

Report of the Head of Planning, Sport and Green Spaces

Address SOUTHALL WATERSIDE HAYES BY PASS HAYES

Development: Re-configuration and excavation of the dredging lagoon; installation of a new bund; the removal of the central spine including associated works.

LBH Ref Nos: 54814/APP/2017/2103

Drawing Nos: A720-E05-IW-ARU-EW-DR-0001 - Proposed Site Plan P4
A720-E05-IW-ARU-EW-DR-0002 - Lagoon Sections P3.
A720-E05-IW-ARU-EW-DR-0004 P2
A720-E05-IW-ARU-EW-DR-0003 P3
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 10
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 2
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 3
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 5
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 7
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 8
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 11
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 9
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 12
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 17
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 13
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 15
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 14
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 16
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 1
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 4
A720-E02-IW-ARU-DSK-RP-0001-P02 Part 6
Lagoon - Covering Letter - June 2017

Date Plans Received: 09/06/2017

Date(s) of Amendment(s):

Date Application Valid: 09/06/2017

1. SUMMARY

The application is for the reconfiguration of the dredging lagoon. The works are required as the Canal & River Trust (CRT) is losing part of the existing lagoon capacity as a consequence of the Western Access road. To compensate for this loss, the applicant is remodelling the existing lagoon to ensure the capacity is not effected following the completion of the works.

This proposal is not considered to not have a negative impact on the Green Belt, Green Chain or biodiversity of the site. The planning application is supported by a number of documents including an Ecological Assessment, Construction Methodology Statement and a Phase 1 Contamination Survey. These all confirm that the proposal will not have any adverse impacts.

Particular attention has been given to this ecological impact and, as required by relevant planning policy, an ecological assessment has been submitted with this application. Within this assessment are a series of suggested mitigation and enhancement methods,

which will implemented to ensure a minimised impact and the proposal's adherence with local Plan and London Plan policy.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 Time Limit

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 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

A720-E05-IW-ARU-EW-DR-0001 - Proposed Site Plan P4

A720-E05-IW-ARU-EW-DR-0002 - Lagoon Sections P3.

A720-E05-IW-ARU-EW-DR-0004 P2

A720-E05-IW-ARU-EW-DR-0003 P3

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 10

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 2

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 3

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 5

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 7

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 8

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 11

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 9

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 12

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 17

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 13

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 15

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 14

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 16

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 1

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 4

A720-E02-IW-ARU-DSK-RP-0001-P02 Part 6

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

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Southall Waterside Ecological Assessment by Ramboll Environ dated 28/04/2017

Thereafter the development shall be retained/maintained in accordance with these details

for as long as the development remains in existence

REASON

To ensure that the development complies with the objectives of Policy EC5 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 COM6 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 COM8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works, and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

3. A method statement regarding the eradication of non-native invasive species, such as Japanese Knotweed.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

6 COM9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.c Means of enclosure/boundary treatments
 - 2.e Hard Surfacing Materials
4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
5. Schedule for Implementation
6. Other
 - 6.a Existing and proposed functional services above and below ground
 - 6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (2015)

7 NONSC Non Standard Condition

No development approved by this planning permission shall commence until an appropriate Site Investigation and a schedule of quality criteria for the re-use of materials required for the re-configuration has been submitted to the Local Planning Authority and approved in writing following consultation with the Environment Agency. The scheme will then be implemented as approved.

REASON

To protect controlled waters. The dredge lagoon is likely to be formed of potentially contaminated material. This condition is required to ensure that the material excavated is tested and only re-used on site if it meets an acceptable quality standard and does not pose a risk to controlled waters.

8 NONSC Non Standard Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The

remediation strategy shall be implemented as approved.

REASON

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

9 NONSC Non Standard Condition

Prior to the commencement of the development hereby permitted, details of the arrangements of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Surface water drainage should be carried out in accordance with the approval details.

REASON

In the interests of protection of the water quality of the Grand Union Canal. Details are required prior to commencement in order to protect the water quality of the Grand Union Canal from the outset of the works.

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

LPP 7.16	(2016) Green Belt
OL1	Green Belt - acceptable open land uses and restrictions on new development
EC5	Retention of ecological features and creation of new habitats
EC6	Retention of wildlife habitats on derelict or vacant land
NPPF9	NPPF - Protecting Green Belt land

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies

from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy (CIL) which is due on commencement of this development. The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority.

In addition the development hereby approved represents chargeable development under the Hillingdon Community Infrastructure Levy. Should you require further information please refer to the Council's Website www.hillingdon.gov.uk/index.jsp?articleid=24738.

6

A Flood Risk Activity Permit will be required for any works within 8 metres of a main river under the Environmental Permitting (England and Wales) Regulations 2010. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/floodrisk-activities-environmental-permits>.

7

This development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 if any waste material is going to be imported for the re-configuration works unless a waste exemption applies.

8

Should planning permission be granted we request that the following informative is appended to the decision notice:

The applicant/developer is advised to review the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust and contact the Trust's Works Engineer (toby.pearce@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant. (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-ourpropertyandour-code-of-practice>)".

3. CONSIDERATIONS

3.1 Site and Locality

The lagoon lies partly within but substantially outside of the wider Southall Waterside

development site area (formerly known as the Southall Gas Works site). The Site is located within the Minet Tip, a parcel of land owned by the Canal & River Trust (CRT) bounded by the Grand Union Canal to the east and the Yeading Brook to the west. The Minet Tip is a wooded area. The Site currently consists of a lagoon comprising two connected basins and surrounding vegetated area of land. The lagoon is owned and operated by CRT and is used for the de-watering of dredgings excavated from the canal.

3.2 Proposed Scheme

This proposal is for the reconfiguration of the existing dredging lagoon at Minet Tip in order to restore the capacity that will be lost as a result of the construction of the new Western Access to the Southall Waterside site. The works are required as CRT is losing part of the existing lagoon capacity as a consequence of the Western Access road. To compensate for this loss, SJWL are remodelling the existing lagoon to ensure the capacity is not effected following the completion of the works.

The lagoon needs to be dredged to increase its capacity, due to the loss of the southern part of the lagoon. This is required to be filled in to allow space for the construction of the new Western Access road, which will serve the Southall Waterside development (the former Southall Gasworks site). The Southall Waterside development was initially consented under planning permission ref: 54814/APP/2009/430 on the 29 September 2010, for the construction of the Western Access.

Due to the encroachment of the embankment for the Southall Waterside western access into the footprint of the lagoon, the applicant is required to undertake these works on behalf of CRT in order to mitigate the potential impact of the works on CRT's operations.

3.3 Relevant Planning History

Comment on Relevant Planning History

The area of land subject to this application lies adjacent to the wider Southall Waterside development. This section provides an overview of the key planning applications associated with the Southall Waterside development.

Planning applications P/2008/3981-S and 54814/APP/2009/430 were submitted by National Grid Property Limited to the LBE and LBH respectively on 9 October 2008. Both Local Authorities determined to refuse the applications.

The Mayor resolved to grant planning permission on 25 March 2010 subject to the prior completion of a Section 106 Agreement. The Section 106 Agreement was signed on 29 September 2010 and planning permission was granted on the same day.

Further to the approval of planning permission 54814/APP/2009/430 in 2010, there has been three planning applications of relevance to the site. A "Non-material amendment to rectify incorrect drawing references to LB Hillingdon conditions 2, 9 and 11" (Ref. 54814/APP/2013/3372) was approved on 10 December 2013. Secondly, a minor material amendment to vary condition 2 to amend the western access road (Ref. 54814/APP/2017/604) was approved on 20/09/2017.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- LPP 7.16 (2016) Green Belt
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- EC5 Retention of ecological features and creation of new habitats
- EC6 Retention of wildlife habitats on derelict or vacant land
- NPPF9 NPPF - Protecting Green Belt land

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- 20th July 2017**
- 5.2 Site Notice Expiry Date:- Not applicable**

20th July 2017

6. Consultations

External Consultees

ENVIRONMENT AGENCY

Having reviewed the details submitted with this application we have no objections to proposed development subject to the following conditions being placed on any permission granted.

Condition EA1

No development approved by this planning permission shall commence until an appropriate Site Investigation and a schedule of quality criteria for the re-use of materials required for the re-configuration has been submitted to the Local Planning Authority and approved in writing following consultation with the Environment Agency. The scheme will then be implemented as approved.

Reason

To protect controlled waters. The dredge lagoon is likely to be formed of potentially contaminated material. This condition is required to ensure that the material excavated is tested and only re-used on site if it meets an acceptable quality standard and does not pose a risk to controlled waters.

Condition EA2

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Flood Risk Activity Permit

A Flood Risk Activity Permit will be required for any works within 8 metres of a main river under the Environmental Permitting (England and Wales) Regulations 2010. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/floodrisk-activities-environmental-permits>.

Environmental Permit - Waste

This development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 if any waste material is going to be imported for the re-configuration works unless a waste exemption applies.

CANALS & RIVER TRUST

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Council will be aware that as well as being a statutory consultee for this application, the Trust is the landowner of the lagoon.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The main issue relevant to the Trust as statutory consultee on this application is the potential impact on the water quality of the Grand Union Canal as a result of the drainage proposals. On the basis of the information available our advice is that a suitably worded condition is necessary to address these matters. Our advice and comments are detailed below:

The application form and Construction Management Plan refer to the presence of land which is contaminated. Section 4.14 of the Lagoon Planning Statement states:

'During the construction phase(s) any dust, run-off and noise impacts will be mitigated and this evidence is provided in the accompanying Construction Methodology Statement.'

The Construction Management Plan identifies that the site remediation work will include the provision of any necessary temporary drainage required but does not provide any information on where this temporary drainage network would discharge to. No information is given on the quality of groundwater at this location but it may contain certain contaminants at elevated levels. We suggest that in the interests of the protection of the water quality of the Grand Union Canal (potentially as well as other waterbodies), in accordance with policy EM8 of the Council's Local Plan, further details of the temporary drainage arrangements should be required by condition.

Should the applicant intend to discharge water into the Grand Union Canal, permission would be needed from the Canal & River Trust, in advance. As a precautionary approach, the Trust will require that no surface water (e.g. via surface water run-off) or extracted perched water or groundwater are discharged into the canal during works unless analysis has shown that any such discharge is uncontaminated.

Conditions

"Prior to the commencement of the development hereby permitted, details of the arrangements of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Surface water drainage should be carried out in accordance with the approval details.

Reason: In the interests of protection of the water quality of the Grand Union Canal. Details are required prior to commencement in order to protect the water quality of the Grand Union Canal from the outset of the works".

Informatives

Should planning permission be granted we request that the following informative is appended to the decision notice:

The applicant/developer is advised to review the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust and contact the Trust's Works Engineer (toby.pearce@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant.

(<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>)"

Internal Consultees

FLOOD WATER MANAGEMENT

This proposal reconfigures an existing lagoon for dredgings to maintain capacity. Internal bunds are

removed to maintain the existing capacity and it makes no alteration to the lagoon footprint in the floodplain. The proposed access road and implications on the floodplain have been assessed and mitigation proposed as part of those applications. An FRA has been submitted and clearly shows there is no impact and therefore there are no objections to the proposal.

TREES AND LANDSCAPING

This site is an area of land to the south of Minet Park, immediately to the north of the proposed new road and western access bridge embankment to the west of the Southall Waterside development. The land is situated to the north of the Grand Union Canal. COMMENT Ramboll Environ's letter of 05/06/2017 summarises the site description, its proposed use, baseline condition, assessment of impacts and mitigation and conclusions based a series of ecological assessments including Appendix 1: Phase 1 Habitat survey, Appendix 2: Ecological Walkover. No trees of merit will be affected by the proposal. A Construction Management Scheme, by St James, confirms (4.9.1) that an ecological clerk of works will be on hand to advise about pre-clearance work and other ecological issues including timing constraint in relation to protected species, additional surveys and the provision of mitigation measures. The Ramboll letter confirms that impacts on the ecological features (of local level importance) will be largely temporary in nature, with no significant residual effects on ecological features. A commitment has been made to ecological mitigation and enhancement , including the eradication of Japanese Knotweed , an appropriate CEMP, appropriate planting and the protection of retained trees. - Details of these works can be dealt with buy condition. RECOMMENDATION No objection subject to conditions COM6, COM8 (to include a method statement regarding the eradication of non-native invasive species, such as the Japanese Knotweed), COM9 (parts 1,2,4,5,6) and COM10 (including details of site monitoring / supervision / reporting by a suitably qualified ecologist).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site forms part of the Green Belt. The National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and permanence. Paragraph 87 advises that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 advises that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' At paragraph 89, the NPPF goes on to advise that the construction of new buildings should be regarded as inappropriate.

Policy 7.16 of the London Plan seeks to maintain the protection of London's Green Belt and seeks to ensure that inappropriate development in the Green Belt should not be approved except in very special circumstances.

Policy EM2 in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) advises that any proposal for development in Green Belt will be assessed against national and London Plan policies, including the very special circumstances test.

Policies in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) endorse national and regional guidance, in particular, policies OL1 and OL4 which assess new buildings in the Green Belt. Furthermore, the application site is not identified in the Local Plan as a 'Major Developed Site'; is not a site suitable for deletion from the Green Belt; and is not a damaged, derelict or degraded land site. The proposal therefore represents inappropriate development and 'very special circumstances' therefore need to be demonstrated.

The reason why the engineering operations are required is to enable the construction of the Western Access Road, which is an approved piece of infrastructure.

The lagoon is located on the fringe of the Green Belt adjoining the A312 and Pump Lane. The lagoon is required to enable the dewatering of canal dredgings by CRT. This lagoon is an established use within the Green Belt which is important to the maintenance and upkeep on the Grand Union Canal. The reconfiguration of the lagoon, including the removal of the central spine and the installation of a new bund, will not impact on the openness of the Green Belt or conflict with the "purpose of including land within the Green Belt.

7.02 Density of the proposed development

Not Applicable.

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

Not Applicable.

7.04 Airport safeguarding

No safeguarding issues arise from the proposed development.

7.05 Impact on the green belt

Please refer to the principle of development section.

7.07 Impact on the character & appearance of the area

Given the relatively secluded location of the dredging lagoon and the nature of the works, which are simply to reconfigure the lagoon, officers consider that the proposed development is therefore considered to have minimal impact on the character and appearance of the area and is deemed acceptable.

7.08 Impact on neighbours

There are no residential properties near the site given it's location within the Minet Country park.

7.09 Living conditions for future occupiers

Not Applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not Applicable.

7.11 Urban design, access and security

Not Applicable.

7.12 Disabled access

Not Applicable.

7.13 Provision of affordable & special needs housing

Not Applicable.

7.14 Trees, landscaping and Ecology

The Trees and Landscape Officer has reviewed the proposals and raised no objection. The scheme is therefore considered acceptable in this regard and accords with Policy BE38.

7.15 Sustainable waste management

Not Applicable.

7.16 Renewable energy / Sustainability

NPPF Paragraph 109 sets out that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The site is located in Nature Conservation Site of Metropolitan or Borough Grade I Importance. The adjoining Grand Union Canal is classified is also classified as a Natural

Conservation Site of Metropolitan Importance.

Policy 7.19 biodiversity and access to nature states that development Proposal should: a) wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy 7.21 'trees and woodlands' states that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

The Grand Union Canal Policies BE32 and BE34 state that proposals adjacent the canal should secure and enhance the role of the canal.

The lagoon is an established use and is important to the successful operation of the adjacent canal. The accompanying Ecology report states that the mitigation measures are acceptable and the current vegetation will be replaced in the medium to long term and that nature conservation importance to the site is only to the local level.

While the site is partly within Flood Zone 2 and 3, the proposal would remain above the known groundwater level due to alterations to the topography, so there would be no increased risk of flooding to the site.

If the works are undertaken with the correct mitigation measures then there will not be any significant residual effects on the ecological features and this is in accordance with the Development Plan and regional guidance.

7.17 Flooding or Drainage Issues

No drainage issues arise from the proposals.

7.18 Noise or Air Quality Issues

Not Applicable.

7.19 Comments on Public Consultations

None.

7.20 Planning obligations

Not Applicable.

7.21 Expediency of enforcement action

None.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use

of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

10. CONCLUSION

The application is for the reconfiguration of the dredging lagoon. The works are required as the Canal & River Trust (CRT) is losing part of the existing lagoon capacity as a consequence of the Western Access road. To compensate for this loss, the applicant is

remodelling the existing lagoon to ensure the capacity is not effected following the completion of the works.

This proposal is not considered to not have a negative impact on the Green Belt, Green Chain or biodiversity of the site. The planning application is supported by a number of documents including an Ecological Assessment, Construction Methodology Statement and a Phase 1 Contamination Survey. These all confirm that the proposal will not have any adverse impacts.

Particular attention has been given to this ecological impact and, as required by relevant planning policy, an ecological assessment has been submitted with this application. Within this assessment are a series of suggested mitigation and enhancement methods, which will implemented to ensure a minimised impact and the proposal's adherence with Local Plan and London Plan policy.

11. Reference Documents

London Plan (2016)

Hillingdon Local Plan: Part 1 - Strategic Policies (2012)

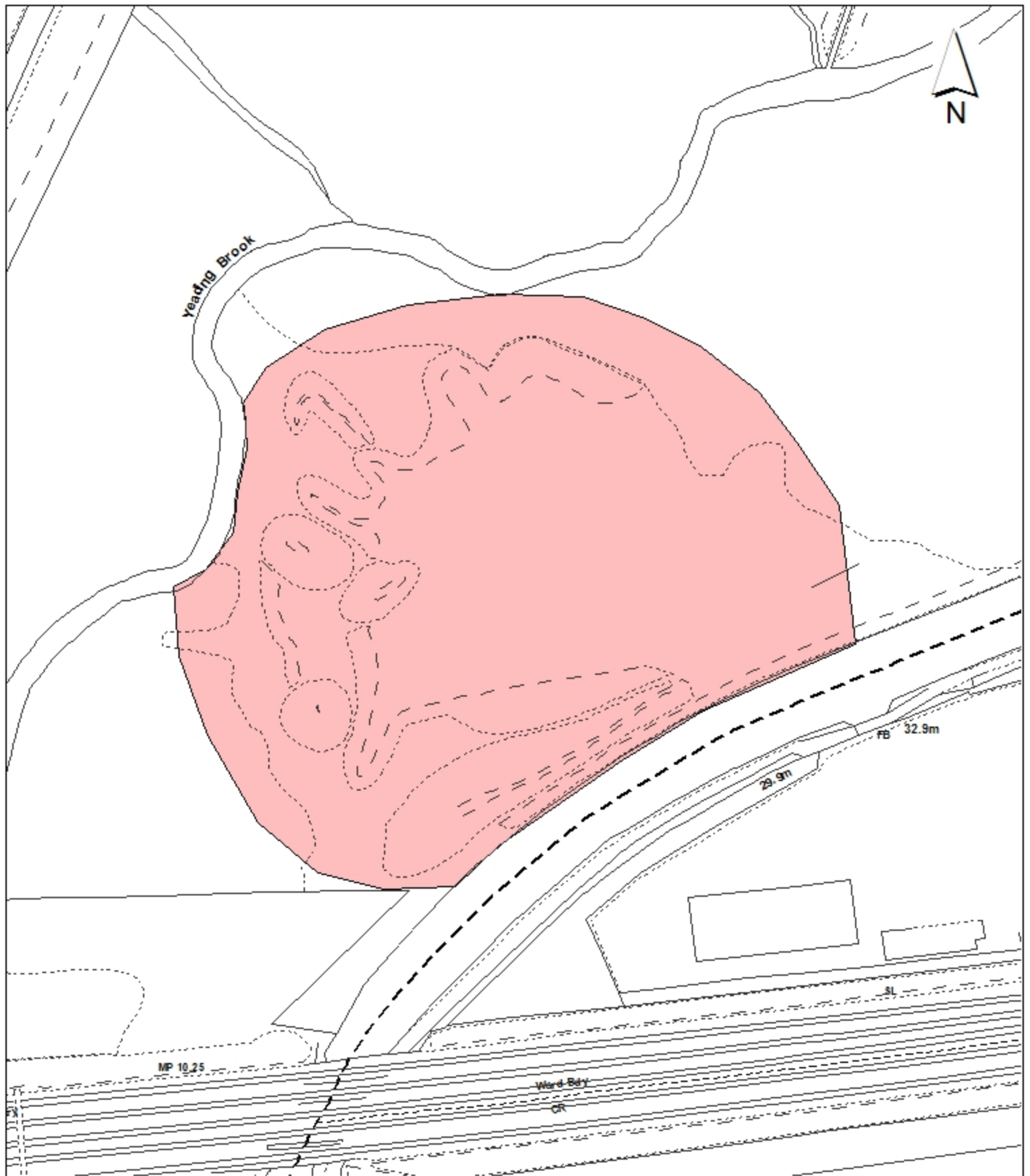
Saved Unitary Development Plan Policies (2007)

The West London Waste Plan

The National Planning Policy Framework (NPPF, March 2012),

Contact Officer: Matt Kolaszewski

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

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Site Address:

**SGW - Lagoon
Application (FULL)**

Planning Application Ref:

54814/APP/2017/2103

Scale:

1:1,250

Planning Committee:

Major

Date:

October 2017

**LONDON BOROUGH
OF HILLINGDON**

Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON