

MICHAEL CONOLEY

ASSOCIATES

CHARTERED ARCHITECTS



Design and Access Statement

Limited Infilling in the Green Belt/ Grey Belt

Erection of 2 dwellings on land adjacent to

**Chandigarh
Summerhouse Lane
Harefield
Uxbridge
UB9 6HS**

November 2025

Our Ref: 1682



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1 Introduction

- 1.1 This Design and Access Statement accompanies the submission of a Full Planning Application for permission to erect 2 dwellings on land adjacent to Chandigrah, Summerhouse Lane, Harefield, Uxbridge, UB9 6HS.
- 1.2 This application follows the granting of consent at appeal for four new dwellings on the adjacent site, to the east, under ref: 1131/APP/2023/3251 (appeal ref: APP/R5510/W/24/3341154 allowed on 21 February 2025). The four new dwellings replace the two large *sui generis* equestrian storage buildings which currently occupy the site.
- 1.3 This current application is made on the basis of planning policy relating to the limited infilling or partial or complete redevelopment of Previously Developed Land, engaging paragraph 149(g) but also engaging paragraph 155 of the National Planning Policy Framework 2021, as the site constitutes grey belt land.
- 1.4 This Design and Access Statement will demonstrate that the proposal provides a well-designed and appropriate scheme which complies with both National and Local Plan Policies.
- 1.5 This application is accompanied by the following statements:
 - a) A Landscape Visual Assessment (LVA) which demonstrates that the degree of change to the local landscape brought about by the application proposal would be low in terms of magnitude and generally beneficial in nature. There would be no conflict with local or national policies in landscape and visual terms as the site itself has townscape character.
 - b) An Arboricultural Impact Assessment (AIA) which confirms that the application is of low Arboricultural impact provided the tree protection strategy is implemented.
 - c) A Preliminary Ecological Appraisal (PEA) which found no protected species on site.
 - d) A Transport Statement (TS) which confirms that the proposal is acceptable in transport terms.
 - e) A Biodiversity Net Gain Assessment and the provision of an area of land to be used for biodiversity enhancements.

2 Assessment of the Site

2.1 Physical Context of the Site:

- 2.1.1 The application site is to the north west of Harefield centre at the end of Summerhouse Lane.
- 2.1.2 The application site is 0.17ha and comprises an area of land, a grass paddock presently disused, which is enclosed as the land to the north slopes up steeply. An area of land immediately to the north of the site of 0.18ha will be assigned to Biodiversity Net Gain.

2.1.3 The site is located immediately to the east of Chandigrah which is the last in a row of dwellings which form Belle Vue Terrace.

2.1.4 To the west of the site are the two large buildings and hardstanding will be replaced by four dwellings, as shown on the extract from the approved site plan below, the two existing buildings dotted in red:



Fig. 1 Extract showing application site outlined in red and the extant consent scheme for four new dwellings to the east

2.1.5 The site is largely surrounded by mature trees and shrubbery and is not widely visible from views outside the site.

2.1.6 An extract from the Hillingdon Council policies map and an aerial view of the site are shown below:

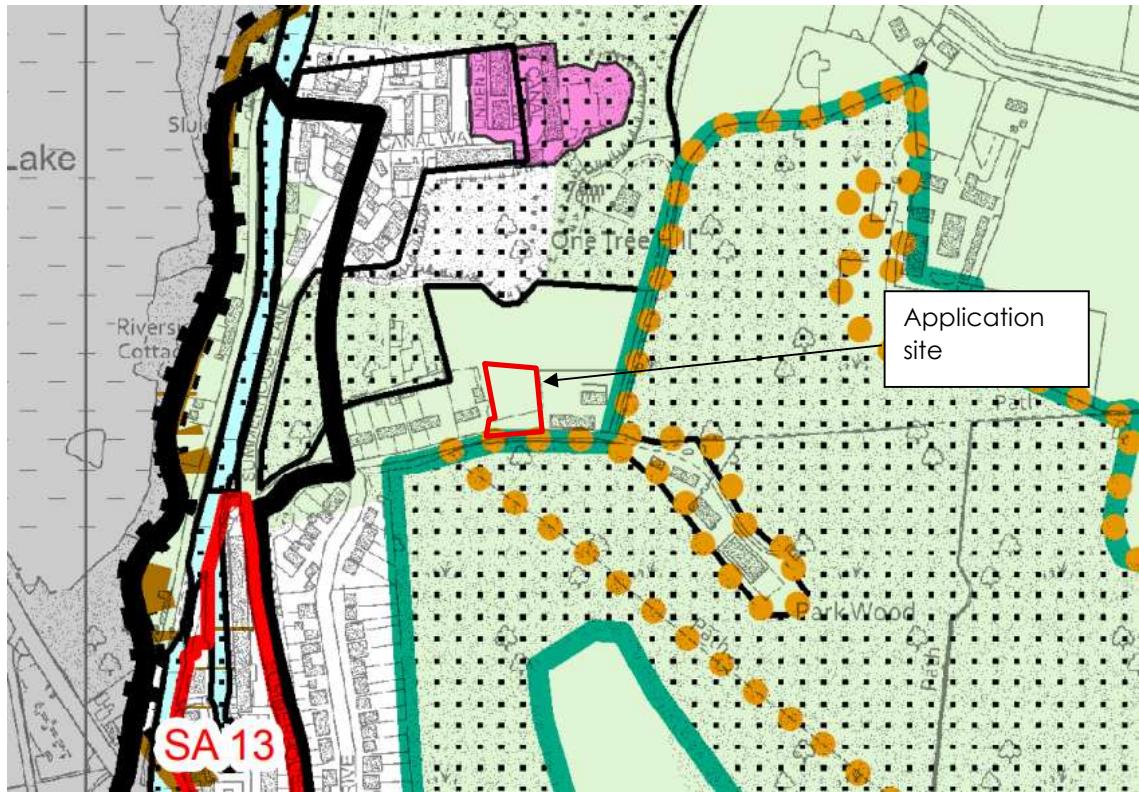


Fig.2 – Extract from London Borough of Hillingdon Local Plan Part 2 Policies Map



Fig. 3 – Aerial view of the site

2.2 Photographs of the site and the existing buildings on the adjacent site which will be demolished to allow for the four new houses consented under ref: 1131/APP/2023/3251 are shown below:



Fig. 4 – Photograph of the site from its eastern boundary lookin west showing Chandigrah and garage building in the background



Fig. 5 – Photograph of the site from its eastern boundary looking north west showing the area of land which slopes upwards to the north



Fig. 6 – View looking east across the adjacent site to the east – Barn 2 is to the right of the image and Barn 1 is to the left – both of these buildings and the hardstanding are to be removed to allow for the four consented dwellings on this site



Fig. 7 – View looking south west across the adjacent site to the east

2.2.1 The site lies within the Green Belt.

2.3 **Social Context of the Site:**

Summerhouse Lane is largely residential in nature with the dwellings at Bellevue Terrace immediately to the east of Chandigrah. The proposed development would continue the residential use of this end of Summerhouse Lane. There is very limited visibility of the site from points of public amenity and there would be no adverse effect on the amenities enjoyed by the occupants of any residential properties in the area.

2.4 **Community Involvement:**

Relevant parties will be consulted by the LPA as part of the application process.

2.5 Evaluation of Opportunities and Constraints:

The proposal seeks to provide two new dwellings on a site which is in keeping with four attractive, contemporary dwellings permitted within the generally sylvan setting granted consent on 21 February 2025 on the neighbouring site.

Other than the significant visual improvements that the scheme will provide, this constitutes a form of development which is an exception to that prohibited in the Green Belt (i.e. limited infilling) is the redevelopment of Grey Belt land, the opportunity will be taken to utilise sustainable resources, for example:

- a) Installation of a 'Whole House Ventilation System' with heat recovery and highly insulated building fabric
- b) Rainwater harvesting to supply water for garden watering and general outside use such as car washing.
- c) Extensive use of low energy lighting.
- d) A green roof.

3 Relevant Planning History of the Site

- 3.1 The site has an extensive planning history of which the Council is aware. Of particular note is the recent Certificate of Lawfulness application detailed below:
- 3.2 **1131/APP/2022/2934**
 - 3.2.1 Certificate of lawfulness under section 191 for the existing use as equestrian/equestrian storage for a period of at least 24 years prior to the date of the application.
 - 3.2.2 Certificate granted 23 January 2023. A copy of the certificate is contained at **appendix A**.
 - 3.2.3 This certificate confirms that the site is previously developed land (PDL), and that the land includes this application site, see extract from the approved site plan below, with the existing application site boundary in red dashed line. The other part of the application site was a former part of the garden to Chandigrah, so is already PDL in any case:

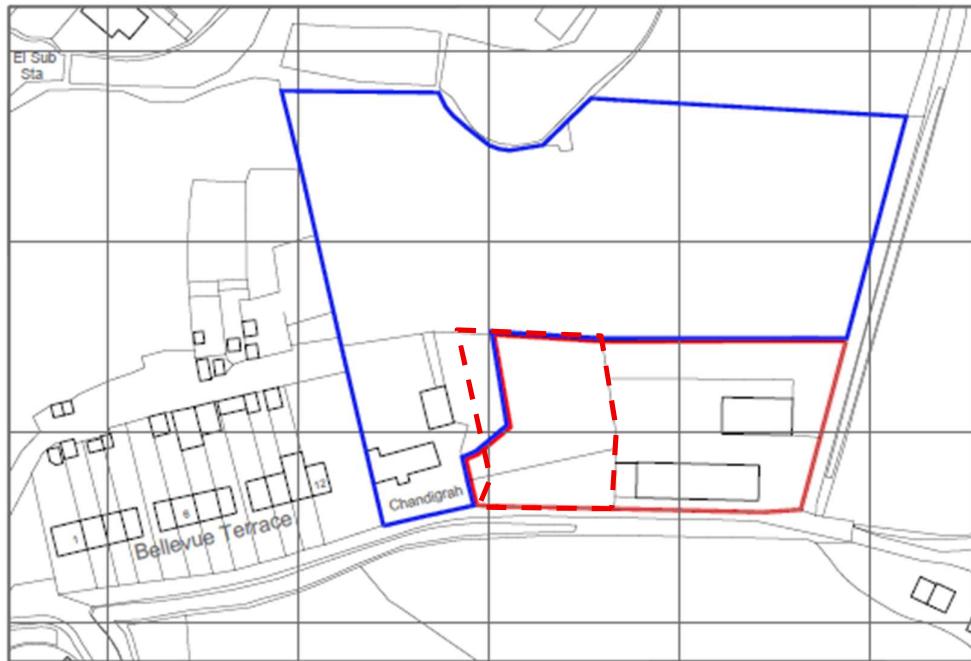


Fig. 8—Extract from drawing no: 1682/OS-01 approved CLEUD site location plan with current proposed site plan shown in dashed red outline. The site has subsequently been divided

- 3.3 The site to the east of the application site has recently gained consent for the erection of 4 dwellings following the demolition of the existing equestrian storage buildings on land adjacent to Chandigrah, as noted below:
- 3.4 **1131/APP/2022/2934**
 - 3.4.1 Erection of 4 dwellings following the demolition of the existing equestrian storage buildings on land adjacent to Chandigrah.
 - 3.4.2 The planning application was refused on 9 January 2024.
 - 3.4.3 The decision was appealed and the appeal allowed under ref: APP/R5510/W/24/3341154 on 21 February 2025. This appeal decision is contained at **Appendix B**.

4 Development of the Design

- 4.1 The application site is located between Chandigrah and the recently approved scheme for four new dwellings to replace the existing equestrian storage buildings on the site immediately to the east, under application ref: 1131/APP/2022/2934.
- 4.2 Two new dwellings are proposed on the site, taking design leaders from the scheme of four houses approved on the adjacent site.
- 4.3 The two new dwellings will continue the building line from Bellevue Terrace and Chandigrah.

4.4 It is proposed that the houses will have a green roof finished in sedum or similar. The walls will comprise timber cladding and off white render. The windows will be powder coated aluminium. The utilisation of this palette of materials complements the backdrop of the woods to the south and east of the site and increases biodiversity.

4.5 The following design leaders have informed the style of the proposed dwellings:

- The timber cladding is in a similar hue to the existing buildings to be replaced on the adjacent site
- Both Barns 1 and 2 have a utilitarian/ rural industrial appearance which has informed the flat roof design of the buildings on the adjacent site, and this design approach has been adopted for this scheme
- The mass and bulk of the proposed dwellings is similar to that approved on the adjacent site
- The dual tone wall treatment of the proposed dwellings pays deference to the materiality of the existing barns on the adjacent site.

4.6 Extracts from drawing number 1682/P-102, depicting the proposed coloured elevations for unit 1 are shown below. Both of the proposed dwellings will comprise the same materials:



Fig. 9 – Proposed south elevation – unit 1



Fig. 10 – Proposed east elevation



Fig. 11 – Proposed north elevation



Fig. 12 – Proposed west elevation

4.7 Schedule of accommodation:

The units will comprise the following accommodation:

	Ground floor	First floor
Unit 1	Kitchen/dining room; utility room; living room; family room; WC	3 double bedrooms; 1 single bedroom; two ensuites; bathroom; storage cupboards
Unit 2	Kitchen/dining/sitting room; family room; utility room; living room; WC	3 double bedrooms; 1 single bedroom; two ensuites; bathroom; storage cupboards

4.8 Enhancement of the Site:

As established previously, the site was most recently in equestrian use and has been in excess of 10 years. The existing site is unused, but was formerly used for grazing of horses. The site is located between Chandigrah and the recently approved site for four new dwellings, and therefore use of the site is both efficient and is in keeping

with the existing pattern of development. This is covered in greater detail in the Landscape and Visual Assessment by Jon Etchells Consulting.

4.9 Access and Parking:

The existing access to the site from Chandigrah will be closed up and a new safe access created to the south onto Summerhouse Lane. This is a slight modification to that approved at appeal for the four new dwellings and is located 8m further to the west. A full transport statement is submitted by Bellamy Roberts which concludes:

- Having undertaken an analysis of the local highway network, it has been demonstrated that the development would not result in an unacceptable impact on highway safety, and the residual cumulative impacts on the road would not be severe.
- The proposal would result in a negligible level of traffic generated and will be insignificant when dissipated on the local highway network.
- The scheme would provide car and cycle parking in accordance with the council's standards.
- In transport terms the proposal is acceptable.

An extract from the proposed site plan is shown below:

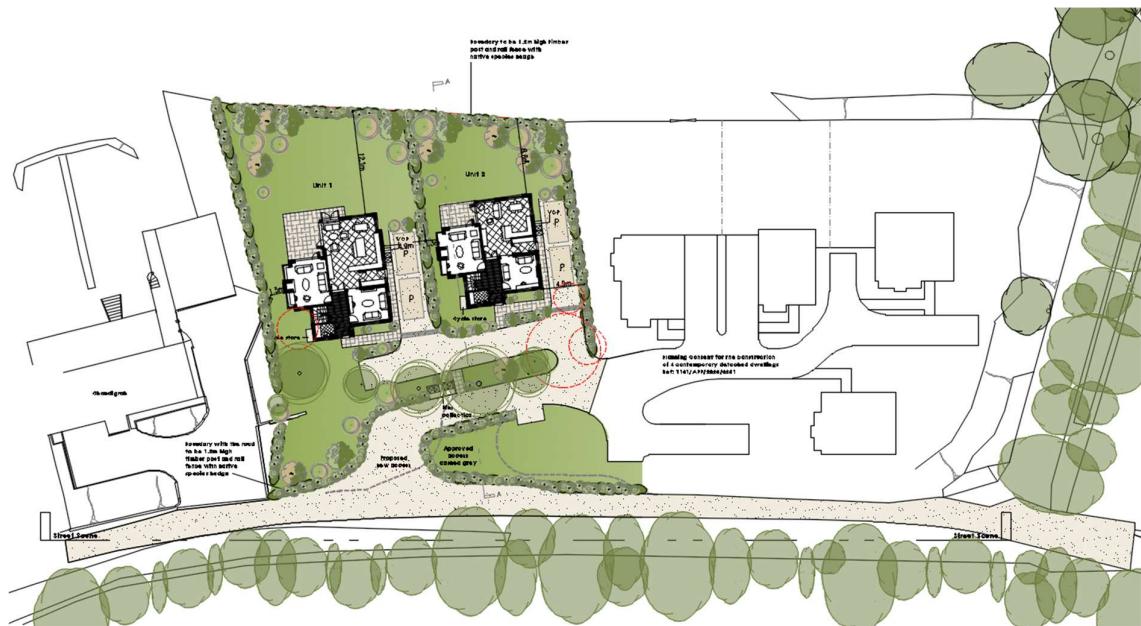


Fig.13 – Extract from the proposed site plan,
drawing number 1682/SP-101

4.10 Ecology:

A Preliminary Ecological Appraisal has been undertaken by Arbtech and a copy of the report accompanies the application. No evidence of protected species was found during the survey and the proposals can be implemented without harm to the biodiversity of the site.

4.11 **Flood Risk Assessment:**

The site is in flood risk zone 1, an area with a low probability of flooding.

5 National Planning Policy Framework

5.1 The general principle of the Planning System is dealt with in the National Planning Policy Framework 2024, hereafter referred to as the NPPF. This document sets out the basis of the plan led system to ensure sustainable development. Of particular relevance are the following:

5.1.1 Chapter 2 of the NPPF: Achieving sustainable development states “*at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection*”.

The application proposals are a form of sustainable development and will meet the needs of the present by providing two new homes in the context of a national housing shortage crisis, without compromising the ability of future generations to meet their own needs, on land which is previously developed.

5.1.2 The site is previously developed land (PDL) and any new development on this land comprises limited infilling between and existing dwelling Chandigrah and the existing built form which is to be replaced by four new dwellings allowed at appeal.

5.1.3 The site is also grey belt as it is confirmed PDL, is on a piece of land which does not contribute positively to the green belt, and is not a major development so does not need to meet the ‘golden rules’. The proposal will provide 2 new family homes (2no. 4 bed) in excess of the national space standard requirements, and built in accordance with current building regulations ensuring safe and healthy living conditions are provided for current and future generations, and towards net zero. This is explained further in 5.3 below.

5.1.4 Chapter 12 – Achieving well-designed places: The proposal adheres to Paragraphs 131–135 by contributing positively to the character of the area, reinforcing local distinctiveness, and providing architectural quality in terms of layout, form, detailing and materials as described in section 4 of this statement. The architectural details proposed are reflective of those of the four dwellings recently approved and to be built on the adjacent site. This proposal is for 2 family homes in a rural contemporary style with high quality detailing, which sit comfortably in the semi-rural environment. The new dwellings will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

5.1.5 Chapter 13 ascribes the importance of Green Belts and places great emphasis on protecting the openness of the Green Belt. The construction of new buildings in the Green Belt is deemed inappropriate with certain exceptions described at paragraph 149 which states the following:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

.....

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;

5.2 The Certificate of Lawfulness granted on 23 January 2023, planning reference 1131/APP/2022/2934, confirms that the land is in equestrian use and not agricultural land and therefore constitutes 'previously developed land' for the purposes of the NPPF - Paragraph 149 (g) is therefore engaged for the following reasons:

- The site has been confirmed as previously developed land with the issue of 1131/APP/2022/2934;
- The proposal constitutes limited infilling which is not defined in the NPPF, however, is generally accepted to include the development of a small gap in an otherwise continuous built-up frontage, or the limited infilling of small gaps within built development – the gap between the built form at Chandigrah and the four units to the east of the application site is just 44m. This size is adequate to house two more dwellings on the site;

5.3 Paragraph 155 of the NPPF stipulates that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where the following apply:

- The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

It is our view that this site is grey belt land and that its development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan
- There is a demonstrable unmet need for the type of development proposed;*

There is a national housing crisis and the provision of two additional homes in this location would be welcomed
- The development would be in a sustainable location, with particular reference to paragraphs 110 to 115 of this Framework; and*

This site is in a highly sustainable location, with a short walk to local services and public transport with good connections to London and beyond.
- Where applicable the development proposals meet the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

The proposal is not a major development and therefore the 'Golden Rules' do not apply

5.4 Paragraph 155 seeks to find additional sites for housing on land which does not contribute to the Green Belt, by bringing forward the policy on grey belt. This

application site does not contribute to the main purposes of the Green Belt, is in between the site of Chandigrah and the existing buildings which will be replaced by four new dwellings, once these are implemented. The site is a gap in developed built form and therefore constitutes limited infilling within the Green Belt, but as discussed above, the site is also legally PDL – reference: 1131/APP/2022/2934, and therefore the development of the site should be prioritised as suitable to provide housing. See **Appendix B**, a letter was sent to the Inspectorate prior to the issue of the appeal decision to explain why this site in the Green Belt should be considered as grey belt.

5.4.1 Chapter 14 - Meeting the challenge of climate change, flooding and coastal change: this chapter states “*the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*” These application proposals provide two dwellings with a fabric first thermal performance to minimise energy consumption, transitioning towards net zero.

5.4.2 Chapter 15 – Conserving and enhancing the natural environment: A Landscape and Visual Appraisal (LVA) prepared by John Etchells Consulting accompanies this planning application. The LVA notes that the Hillingdon Landscape Character Assessment regards the area as having a townscape rather than a landscape character. The LVA notes “*the development would be within a site with existing or permitted houses immediately to its east and west and would effectively fill in a gap in the existing line of development, and the site is well contained by a steep slope to the north and woodland to the south, such that the development would have very limited visibility from the surrounding area. Any views of the new dwellings on the site would be in the context of the adjoining existing or permitted dwellings*”.

6 Relevant Local and London Planning Policy

6.1 The Development Plan for the London Borough of Hillingdon currently consists of the Local Plan: Part 1 - Strategic Policies (2012), the Local Plan: Part 2 - Development Management Policies (2020) & Site Allocations and Designations (2020), the West London Waste Plan (2015) and the London Plan (2021) – many of the policies of the London Plan are duplicated in the local plan part 2. The relevant policies from each document are considered below:

6.2 **Local Plan Part 1**

6.2.1 **BE1 – Built Environment**
The proposed new dwellings are of a high quality design incorporating sustainable elements where appropriate. Each of the dwellings is provided with appropriate amenity space for the enjoyment of all future residents over the lifetime of the dwellings. The layout, form, scale and materials have all been considered during the course of the design to ensure the proposed development makes a positive contribution to the local area. Biodiversity will be enhanced with the provision of an area of open land for the use of Biodiversity Net Gain. The proposal will introduce native hedgerows, landscaped gardens and dwellings with green roofs.

6.2.2 EM2 Green Belt, Metropolitan Open Land and Green Chains

Any proposals for development in Green Belt will be assessed against national and London Plan policies. As described in paragraphs 5.4-5.6 above, the proposal does not conflict with the exceptions listed in the NPPF (para 149(g)) and therefore complies with the local plan policy requirements set out in policy EM2.

6.2.3 T1 – Accessible Local Destinations

A Transport Statement is submitted in support of this application which demonstrates appropriate access to services and amenities by public transport.

6.3 **Local Plan Part 2**6.3.1 DMHB 11 – Design of New Development

The proposal has been developed to the highest standards incorporating principles of good design. The scale of development represents a continuation of the pattern of development in this area, with each new dwelling respecting the neighbouring amenity. The adoption of a rural contemporary style has enabled the maximum ridge height to remain lower than a traditional two storey, pitch roof dwelling. The height of the proposed dwellings is only 5.9m and appear much lower in the street scene.

There is no adverse impact on amenity, daylight or sunlight of adjacent properties and open space. Provision is made for discrete bin storage adjacent to each of the dwellings with a bin collection point close to the access of the site. As described in the transport statement, refuse lorries will be able to access the development in a forward gear.

6.3.2 DMHB12 – Streets and Public Realm

An analysis of the townscape character and quality of the surrounding area has been undertaken by Jon Etchells and a copy of the Landscape and Visual Assessment is submitted in support of the application.

6.3.3 DMHB 14 – Trees and Landscaping

An arboricultural survey has been undertaken by Mark Welby, arboriculturist and a full Arboricultural Impact Assessment is submitted with this application. The report demonstrates that there will be no detrimental effect on trees of amenity value.

The LVA considers policies DMHB 12 and 14 and notes that any effects on the surrounding landscape would be generally beneficial, so there would be no harm in terms of the qualities and character of the surrounding area, and no conflict with these policies.

6.3.4 DMHB 15 – Planning for safer places

The safety and security of the proposed new dwellings has been considered in the development of the design. The layout allows for entrances in visible and safe locations which benefit from natural surveillance.

6.3.5 DMHB 16 – Housing Standards

The new dwellings comply with the guidelines set out in the nationally described space standards.

Unit	No. of beds	No. of people	GIFA (m ²)	National Space Standard (m ²)
1	4	7	209	115
2	4	7	194.2	115

All bedroom sizes and storage requirements are also in excess of the national standard.

Each of the dwellings will have a step free access.

6.3.6 DMHB 17 – Residential Density

The matrix provided in relation to this policy provides guidance as to appropriate densities although the standards will be regarded with flexibility. The total number of habitable rooms is 14 on a site of 0.14ha (including the access way resulting in a density of 100hr/ha. This is very slightly below the recommended 105-150hr/ha but is considered appropriate in this location.

6.3.7 DMHB 18 – Private Outdoor Space

As can be seen from the proposed site plan drawing 1682/P-101 (an extract of which is shown at fig. 13 above), high quality, usable amenity space is provided for each of the dwellings, well in excess of the requirements set out in the LPP2.

6.3.8 DMEI 1 – Living walls and Roofs

Although the proposal is not a major development, living roofs have been provided in order to improve biodiversity.

6.3.9 DMEI 4 – Development in the Green Belt

Inappropriate development in the Green Belt will not be permitted. As described in paragraphs 5.4-5.6 of this statement, the proposal falls within the exception noted at paragraph 149(g) of the NPPF. Furthermore, the following is noted in relation to policy DMEI 4:

- (i) The height of the proposed dwellings has been kept to a minimum by adopting a rural contemporary design style – the maximum height of the dwellings is only 5.9m.
- (ii) The proposal is only on land that is previously developed land, as confirmed by the Lawful Development Certificate, reference: 1131/APP/2022/2934.
- (iii) The visual amenity of the Green Belt is preserved and enhanced with the addition of 2 high quality family homes, adjacent to the existing dwelling Chandigrah and the four dwellings consented on the site to the east.

6.3.10 DMEI 7 – Biodiversity Protection and Enhancement

A preliminary ecological appraisal of the site has been undertaken and there are no features of biodiversity or geological value. The biodiversity of the site will be

significantly enhanced by the reduction of hardstanding and the introduction of grassed amenity areas. The green roofs will also significantly enhance biodiversity. A Biodiversity Net Gain Assessment is also submitted with this application as an area of land to the north of the site has been assigned for this purpose.

6.3.11 DMEI 10 – Water Management, Efficiency and Quality

A drainage assessment has been undertaken by Timmins Engineering Design Services and a copy of the report is submitted with the application.

6.3.12 Policies DMT 1, 2, 5 & 6 – Transport Impacts, Highways, Pedestrians, Cyclists and Parking

All these policies are addressed in the transport statement by Bellamy Roberts which accompanies this application, a summary of which is at paragraph 4.6 above. The proposal accords with each of the policies providing vehicle and cycle parking in accordance with standards, safe access to public transport and minimal impact on the surrounding road network. Space is provided in the site for the turning of refuse vehicles/fire engines.

6.4 **The London Plan 2021**

Many of the policies of the London Plan are duplicated in the Hillingdon Local Plan and have been assessed above. Others requiring consideration, are noted below:

6.4.1 Policy H2 – Small Sites

This policy promotes proposals for well-designed new homes on small sites, below 0.25ha. In accordance with the policy, the design style will diversify the type of housing supply providing much needed 4 bedroom family dwellings. Implementation of the proposals will support a small/medium size housebuilder in accordance with the aims of the policy.

6.4.2 Policy D12 – Fire Safety

A Planning Fire Safety Strategy (PFSS) Statement is submitted as one of the application documents. The safety of all building users has been considered in the development of the design.

7 Climate Change & Sustainability

7.1 The effect on climate change and the sustainability of the proposal has been considered while developing the design of the new dwellings.

7.2 Energy use will be minimised where possible. The proposed new fenestration will all be double glazed and draught proofed with trickle vents to allow fresh air to circulate naturally throughout the building and to allow polluted air out.

7.3 Low energy light bulbs will be utilised both inside and outside the dwelling. All white goods and the boiler will be A+++ rated. Smart meters will be provided to promote awareness of energy usage.

7.4 Insulation will be provided to the floors, walls and roof in accordance with the requirements of the building regulations.

7.5 Where possible, reclaimed/recycled materials will be used and sourced locally.

7.6 Any waste from the site will be removed to a licenced materials recovery facility.

- 7.7 Electric vehicle charging points will be provided adjacent to the parking areas.
- 7.8 The garden provides ample space for outdoor drying and for fruit/vegetable patches.
- 7.9 Biodiversity will be enhanced by the inclusion of green roofs and the replacement of concrete hardstanding with grassed/landscaped areas.

8 Conclusion

- 8.1 The Certificate of Lawfulness issued in January 2023 confirms that the site is 'previously developed land'.
- 8.2 The development of this site would constitute limited infilling in the Green Belt. The site is located between the existing dwelling Chandigrah and the existing buildings to the east which are consented to be replaced by four dwellings. The two new dwellings would continue the existing pattern of development.
- 8.3 It is also considered that the site is grey belt, and is therefore appropriate for the development of new homes in a national housing crisis.
- 8.4 The new dwellings would be visible from a very limited area only around the site, with the main area of partial visibility being from a short section of the Hillingdon Trail as it passes the site to the south, however, in this context, the proposed dwellings would not be discordant, as they are a visual continuation of the dwellings consented to the east.
- 8.5 The Hillingdon Landscape Character Assessment regards the site has having a townscape, rather than a landscape character, and therefore the provision of housing on this site would be consistent with the townscape character.
- 8.6 The proposed dwellings have been examined in light of other relevant Local and National Planning Policies and comply with these.
- 8.7 The proposed dwellings will be of a high-quality and have been designed to complement the site and its surroundings, respecting and enhancing both the immediate and wider setting.
- 8.8 The proposed dwellings will not overlook or impact upon the amenity of any neighbouring dwellings.
- 8.9 The proposed scheme supports several environmental measures and many sustainable elements will be incorporated in the scheme.
- 8.10 For the reasons set out above, we recommend this application to you for approval.

Michael Conoley Associates

Appendix A

Certificate of Lawfulness

1131/APP/2022/2934

Appendix B

APP/R5510/W/24/3341154

dated 21 February 2025



**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Mr Michael Conoley
Michael Conoley Associates
The Old Forge
The Green
Elstead
GU8 6DD

Application Ref: **1131/APP/2022/2934**

The Council of the London Borough of Hillingdon as the Local Planning Authority hereby certifies that the use or operation or activity, referred to below was lawful on 23rd September 2022 within the meaning of the above Act.

Description of development: Confirmation of lawful use for use as equestrian / equestrian storage
(Application for a Certificate of Lawful Development for an Existing Use).

Location of development: Chandigrah Summerhouse Lane Harefield

Date of application: 23rd September 2022

Plan Numbers: See attached Schedule of plans

The grounds for the Council's decision are listed on the attached schedule:-

Interim Director of Planning, Regeneration & Public Realm

Date: 23 January 2023

NOTES: Your attention is drawn to the attached sheet which sets out the rights of applicants who are aggrieved by the decision of the Local Planning Authority.

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 1131/APP/2022/2934

SCHEDULE

The grounds for the Council's decision are as follows:-

- 1 The existing use does not require planning permission by reason of Section 191 of the Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning Compensation Act 1991, as the Applicant has been able to demonstrate that the use described as the Description of the Development has been in existence and has been constantly used as such for a period of at least twenty four years prior to the date of this application.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council

3 North, Civic Centre, High Street, Uxbridge UB8 1UW

www.hillingdon.gov.uk

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 1131/APP/2022/2934

SCHEDULE OF PLANS

1682/OS-01 - received 20 Dec 2022

1682/S-01 - received 20 Dec 2022

Photograph - received 20 Dec 2022

Photograph - received 20 Dec 2022

Stat dec (not redacted) - received 20 Dec 2022

1682/S-06 - received 23 Sep 2022

1682/S-05 - received 23 Sep 2022

1682/S-04 - received 23 Sep 2022

1682/S-03 - received 23 Sep 2022

1682/S-02 - received 23 Sep 2022

1682/S-01 - received 23 Sep 2022

1682/OS-01 - received 23 Sep 2022

Supporting Statement, August 2022, Ref: 1682 - received 23 Sep 2022

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990

Application for Certificate of Lawfulness

Notes

If you are aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate under Sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part, you may appeal to the Department of Communities and Local Government (DCLG), under Section 195 of the Act (as amended).

Notice of appeal must be given in writing to the Planning Inspectorate, 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: - 0117 372 8428). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://www.planning-inspectorate.gov.uk>. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence, must be supplied to the Inspectorate.

You are advised to consult the brief official guide and appeals, published by the Department of Communities and Local Government (DCLG), this and appeal forms can be obtained from the Planning Inspectorate on request.

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk



Appeal Decision

Site visit made on 19 November 2024

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/R5510/W/24/3341154

Chandigrah, Summerhouse Lane, Hillingdon, Harefield UB9 6HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Belle Varna Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 1131/APP/2023/3251.
- The development proposed is described as 'Erection of 4 dwellings following the demolition of the existing equestrian storage buildings on land adjacent to Chandigrah'.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 dwellings following the demolition of the existing equestrian storage buildings on land adjacent to Chandigrah, Summerhouse Lane, Hillingdon, Harefield UB9 6HS in accordance with the terms of the application, Ref 1131/APP/2023/3251, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Bella Varna Ltd against the Council of London Borough of Hillingdon. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal, which I have taken into account. References to the Framework in this decision therefore reflect the revised Framework.
4. A set of revised plans have been submitted with the appeal. These show the window to bedroom 2 in Unit 3 to be angled away from the private amenity space of Unit 4. This change is a minor alteration to the original scheme, and I do not consider that any interested party would be unfairly prejudiced by my determination of the appeal with regard to the amended drawings.
5. The Council confirmed in its supporting information that if these plans were to be accepted, they would address their concerns and overcome the fourth reason for refusal in respect of overlooking and the living conditions of future occupiers.

Main Issues

6. In light of the above, the main issues are therefore;
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on ecological interests.

Reasons

Whether Inappropriate Development

7. The appeal site lies within the Green Belt. In accordance with national planning policy, Policy DMEI 4 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (2020) (Local Plan Part 2) sets out that within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances.
8. The Framework regards development in the Green Belt as inappropriate subject to certain exceptions. The main parties agree that the exception pertinent to this appeal is paragraph 154 g) which provides for limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
9. It is undisputed between the main parties that the lawful use of the site, as confirmed by a certificate of lawfulness of existing use or development (CLEUD), is equestrian/equestrian storage (Ref:1131/APP/2022/2934).
10. Annex 2 of the Framework provides a definition of previously developed land (PDL). This definition excludes land that is or was last occupied (my emphasis) by agricultural or forestry buildings, and states that PDL is land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
11. Therefore, where land is no longer occupied by a permanent structure or the building upon it is no longer used, but that land was last occupied by a building for an agricultural or forestry use, it will not be PDL. However, that is not the case in this instance. The land is currently occupied by permanent buildings that have changed their use from agricultural to equestrian, as established by the CLEUD. Indeed, it is uncontested that the site has been continuously used for equestrian purposes for the last 24 years.
12. As such, they can no longer be considered agricultural or for forestry and would consequently not fall within the exclusion of the definition as set out within Annex 2 of the Framework. The land is also clearly occupied by 2 permanent structures and has an extensive area of hardstanding within its curtilage. I am therefore satisfied that the appeal site constitutes PDL.

13. Turning to openness in the Green Belt, this has a spatial as well as a visual aspect. Due to the site's topography, its enclosure by trees, vegetation, and dwellings to the west, and the existing buildings and hardstanding on the site, it makes a minor contribution to the openness of the area.
14. The proposal would see all existing equestrian buildings demolished and replaced by a short cul-de-sac containing 4 contemporary detached dwellings. The appellant calculates that the proposal would reduce the overall volume and footprint of development on the site by 7.7% and 34.5% respectively, with hardstanding reduced by 35.5%. The Council does not dispute these figures, and I have no substantive reason to question them.
15. The proposal would not retain the same arrangement of built form as exists. In particular, development would extend into the north-western end of the site where hardstanding exists at present. However, the spread of the dwellings would retain areas of space between them, and none would replicate the massing of the largest equestrian building on site.
16. Vehicular movements to and from the new dwellings would be an inevitable part of everyday living. Nonetheless, I would also expect vehicles, horse boxes and transporters to be a common occurrence at a site with an existing equestrian use, causing visual intrusion to the Green Belt. The proposal would remove these, and any domesticating factors such as garden paraphernalia potentially arising from the proposed development would be offset by the reductions in both building footprints and volumes, and areas of associated existing hardstanding. Such paraphernalia and lighting would also be relatively low level and would be screened from a number of long-distance views by trees and potential landscaping.
17. I therefore find that the proposal would result in an acceptable redistribution of the built form on the site that would not cause substantial harm to the openness of the Green Belt, in both visual and spatial terms. The proposed development would thereby not be inappropriate development in the Green Belt and no conflict would arise with Local Plan Part 2 Policy DMEI 4, Policy G2 of the London Plan 2021 (London Plan) and paragraph 154 (g) of the Framework. As a result, it is therefore not necessary for me to consider the proposal against paragraph 155 of the Framework.

Character and Appearance

18. The appeal site is an irregularly shaped piece of land that sits at a lower level than the Summerhouse Lane highway and is enclosed by chain link fencing and trees. It contains 2 large, corrugated sheet roof and blockwork buildings, which along with the extensive areas of hardstanding provide the site with a robust utilitarian and industrial appearance.
19. It is located to the east of a detached house known as 'Chandigarh' and other residential dwellings on Bellevue Terrrace. There is also an area of ancient woodland (AW) directly to the east of the site and on the opposite side of Summerhouse Lane to the south. Despite the presence of the neighbouring properties, the AW, along with the trees on the site give it a predominantly verdant and sylvan backdrop and setting.

20. The submitted Landscape and Visual Assessment (LVA) sets out that the sensitivity of the site and the surrounding area has been assessed as low and that the degree of change to the local landscape brought about by the proposed development would be low in terms of magnitude and be generally beneficial in nature. The LVA goes on to state that whilst the appearance of the site itself would change significantly, the change would have limited visibility from the area around the site due to its topography, the decrease in footprint and volume of the built development and being well contained by woodland and existing neighbouring development. It concludes that there would be no harm (and in fact some localised benefits) in landscape and visual terms, and no conflict with relevant landscape-related national or local policies.
21. This is also my view. It does not mean that there would be no effect on the character and appearance of the area, as clearly, with the introduction of 4 dwellings and the loss of 17 trees in any area, there is bound to be some degree of effect. However, the submitted Tree Survey sets out that the trees to be removed are category C or U, which are low quality or should be removed in any case. The loss of these trees would also be mitigated by replacement planting around the site. This would be secured through a landscaping condition and would ensure that the verdant landscaped setting of the site is maintained.
22. Whilst the tree protection plan within the Arboricultural Impact Assessment may not accurately plot the number of trees within Group 8, the key states that this includes a group of seedlings that run around the northern edge of the site with limited life expectancy. There was nothing that I saw on my site visit that would lead me to form a different view. As such, I consider that the proposal's contemporary residential design and layout would be a visual improvement to what is currently in situ.
23. I therefore find that the proposed development would not harm the character and appearance of the area. No conflict would thereby arise with Policy BE1 of the Hillingdon Local Plan Part 1 Strategic Policies (2012) (Local Plan Part 1), Policies DMHB 11 and DMHB 14 of the Local Plan Part 2 and Policies D3 and G1 of the London Plan. These require, amongst other matters, for all development to incorporate the principles of good design, to maintain and improve the built environment and retain or enhance existing landscaping and green features through the replanting of trees on-site where trees are to be removed.

Ecological Interests

24. The adjacent AW is within Old Park Wood SSSI (SSSI). A revised Preliminary Ecology Survey (PEA) has been submitted with the appeal which identifies that no further surveys are required, and I have no substantive reason to question this. Nonetheless, the PEA recommends that Natural England (NE) be consulted on the likely risks of the proposed works due to the proximity of the SSSI.
25. I have consulted NE under my obligations under s28G(2) of the Wildlife and Countryside Act 1981 (as amended). NE has not objected to the proposal and does not view it as damaging the SSSI subject to securing a construction environmental management plan (CEMP) and giving due consideration to the potential direct and indirect impacts of the proposed development on the ancient woodland in line with their standing advice. The views of NE carry great weight, and I have no reason to disagree with this.

26. NE standing advice on AW is that a proposal should have a buffer zone of at least 15 metres from the boundary of it to avoid root damage. It is unclear whether the proposed scheme would achieve such a buffer distance, however I am mindful of the difference in levels between the site and the areas of AW. The existing buildings on the site are also in closer locations to the AW than units 3 and 4. Furthermore, the intervening Summerhouse Lane highway already separates the site from some of the AW, and NE's suggested CEMP condition includes measures to protect the trees within the AW to be submitted and approved. I see no reason why all of these factors would not safeguard the roots of the trees in the AW.
27. In light of the above, and in the absence of any substantive evidence to the contrary, I am unable to find that the proposed development would have a harmful effect on ecological interests. No conflict would therefore arise with Local Plan Part 2 Policy DMEI 7 and Policy G6 of the London Plan. These seek, amongst other things, biodiversity protection and enhancement.

Other Matters

28. Local residents' concerns in respect of highway safety are noted. However, swept path analysis drawings have been provided and the Council's Highway Authority has not raised any objections in respect of vehicular access, or manoeuvrability for refuse vehicles and emergency vehicles or vehicles during the construction process. It also did not have any concerns in respect of the number of additional vehicle movements on the local road network or pedestrian and highway safety. I have no substantive reason to disagree with any of this. Any disturbance during construction would be for a temporary period only. There is also nothing before me to suggest that the existing refuse collection arrangements for local residents could not be extended to future residents.
29. There is insufficient evidence to suggest that the site is contaminated or that the development would lead to a significantly harmful level of noise or air pollution. Nor is there any firm evidence to demonstrate that the proposal would have an unacceptable effect on biodiversity, drainage, or place an undue strain on existing infrastructure, including sewerage systems, electricity or telephone lines. Moreover, I am mindful that the Council has suggested a condition for details of sustainable water management to be submitted for its approval prior to its installation, and there is little before me to suggest that this would not provide effective mitigation. Similarly, I am satisfied that the Council's suggested conditions would provide accessible housing of an inclusive design and in compliance with Policy D7 of the London Plan.
30. Issues regarding ownership, the right of access and potential damage to Summerhouse Lane and overhead cables have also been raised. Nonetheless, these are private legal matters between the relevant parties and have not had any material bearing on my assessment of the planning issues in this appeal.
31. The planning history and outcomes of previous applications on the site have also been referred to me. However, on the evidence presented I cannot be certain that these represent direct parallels to the proposal and current circumstances. I have, in any event, determined this appeal on its merits and the evidence before me.

Conditions

32. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance: *Use of planning conditions*.
33. In addition to the statutory time limit condition, a condition specifying the relevant plans and details is necessary to provide certainty. Conditions relating to materials and landscaping, along with arboricultural protection measures, in the interests of the character and appearance of the area are also needed. However, I have reworded suggested condition 8 and omitted reference to the LVA as this does not include tree protection measures.
34. Conditions providing obscure glazing and precluding the use of flat roofs will safeguard the privacy of future residents. Furthermore, conditions are necessary to ensure that the development is accessible, adaptable, inclusive and is in the interests of sustainability. To reduce the risk of flooding a condition for the provision of sustainable water management and water efficiency scheme is also reasonable and necessary.
35. A pre-commencement condition requiring the submission of a construction management plan would minimise disturbance during the construction phase. In addition, I have attached NE's recommended condition for a CEMP in order to provide mitigation against any impact on the SSSI's features of interest during construction. However, I have included the requirement for a timetable of works to be provided. This replaces the need for suggested condition 9 which has been deleted.

Conclusion

36. For the reasons given above, having taken account of the development plan, along with all other relevant material considerations, the appeal should therefore be allowed.

Mark Caine

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing number 1682/OS-01A Site Location Plan
Drawing number 1682/S-01 Existing site plan and site location plan
Drawing number 1682/P-01A - Proposed site plan
Drawing number 1682/P-02A - Unit 1: Proposed plans and elevations
Drawing number 1682/P-03A - Unit 2: Proposed plans and elevations
Drawing number 1682/P-04A - Unit 3: Proposed plans and elevations
Drawing number 1682/P-05A - Unit 4: Proposed plans and elevations
Planning Fire Safety Strategy Statement (Ref: 1682, dated: August 2023)
- 3) No development above ground level shall take place until details of all external materials and surfaces associated with the proposed development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.
- 4) The first-floor side windows in Units 1, 2 and 3 shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from the internal finished floor level and retained thereafter.
- 5) Access to the flat roofs over the single storey elements of the dwellings hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.
- 6) Trees, hedges and shrubs shown to be retained on the approved plan(s) shall be protected during construction in accordance with the recommendations detailed in the Arboricultural Impact assessment (Reference: MW.2304.CSLH.AIA, Date: 5 October 2023, Mark Welby)
- 7) Trees, hedges and shrubs shown to be retained on the approved plan(s) 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 (or after) 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, and of a size and species to be first agreed in writing with 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 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 seasons following the completion of the development or the occupation of the buildings, whichever is the earlier.

- 8) No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100);
 - 1.b Written specification of planting and cultivation works to be undertaken;
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate;
 2. Details of Hard Landscaping
 - 2.a Refuse Storage;
 - 2.b Cycle Storage;
 - 2.c Means of enclosure/boundary treatments;
 - 2.d Car Parking Layouts (including 1 'active' and 1 'passive' electrical charging point);
 - 2.e Hard Surfacing Materials;
 3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years;
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
 4. Schedule for Implementation
Thereafter the development shall be carried out and maintained in full accordance with the approved details.
- 9) No development above ground level shall take place until details of step-free access to the proposed dwelling via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter the approved development shall be carried out in accordance with the submitted details and maintained throughout the lifetime of the development.
- 10) The dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.
- 11) The dwellings hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum 10% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
- 12) No development above ground level shall take place until a scheme for the provision of sustainable water management and water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall: (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water

discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; (ii) include a timetable for its implementation; and (iii) provide a management and maintenance plan for the lifetime of the development. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and shall: (i) provide details of water collection facilities to capture excess rainwater; (ii) provide details of how rain and grey water will be recycled and reused in the development; and (iii) provide details of how the dwelling will achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations). Thereafter the development shall be implemented and retained in accordance with these details for as long as the development remains in existence.

13) No works shall take place (including demolition, ground works, vegetation clearance, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall detail:

- The phasing of development works.
- The hours during which development works will occur.
- Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- a dust risk assessment, including means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).
- The storage of demolition/construction materials on site.

The approved CMP shall be adhered to throughout the construction period for the development.

14) No works shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:

- A timetable of works.
- Storage of construction materials, chemicals, vehicles and equipment.
- Dust suppression measures.
- Waste storage and disposal measures.

- Mitigation measures to minimise noise, visual and vibrational impacts.
- Lighting measures to ensure boundary habitats are not illuminated.
- Any necessary measures to protect nearby ancient woodland.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development.

END OF SCHEDULE