

Report of the Head of Planning, Transportation and Regeneration

Address PACKET BOAT MARINA PACKET BOAT LANE COWLEY

Development: Change of use of 25 existing moorings from leisure to residential use, with associated works

LBH Ref Nos: 53216/APP/2018/4179

Drawing Nos: P267-PB-01 Rev. B Location Plan
P267-PB-10 Proposed Bin Enclosure & Storage Box
P267-PB-09 6m Chelsea Bike Shelter (18 Cycles)
JC.5102 Planning Supporting Statement (May 2019)
QMF 09.20 Issue 4 Transport Statement (May 2019)
P267-PB-05 Rev. C Packet Boat Marina Proposed Mooring Plan
Ecological Enhancement Scheme (January 2018)
416.04960.00012 Packet Boat Marina Property Assessment (Dated October 2018)
3058/FRA/Final/v3.2/2018-11-21 Flood Risk Assessment Final Report v3.2 (November 2018)
734338-2 (01) Interpretive Report on Ground Investigation (Dated July 2018)
Landscape Management and Maintenance Plan
P267-PB-07 4m Chelsea Bike Shelter
002 Rev. B Jetty Sections
001 Rev. D Site Plan
003 Rev. B Jetty Details
734338-1 Rev. 1 Desk Study and Preliminary Risk Assessment
P267-PB-04 Rev. B Main Car Park Proposed Layout
P267-PB-06 Rev. B Landscaping Plan
P267-PAC-02 Rev. G Existing Site Plan

Date Plans Received:	28/11/2018	Date(s) of Amendment(s):	26/03/2019
Date Application Valid:	28/11/2018		30/07/2019
			17/10/2019
			22/02/2019
			30/10/2019
			28/11/2018
			27/09/2019
			24/10/2019
			16/10/2019

1. SUMMARY

This application seeks permission for the change of use of 25 existing moorings from leisure to residential use, with associated works. The proposed development is considered to be acceptable in principle and with regard to its impact on the character of the area, green belt, neighbour amenity, the local highway network, access, security, living conditions, trees and landscaping, waste, flooding, noise, air quality, ecology and contamination. Subject to conditions, this application is recommended for approval.

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 P267-PB-01 Rev. B, P267-PAC-02 Rev. G, P267-PB-04 Rev. B, P267-PB-05 Rev. C, P267-PB-06 Rev. B, P267-PB-07, P267-PB-09, P267-PB-10, 001 Rev. D, 002 Rev. B, 003 Rev. B 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 2 - Saved UDP Policies (November 2012), emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and the London Plan (March 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 documents:

JC.5102 Planning Supporting Statement (May 2019);
734338-1 Rev. 1 Desk Study and Preliminary Risk Assessment;
734338-2 (01) Interpretive Report on Ground Investigation (Dated July 2019);
QMF 09.20 Issue 4 Transport Statement (May 2019);
3058/FRA/Final/v3.2/2018-11-21 Flood Risk Assessment Final Report v3.2 (November 2018);
Ecological Enhancement Scheme (January 2018); and
Landscape Management and Maintenance Plan.

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and the London Plan (March 2016).

4 NONSC Number of Boats

At no time shall there be more than 164 no. boats moored within the development area, including no more than 55 no. boats which are moored to residential moorings (that include a postal address). The associated residential and visitor parking layout shall be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with Policies BE33, BE38, AM2, AM7 and AM14 Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policies DMHB 14, DMHB 20, DMT 1, DMT 2 and DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

5 NONSC Records of Residential Boats

The developer shall make available for inspection their records detailing the location and number of residential moorings within Packet Boat Marina at the request of the Local Planning Authority.

REASON

To preserve the character of Packet Boat Marina, to manage amenity impacts on surroundings residents and to manage impacts on the ecology of the site, in accordance with Policy EM3 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012); Policy BE13, BE32, BE33, EC5, OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy DMHB 20, DMEI 6 and DMEI 7 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019); Policy 7.19 of the London Plan (March 2016) and National Planning Policy Framework (June 2019).

6 NONSC Site Management Plan

Residents shall be required to use:

- a) only smokeless fuels in stoves and heaters on their boats; and
- b) only use phosphate free washing up liquids and detergents, including boat materials.

To ensure the above can be in place, a site management plan shall be submitted and approved in writing by the LPA prior to the first occupation of the proposed residential moorings, which details the following:

- i) Measures and management strategies to ensure that only smokeless fuels in stoves and heaters are used on boats within the marina.
- ii) Measures and management strategies to ensure that only phosphate free washing up liquids and detergents are used on boats within the marina.

The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON

To protect the amenity of existing and future residents in accordance with Policy OE1 and BE33 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMEI 14 and DMHB 20 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019), Policy 7.14 of the London Plan (March 2019), and to protect elements of biodiversity value within the site in accordance with Policy EC5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMEI 7 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019), Policy 7.19 of the London Plan (March 2016) and National Planning Policy Framework (June 2019).

7 COM8 Tree Protection

Prior to commencement of the relevant part of the works, details shall be 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.

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 2 - Saved UDP Policies (November 2012) and Policies DMHB 11 and DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

8 NONSC Signage and Lighting Details

Prior to commencement of the relevant part of the works, details of the proposed lighting columns and directional signage shall be submitted to and approved in writing by the Local Planning Authority.

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 2 - Saved UDP Policies (November 2012), Policies DMHB 11, DMHB 14 and DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policies 5.10 and 5.17 of the London Plan (March 2016)

9 COM10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work -

Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMHB 11 and DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and to comply with Section 197 of the Town and Country Planning Act 1990

10 NONSC Contamination

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 a remediation strategy, detailing how this contamination will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

(i) Any subsequent remediation scheme concerning newly discovered contamination shall include a written method statement providing details of how the completion of the remedial works will be verified. The details shall be agreed in writing with the LPA prior to commencement. No deviation shall be made from the scheme without the express agreement of the LPA prior to its implementation.

(ii) All works which form part of any remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The strategy shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMEI 12 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019), Policy 5.21 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

11 NONSC Soil and Material Imports

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DME1 12 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019), Policy 5.21 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

12 NONSC Control of Noise

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142, 'Method for rating industrial noise affecting mixed residential and industrial areas'.

REASON

To safeguard the amenity of the surrounding area in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

13 NONSC Turning Areas

The turning areas identified on drawing reference 'P267-PB-05 Rev. C ' hereby approved shall remain clear and unobstructed at all times to ensure the free flow and movement of boats within the marina.

REASON

To ensure that residential amenity is safeguarded in accordance with Policy OE1 and BE33 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 20 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

14 RES22 Parking Allocation

The residential moorings hereby approved shall not be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall, as a minimum, include a requirement that there is no sub-letting of parking spaces and 1 car parking space shall be allocated and dedicated for the use of each of the residential moorings hereby approved and shall remain allocated and dedicated in such a manner for the life-time of the development.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Chapter 6 of the London Plan (March 2016).

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).

2 153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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.

NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
LPP 5.10	(2016) Urban Greening
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.17	(2016) Waste capacity
LPP 5.21	(2016) Contaminated land
LPP 6.13	(2016) Parking
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.24	(2016) Blue Ribbon Network
LPP 7.27	(2016) Blue Ribbon Network: supporting infrastructure and recreational use
LPP 7.28	(2016) Restoration of the Blue Ribbon Network
EC5	Retention of ecological features and creation of new habitats
OL1	Green Belt - acceptable open land uses and restrictions on new development
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE33	Proposals for the establishment of residential moorings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM2	Development proposals - assessment of traffic generation, impact

AM7	on congestion and public transport availability and capacity
AM14	Consideration of traffic generated by proposed developments.
DMEI 4	New development and car parking standards.
DMEI 6	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Development in Green Edge Locations
DMEI 9	Biodiversity Protection and Enhancement
DMEI 10	Management of Flood Risk
DMEI 11	Water Management, Efficiency and Quality
DMEI 12	Protection of Ground Water Resources
DMHB 4	Development of Land Affected by Contamination
DMHB 11	Conservation Areas
DMHB 14	Design of New Development
DMHB 20	Trees and Landscaping
DMT 1	Moorings
DMT 2	Managing Transport Impacts
DMT 6	Highways Impacts
	Vehicle Parking

3 170 **LBH worked applicant in a positive & proactive (Granting)**

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.

4

The Council have information on the ground conditions and there is a possibility there may be contaminating substances present in the ground. We would advise persons working on site to take basic precautions in relation to any contamination they may find. It is understood there is some evidence that remedial works were undertaken at the site, however the possibility of contamination being present at depth remains. Precautions should be taken to minimise the mixing of any material that is dug up with clean shallow soils that are to remain on site.

5

The Flood Action Notice included in the Flood Risk Assessment should be provided residents and displayed on site.

6

It is advised that Conditions 4, 5, 8, 9 and 10 of planning permission reference 53216/APP/2017/4515, permitting a new fixed pontoon to provide 7 leisure moorings, have not been discharged. It appears that this development has been brought forward without complying with the decision notice.

7

It is advised that enforcement case reference ENF/92/07 was raised and closed in 2007, stating that there was no breach of planning control as all works/operations/uses occurring on site were in accordance with approved planning permission or permitted development.

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3. CONSIDERATIONS

3.1 Site and Locality

Packet Boat Marina is referred to by the applicant as a 'medium sized' marina on the Grand Union Canal which accommodates both residential and leisure boats. Facilities at the site include a small office building, workshop, a toilet and shower block, laundry facilities, fuelling facilities and car parking. The northern portion of the site is covered in hardstanding. The remainder of the site comprises soft standing. The drainage plans provided by Thames Water indicates that an electrical substation is located in the north of the site.

The Marina is located on the western edge of the borough, on the south eastern side of Packet Boat Lane, immediately to the west of the Water's Edge Public House and the Grand Union Canal, north of its junction with the Slough arm of the canal. The site includes a marina with wide beam and narrow boat berths, a visitor centre and shop, boatyard, landscaped grounds and a car park accessed from Packet Boat Lane to the north. The entrance to the marina for boat traffic is from the Slough arm to the south.

Surrounding the Site to the west, south and north west is a large country park including a builder's yard adjacent to the west of the Site. The land to the north, east and south east of the site is a mixture of commercial/ light industrial and residential. A scrap car yard is located approximately 15m north. The closest residential properties are located approximately 40m north and flats approximately 40m north east across the canal.

The marina forms part of the Green Belt, a Nature Conservation Site of Metropolitan or Borough Grade I Importance and the Colne Valley Regional Park. The application site is located within Flood Zone 1 and has a low Public Transport Accessibility Level (PTAL) of 1a. The north section of the application site is designated as part of the Cowley Lock Conservation Area.

3.2 Proposed Scheme

The marina operator, BWML, is looking to diversify their product range by providing additional residential moorings. This is in response to prevailing market conditions, namely the rising demand for full residential contracts. The change of use application is the result. The application seeks permission for the change of use of 25 existing moorings from leisure to residential use, resulting in 55 residential moorings and 109 leisure moorings. It is noted that these moorings are operated flexibly to relocate vessels to more appropriate moorings, based on their size, customer preference or other requirement.

Associated works include the following:

- Removal of existing refuse and recycling bin enclosure, storage containers, planting border edging, cycle parking, turf & timber edging

- Replacement of turf with 20mm gauge buff stone edged with concrete edging strip and planting of two silver birch saplings
- Creation of 9 residential car parking spaces, totalling 55 residential car parking spaces
- Erection of new cycle store with 56 cycle spaces
- Replacement of refuse / recycling bin enclosure
- Installation of new uplit entrance sign boards backed with new timber feature walls, designated pedestrian pathway marked along car park perimeter and directional signage
- Upgrade zero upward light LED lighting columns to main car park
- Replace existing lighting bollards with new LED lighting columns
- Reorder existing parking bays to increase car parking in the main car park from 84 to 103 parking spaces
- Parking bays to be marked out on new tarmac
- Provision of new "dry river bed" style landscaping of boulders, pebbles & gravel, with drought resistant planting
- Installation of two electric car charging points
- Existing path to main building resurfaced

Given the unique nature of this development, a brief clarification of relevant terms used within this report is provided below:

- Pontoons: These are the timber structures which boats are moored off. All pontoons at the marina already have electricity and water connections.
- Leisure moorings: Those occupied by customers who use their vessels predominantly for leisure purposes. This includes short-stay moorings for visitors and longer term leisure customers. Leisure customers are not permitted to live aboard their vessels all year round and have to demonstrate that they have a permanent residential address away from the marina. Nevertheless, customers with 12 month leisure contracts are able to visit the marina whenever they please and can live aboard their vessels intermittently, often treating their boats as holiday homes. They are not allowed a postal address.
- Residential moorings: Customers who can live at the marina all year round as their primary residence. These customers have access to all facilities including a postal address.

3.3 Relevant Planning History

53216/98/1499

Rear Of Turning Point Ph Packet Boat Lane Cowley Uxbridge

Construction of a 93-berth marina with associated residential moorings, visitor centre and retail area, sanitary station and car parking facilities. Upgrade of the existing boat repair buildings and yard including the construction of a dry dock. Rationalisation and improvement of the garden area and car parking of the existing public house/ restaurant. Development of an urban farm and associated parking. Retention and reprofiling of a reduced lake area. (Application involves removal of an existing horticultural nursery and demolition of glasshouses)

Decision: 03-03-1999 Approved

53216/APP/2012/1956

Packet Boat Marina Packet Boat Lane Cowley

Installation of pontoon and 6 additional residential moorings and landscaping scheme.

Decision: 06-11-2012 Refused

53216/APP/2014/2300

Packet Boat Marina Packet Boat Lane Cowley

Change of use of ten (10) existing leisure moorings to residential moorings

Decision: 17-09-2014 Approved

53216/APP/2017/1711 Packet Boat Marina Packet Boat Lane Cowley

Construction of new fixed pontoon to provide 7 leisure moorings with associated engineering and landscape works

Decision: 05-09-2017 Approved

53216/APP/2017/4515 Packet Boat Marina Packet Boat Lane Cowley

Details pursuant to conditions 4 (Tree Protection), 5 (Landscaping) and 8 (Marina Wall) as attached to planning permission ref. 53216/APP/2017/1711 dated 07-09-2017 (Construction of new fixed pontoon to provide 7 leisure moorings with associated engineering and landscape works)

Decision: 11-12-2018 Refused

Comment on Relevant Planning History

Application reference 53216/98/1499 granted permission for the construction of a 93-berth marina with associated residential moorings, visitor centre and retail area, sanitary station and car parking facilities. This application attached Condition 19 requiring a site survey and a scheme for removing or rendering innocuous all contaminants from the site. Based on Council records, this condition has never been discharged.

The marina has increased the quantum of boats located on the pontoons since the original consent was granted. It appears from site visits and drawings submitted that the marina can accommodate a considerably greater number of boats than the 1998 permission intended and has done so since 2007, which has effectively allowed the lawful use of these additional moorings. The only condition which previously controlled the number of boats was Condition 23 of application reference 53216/98/1499, which required that no more than 10% of the moorings within the marina be for permanent residential use. This condition does not control the number of moorings. In 2014, there were 20 residential moorings in use and the site owner applied to increase the number of residential moorings to 30. Planning permission was granted under application reference 53216/APP/2014/2300, which granted the change of use of ten existing leisure moorings to residential moorings.

In light of the intensification of the marina and moorings, it is not deemed appropriate to re-impose the above condition as it is not as precise as it needs to be. A marina is a type of harbour where boats are moored. A berth is a ship's allotted place at a wharf/dock or marina and a mooring is a place where a boat or ship is moored. A such a new restrictive condition will be imposed in the event that planning permission is granted to restrict the total number of boats to ensure the effective management of the marina and minimise the impact on the local biodiversity and ecology.

4. Planning Policies and Standards

Local Plan Part 2 Update March 2019

The LPP2 remains at the examination stage with the aim to adopt the Plan in early autumn

2019.

The Council received a Post Hearing Advice Note from the Planning Inspector in November 2018 advising the Council that it was a Plan capable of being found sound subject to main modifications.

The Inspector (and our Cabinet Member) has now agreed the Proposed Main Modifications to the LPP2 and these are now subject to a six week period of public consultation from 27 March to 8 May 2019.

Weight to be afforded to the LPP2

The following updated wording should now be included in officer reports until the 8 May 2019 when a further update will be provided:

Draft Local Plan Part 2

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main

modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

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.EM3 (2012) Blue Ribbon Network
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation
- PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- NPPF- 2 NPPF-2 2018 - Achieving sustainable development
- NPPF- 9 NPPF-9 2018 - Promoting sustainable transport
- NPPF- 13 NPPF-13 2018 - Protecting Green Belt land
- NPPF- 15 NPPF-15 2018 - Conserving and enhancing the natural environment
- LPP 5.10 (2016) Urban Greening
- LPP 5.14 (2016) Water quality and wastewater infrastructure
- LPP 5.17 (2016) Waste capacity
- LPP 5.21 (2016) Contaminated land
- LPP 6.13 (2016) Parking
- LPP 6.3 (2016) Assessing effects of development on transport capacity
- LPP 6.9 (2016) Cycling
- LPP 7.16 (2016) Green Belt
- LPP 7.19 (2016) Biodiversity and access to nature
- LPP 7.24 (2016) Blue Ribbon Network
- LPP 7.27 (2016) Blue Ribbon Network: supporting infrastructure and recreational use
- LPP 7.28 (2016) Restoration of the Blue Ribbon Network
- EC5 Retention of ecological features and creation of new habitats
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE7 Development in areas likely to flooding - requirement for flood protection measures

OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE33	Proposals for the establishment of residential moorings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 6	Development in Green Edge Locations
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 20	Moorings
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **23rd January 2019**

5.2 Site Notice Expiry Date:- Not applicable

10th January 2019

6. Consultations

External Consultees

Letters were sent to neighbouring properties, a site notice was erected and an advert was posted in the local paper. All forms of consultations expired on 19th September 2019.

EXTERNAL CONSULTATION

One comment was received from a member of the public, noting that some parking shown on the plan already exists as available to residents of the moorings and requesting that the proposal maintains 2 secure parking spaces per residential mooring.

CASE OFFICER COMMENT:

All matters regarding parking provision are considered by the Council's Highways Officer in detail further in the main body of the report.

ENVIRONMENT AGENCY:

Thank you for consulting us on the above application. We object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

Reason

The previous use of the development site as landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. In addition the existing plan submitted indicates there may also be underground storage tanks used to store diesel fuel on site. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 170 and 178 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit a preliminary risk assessment (PRA) which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

CASE OFFICER COMMENT:

A Desk Study and Preliminary Risk Assessment was submitted by the applicant in response to the Environment Agency's objection.

ENVIRONMENT AGENCY FOLLOW-UP:

Thank you for consulting the Environment Agency in relation to the above planning application. Following our review of the Desk Study and Preliminary Risk Assessment (Report No.: 734338-1), we are minded to remove our objection subject to inclusion of the below planning condition.

Without the below condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

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 a remediation strategy, detailing how this contamination will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

The Preliminary Risk Assessment (PRA), submitted in support of this planning application, provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. The PRA indicates that contamination may be present on site and confirms that the groundworks to enact the proposed development are minimal. The report recommends a Discovery Strategy and this planning condition is to secure implementation of that strategy.

We request this condition to ensure that the development does not contribute to, is put at unacceptable risk from, or is adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources. This is in line with paragraph 170 of the NPPF. The required remediation strategy should be carried out by a competent person in line with paragraph 178 of the NPPF.

TRANSPORT FOR LONDON (TfL):

While TfL has No Principal objection, it has the following recommendations:

1. Wider cycle spaces should be introduced to at least 5% of the allocated residential cycle parking in line with London Plan cycle parking standards and London Cycle Design Standards (LCDS).
2. It is recommended that electric vehicle charging points be provided to parking spaces where possible to facilitate the use of electric powered vehicles.
3. A Travel Plan Statement should be produced and secured to encourage sustainable travel as the number of residential moorings have increased to over 50.

TRANSPORT FOR LONDON (TfL) FOLLOW-UP:

Thank you for consulting TfL the revised proposal for this site. TfL offers the following additional comments:

1. The number of spaces electric vehicle charging points would need to be increase to cover at least 20% of the residential allocation which equates to 11 spaces, to be in line with the Draft London Plan standards for residential use.
2. Further increase of cycle parking to a ratio of 1 mooring to 1.5 cycle space should be provided. As per previous comments, Wider cycle spaces should be introduced to at least 5% of the allocated residential cycle parking in line with London Plan cycle parking standards and London Cycle Design Standards (LCDS).
3. A Travel Plan Statement should be produced and secured to encourage sustainable travel as the number of residential moorings have increased to over 50.

CASE OFFICER COMMENT:

Matters noted by the TfL above are further considered by the Council's Highways Officer with regard to local plan policies further in the report. It is noted that the number of residential moorings approved under this application amounts to 25 and does not meet the threshold of 50 which would trigger the requirement for a Travel Plan Statement. If recommended for approval, this would not be secured by condition.

CANAL & RIVER TRUST:

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust has reviewed the application but is unable to make a substantive response under the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) due to the absence of the following information:

- Details of the proposed cycle storage ('Chelsea' racks are very variable in visual appearance and quality);
- Details of the proposed storage boxes; and
- Details of the replacement bin enclosure.

We kindly request this information be submitted in order to assess the visual impact of the cycle store, storage boxes and bin enclosure on the wider site. Additionally, the proposal to plant birch trees to screen the cycle racks is welcomed, but more detail is required as to how the existing trees are to be protected in both the long and short term to ensure their survival once the grass is removed and replaced with gravel. Some under-storey planting would be advantageous between the existing and proposed trees to provide further, more effective screening of the proposed structures. The loss of the grass is a shame, as gravel will provide a more suburban appearance than the grass, and will reduce the ecological potential of the site.

We will make a substantive response within 21 days from the date of receipt of this information.

CASE OFFICER COMMENT:

The Canal and River Trust confirmed in an email (dated 21st January 2019) that the details requested above could be secured by planning condition, subject to the Canal and River Trust being consulted for the discharge of condition application. Details regarding the jetty wall, landscaping management and maintenance and proposed storage were submitted by the applicant and the Canal and River Trust were re-consulted.

CANAL & RIVER TRUST FOLLOW-UP:

We are satisfied with the jetty wall details.

We are also satisfied with the bike shelter details and landscaping management and maintenance details.

CASE OFFICER COMMENT:

The applicant submitted further details on the bin and cycle store and the Canal and River Trust

were re-consulted.

CANAL & RIVER TRUST FOLLOW-UP:

Yes, the bin and cycle store details are acceptable to us.

NATURAL ENGLAND:

No comment.

GREATER LONDON AUTHORITY BIODIVERSITY GROUP:

No comment.

LONDON WILDLIFE TRUST:

No comment.

COLNE VALLEY PARK WORKING PARTY:

No comment.

Internal Consultees

INTERNAL CONSULTATION

HOUSING OFFICER:

No comment.

WASTE STRATEGY OFFICER:

Suitable for waste and recycling requirements.

FLOOD AND WATER MANAGEMENT OFFICER:

Flood Risk

The majority of the site lies in Flood Zone 1, with the western fringe of the site boundary within Flood Zone 2. The applicant has submitted a Flood Risk Assessment (FRA) to accompany the application (Weetwood report revision 3.2 dated November 2018).

The FRA has obtained flood modelling data from the Environment Agency for the River Pinn and Fray's River and has compared against site levels obtained via a topographic survey. The FRA concludes that the risk of flooding to the site is low and that mitigation measures are in place to address any residual risk. These include the ability of the moorings to rise with water levels in the marina as they are on piles and displaying a flood action plan to provide information to residents about flood warnings and dry egress from the site during a flood event.

Surface Water

There will be no external works that would require a separate surface water drainage network as this is a change of use application. Additional residents car parking spaces are to be provided but these are to be allocated from the current car parking area to the north of the marina. Should any replacement hardstanding be required as part of the works, we would expect that the surface water

drainage will be provided in line with the drainage hierarchy.

RECOMMENDATIONS:

We have no objection to the proposals based on the information submitted in the Flood Risk Assessment. The FRA includes a Flood Action Notice to inform residents of the risk of flooding at the site. We expect this to be provided to residents and displayed in the development.

FLOOD AND WATER MANAGEMENT OFFICER FOLLOW-UP:

No objection to the proposals following receipt of additional information. The applicant has submitted a landscaping plan and has provided evidence to demonstrate that the additional moorings along the western boundary of the marina maintain a soft bank in line with the previous approvals. The details of the landscaping and planting should be agreed with the trees/landscape officer.

ACCESS OFFICER:

I have considered the detail of this Change of Use application and having no accessibility observations to make. Conclusion: no objection

URBAN DESIGN AND CONSERVATION OFFICER:

The new build changes seem minimal and are not considered to affect the character of the Cowley Lock Conservation Area. No conservation objections.

HIGHWAYS OFFICER:

Site Characteristics

The proposal location is Packet Boat Marina adjacent to the Grand Union Canal and accessed via in Packet Boat Lane which is rural in its setting and connects to the High Road in Cowley. The site has 157 moorings of which 30 are currently allocated for residential purposes with the remaining 127 retained for leisure uses. 25 of these leisure moorings are proposed for conversion to residential.

The adjacent communal car park consists of 132 spaces (which would rise to 158 as a result of the proposed repositioning of the existing bin store and general car park reconfiguration) with 30 spaces currently allocated for the 30 residential units equating to 1:1 parking ratio. The parking allocation for the proposed residential use would then rise proportionally to include provisions for the 25 new units totalling 55 residential spaces.

The vehicular access to and from the Marina is via a T- junction arrangement in Packet Boat Lane and is to remain unaltered.

Parking Provision

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

It is proposed to convert 25 existing moorings from leisure to residential purposes. Although there are no prescriptive standards relating to parking provisions for this specific residential use type, the applicant has applied a 'best fit' approach by utilising the Council's 'flatted' parking standard which requires 1.5 spaces per unit hence a quantum of up to a total of 38 spaces should be provided on-site (which in this case would be within the confines of the Marina car park).

It is proposed to allocate 25 spaces from the total of 158 on-plot car park spaces to the proposed

residential use which broadly corresponds with the existing 1:1 parking ratio afforded to the existing 30 C3 dwelling units. To the best of the Council's knowledge, it is understood that this ratio has not caused measurable issue related to the functioning of the existing 30 use class C3 units and Marina itself hence on this premise and given the small scale of each individual unit it considered logical and appropriate to apply a consistent approximate parking ratio of 1:1 throughout the site which would be applicable to the new residential element. To achieve the allocation of these 25 new spaces it has been necessary to create 7 new spaces by means of relocating the existing cycle and bin storage areas with a general reconfiguration of the car park. This is considered acceptable in layout and principle terms.

The remaining 'non-residential' 103 spaces out of a total of 158 would be retained for 109 leisure moorings which approximates to just under a 1:1 ratio and is considered sufficient within the context of this use and capacity of the Marina car park.

It is assumed that a parking allocation/management regime exists at present in order to ensure the appropriate usage of the 'whole site' parking provisions for both the residential and leisure components. It would therefore be considered that for the purposes of this application, this regime would continue and encapsulate the proposal hence there are no further observations.

Disabled Compliant Parking Provision

In accord with the Saved UDP standard - 10% of parking spaces should be disabled compliant equating to a minimum of 2 spaces. 3 disabled compliant spaces are indicated which conforms to the standard and is therefore considered acceptable.

Electric Vehicle Charging Point Provision

The uplift of residential moorings require a bespoke approach to electrical charging points. I consider the proportion of 3 active and 3 passive charging points would be justifiable in this case.

Cycling Provision

In terms of cycle parking there would be a requirement to provide at least 1 secure and accessible space for each of the moored units totalling 25 spaces. It is proposed to create a newly repositioned and combined cycle store which would provide 56 spaces for the proposed 25 and existing 30 units which comfortably conforms to the standard. It is noted that some mooring occupiers may wish to store their cycles onboard their boats hence 'end game' parking provisions are likely to be higher which is welcomed.

Vehicle Trip Generation

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposal for 25 additional residential units is likely to increase traffic generation from the site as compared to the existing 30 residential and 127 unit leisure provision. However impacts are likely to be marginal as the proposal replaces an equivalent number of leisure units which already generate a specific level of use intensity. Notwithstanding this point, it would be anticipated that no more than 9 additional two-way am & pm peak hour movements may be generated by the 25 new residential units. This uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse Requirements

Refuse collection will continue via Packet Boat Lane. A specific relocated bin store location has been depicted and is considered fit for purpose.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3,6.9, and 6.13 of the London Plan (2016).

TREES AND LANDSCAPING OFFICER:

This site is occupied by a canal boat marina situated on the west side of the Grand Union Canal and accessed from Packet Boat Lane. The 157 boat marina was created in c.2001, for a mix of residential and leisure moorings, together including ancillary /operational areas, car parking, waste and washing facilities - all within a landscaped setting. There are no TPO's or Conservation Areas affecting the site - although it lies immediately to the south of Cowley Lock Conservation Area. The site lies within the Green Belt and is a SINC - Natural Site of Metropolitan or Borough Importance.

Comment:

No trees will be removed to facilitate the development. Small areas of grass will be removed to facilitate the re-organisation of the parking and storage area in the north-east corner of the site. The proposal will result in the intensification of use of the existing yard together with some new tree planting as described in cl. 3.87 and 3.8 in the Planning Support Statement.

Recommendation:

No objection subject to conditions COM8, COM9 (parts 1,2,and 5) and COM10.

CASE OFFICER:

A revised landscaping plan was submitted by the applicant.

TREES AND LANDSCAPING OFFICER FOLLOW-UP:

This site is occupied by the land enclosure of the Packet Boat Marina. The site lies in the north-east corner of the marina on the west bank of the canal and at the interface of canal-side residential moorings, the marina (enclosed) moorings and a car park. The existing compound is securely fenced off containing facilities for residential moorers including a shower / toilet block, refuse storage areas and secure parking. The marina is situated just outside, and to the south of, the Cowley Lock Conservation Area. The site is a SINC, designated Nature Conservation Area of Metropolitan Importance. The site lies within the Metropolitan Green Belt.

Comment:

The proposal will involve the re-arrangement of the space and a small adjacent area of soft landscape in order to provide additional dedicated parking spaces and rationalise the cycle and bin storage areas.s (whose removal is not normally a constraint on development). The tree protection plan confirms that some existing trees and groups will be protected and retained. The (small) residual areas of soft landscape will be planted and the grass around two retained / protected trees removed and replaced with gravel. There will be a need for tree protection and hard and soft landscape associated with the proposal for the benefit of residential moorers. Otherwise the proposed changes are well within the site and generally screened from public views.

Recommendation:

No objection subject to pre-commencement condition COM8 and post-commencement conditions COM9 (parts 1,2,4 and 5) and COM10.

CASE OFFICER COMMENT:

The applicant submitted drawing reference 'P267-PB-06 Rev. A Landscaping Plan' and a Landscape Management and Maintenance Plan.

TREES AND LANDSCAPING OFFICER FOLLOW-UP:

This submission contains new / amended information which confirms that much of the work has already been undertaken. The submission includes information to address the previously recommended conditions, as provided by drawing Nos. P267-PB-04, 05C and 06A, a Landscape Management and Maintenance Plan, details of the pontoons / moorings and photographs of some of the landscape details already implemented, such as the hibernarium.

RECOMMENDATION

No objection and no need for landscape conditions.

AIR QUALITY OFFICER:

I can confirm an air quality assessment will not be necessary for this application.

SUSTAINABILITY OFFICER:

No comment.

ENVIRONMENTAL PROTECTION UNIT OFFICER:

I have read through the submitted documents (namely Planning Support Statement) and the applicant has provided sufficient information for me to conclude the environmental impacts are minimal in regards to plant, noise and vibration. I do not have objections to the Change of use of 25 existing moorings from leisure to residential use, with associated works.

CONTAMINATION OFFICER:

The Local Planning Authority (LPA) has received a copy of a report produced by Structural Soils Limited, dated 22/2/2019 and titled: Packet Boat Marina, Uxbridge. Desk Study and Preliminary Risk Assessment.

Further details (submitted by email dated 26th March 2019) were issued in the form of a section of a main document titled: Belize Project Land Quality Due Diligence Report; Ref:181017_416.04960.00012_Final_LQ_DD_Report; prepared by SLR; dated October 2018.

The documents provide information which further indicates to the LPA that phase 2 site investigations are required, to more precisely determine land conditions and thereby more accurately assess the risks to receptors at the site.

Therefore, at this stage the PRA and other documentation has not fully demonstrated to the LPA that the risk to controlled waters and other receptors at the site has been fully understood for the following reasons:

1. Records indicate the site has a long history of uses involving contaminative activities including: railway land, mineral extraction and subsequent infilling of void space.
2. The site is also situated within landfill buffer zones which extend for 250 metres from the boundaries of other historic landfill sites on surrounding land.
3. In terms of the risks to human health associated with land condition and usage the proposed development would effectively introduce additional receptors, as increased human occupancy at the site.
4. It is considered likely the occupants shall require regular access, to and from their places of residence, including over various areas of land within the boundary, and therefore, the areas of land will likely be readily available and accessible, as open space, to an increased number of permanent residents and others (including existing occupants, staff and visitors to the marina), thereby increasing the probability and consequence of risk involving potentially complete pollutant linkages at the site.

The LPA would therefore welcome additional information which confirms actual land conditions at the site.

Information which provides details of site investigation and remediation works that have been conducted, or proposed to be conducted, at the site would likely provide sufficient details to further develop the initial Conceptual Site Model and Preliminary Risk Assessment (PRA) accordingly.

Without the further information to satisfy the LPA requirements, it is not possible to recommend approval.

CASE OFFICER COMMENT:

In response to the Contamination Officer's comments, the applicant submitted document reference '734338-2 (01) Interpretive Report on Ground Investigation (Dated July 2019)'.

CONTAMINATION OFFICER FOLLOW-UP:

1 Summary of Comments:

Following a review of the Preliminary Risk Assessment dated February 2019, I have now reviewed a further document titled Interpretive Report on Ground Investigation; Report No: 734338-2 (01); Dated 20/7/19; Prepared by Structural Soils Limited.

The new document provides information relating to findings from works conducted at site to investigate ground conditions at 5No. selected locations.

The work included sampling and subsequent chemical analysis of soils extracted from hand dug pits which were excavated, to nominal depths of 0.6mbgl (HDP 1-4) and 0.5m (HDP 5), into materials described in the report as soils and made ground.

The submitted laboratory report indicates that relatively low concentrations of contaminants were detected in each of the samples. In the majority of cases the concentrations did not exceed the selected assessment criteria.

However, quantities of lead and asbestos were identified in samples of material extracted from a single location at the site.

Therefore, it is recommended that an informative and conditions are to be applied as follows:

Contamination Informative

The Council have information on the ground conditions and there is a possibility there may be contaminating substances present in the ground. We would advise persons working on site to take basic precautions in relation to any contamination they may find. It is understood there is some evidence that remedial works were undertaken at the site, however the possibility of contamination being present at depth remains. Precautions should be taken to minimise the mixing of any material that is dug up with clean shallow soils that are to remain on site.

REASON:

You are advised this development is on a former landfill. The advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete to minimise risk to the occupants of the site.

It should be noted that the Environment Agency previously indicated "we are minded to remove our objection subject to inclusion of the below planning condition."

"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 a remediation strategy, detailing how this contamination will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

The Preliminary Risk Assessment (PRA), submitted in support of this planning application, provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. The PRA indicates that contamination may be present on site and confirms that the groundworks to enact the proposed development are minimal. The report recommends a Discovery Strategy and this planning condition is to secure implementation of that strategy. We request this condition to ensure that the development does not contribute to, is put at unacceptable risk from, or is adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources. This is in line with End 2 paragraph 170 of the NPPF. The required remediation strategy should be carried out by a competent person in line with paragraph 178 of the NPPF."

In conjunction with the above informative and the EA condition it is recommended that the following four part condition and condition are also applied.

(i) Any subsequent remediation scheme concerning newly discovered contamination shall include a written method statement providing details of how the completion of the remedial works will be verified. The details shall be agreed in writing with the LPA prior to commencement. No deviation shall be made from the scheme without the express agreement of the LPA prior to its implementation.

(ii) All works which form part of any remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The strategy shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3 Observations:

Findings from the investigation included identification of a variety of contaminants including metals, non-metals and Hydrocarbons which were detected in each of the selected locations.

The chemical concentrations of the contaminants were assessed against Generic Assessment Criteria (GAC).

Concentrations of lead which exceeded the GAC were identified in a single sample taken from Made Ground, at a depth of between 0.05 - 0.2mbgl in HDP2.

Asbestos materials were also detected in HDP2.

The location of HDP2 is identified on the proposed site plan P267-PAC-03 as an existing grassed area with trees, which the site plan outlines proposals which state: "Existing turf and timber edging removed, ground prepared & laid with 20mm gauge buff stone edged with concrete edging strip"

There is reported evidence of a previously installed geo-textile membrane which was identified in trial holes. The report also suggests that the membrane acts as a barrier between historic deposits of contaminated fill materials and a more recent engineered clean soil cover placed above the membrane.

Clearly types of works which involve removal and preparation of ground materials at the site require prescribed processes and procedures to be in place to mitigate the risks of exposing possibly harmful waste materials that are considered likely to be present at depth.

CASE OFFICER:

If recommended for approval, the information requested by the Council's specialists will be secured by condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE33 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that planning applications for the establishment of residential moorings will be assessed in relation to the following criteria:-

- (i) Residential moorings should be located on urban stretches of the canal and not on rural or open stretches where they would be incongruous and out of place;
- (ii) They should be located so that they do not interfere with other uses of the canal, or use of the bank or towpath, and should generally be located off the canal in a marina or basin, or on the non-towpath side;
- (iii) The number and density of boats at any point should not be so great that they act as a

barrier separating people on the bank from the canal, or exert a detrimental effect on the canal scene;

(iv) Provision for service vehicles and car parking must be made in a form which will not adversely affect the amenity of the canal; and

(v) Adequate service facilities must be provided.

This is supported by Policy DMHB 20 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) which states that planning applications for the establishment of moorings will be assessed in relation to the following criteria:

i) moorings should generally be located on urban stretches of the canal and not on rural or open stretches where they would be incongruous and out of keeping;

ii) moorings and associated development and servicing should be located so they do not impede other canal and waterside uses, paths or access to the waterway;

iii) the number and density of moorings in any one location should be appropriate to their location on the waterway and should not separate people from the waterway or interfere with navigation;

iv) provision for service vehicles and car parking must be made in a form which will not adversely affect the amenity of the canal;

v) adequate servicing, including provisions for appropriate utility connections, must be provided; and

vi) development should take account of guidance contained in the relevant publications from the Canal & River Trust.

This application proposes to change the use of 25 leisure moorings to residential moorings. In effect, this would change their use from a semi-permanent unlimited leisure use to permanent residential use. This would increase the maximum number of residential moorings from 30 to 55. The proposal would locate all residential moorings within the marina and would not impact on any leisure moorings located on the Grand Union Canal. Notably, the proposal would not increase the total number of moorings and the precedent for the use of moorings for permanent residency has already been established by the existing 30 residential moorings.

In conjunction with this, residential car parking spaces are proposed to increase from 30 to 55 and leisure mooring car parking spaces are proposed to increase from 84 to 103. The existing bin stores would be replaced to create a new refuse/recycling area. The existing cycle shelters would be removed and 2 x 18 space 'Chelsea' shelters and 2 x 10 space 'Chelsea' shelters are to be provided, totalling of 56 cycle spaces (a net gain of 26 cycle spaces). Two grassed areas located to the south of the parking area would be replaced with 20mm gauge buff stone to create new areas for cycle stores, refuse storage and resident storage boxes. In terms of planting, two silver birch saplings are proposed.

In summary, all proposed residential moorings would be located suitably within the marina. This proposed arrangement would maintain access of the marina facilities by canal users, would not interfere with other users of the canal and would not have a detrimental impact on the canal scene by virtue of the moorings already existing. The proposed car parking and service facilities are also considered to be sufficient and acceptable for their purpose. As such, the proposal accords with Policy BE33 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 20 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.02 Density of the proposed development

Not applicable to the consideration of this application.

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

Please see the 'Impact on the character & appearance of the area' section of the report.

7.04 Airport safeguarding

Not applicable to the consideration of this application.

7.05 Impact on the green belt

Paragraph 145 of the National Planning Policy Framework (NPPF) (June 2019) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Policy 7.16 of the London Plan (March 2016) states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy OL1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that agriculture, horticulture, nature conservation, open air recreation and cemeteries are the only open land uses which are acceptable in the Green Belt. All other forms of development are, by definition, 'inappropriate'. In order for 'inappropriate' development to be acceptable in the Green Belt, very special circumstances must apply.

This is supported by Policy DME1 4 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) which states that:

A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

i) the height and bulk of the existing building on the site;

ii) the proportion of the site that is already developed;

iii) the footprint, distribution and character of the existing buildings on the site;

iv) the relationship of the proposal with any development on the site that is to be retained; and

v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

The application site is located within the Green Belt. It proposes a change of use of moorings from leisure to residential use. Under paragraph 145 the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, are appropriate, as long they preserve the openness of the Green Belt. However as the proposed residential moorings will not be used purely for outdoor recreation purposes, they would technically not constitute appropriate development within the Green Belt under paragraph 145 of the NPPF. The proposed change of use is therefore considered to be inappropriate development in the Green Belt. Such development should be refused unless a case of very special circumstances can be made which outweighs the harm to the Green Belt.

It is noted that the 25 moorings, which form the focus of this application, already exist and

are used by boat owners on a semi-permanent basis. The proposal would allow the boat owners permanent residency. As such, there would not be an increase in the total number of moorings on the site. In conjunction with this, two grassed areas located to the south of the parking area would be replaced with 20mm gauge buff stone to create new areas for cycle stores, refuse storage and resident storage boxes.

Given that this site already has planning permission for a mix of residential and leisure moorings, it is considered reasonable to expect the operator/owner to upgrade facilities to serve the additional boats that will now use these moorings on a permanent basis. The additional facilities proposed are very modest in scale and would enable the amenity of future occupiers. On the basis that the works proposed to enable the change of use of the existing moorings is very modest in scale and would not have a detrimental impact on the character or function of the Green Belt. It is considered that the above represents very special circumstances that outweighs inappropriate development in the Green Belt, and the limited harm to the openness of the Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that new developments, within or on the fringes of Conservation Areas, should retain or enhance the character and appearance of such areas and those features which contribute to the special architectural qualities. This is supported by Policy DMHB 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

This is supported by Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) which states that: A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy EM3 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires that the Council continue to promote and contribute to the positive enhancement of the strategic river and canal corridors and the associated wildlife and habitats through the Biodiversity Action Plan and the Thames River Basin Management Plan, and developer

contributions where appropriate. The Council will work with the Environment Agency and other interested bodies to continue to enhance the local character, visual amenity, ecology, transportation, leisure opportunities and sustainable access to rivers and canals. The Council will collaborate with adjacent local authorities to ensure that Hillingdon's river and canal corridors complement and link with cross boundary corridors.

Policy BE32 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that when considering proposals for development adjacent to or having a visual effect on the Grand Union Canal, the Local Planning Authority will seek to ensure that every opportunity is taken to:

- (i) Secure and where possible enhance the role of the canal and its immediate surrounds as a wildlife corridor;
- (ii) Secure environmental improvements appropriate to waterside areas;
- (iii) Ensure that buildings are of a design which complements the visual qualities of the canal in terms of scale, bulk, layout and materials;
- (iv) Conserve buildings or features associated with the working life of the canal;
- (v) Create new public access to the waterside towpath linked to the footpath network in the surrounding area;
- (vi) Enhance or create views through and from the development, from and towards the watercourse; and
- (vii) Retain existing leisure moorings unless alternative provision is made in suitable locations.

This is supported by Policy DMEI 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) which states that new development adjacent to the Blue Ribbon Network should incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries.

The application site is characterised as part of the marina. The northern section of the site is designated as the Cowley Lock Conservation Area and the Grand Union Canal adjoins the site to the east and south. The proposed change of use of moorings from leisure to residential is not considered to materially impact on the setting of the Conservation Area or canal scene as the aesthetic will remain the same. The associated cycle store and refuse store are small scale in nature and are not considered to have a detrimental impact on the character and appearance of the area. The Council's Urban Design and Conservation Officer also considers the proposal to be acceptable.

Given the above considerations, the proposal is considered to accord with Policy EM3 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE4, BE13 and BE32 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policies DMHB 4, DMHB 11 and DMEI 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.08 Impact on neighbours

Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that the design of new buildings should protect the privacy of the occupiers and their neighbours.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that: B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Aside from the existing residential moorings contained within the marina, the closest residential dwellings to the application site are located over 50 metres to the north and over 130 metres to the south-east. It is not considered that the proposed change of use of 25 leisure moorings to residential moorings and associated works would significantly impact on the amenity or privacy of occupiers or neighbours. The proposal accords with Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.09 Living conditions for future occupiers

Toilet and shower facilities are available to users of the marina and the proposal provides additional cycle and refuse storage facilities to the benefit of occupiers. The adjoining woodland and Grand Union Canal provide provide a sufficient quantum of amenity space for future occupiers. As such, it is considered that sufficient services exist on-site and are proposed to accommodate the additional residential moorings.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. This is supported by Policies DMT 1 and DMT 2 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

As stated by the Council's Highways Officer, the proposal is likely to increase traffic generation from the site. As the proposal replaces an equivalent number of leisure units which already generate a specific level of use intensity, the proposal is only considered to generate a marginal increase. As such, the proposal would not exacerbate congestion and would not raise any highway safety concerns, in accordance with policies AM2 and AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMT 1 and DMT 2 of the of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policy 6.3 of the London Plan (March 2016).

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) will be considered and requires that new development is only permitted where it is in accordance with the Council's adopted car parking standards. This is supported by Policy DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

The car park currently consists of 132 spaces and would rise to 158 as part of the proposed re-positioning of the existing bin store and re-configuration of the car park. A total of 55 residential parking spaces are to be provided as part of the proposal, equating to 1:1 parking ratio. The remaining 'non-residential' 103 spaces out of a total of 158 would be retained for 109 leisure moorings which equates to just under a 1:1 ratio. As stated by the Council's Highways Officer, this is considered acceptable within the context of this use and capacity of the Marina car park.

As required by local policy, 10% of proposed parking spaces should be disabled compliant equating to a minimum of 2 spaces. A total of 3 disabled compliant spaces are indicated which conforms to the standard and is considered acceptable. Revised plans were submitted showing the proposal for 3 active and 3 passive electrical charging spaces and is considered acceptable.

Regarding cycle provision, standards require 1 secure and accessible space for each of

the moored units totalling 25 spaces. A cycle store with 56 spaces is proposed and would conform with this requirement.

Given the above considerations, it is considered that the proposal would accord with Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policy 6.9 and 6.13 of the London Plan (March 2016).

7.11 Urban design, access and security

Urban design matters are covered in the 'Impact on the character & appearance of the area' section of the report.

SECURITY

There would be no change to the security arrangements on the site.

7.12 Disabled access

The proposal does not make any changes to the existing access arrangement. As stated by the Council's Access Officer, there is no objection to the proposed development.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this application.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Policy 5.10 of the London Plan (March 2016) states that development proposals should integrate green infrastructure to contribute to urban greening, including the public realm.

Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate. Planning applicants for planning consent will be required to provide an accurate tree survey showing the location, height, spread and species of all trees where their proposals would affect any existing trees.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies (March 2019) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies (March 2019) states: A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

The proposal involves the re-arrangement of the car park and associated area of soft landscape and implementation of additional cycle parking and bin store areas. As stated by the Council's Trees and Landscaping Officer, no trees or landscape features of merit will be affected by the proposal. Tree protection measures are required and secured as a planning condition. Subject to further details, the proposed development is considered to accord with Policy 5.10 of the London Plan (March 2016), Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11 and DMHB

14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies (March 2019).

ECOLOGY

Paragraph 170 of the NPPF (June 2019) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy 7.19 of the London Plan (March 2016) states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy EC5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that in determining planning applications, the Local Planning Authority may require certain on-site ecological features to be retained in new developments and seek to enhance the nature conservation and ecological interest of sites or create new habitats through the use of planning conditions attached to planning permissions or through planning agreements negotiated with developers.

Policy DMEI 7 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that the design and layout of new development should retain and enhance any existing features of biodiversity within the site.

The proposed development would not significantly change the use of the site, only a small area of grass is proposed to be removed, two existing trees are to be retained and two silver birch saplings are to be planted. Based on this, the nature of the proposed works are not considered to have detrimental impacts on local ecology. A condition is, however, proposed to secure the use of smokeless fuels and phosphate free products to minimise environmental impacts. As such, the proposal is considered acceptable with regard to ecology, in accordance with the NPPF (June 2019), Policy 7.19 of the London Plan (March 2016), Policy EC5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMEI 7 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.15 Sustainable waste management

Policy 5.17 of the London Plan (March 2016) sets out the Mayor's spatial policy for waste management, including the requirements for new developments to provide appropriate facilities for the storage of refuse and recycling.

As stated by the Council's Waste Strategy Officer and Highways Officer, the proposed development is suitable for waste and recycling requirements as additional refuse stores are proposed to facilitate the additional residential moorings. As such, the proposal is not considered contrary to Policy 5.17 of the London Plan (March 2016).

7.16 Renewable energy / Sustainability

Not relevant to the consideration of this application.

7.17 Flooding or Drainage Issues

Policy EM6 (Flood Risk Management) of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated. Saved Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development incorporates

appropriate measures to mitigate against any potential risk of flooding. This is supported by Policy DMEI 9 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

As stated by the Council's Flood and Water Management Officer, the proposed development would not require a separate surface water drainage network. As such, the proposal is considered to accord with Policy EM6 Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMEI 9 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.18 Noise or Air Quality Issues

NOISE

Policy OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:

- (i) The siting or appearance;
- (ii) The storage or display of vehicles, goods, equipment or other merchandise;
- (iii) Traffic generation and congestion;
- (iv) Noise and vibration or the emission of dust, smell or other pollutants, unless sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable.

Policy OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within the acceptable levels by engineering, lay-out or administrative measures.

The proposed development is not considered to be detrimental to the character or amenities of surrounding properties and as stated by the Highways Officer, the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns.

The proposed development would allow for an additional 25 moorings to be used on a permanent basis, totalling 55 residential moorings within the marina. Theoretically, the re-designation of leisure moorings to residential would mean that the number of boats mooring up and departing would be less frequent. In conjunction with this, residential boat users may also intensify the use of generators on site for the use of residents. It is noted that marinas are considered to be the ideal location for such residential moorings and any noise impact associated with the use of boats would be expected at such a site. As stated by the Council's Environmental Protection Unit Officer, there is no objection to the proposed development. As such, the proposed change of use is considered to be acceptable with regard to noise, in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

AIR QUALITY

The Council's Air Quality Officer has stated that an air quality report is not required for this application. It is therefore assumed that the impact of the proposed development on air quality is negligible. However, in line with potential increased use of generators, a condition is proposed to secure the use of smokeless fuels and phosphate free products to minimise

environmental impacts.

7.19 Comments on Public Consultations

Please see the 'External Consultees' section of the report.

7.20 Planning obligations

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the National Planning Policy Framework (June 2019) have put three tests on the use of planning obligations into law. Planning obligations should be:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

Policy R17 of the adopted Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is concerned with securing planning benefits related to the scale and type of development. The policy is supported by more specific supplementary planning guidance.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees. The comments received indicate that there is no need for any contributions or planning obligations to mitigate the impact of the development.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

CONTAMINATION

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to safeguard and improve all water quality, both ground and surface. Proposals for development on contaminated land should provide mitigation strategies that reduce the impacts on surrounding land uses.

Policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that planning permission will not be granted for proposals which:

- (i) Involve the use, storage, installation or processing of explosive, inflammable, corrosive, toxic or other harmful/hazardous substances which are a potential safety risk to existing or proposed development in the vicinity; or
- (ii) Involve an increase in the use by the public of contaminated land which is to remain untreated, unless the Local Planning Authority is satisfied that appropriate ameliorative measures proposed can overcome (i) and (ii) above.

Applications should demonstrate that contamination issues have been adequately assessed and the site can be safely remediated. Where appropriate, full intrusive ground investigations and remediation proposals will be expected prior to any approvals. This is supported by Policies DMEI 10, DMEI 11 and DMEI 12 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policies 5.14 and 5.21 of the London Plan (March 2016).

The applicant has submitted a Preliminary Risk Assessment (Dated February 2019), which is based on a desk study, the production of the initial conceptual model and risk assessment, and concludes that the identified risks are considered low. The history of the site involves contaminative activities and is within a landfill buffer zone. The Council's Contamination Officer notes that occupants shall require regular access, to and from their places of residence, including over various areas of land within the boundary. The areas of

land will likely be readily available and accessible, as open space, to an increased number of permanent residents and others, thereby increasing the probability and consequence of risk involving potentially complete pollutant linkages at the site.

Following consultation, the applicant also submitted an Interpretive Report on Ground Investigation (Dated July 2019) providing information relating to findings from works conducted at site to investigate ground conditions at 5No. selected locations. The work included sampling and subsequent chemical analysis of soils extracted from hand dug pits which were excavated. The submitted laboratory report indicates that relatively low concentrations of contaminants were detected in each of the samples. In the majority of cases the concentrations did not exceed the selected assessment criteria. However, quantities of lead and asbestos were identified in samples of material extracted from a single location at the site.

Given the above considerations, the Council's Contamination Officer considers that the proposal is acceptable subject to a planning condition requiring a remediation strategy if contamination not previously identified is found to be present at the site. Subject to such a condition, the proposal is considered to accord with Policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMEI 10, DMEI 11 and DMEI 12 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policies 5.14 and 5.21 of the London Plan (March 2016).

CONDITIONS ON EXTANT CONSENT

As identified in section 3.3, the planning history indicates that numerous conditions have not been submitted for approval under previous permissions granted and implemented. The Council have used this opportunity to secure the previous condition details and consult statutory consultee's accordingly. It is now considered that the details submitted are acceptable. The site would not therefore be subject to any enforcement action.

8. Observations of the Borough Solicitor

General

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

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be

permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

In conclusion, the proposed change of use of 25 existing moorings from leisure to residential use and the associated works are considered to be acceptable in principle and with regard to their impact on the character of the area, green belt, neighbour amenity, the local highway network, access, security, living conditions, trees and landscaping, waste, flooding, noise, air quality, ecology and contamination. Subject to conditions, this application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (June 2019)

The London Plan (March 2016)

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

Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)

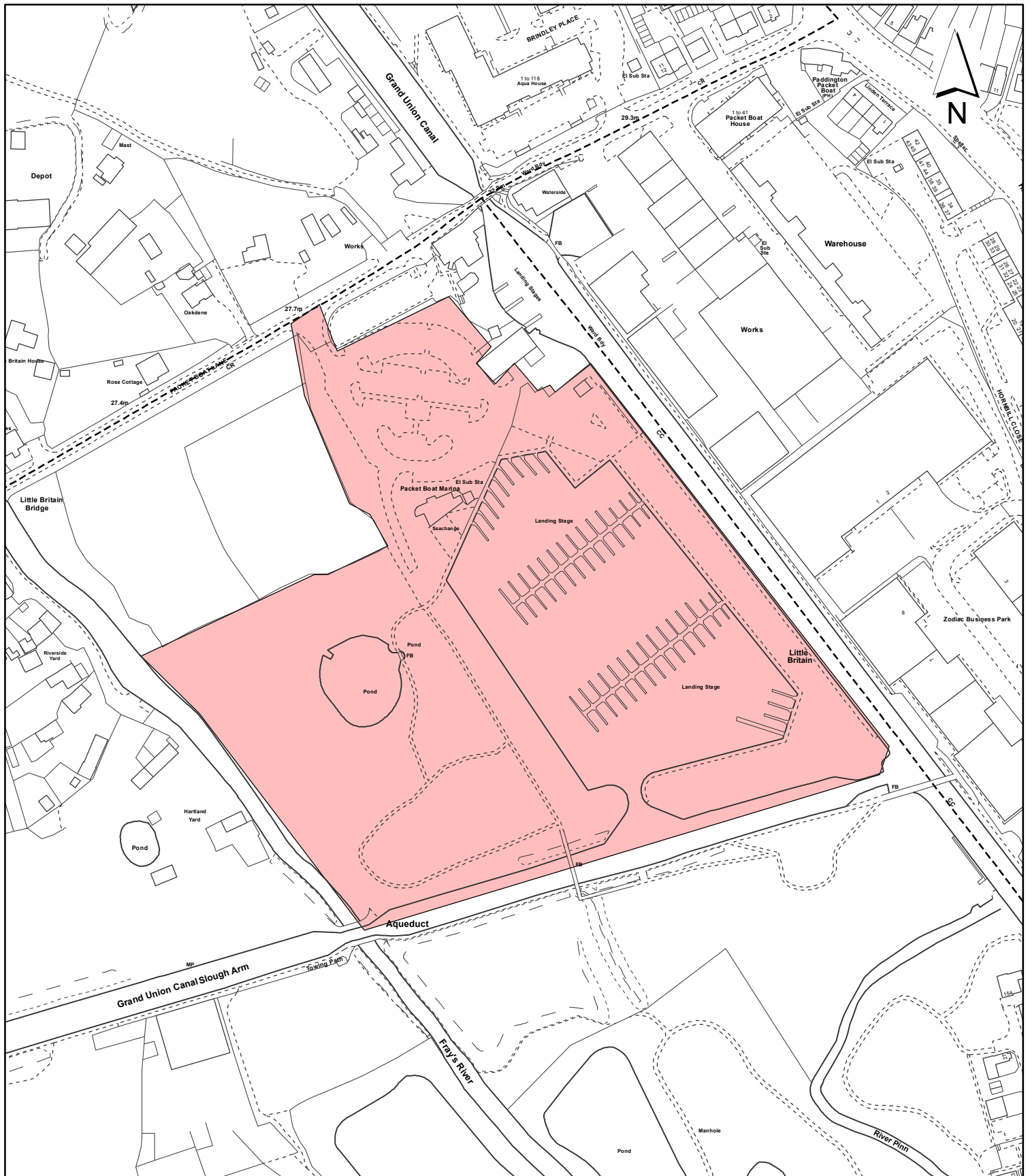
Emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019)

Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)

Hillingdon Design and Accessibility Statement: Accessible Hillingdon (December 2008)
Planning Obligations - Supplementary Planning Document (July 2014)
Noise - Supplementary Planning Document (April 2006)

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Notes:

 Site boundary

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Site Address:

**Packet Boat Marina
 Packet Boat Lane**

Planning Application Ref:
53216/APP/2018/4179

Planning Committee:
Major

Scale:
1:2,500

Date:
November 2019

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