed in the report. The Highway Engineer considers that the design of the access road is satisfactory.</p> <p>14. The issue of compliance with Council car parking policies has been addressed in the report. This is a small scale development, that is managing existing traffic and no objections are raised in relation to carbon policies.</p> <p>15. It is evident that the existing car park does reach capacity at peak times. The new car park would only be open at when the existing car park is full and results in unnecessary traffic movements and conditions prejudicial to highway and pedestrian safety.</p> <p>16. Justification for the necessity of the overflow car park and alternative sites have been addressed in the report.</p> <p>Breakspear Crematorium car park is a considerable distance (nearly 700m) from the Lido entrance and would not be suitable for the elderly or infirm.</p> <p>17. Flood related matters have been dealt with comprehensively in the report. Properties in Ladygate Lane have been consulted.</p> |
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| <p>building this facility.</p> <p>No plan of the alternative sites considered in the sequential appraisal.</p> <p>18. The applicant has continued to make alterations to this application, after even the planning report was published</p> <p>19. There is another planning application that is awaiting submission intrinsically linked to this application, and should have been submitted alongside this, as issues of access, drainage, and environmental impact are the same.</p> <p>20. Concern over highway and pedestrian safety within the Lido and at the entrance, where there are already complex conflicting vehicular and pedestrian movements.</p> <p>Adverse Impact on the usage of Willow Lawn and concerns about use of the path round the Lido.</p> <p>Siting this disabled drop off point, at what is likely to be an extremely busy and congested area, is of concern.</p> <p>21. Should this application be approved it would be an Abuse of Article 6 of The Human Rights Act 1998 and contrary to the 'Wednesbury Principles' of unreasonableness and would leave the Council open to challenge.</p> | <p>18. The amendments are minor in nature and relate specifically to the detailed design of the access, in the vicinity of the raised pedestrian crossing.</p> <p>19. Any future application will be determined on its individual merits.</p> <p>20. Highway and pedestrian safety issues have been addressed in the report. A new footway, traffic calming and fencing are proposed to ensure that there is no conflict between pedestrians, including children and the traffic accessing the car park.</p> <p>21. The Council does not consider that approval of this application would be in conflict with the Human Rights Act.</p> |
| <p>POLICY Page 12 and informative 4, page 8</p> <p>Delete Saved Policy BE26 and replace with Saved Policy OL26 (Trees and Woodland)</p> <p>Add: Saved Policies OE7 and OE8 (flooding)</p> | <p>To address typographical errors and to ensure completeness of the report.</p> |

Appendix 1: Letter from Natural England

Date: 05 July 2012
Our ref: 57158
Your ref: 1117/APP/2010/1997



James Rodger
London Borough of Hillingdon
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Civic Centre
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BY EMAIL ONLY

T 0300 060 3900

Dear Mr Rodger

Planning consultation: Construction of car park consisting of 150 parking spaces (as well as space for motor cycle parking). Re-consultation following receipt of revised plans, additional and amended supporting reports and amended application form.

Location: Ruislip Lido, Reservoir Road, Ruislip

Thank you for your consultation on the above dated 22 June 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England's comments in relation to this application are provided in the following sections.

Ruislip Woods Site of Special Scientific Interest and National Nature Reserve

The application site lies close to Ruislip Woods Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Given the proximity of the SSSI and the potential for damage as a result of storage or disposal of materials, and operation of machinery or plant within the SSSI, should the Council be minded to grant permission, we advise that the following informative is appended to any consent:

- The applicant is advised that should storage, access or encroachment within the Ruislip Woods SSSI be found to occur as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine.

We advise that the following should be secured by way of a condition on the planning permission:

- All contractors working on site should be made aware of the informative and should be provided with a map that clearly shows the boundaries of the Ruislip Woods SSSI in relation to the development site.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Protected species

The additional information provided in support of the application provides information on the presence of widespread reptiles, bats and great crested newts. Natural England's comments on these species are provided below.

Bats

Whilst the surveys undertaken identified a number of species of bat foraging and commuting across the application site, no evidence of roosts were recorded. Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

Great crested newts

Whilst Natural England acknowledges that the survey was undertaken slightly late in the season and access to the pond edge was limited, great crested newts were recorded within Pond 2 (approximately 145 metres from the application site).

Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect great crested newts. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report. Should the Council be minded to grant permission for this application, we advise that the following condition should be attached to any consent:

- Prior to the commencement of any works which may affect great crested newts or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

The great crested newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

Widespread reptiles

The information supplied in support of the application highlights the impacts resulting from this proposal upon widespread reptiles. Detailed advice on survey effort and mitigation requirements for these species can be found within our protected species standing advice available from <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>. In accordance with our standing advice, we recommend that you consult the advice to establish whether sufficient survey effort has been undertaken to fully assess the impacts of this proposal along with the appropriateness of any necessary mitigation measures proposed in respect of reptiles.

I trust the comments are helpful. For clarification of any points in this letter, please contact Sean Hanna by telephone on 0300 060 4792 or by email to sean.hanna@naturalengland.org.uk. For all other correspondence, please contact the above address or email consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

A handwritten signature in cursive script that reads "Sean Hanna".

Sean Hanna
Adviser
Ashford Land Use Operations Team

Appendix 2: Letter from FORL

Re: Planning Application - Car Park at Ruislip Lido 1117/APP/2010/1997

I am writing to you on behalf of the Friends of Ruislip Lido and the Lido Residents Group to express our concerns about the officer's report recommending approval to the above planning application which is being reported to a Special Planning Committee on Thursday 12th July 2012.

The site is within the Green Belt designation in the Unitary Development Plan and as indicated in the officer report it is necessary to demonstrate a "very special circumstances case" for the proposed development.

However, it is demonstrable that the report does not show that a very special circumstances case has been made for this development.

The Transport Statement submitted by the applicant in support of the application states that Hillingdon Borough Staff have provided information on the parking conditions at Ruislip Lido. However, no data has been produced in the application to support this. There is no evidence to indicate on how many days in any year the existing car park is full or for how long each day. There is no car parking survey to support the application.

Our objections to this application and the rushed process now to determine the application are based on the following points:-

1. Abuse of Process

- The application has recently been subject to re-consultation on 22nd June 2012 giving 14 days for responses. The Special Planning Committee has been arranged for a date less than one week after close of consultation with the officer's report being produced several days before the end of the consultation period.
- The report does not address all of the issues raised in residents' objection letters. If, therefore, a decision is made by the Committee on Thursday to agree the officer recommendation to approve the application we consider this would be an abuse of process under Article 6 of the Human Rights Act 1998.
- Further to this the applicant has continued to make alterations to this application including an amended plan placed on the planning website on the 4th July, after even the planning report was published surely this cannot be correct.
- There is also another planning application that is awaiting submission but is intrinsically linked to this application, and should have been submitted alongside this, as issues of access, drainage, and environmental impact are the same. Therefore this application should be withdrawn and resubmitted with these buildings included.

2. Necessity

As indicated above no evidence has been produced to support the application of need for the car park and there is therefore no argument to support the contention that there is a "very special circumstances case" to allow development as a departure from the Development Plan.

3. Safety

The proposed development would introduce an additional vehicular access into the Lido at the end of Reservoir Road where there are already complex conflicting vehicular and pedestrian movements including access and egress to the existing car park, a bus turnaround, pedestrian movements to and from the existing car park, Poor's Field, the Lido

grounds and The Water's Edge Pub. It will be particularly difficult for vehicles to access the new car park if they have initially tried to park in the existing car park as they would have to turn across oncoming traffic.

The Flood Risk Assessment indicates that the site could flood up to a depth of 0.45m in the event of a severe flood and that cars could be at risk of floating out of the car park, requiring planting of trees to stop them floating into the lake. Also, the report recognised that it would be necessary to provide an evacuation plan. These risks should not be incurred by building this facility in the floodplain in the first place.

4. Environment

The report does not take adequate notice of the information supplied concerning the existence on site of three species of reptile and Great Crested Newts in a pond within 150m of the site. Development of this site should be avoided unless there is no alternative. We do not accept that the case has been made for the necessity of this development at all (see above). In addition, although the Officer's report refers to a Sequential Test having been carried out no plan of the alternative sites considered has been attached to the report so that it is impossible to assess whether this has been given appropriate consideration.

5. Adverse Impact on the usage of Willow Lawn.

Willow Lawn is a very popular area for visitors to picnic and for children to play ball games. On busy days this area is frequently very well used. The enjoyment of visitors would be severely impaired by the proposed new vehicular access to the car park with cars and motorcycles creating noise and fumes, as well as the safety of these groups. Under this plan no longer will you be able to walk unimpeded around the circumference of the Lido, but have to cross the new road twice, just to get to the far side of Willow Lawn. We have voiced concerns with regard disabled access to the path as well as pedestrians with pushchairs, none of these concerns have been answered by the applicant.

6. Councils Parking and Climate Change Policies

The report does not address the concern raised by residents that this application is contrary to the Council's Car Parking and Climate Change Policies which seek to reduce dependence of cars and encourage use of public transport. No attempt seems to have been made by the applicant to consider alternative modes of transport such as Park and Ride or to discuss frequency of buses with the local operators.

It is our submission; for the reasons set out above that should this application be approved it would be an Abuse of Article 6 of The Human Rights Act 1998 and contrary to the 'Wednesbury Principles' of unreasonableness and would leave the Council open to challenge on these grounds.

The Friends of Ruislip Lido and the Ruislip Lido Residents group would urge members to insist this meeting is put back for an accurate and detailed application to be resubmitted. That the committee call for further reports into the necessity and alternatives to this application to be scoped prior to any hearing.

Yours Sincerely

Vicky Brownlee

Chair FORL

friendsofruisliplido@gmail.com