

## Report of the Head of Planning, Transportation and Regeneration

<b>Address</b>	LAND NORTH OF CRANFORD LANE HARLINGTON		
<b>Development:</b>	Variation of Conditions 14 (Permitted Timeline) and 15 (Phasing) of planning permission Ref: 2373/APP/2005/2815 dated 12/12/2006 (Extraction of sand and gravel; backfilling (including fresh water lagoon) with inert waste; use of land for the recycling of inert construction and demolition waste and retention of temporary buildings for a period of 10 years; restoration of land to agricultural/wildlife habitat) to amend the permitted timeline and phasing of works for completion by 30th November 2022.		
<b>LBH Ref Nos:</b>	2373/APP/2019/3747		
<b>Drawing Nos:</b>	Planning Statement of support dated September 2005 Highway and Traffic Report ref: JRT/1766 dated September 2005 Noise Assessment dated 14/9/2005 vw/ta/19.11.19/16112 Revised Programme of Phasing in accordance with Condition 15 (November 2019) 47414/3001 Air Quality Screening Assessment (November 2019) 47414/001 Transport Statement (November 2019) 47414/3002 Dust Management Plan (Dated 14th January 2020) Visual Appraisal Report rev.4, dated 14/9/2005 Ecological Assessment dated March 2006 Air Quality Assessment ref: 401-0438-00002 dated September 2005 972/12E Proposed Layout & Landscaping 66253TN2 Drainage Statement (November 2019) 972/13 Proposed Plant 972/11A Site Context Plan (Existing) 972/15B Restoration Phasing 16112/VW/ta Planning Statement (19 November 2019) 972/10C Site Location Plan 972/16B Post Restoration Plan 972/14 Proposed Gravel Extraction with Phasing Technical Note - Condition 4 Nature Conservation Interests 16112/VW/ta Cover Letter (Dated 19 November 2019)		
<b>Date Plans Received:</b>	19/11/2019	<b>Date(s) of Amendment(s):</b>	01/09/2005
<b>Date Application Valid:</b>	19/11/2019		04/09/2005
			14/09/2005
			30/01/2020
			01/03/2006
			19/11/2019

### 1. SUMMARY

This Variation of Conditions application seeks permission to vary Condition 14 (Permitted Timeline) and 15 (Phasing) of planning permission reference 2373/APP/2005/2815 in order to amend the permitted timeline and phasing of works for completion by 30th November 2022. This is considered acceptable in principle and with regard to its impact on the local highway network, neighbour amenity, ecology, landscaping and air quality. The submission of an Ecological Management Plan and compliance with the submitted Travel Plan Statement have been secured by condition. All other matters have already

been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

Subject to conditions and referral of the scheme to the Secretary of State, this application is recommended for approval.

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning, Transport and Regeneration to grant planning permission, subject to the following:**

**A. That the application is referred to the Secretary of State for Housing, Communities and Local Government.**

**B. That should the Secretary of State not call in the application, the application be deferred for determination by the Head of Planning, Transport and Regeneration, to approve planning permission subject to the following conditions:**

### **1 T8 Compliance**

The development hereby permitted relates solely to the restoration of the site, all works of site exploration and extraction (previously approved under planning permission reference 2373/APP/2005/2815 dated 12/12/06) have now ceased (2019) and shall remain as such. This decision notice does not permit any further extraction from this site.

#### **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:

972/10C Site Location Plan;  
972/11A Site Context Plan (Existing);  
972/13 Proposed Plant;  
972/16B Post Restoration Plan;  
972/12E Proposed Layout & Landscaping;  
972/14 Proposed Gravel Extraction with Phasing;  
972/15B Restoration Phasing; and

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

#### **REASON**

To ensure the development complies with the provisions the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

### **3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be carried out except in complete accordance with the specified supporting documents:

47414/3002 Dust Management Plan (Dated 14th January 2020);

66253TN2 Drainage Statement (November 2019);  
47414/001 Transport Statement (November 2019);  
47414/3001 Air Quality Screening Assessment (November 2019);  
vw/ta/19.11.19/16112 Revised Programme of Phasing in accordance with Condition 15 (November 2019);  
Technical Note - Condition 4 Nature Conservation Interest;  
Ecological Assessment dated March 2006;  
Air Quality Assessment ref: 401-0438-00002 dated September 2005;  
Visual Appraisal Report rev.4, dated 14/9/2005;  
Noise Assessment dated 14/9/2005; and  
Highway and Traffic Report ref:JRT/1766 dated September 2005.

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

#### REASON

To ensure that the development complies with the objectives of Policies contained with the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

#### **4 ST1 Landscaping**

All landscaping works shall be carried out in complete accordance with the details approved under application reference 2373/APP/2007/363 and plan references '972/12E Proposed Layout & Landscaping'.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with Policy DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).

#### **5 ST1 Scheme of Restoration**

All restoration works shall be carried out in complete accordance with the details approved under application reference 2373/APP/2007/996 and plan references '972/15B Restoration Phasing' and '972/16B Post Restoration Plan'.

#### REASON

To ensure that the proposed development will not have unacceptable ecological effects on the adjoining Crane Corridor site of Metropolitan Importance and a Nature Conservation Site of Borough Grade II Importance, in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM7 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.19 of the London Plan (March 2016), Policy G6 of the draft London Plan - Intend to Publish (December 2019) and the National Planning Policy Framework (February 2019).

#### **6 ST1 Scheme of Conservation**

All ecological protection and enhancement works shall be carried out in complete accordance with the details approved under application reference 2373/APP/2009/2077 and document reference 'Technical Note - Condition 4 Nature Conservation Interest'.

#### REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the

site in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM7 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.19 of the London Plan (March 2016), Policy G6 of the draft London Plan - Intend to Publish (December 2019) and the National Planning Policy Framework (February 2019).

## **7 NONSC Ecological Management Plan**

Within 6 months of this permission, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details should include:

- a) Detailed requirements for new planting and habitat creation, including creation of a conservation pond, a scrub planting scheme, a species rich grassland planting scheme and a species specification for the new hedgerow along the western boundary.
- b) A management scheme for the existing Conservation Wildlife Area.
- c) An updated survey for common species of reptiles within the wider site and, dependant on the results, the translocation of reptiles into the Conservation Wildlife Area prior to restoration; and
- d) Ecological mitigation for works during the nesting bird season (March-September inclusive).

Thereafter, the plan shall be implemented and maintained in full compliance with the approved details.

### **REASON**

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM7 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.19 of the London Plan (March 2016), Policy G6 of the draft London Plan - Intend to Publish (December 2019) and the National Planning Policy Framework (February 2019).

## **8 ST1 Soils**

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. Soils shall not be used for the purposes of restoration unless they are in a suitably dry and friable condition to prevent compaction.

### **REASON**

To ensure that the soils are properly handled in the interests of the satisfactory restoration of the site to an agricultural after use, in accordance with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 5.21 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

## **9 ST1 Access Strip**

The access strip provided between the brink of the Frog's Ditch ordinary watercourse and the development site shall be kept clear of permanent development.

### **REASON**

To preserve the character of the river corridor, protect the river bank from erosion and enable access to the watercourse to undertake maintenance in compliance with Policy DMEI 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.24 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

Framework (February 2019).

**10            ST1            Pollutant Handling**

Any fuel, oil, lubricant or other potential pollutant shall be handled on site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers, which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipe work. The floor and walls of the bunded areas shall be impervious to both water and oil.

**REASON**

To minimise the risk of pollution of watercourses and aquifers, in compliance with Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 5.14 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**11            ST1            No Additional Plant or Building**

Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent Order amending, replacing or re-enacting that Order, no additional fixed plant shall be installed or buildings constructed on the site.

**REASON**

To maintain planning control over the development, which is located in the Green Belt, in accordance with Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.16 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**12            ST1            Air Quality**

The applicant shall ensure that emissions to air from the site are controlled by adopting the measures detailed in section 5 ('Mitigation Measures') of the Air Quality Assessment reference 401-0438-00002, dated September 2005 submitted as part of the application. The ambient concentration of dust measured in the air at any point 1.5 metres above the site perimeter shall not exceed 10mg of dust per cubic metre of air.

**REASON**

To ensure that adequate measures are put in place to minimise the emission of pollutants in the local area as a result of the development, in compliance with Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.14 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**13            ST1            Landfilling Noise**

No operations hereby permitted shall result in the one field equivalent continuous sound level (LAeq), attributable to land filling within the permitted site, exceeding 55 dBA at any noise sensitive property affected by noise from the site.

**REASON**

To protect the amenities of local residents, in compliance with Policy DMIN 1A of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy

EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.15 of the London Plan (March 2016), Policy D13 of the draft London Plan - Intend to Publish (December 2019) and the National Planning Policy Framework (February 2019).

**14            ST1            Restoration Noise**

Notwithstanding the requirements of condition 13 above, any operations involving soil placement and final restoration shall not exceed 70 dBA Laeq(1 hour), and such activities shall not take place for a total period greater than eight weeks in any twelve months at any noise sensitive property affected by noise from the site.

**REASON**

To protect the amenities of local residents, in compliance with Policy DMIN 1A of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.15 of the London Plan (March 2016), Policy D13 of the draft London Plan - Intend to Publish (December 2019) and the National Planning Policy Framework (February 2019).

**15            ST1            Permitted Timeline**

Restoration of the land to agriculture shall be completed by 30 November 2022; and all temporary and permanent buildings and structures associated with the mineral exploration and extraction and site restoration within the site shall be removed by no later than 30 November 2022.

**REASON**

In order to comply with the terms of the application and to safeguard the visual amenity of the Green Belt in compliance with Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.16 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**16            ST1            Phasing**

The development hereby permitted shall be carried out in accordance with the details contained within document reference 'vw/ta/19.11.19/16112 Revised Programme of Phasing in accordance with Condition 15 (November 2019)' for as long as the development remains in existence.

**REASON**

A detailed and dated programme for the completion of each phase is considered necessary in order for the Council's to maintain control over these operations, which are proposed to be undertaken in a number of separate phases; to prevent unnecessary protraction of the various temporary activities at the site; to comply with the terms of the application and to accord with Policy DMIN 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).

**17            ST1            Vehicle Routes**

No vehicle shall enter or leave the site except via the existing access points onto Harlington High Street. Heavy goods vehicles entering the site shall do so from the north; heavy goods vehicles leaving the site shall turn to the north.

**REASON**

In the interests of highway safety and air quality, in compliance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies

(January 2020), Policy 6.11, 6.12 and 7.14 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**18            ST1            Vehicle Washing**

Provisions shall be made within the site to ensure that all vehicles associated with the operations hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

**REASON**

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway, in compliance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy 6.12 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**19            ST1            Landfill Material**

The materials to be processed or deposited as landfill shall be limited to inert waste as defined in the Landfill (England and Wales) Regulations 2002. The recycling facility hereby approved shall not be used for the processing or disposal of hazardous or toxic materials.

**REASON**

- (i) To ensure that the development does not give rise to any risk of land contamination;
- (ii) In order to comply with the terms of the application;
- (iii) To safeguard the amenities of the Green Belt;
- (iv) To safeguard the amenity of adjoining and nearby properties

In accordance with Policies DMIN 1A, DMEI 4, DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policies EM2 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 5.21 and 7.16 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

**20            ST1            HGVs Condition**

Unless previously agreed in writing with the local planning authority, there shall be no more than 40 HGV movements (20 in, 20 out) at the site in any one working day, as set out in details outlined in '47414/001 Transport Statement (November 2019)'.

The HGVs accessing the site shall meet the standards of the London Low Emission Zone. Any temporary modification of the current restriction in HGV movements must be preceded by a written application to the Council providing information on:

- the source and volume of the material
- the route between the source and the site
- the maximum number of trips per day sought for that particular material the planned duration of the extra number of trips

**REASON**

To safeguard the amenity of the Green Belt and to ensure that pedestrian and vehicular safety is not prejudiced in compliance with Policies DMEI 4, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 6.11 and 6.12 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

## **21            ST1            Travel Plan**

All Travel Plan measures shall be carried out in complete accordance with the details outlined in Section 5.6 of the submitted '47414/001 Transport Statement (November 2019)'. All HGV drivers should be Freight Operators Recognition Scheme (FORS) bronze qualified as a minimum.

This Travel Plan shall be retained until the site is completely restored and operation ceases permanently.

### **REASON**

To safeguard the amenity of the Green Belt and to ensure that pedestrian and vehicular safety is not prejudiced in compliance with Policies DMEI 4, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 6.11 and 6.12 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

## **22            ST1            Operation Hours**

Except in emergencies, or with the prior agreement of the Mineral Planning Authority,

a) No operations other than water pumping, servicing, maintenance and testing of plant shall be carried out at the site except between the following times:

07:00 hours to 17:00 hours - Mondays to Fridays

07:00 hours to 12:30 hours - Saturdays

b) No servicing, maintenance and testing of plant shall be carried out between 20:00 hours and 07:00 hours, nor at any time on Sundays or on Public Holidays.

### **REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policies DMIN 1A, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and the National Planning Policy Framework (February 2019).

## **23            ST1            Waste Transfer Activities**

The site shall not be used for the importation of waste to the site and its re-export without treatment (waste transfer activities), other than in respect of incidental quantities of waste that arrive in mixed loads and which fall outside the terms of the operative landfill licence.

### **REASON**

(i) To ensure that the development does not give rise to any risk of land contamination in accordance with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 5.21 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

(ii) To safeguard the amenities of local residents in compliance with Policies DMIN 1A, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and the National Planning Policy Framework (February 2019).

## **24            AR3            Sites of Archaeological Interest - scheme of investigation**

All archaeological works shall be carried out in complete accordance with the details approved under application reference 2373/APP/2008/1285. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority



## REASON

The site is of archaeological interest and it is considered that all evidence of the remains should be recorded in accordance with in compliance with Policy DMHB 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy HE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.8 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

### **25            ST1            Waste and Mineral Processing Plant and Equipment**

Fixed and mobile waste and mineral processing plant and equipment, other than vehicles and machinery used to extract and transport materials, shall not be used on the premises outside the area marked 'waste recycling plant' on drawing number 972/12E.

## REASON

To safeguard the amenities of local residents in compliance with in compliance with Policy DMIN 1A of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and the National Planning Policy Framework (February 2019).

### **26            ST1            Waste Height**

The stockpiles of untreated and treated waste shall not exceed 3.5 metres in height.

## REASON

To protect the visual amenities of the Green Belt in accordance with Policy DME1 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 7.16 of the London Plan (March 2016) and the National Planning Policy Framework (February 2019).

## **INFORMATIVES**

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

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

### **2            I15            Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Councils Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

### **3**

You are advised that the proposed development may require a Waste Management Licence in accordance with the requirements of the Environmental Protection Act 1990.

### **4            I3                    Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5            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).

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

The decision to GRANT planning permission has been taken having regard to Policies contained within the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), 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.

DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage

LPP 5.21	(2016) Contaminated land
LPP 6.12	(2016) Road Network Capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.24	(2016) Blue Ribbon Network
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.8	(2016) Heritage assets and archaeology
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
NPPF- 17	NPPF-17 2018 - Facilitating the sustainable use of minerals
NPPF- 2	NPPF-2 2018 - Achieving sustainable development

## **7            I70            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 Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), 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.

## **8**

The applicant is advised that where conditions requiring submissions of details have been discharged in connection with the original permission, the Local Planning Authority will not require these details to be resubmitted as part of this new planning permission where details remain the same.

## **3.        CONSIDERATIONS**

### **3.1      Site and Locality**

The operational minerals extractions site measures approximately 13 hectares in size and is located to the north of Cranford Lane, south of the M4, east of Harlington High Street and west of Cranford Park. The site is designated as Green Belt land and is adjacent to the Cranford Park Conservation Area and Nature Conservation Site of Borough Grade II or Local Importance.

In accordance with planning permission reference 2373/APP/2005/2815, the following has taken place on site:

- Preparatory works for the recycling facility (which did not come forward) - Phase 1 planting, removal of existing sand and gravel plant, creation of recycling compound by construction of enclosing bund, area identified for location of wheel cleaning facility, provision of a 5 metre access strip to the frogs ditch and implementation of a programme of archaeological works.

- July 2009 - Phase 1 planting alongside the M4 Motorway carried out and was well established.
- Post the grant of the original Programme of Phasing (2009) - creation of bunds around the recycling compound and completion of Phase 2 planting.
- Early 2010 to early 2017 - the site was left largely inactive.
- February 2017 - The processing plant was demolished and removed.
- April 2017 - Archaeological investigation of Phase 1 extraction area (area between exit road and Harlington High Street) completed. This area is not now to be extracted but restoration is still required.
- May 2017 - Archaeological investigation of Phase 2 extraction area (former plant site) completed. Remaining topsoil and subsoil stripped and stored in accordance with approved plan 972/15B.
- August 2018 - Sand and Gravel extraction commenced in Phase 2 (the former plant site) and was completed by the end of March 2019.
- April 2019 - No further works can progress on site until the EA permit is granted.

### **3.2 Proposed Scheme**

This Variation of Conditions application seeks permission to vary Condition 14 (Permitted Timeline) and 15 (Phasing) of planning permission reference 2373/APP/2005/2815 in order to amend the permitted timeline and phasing of works for completion by 30th November 2022.

The proposed programme for the remaining works to be progressed assumes the Environment Agency (EA) permit is received by the end of April 2020. It also assumes that the EA will require construction of geological barriers for both remaining fill areas (extraction Phase 2 and lagoon). If the geological barriers do not need to be constructed this will speed up the rate at which the works are completed. The proposed programme for remaining works is detailed as follows:

- March 2020 - Construction of a geological barrier in Phase 2 extraction area expected to commence if required by EA (expected duration of works: circa 2 months).
- April 2020 - Restoration of Phase 1 extraction area - soil placement expected to commence (expected duration of works: circa 1 month)
- May 2020 - Filling expected to commence in Phase 2 extraction area (expected duration of works: circa 8 months)
- November 2020 - Filling continues in Phase 2 extraction area (expected to be completed by end of December 2020). Construction of a geological barrier in the fresh water lagoon expected to commence if required by EA (expected duration of works: circa 2 months).
- January 2021 - Filling of freshwater lagoon expected to commence (expected duration: circa 8 months).
- April 2021 - Filling of freshwater lagoon continues (expected to be completed by end of August 2021). Restoration of Phase 2 extraction and wider area (detailed as restoration Phase 3 on plan ref 972/15B) - soil placement expected to commence (expected duration of works: Circa 3 months).
- April 2022 - Restoration of lagoon and wider area (detailed as restoration Phase 1 on plan ref 972/15B) - soil placement on filled area expected to commence and will include removal of the bund around the compound (expected duration of works: Circa 3 months). Temporary site office and wheel wash will be removed. The track which runs north-south through the centre of the site will be narrowed, and the final phase (Phase 3 Planting) alongside the track undertaken. The access road east of the track will be removed and landscaped. The fencing around the site will be repaired, barbed wire removed and the tops of concrete posts and gate will be replaced with agricultural type gates. A permanent wildlife area will be established as proposed in accordance with the scheme submitted and

approved as required by Condition 3 and 4.  
- 30 November 2022 - Site restoration completed.

### **3.3 Relevant Planning History**

2373/APP/2005/2815 North Of Cranford Lane Harlington

EXTRACTION OF SAND AND GRAVEL; BACKFILLING (INCLUDING FRESH WATER LAGOON WITH INERT WASTE; USE OF LAND FOR THE RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AND RETENTION OF TEMPORARY BUILDINGS FOR A PERIOD OF 10 YEARS; RESTORATION OF LAND TO AGRICULTURE/WILDLIFE HABITAT

**Decision:** 12-12-2006 Approved

2373/APP/2007/363 Land North Of Cranford Lane Harlington

DETAILS OF LANDSCAPING IN COMPLIANCE WITH CONDITION 2 OF PLANNING PERMISSION REF: 2373/APP/2005/2815 DATED 12/12/2006 'EXTRACTION OF SAND AND GRAVEL; BACKFILLING (INCLUDING FRESH WATER LAGOON) WITH INERT WASTE; USE OF LAND FOR THE RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AND RETENTION OF TEMPORARY BUILDINGS FOR A PERIOD OF 10 YEARS; RESTORATION OF LAND TO AGRICULTURE/WILDLIFE HABITAT'

**Decision:** 30-03-2007 Approved

2373/APP/2007/662 North Of Cranford Lane Harlington

DETAILED STATEMENT OF PHASING OF WORKS ON SITE IN COMPLIANCE WITH CONDITION 15 OF PLANNING PERMISSION REF: 2373/APP/2005/2815 DATED 12/12/2006 'EXTRACTION OF SAND AND GRAVEL; BACKFILLING (INCLUDING FRESH WATER LAGOON WITH INERT WASTE; USE OF LAND FOR THE RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AND RETENTION OF TEMPORARY BUILDINGS FOR A PERIOD OF 10 YEARS; RESTORATION OF LAND TO AGRICULTURE/WILDLIFE HABITAT'

**Decision:** 30-09-2009 Approved

2373/APP/2007/996 North Of Cranford Lane Harlington

DETAILS OF A SCHEME OF RESTORATION OF SITE TO AGRICULTURE/WILD LIFE HABITAT IN COMPLIANCE WITH CONDITION 3 OF PLANNING PERMISSION REF: 2373/APP/2005/2815 DATED 12/12/2006 EXTRACTION OF SAND AND GRAVEL; BACKFILLING (INCLUDING FRESH WATER LAGOON) WITH INERT WASTE; USE OF LAND FOR THE RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AND RETENTION OF TEMPORARY BUILDINGS FOR A PERIOD OF 10 YEARS; RESTORATION OF LAND TO AGRICULTURE/WILDLIFE HABITAT

**Decision:** 05-11-2009 Approved

2373/APP/2008/1285 Land North Of Cranford Lane Harlington

DETAILS OF ARCHAEOLOGICAL INVESTIGATION IN COMPLIANCE WITH CONDITION 24 OF PLANNING PERMISSION REF: 2373/APP/2005/2815 DATED 12/12/2006: EXTRACTION OF SAND AND GRAVEL; BACKFILLING (INCLUDING FRESH WATER LAGOON) WITH INERT WASTE; USE OF LAND FOR THE RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AND RETENTION OF TEMPORARY BUILDINGS FOR A PERIOD OF 10 YEARS; RESTORATION OF LAND TO AGRICULTURE/WILDLIFE HABITAT.

**Decision:** 08-07-2008    Approved

2373/APP/2009/2077      North Of Cranford Lane Harlington

Details of nature conservation protection scheme in compliance with condition 4 of planning permission ref.2373/APP/2005/2815 dated 12/12/2006: Extraction of sand and gravel; backfilling (including fresh water lagoon) with inert waste; use of land for the recycling of inert construction and demolition waste and retention of temporary buildings for a period of 10 years; restoration of land to agriculture/wildlife habitat.

**Decision:** 09-02-2012    Approved

### **Comment on Relevant Planning History**

Planning permission reference 2373/APP/2005/2815 was granted on 12th December 2006 for the extraction of sand and gravel; backfilling (including fresh water lagoon) with inert waste; use of land for the recycling of inert construction and demolition waste and retention of temporary buildings for a period of 10 years; restoration of land to agricultural/wildlife habitat.

Planning permission reference 2373/APP/2007/662 approved details for a phasing plan of extraction, filling and restoration in accordance with Condition 15 attached to planning permission reference 2373/APP/2005/2815. This confirms that the site currently had until 30th November 2019 to complete all works on site.

The information submitted confirms that all extraction has been completed in the Phase 2 Extraction area (former plant area). No further extraction is to be progressed for the following reasons:

- Phase 1 Extraction Area (area between exit road and Harlington High Street) - Harleyford (the applicant) commissioned a stability report (GWP Report July 2018) with regard to embankment adjoining this extraction area. On the basis of this it was determined that if extraction were progressed in this area it could only be progressed with immediate backfilling. For operational and financial reasons (there is only in the region of 20,000 tonnes of material to be extracted from this area) this was not considered a viable proposition.
- Phase 3 Extraction Area (Access Road) again for operational and financial reasons (there is only in the region of 7000 tonnes of material to be extracted from this area) it was not considered to be a viable proposition for the applicant.

It is also stated that when the applicant took over as the site operator it was never their intent to progress the recycling element of the permission which allows for the installation of a recycling plant. Harleyford do not operate recycling plants themselves, their core business is mineral extraction, filling and restoration. At this stage, given that the remaining filling phases can be completed in a short period of time, the operators did not consider that it would be operationally or financially attractive for a third party recycling operator to install and operate a plant for this restricted period of time.

## **4. Planning Policies and Standards**

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
West London Waste Plan (2015)  
The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### Emerging Planning Policies

1.4 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).

Draft London Plan (Intend to Publish Version, December 2019)

1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

1.6 The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

1.7 Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

#### **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.EM10	(2012) Mineral Extraction
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
PT1.EM9	(2012) Safeguarding Mineral Resources

Part 2 Policies:

DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.21	(2016) Contaminated land
LPP 6.12	(2016) Road Network Capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.16	(2016) Green Belt
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.24	(2016) Blue Ribbon Network
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.8	(2016) Heritage assets and archaeology



NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
NPPF- 17	NPPF-17 2018 - Facilitating the sustainable use of minerals
NPPF- 2	NPPF-2 2018 - Achieving sustainable development

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

**5.1** Advertisement Expiry Date:- **10th January 2020**

**5.2** Site Notice Expiry Date:- **7th January 2020**

## **6. Consultations**

### **External Consultees**

Letters were sent to neighbouring properties, a site notice was erected and an advertisement was posted in the local paper. All forms of consultation expired by 10/01/2020. One comment has been received and is summarised as follows:

- The ingress and egress of HGV vehicles during the carrying out of previous phases in particular during 2019 was constantly contravened with vehicles entering and exiting site from/towards the south via Harlington High Street. This contravention should be highlighted as part as the planning approval. Should such contravention be made during the carrying out of this phase works, it will be reported.

London Borough of Hounslow:

London Borough of Hounslow was not consulted on the original consent: Planning permission ref: 2373/APP/2005/2815. We have no comments to make on the current application.

Greater London Archaeological Advice Service (GLAAS):

On the basis of the information provided, we do not consider that it is necessary for this application to be notified under the GLAAS Charter.

Conservation Area Advisory Panel:

I am writing on behalf of the Harlington Conservation Area Advisory Panel. We cautiously welcome these proposals which would at last restore this Green Belt land to agricultural use and wildlife habitat. Previous applications have promised restoration of this site first by 2003 and then by 2017 and it still has not been carried out. However, there are reasons for optimism - the present contractor confirms that all mineral that is to be extracted has now been extracted, the recycling element is not to be progressed and all that remains is filling of the remaining voids (extraction area and freshwater lagoon) and restoration of the land to agriculture/wildlife habitat. The end date of November 2022 is also said to allow for some flexibility in achieving this goal.

Transport for London:

TfL is concerned at the quantity of deliveries in the AM peak which are higher than during the rest of the day, retiming of some of the AM peak deliveries would enable a more evenly spread profile of deliveries throughout the day. This would support the Mayoral policy objectives of reducing traffic congestion and Vision Zero benefiting both the TLRN and Borough Road networks.

In conclusion TfL would like to see the above points addressed before the application can be fully supported.

Greater London Authority:

I have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.

Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA. I will be grateful, however, if you would send me a copy of any decision notice and section 106 agreement.

Environment Agency:

No comment.

### **Internal Consultees**

Planning Policy Officer:

It is noted that the revised phasing works apply only to the infilling and restoration of the site and that no further extraction is planned. In terms of infilling, there are no policy issues in terms of the extended period for completion however in setting any new conditions on this application, reference should be made to new policy DMIN3 to ensure that the proposals meet with the most up-to-date policy requirements. For example, the quality of the restored agricultural land should also be condition in accordance with policy DMIN3.

Trees and Landscaping Officer:

Variation of: CONDITION 14: Permitted timeline and CONDITION 15: Phasing This application follows a pre-application submission ref. PRC/2019/136 and meeting to discuss the extension of the completion date for the restoration of the land at Cranford Lane, to November 2022. The submission includes plans approved under the original application ref. 2005/2815, much of which has already been implemented. The current submission includes an amended plan by Partridge, ref. 972/12E, which shows some additional planting alongside the track that divides the restored fields on a north-south axis. As recommended, no additional oaks will be planted (due to presence of Oak Processionary Moth in this area).

RECOMMENDATION: No objection

Air Quality Officer:

I have reviewed the dust assessment and air quality report. The extension of the scheme until November 2022 will continue a development which brings emissions from HGVs and dust generating activities to an area of the borough that is already impacted by poor air quality. It is noted however, that permission is already in place and a number of conditions imposed to mitigate the impacts are being retained. In addition aspects such as the number of lorry movements and the nature of the dust generating activities are being reduced.

My comments are outlined below for your consideration.

Condition 10

The suggestion to retain Condition 10 of the original permission in regard to dust mitigation

measures is supported.

Condition 10 of the original permission also states: No vehicle shall enter or leave the site except via the existing access points onto Harlington High Street. Heavy goods vehicles entering the site shall do so from the north; heavy goods vehicles leaving the site shall turn to the north.'

Given that the routes have been designed to minimise the impact on residential areas, consideration should be given for Condition 10 to be further amended to require the active management of the use of the designated routes.

#### Condition 19

The air quality assessment notes that the number of HGVs to be used for the extension of time will be less in number than the number captured by Condition 19, which is proposed to be retained without amendment.

However the extension will still continue to bring a number of HGVs into an area already impacted by poor air quality, the air quality assessment identifies that local air quality will be improved as in October 2020 the tightened standards of the London Low Emission Zone will apply to all HGVs accessing the site, it concludes:

This will therefore produce less of an impact on air quality due to the lower emission vehicle use.

Consideration should therefore be given to seek an amendment to Condition 19 to ensure the HGVs accessing the site meet the tightened standards of the London Low Emission Zone as from the date of the extension.

#### Contaminated Land Officer:

I understand the site is and will continue to operate in accordance with the Environmental Permitting Regulations (EPR), and I believe the site is currently awaiting a new/revised permit from the Environment Agency (EA).

The EA document 'Guidance for developments requiring planning permission and environmental permits' states:

"When deciding on a planning application, planning authorities should:

- Be confident the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land.
- Not focus on controlling pollution where it can be controlled by other pollution regulations, such as EPR.
- Take advice from other consenting bodies, such as the Environment Agency, in pre-application discussions about fundamental issues that could affect whether a development is acceptable.

Where any significant issues are identified, we recommend that other consents needed, such as environmental permits, are processed at the same time as the planning application to resolve any issues as early as possible."

I have read through the available details, including the decision notice which outlines details generally pertaining to land contamination as Condition 8 (Pollutant Handling), 18 (Landfill Control) and 22 (Waste Importation and Re-Exportation).

In general circumstances certain permitted applications (including restoration of former mineral

workings) involves a number of procedures, often including production of hydrogeological risk assessment and site conditioning reports. I therefore consider it is likely that the Environmental Permit will contain information which will no doubt cover, (in detail), aspects relating to the Conditions outlined above.

In terms of modifying and/or adding to the existing conditions relating to land contamination at this particular site, it may be prudent for me to await more information regarding the permit for the site and I therefore recommend that the EA should be consulted on this matter.

Highways Officer:

No comment.

Flood and Water Management Officer:

No comment.

Sustainability Officer:

No comment.

## **7. MAIN PLANNING ISSUES**

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

The principle of minerals extraction has already been established by grant of planning permission under application reference 2373/APP/2005/2815 and the details of condition application approved under application reference 2373/APP/2007/662. As the site was inactive for over 7 years and the proposed extension of time is relatively limited at 3 years, it is noted that the actual time the site will be operational for is less than the 10 years originally approved.

It is considered that the need and justification for the extension of time is reasonable. The likely alternative to not granting permission is that the site will not be restored to an appropriate standard. As such, the principle of an extension of time to complete restoration works is considered acceptable.

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

Not relevant to the consideration of this application.

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

The application site is not located within an Archaeological Priority Area or Zone, Conservation Area or Area of Special Local Character. There are also no Listed Buildings located within the application site. As such, this is not relevant to the consideration of this application.

### **7.04 Airport safeguarding**

Matters relating to airport safeguarding have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

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

Matters relating to green belt have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

### **7.06 Environmental Impact**

Matters relating to contaminated land are controlled by Condition 8 (Pollutant Handling), 18

(Landfill Control) and 22 (Waste Transfer Activities) of planning permission 2373/APP/2005/2815. If recommended for approval, these conditions will be restated. Further, as stated by the Council's Contaminated Land Officer, the Environmental Permit process covers environmental impacts in detail and no further controls are required as part of this planning application process.

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

Matters relating to impact on the character and appearance of the area have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

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

The proposed extension of time to the phasing programme would increase the period of time within which neighbouring residents could be impacted by the minerals extraction site by a further three years. These impacts are, however, controlled by conditions attached on the original planning permission (reference 2373/APP/2005/2815), including Conditions 11 (Landfilling Noise), 12 (Restoration Noise), 21 (Operation Hours), 22 (Waste Transfer Activities) and 25 (Waste and Mineral Processing Plant and Equipment). If recommended for approval, these conditions will be restated.

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

Not relevant to the consideration of this application.

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

Based on Transport for London's WebCAT planning tool, the application site has a poor Public Transport Accessibility Level (PTAL), ranging from 0 (worst) to 2.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development; ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users; iii) provide equal access for all people, including inclusive access for disabled people; iv) adequately address delivery, servicing and drop-off requirements; and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: Development proposals must ensure that:

i) safe and efficient vehicular access to the highway network is provided to the Council's standards;

ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;

iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;

iv) impacts on local amenity and congestion are minimised by routing through traffic by the

most direct means to the strategic road network, avoiding local distributor and access roads; and

v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

In line with the conditions attached to the original consent on the site, the Transport Statement submitted states that the site's HGV traffic generation will not exceed 56 two-way HGV trips in a day, with a predicted peak in daily HGV traffic generated of 40 two-way trips (20 in and 20 out) during the filling operation of the Phase 2 extraction area.

During short peak period of activity, on a temporary basis, it is possible that peak hourly HGV trip generation could reach 12 two-way trips in the AM peak. This would represent a 1.05% increase in peak hour vehicular trips on High Street and a 10.9% increase in hourly HGV trips. This equates to 1 additional HGV movement every 5 minutes, in each direction during the morning peak, while during the rest of the day, it reduces to 1 HGV delivery every 20 minutes.

The increase in HGVs is not considered to impact the safety or operation of the network and the proposed remaining works on the site will be for a defined time-period, meaning any associated highway impacts are temporary. The proposed HGV routing to and from the site is in accordance with the conditions imposed on the original consent for the site. If recommended for approval, these conditions will be restated.

Regarding staff, it is expected that the number of staff on site at any one time will be low with a likely maximum of 5 staff. It is likely that vehicular trip generation from staff on site would be in the order of 4 two-way trips per day, which is considered to be negligible.

Overall, it is considered that there would not be an unacceptable impact on the local highway network. Subject to conditions, the proposal is considered to accord Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

## TRAVEL PLAN

There are no records that a travel plan was submitted to the Local Planning Authority for discharge under the original approval so it is considered necessary that this condition is restated as part of this application.

As part of the submitted Transport Statement, the applicant incorporates a Travel Plan Statement, which outlines the following:

- The site will be operated by Harleyford Aggregates (the applicant). It will be their responsibility to comply with all statutory regulations and guidelines as appropriate, in relation to construction and movement activities.
- The details of the Project Manager and Site Supervisor will be provided to the Local Planning Authority once the onsite works commence.
- The applicant commits to maintaining a logbook of all deliveries to the site; and providing a copy of the logbook to the Local Planning Authority on request. The Logbook will include details of the total number of vehicles, vehicle size/age, time of arrival, and time of departure.
- The applicant commits to providing operators, as part of their booking procedure for deliveries on site with site opening times, a map showing clearly the site's entry and exit

points and a map showing the routes to the site from the M4 that the operators need to adhere to.

If recommended for approval, a condition will be attached to secure compliance with this Travel Plan Statement.

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

Matters relating to urban design, access and security have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

#### **7.12 Disabled access**

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

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

##### **TREES AND LANDSCAPING**

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) 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 applicant has submitted plans which were approved under the original planning permission and an updated proposed plan showing the additional planting to be carried out alongside the track that divides the restored fields. The Council's Trees and Landscaping Officer has reviewed these details and has confirmed no objection. As recommended, no additional oaks will be planted due to presence of Oak Processionary Moth in the area. As such, the proposal is not considered contrary to the requirements of Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

##### **ECOLOGY**

Paragraph 170 of the NPPF (February 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 DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that the design and layout of new development should retain and enhance any existing features of biodiversity within the site.

An updated Post Restoration Plan has been submitted to update that previously approved and now includes confirmation of the extent of the Conservation Wildlife Area (as approved by discharge of Condition 4 of the original planning permission under application ref: 2373/APP/2009/2077).

Ecological Survey & Assessment (ECOSA) Limited were contracted to carry out an ecological survey to discharge Condition 4 of the original planning application. The ECOSA document confirmed the extent of the Conservation Wildlife Area, the creation of a hedgerow along the western boundaries of the area and the creation of a buffer strip along the northern boundary of the site comprising un-managed grassland and herbaceous vegetation.

Following the review of works carried out to date, the submitted Technical Note identifies the following enhancement and mitigation measures:

- The production of a current and definitive Ecological Management Plan that sets out detailed requirements for new planting and habitat creation, a species specification for the new hedgerow and current management for the existing Conservation Wildlife Area.
- The appointment of a landscaping contractor to implement the recommendations and outstanding requirements identified in the Ecological Management Plan. This will include the creation of a conservation pond, a scrub planting scheme and species rich grassland and the planting of a native species hedgerow along the western boundary.
- An updated survey for common species of reptiles within the wider site and dependant on the results the translocation of reptiles into the Conservation Wildlife Area prior to restoration; and
- Ecological mitigation concerning works during the nesting bird season (March-September inclusive).

If recommended for approval, an Ecological Management Plan condition is attached in order to ensure the recommended measures are carried out. Subject to this condition, the proposal is considered to accord with the NPPF (February 2019), Policy 7.19 of the London Plan (March 2016) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

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

Matters relating to waste management have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

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

Matters relating to energy have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

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

Under application reference 2373/APP/2007/996, the details provided to discharge Condition 3 of planning permission reference 2373/APP/2005/2815 stated that "there will be no specific drainage infrastructure for the restored land unless there are reports of poor drainage, in which case sub-soiling will be carried out." This condition also required a scheme of work to restore the land to agriculture which includes drainage of the restored land.

The information submitted states that land has been restored and that there have not been any reports of poor drainage. There is a network of drainage ditches installed around the field perimeters and these are effective at draining the restored area.

The remaining area to be restored occupies a smaller area and will be restored in a similar manner to that already carried out. As such, the information approved under application reference 2373/APP/2007/996 does not need to be updated.

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



## NOISE

The proposed extension of time to the phasing programme would increase the period of time within which neighbouring residents could be impacted by the minerals extraction site by a further three years. These impacts are, however, controlled by conditions attached on the original planning permission (reference 2373/APP/2005/2815), including Conditions 11 (Landfilling Noise), 12 (Restoration Noise), 21 (Operation Hours), 22 (Waste Importation and Re-Exportation) and 25 (Waste and Mineral Processing Plant and Equipment). If recommended for approval, these conditions will be restated.

## AIR QUALITY

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

As stated by the Council's Air Quality Officer, the extension of the scheme until November 2022 will continue a development which brings emissions from HGVs and dust generating activities to an area of the borough that is already impacted by poor air quality. It is noted that permission is already in place and Conditions 10 and 19 of the original planning permission are in place to mitigate the impacts generated. In addition aspects such as the number of lorry movements and the nature of the dust generating activities are being reduced.

If recommended for approval, the provisions noted in the submitted travel plan will be secured by condition. The HGVs condition attached to the original approval will also be restated but is amended to comply with the submitted Transport Statement and makes reference to meeting the standards of the London Low Emission Zone.

Subject to such conditions, the proposal would not be considered contrary to the requirements of Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

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

Please see section 6.1 of the report.

### **7.20 Planning Obligations**

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

### **7.22 Other Issues**

## SECTION 73 CONDITIONS

The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have

effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. Decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

As the current section 73 application seeks permission in order to amend the permitted timeline and phasing of filling and restoration works for completion by 30th November 2022, a number of conditions have been restated and amended and a number of conditions have not been restated as they no longer continue to have an effect.

It is noted that Conditions 1, 2, 3, 4, 7, 14, 15, 19, 20, 24 and 25 of original planning permission reference 2373/APP/2005/2815 have been amended and renumbered. In conjunction with this, Conditions 6, 13, 23, 26 and 27 have not been restated. Specifically, a condition requiring the submission of an Ecological Management Plan has been attached.

## SECRETARY OF STATE REFERRAL

The Town and Country Planning (Consultation) (England) Direction 2009 states that the direction to refer applications for planning permission to the Secretary of State shall apply in relation to Green Belt development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes:

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

It is noted that paragraph 146 of the NPPF (February 2019) states that certain other forms of development are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes: a) mineral extraction.

Although the current application is for an appropriate use within the Green Belt which has already been granted planning permission, it is considered necessary that the current application is referred to the Secretary of State. The original grant of planning permission was referred to the Secretary of State and a cautionary approach should be adopted.

## **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 proposal to vary Condition 14 (Permitted Timeline) and 15 (Phasing) of planning permission reference 2373/APP/2005/2815 in order to amend the permitted timeline and phasing of works for completion by 30th November 2022 is considered acceptable in principle and with regard to its impact on the local highway network, neighbour amenity, ecology, landscaping and air quality. The submission of an Ecological

Management Plan and compliance with the submitted Travel Plan Statement have been secured by condition. All other matters have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

Subject to conditions and referral of the scheme to the Secretary of State, this application is recommended for approval.

#### **11. Reference Documents**

National Planning Policy Framework (February 2019)

The London Plan (March 2016)

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

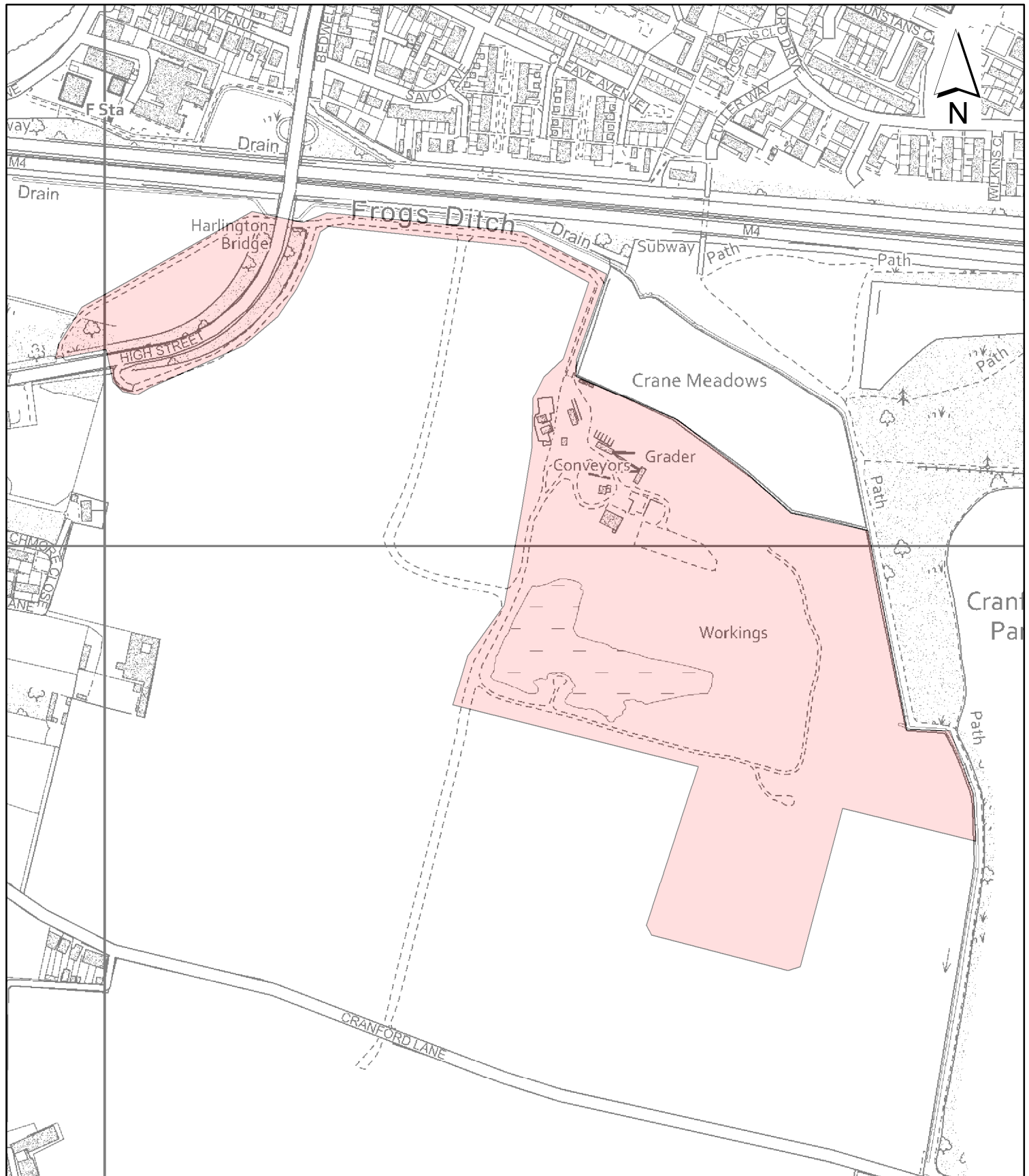
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

**Contact Officer:** Michael Briginshaw

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#### Notes:

 Site boundary

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Site Address:

**Land North of  
Cranford Lane  
Harlington**

Planning Application Ref:

**2373/APP/2019/3747**

Planning Committee:

**Major**

Scale:

**1:5,000**

Date:

**March 2020**

**LONDON BOROUGH  
OF HILLINGDON**  
**Residents Services  
Planning Section**

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**HILLINGDON**  
LONDON