

**DELEGATED DECISION**

- Please select each of the categories that enables this application to be determined under delegated powers  
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

**APPROVAL RECOMMENDED: GENERAL** Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	<input type="checkbox"/>
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	<input type="checkbox"/>
3.	There is no Committee resolution for the enforcement action	<input type="checkbox"/>
4.	There is no effect on listed buildings or their settings	<input type="checkbox"/>
5.	The site is not in the Green Belt (but see 11 below)	<input type="checkbox"/>

**REFUSAL RECOMMENDED: GENERAL**

6.	Application is contrary to relevant planning policies/standards	<input type="checkbox"/>
7.	No petition of 20 or more signatures has been received	<input type="checkbox"/>
8.	Application has not been supported independently by a person/s	<input type="checkbox"/>
9.	The site is not in Green Belt (but see 11 below)	<input type="checkbox"/>

**RESIDENTIAL DEVELOPMENT**

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	<input type="checkbox"/>
11.	Householder application in the Green Belt	<input type="checkbox"/>

**COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT**

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	<input type="checkbox"/>
13.	Refusal of change of use from retail class A1 to any other use	<input type="checkbox"/>
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	<input type="checkbox"/>

**CERTIFICATE OF LAWFULNESS**

15.	Certificate of Lawfulness (for proposed use or Development)	<input type="checkbox"/>
16.	Certificate of Lawfulness (for existing use or Development)	<input type="checkbox"/>
17.	Certificate of Appropriate Alternative Development	<input type="checkbox"/>

**CERTIFICATE OF LAWFULNESS**

18.	ADVERTISEMENT CONSENT (excluding Hoardings)	<input type="checkbox"/>
19.	PRIOR APPROVAL APPLICATION	<input type="checkbox"/>
20.	OUT-OF-BOROUGH OBSERVATIONS	<input type="checkbox"/>
21.	CIRCULAR 18/84 APPLICATION	<input type="checkbox"/>
22.	CORPSEWOOD COVENANT APPLICATION	<input type="checkbox"/>
23.	APPROVAL OF DETAILS	<input type="checkbox"/>
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	<input type="checkbox"/>
25.	WORKS TO TREES	<input type="checkbox"/>
26.	OTHER (please specify)	<input type="checkbox"/>

**The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application**

Case Officer:

Signature:

Date:

**A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.**

Team Manager:

Signature:

Date:

**The decision notice for this application can be issued.**

**Director / Member of Senior Management Team:**

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

<b>Item No.</b>	<b>Report of the Head of Development Management and Building Control</b>	
<b>Address:</b>	SPRINGWELL FACTORY SPRINGWELL LANE HAREFIELD	
<b>Development:</b>	Change of use from Industrial (Class B2) to a Scrap Metal Yard (Sui Generis) (Retrospective application)	
<b>LBH Ref Nos:</b>	<b>35376/APP/2024/282</b>	
<b>Drawing Nos:</b>	100 P2 101 P2 Heritage Statement	
<b>Date Plans received:</b>	28-02-24	<b>Date(s) of Amendments(s):</b>
<b>Date Application valid</b>	28-02-24	

## 1. SUMMARY

The application proposes to change of use from Industrial (Class B2) to a Scrap Metal Yard (Sui Generis).

This submission has not demonstrated that the proposed development is acceptable in terms of impact on the Metropolitan Green Belt, or the surrounding area in terms of noise and disturbance. Additionally, the site is located within Flood Risk zone 3 and no Flood Risk Assessment has been submitted. Furthermore, it has not been demonstrated that there would be a risk of contamination to nearby waterways from the development. No information has been submitted on Air Quality and the potential risk of the development to nearby neighbouring residents.

It has also been noted that the site is strategically located for wildlife with the site in close proximity to the River Colne, Springwell Reed Beds Nature Conservation Site of Metropolitan and the Borough Grade I Importance and the Colne Valley Regional Park. No Ecology Report has been submitted and given the proximity of the site to these important nature sites, it has not been demonstrated that the works would cause harm to local wildlife.

On ground highlighted above, the proposal would fail to comply with Local Plan, London Plan and National Plan policies and is therefore recommended for refusal.

The proposal is unacceptable on several grounds and such recommended for refusal.

## 2. RECOMMENDATION

**REFUSAL** for the following reasons:

1. NON2 Harm to Green Belt

The proposal represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the development which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt and the visual amenities of the street scene, contrary to the Section 13 of the National Planning Policy Framework (NPPF), Policy G2 of the London Plan, Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies and Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## 2. NON2 Impact of Noise

The proposed development would result in harm to surrounding area with specific reference to noise including the natural environment. In the absence of a noise assessment, the proposal fail to comply with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policy D14 of the London Plan (2021) requires proposals to avoid significant adverse noise impacts on quality of life, and minimise and mitigate potential adverse noise effects and Paragraph 191 of the NPPF (2023).

## 3. NON2 Air Quality

It has not been demonstrated that the proposed development would not cause unacceptable adverse impacts arising from dust and deteriorating air quality resulting in significant harm to the living conditions and well-being of neighbouring residents. The proposal thereby conflicts with Paragraph 191 of the NPPF (2023), Policy SI 1 of the London Plan (2021), Policies BE1 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policies DMEI 14 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

## 4. NON2 Flood Risk and Drainage

Insufficient information has been provided regarding the risk and effects of drainage and flooding at the site. The proposal is therefore contrary to Policy DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies SI 12 and SI 13 of the London Plan (2021) and the National Planning Policy Framework (2021).

## 5. NON2 Risk to Controlled Waters

The proposed development is not supported by any appropriate risk assessment, and it has not been demonstrated that the risk to controlled waters are acceptable or can be appropriately managed. It fails to meet the requirements set out in Paragraphs 180 and 189 of the National Planning Policy Framework (NPPF 2023). Furthermore, the planning application is contrary to Policy DMEI 11 (Protection of Ground Water Resource) and Policy DMEI12 (Development of Land Affected by Contamination) of the Hillingdon Local Plan Part 2: Development Management Policies (Adopted January 2020) and Policy SI5 of the London Plan (2021).

## 6. NON2 Harm to Local Wildlife

The application is not accompanied by an appropriate Ecology Report in order to assess the impact on the surrounding biodiversity. The proposed use has the potential to disturb local wildlife and insufficient information has therefore been provided to determine the impact of the proposals on ecology. The proposals are therefore considered to be contrary to Policy EM7 (Biodiversity and

Geological conservation) of the Local Plan: Part 1 - Strategic Policies (2012), Policy DMEI6, DMEI7 and Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy G6 of the London Plan (2021).

## **INFORMATIVES**

### **1. I71 LBH worked applicant in a positive & proactive (Refusing)**

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a) We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site comprises approximately 974sqm of land located to the north of Springwell Lane. The application site was originally part of a larger site encompassing approximately 2.64ha. The site is located close to Springwell Local and is located between the River Colne to the west and the Grand Union Canal to the east. To the northwest is Stocker Lane, whilst to the southwest runs Springwell Lane. To the south of the site is existing industrial buildings forming part of a glassworks company. The site has since been subdivided and the northern part, subject site, is now being used as a scrap metal yard.

The site falls within the Springwell Lock Conservation Area and the Metropolitan Green Belt. Other local designations include the Springwell Reed Beds Nature Conservation Site of Metropolitan or Borough Grade I Importance and the Colne Valley Regional Park.

The site lies in flood zone 3 and the functional floodplain of the River Colne.

The Springwell Lock section of the Canal Locks Conservation Area is not as intensively developed as the Coppermill Lock section, but has pockets of industrial use separated by open land. The main concentration of residential buildings is towards the southern end of the area, on the east side of the canal.

### **3.2 Proposed Scheme**

Planning permission is sought for the change of use from Industrial (Class B2) to a Scrap Metal Yard (Sui Generis). The use has commenced and the application is retrospective.

### **3.3 Relevant Planning History**

35376/APP/2020/3275      SPRINGWELL FACTORY SPRINGWELL LANE HAREFIELD  
Redevelopment of the site to provide 40 residential units with associated car parking and landscaping (Outline application with all matters reserved).

**Decision:** 12-05-2022      Withdrawn (P)

ENF/68/24

Removal of trees from the Springwell Lock Conservation Area

**Decision:**                      No Further  
   Action(P)

ENF/556/23

Use use of land for scrap metal dealer/waste transfer

**Decision:**

35376/A/85/1996              SPRINGWELL FACTORY SPRINGWELL LANE RICKMANSWORTH

Private/public utilities -boiler room,lifts etc(P)

**Decision:** 04-02-1986      Approval

### **Comment on Planning History**

The relevant planning history is listed above.

## **4. Advertisement and Site Notice**

4.1      Advertisement Expiry Date: **6th June 2024**

4.2      Site Notice Expiry Date:      Not applicable

## **5. Comments on Public Consult**

Three neighbouring properties were consulted by letter on the 05.03.2024. The application was advertised in the press and by site notice on the 15-05-2024.

A total of 110 comments/representations were received from members of the public raising a wide range of concerns and issues with the application put forward.

The objections can be summarised below:

1. Inappropriate development in terms of the Greenbelt and the Conservation Area;
2. Noise from the proposal - constant noise throughout the day from the business and lorries etc.. Impact on the residents, environment and wildlife from this noise. Peace and Quiet of the countryside lost with this use.
3. Impact on road structure with quantity and weight of vehicles, the highway not suitable for large heavy vehicles; impact on the safety of other vehicles and pedestrian users
4. Risk of pollution from contaminated metals, waste spillages from oil into nearby river given its proximity

5. Incorrect information on application form - development is closer to the river, the site is close or within designated sites or close to sites with protected priority species
6. Biodiversity/Ecological impacts; Impact on local wildlife - Protected species including birds, protected bats, wild animals, wild flowers, rivers and many more.
7. Close to River Colne and Stockers Lake which is a SSSI
8. No Flood Risk Assessment - in an area which is Flood Risk 3 and as such significant issues of concern
9. No details of foul sewage
10. Location within a Drinking Water Protected area
11. Increased fly tipping since scrap metal yard has existed
12. Enforcement Action needed on the site.

Herts and Middlesex Wildlife Trust -

Object to planning application because of the likely significant harm to biodiversity

- Mental recycling facility/scrap yard is entirely inappropriate use in such a sensitive location;
- Potential for pollution of air, soil and water, particularly given close proximity of the River Colne, which would be exacerbated in any flood event;
- Noise disturbance has already been reported by users of The Aquadrome and canal boat users, and noise pollution may also have a negative impact on wildlife in the surrounding area
- No justification for the development and inaccurate details in the application form

Colne Valley Regional Park Trust -

- Significant impact on River Colne in terms of pollution potential and impact on local biodiversity
- Insufficient information on risk that the development has on River and its environs

Ridge House and Lock Cottages Residents:

- Object to the planning application
- Impact on Green Belt, Flood Risk, Traffic and Parking

Springwell Residents and Conservation Association: A letter was received from the Association who raised concerns on the use with no evidence of a B2 use granted since 1992. The Association seek a refusal on the following ground - Inappropriate Development in Conservation Area; Inappropriate development in the Green Belt, Inappropriate development adjacent to a protected natural habitat, Noise, Increased traffic, parking, Environmental Contamination, Inaccuracies on the planning application

Friends of Stockers Lake: There has been 18 months of noise next to a nationally important nature reserve for wild fowl. Stocker's Lake is one of the few lakes between Watford and Uxbridge where birds are given 24 hour, 7 days peace from human interaction. This is a disregard for the bigger environmental picture. There have been oil spillage on the access track to the scrapyards which proximity to the River Colne is a significant concern and a potential environmental disaster. The floodlighting in winter is definitely not good for winter wildfowl birds nor is it conducive to the local bat population. There are no benefits only costs to this application. The size of the Lorry's turning into and out of the access track to the site cause a danger to anyone driving or walking along the track.

Officers Comments: The concerns raised from the objectors regarding inaccuracies on the application form are noted and the assessment below deals specifically with the planning concerns raised which include impact on greenbelt, environmental, conservation area, noise, traffic and wildlife biodiversity..

## INTERNAL CONSULTEE COMMENTS

Conservation Officer: No objection to the impact on the wider conservation area. In essence the factory site seems to have been developed post WW2 and appears on 1962 OS map for the first time. Prior to this it was open land opposite the mineral water works. It is currently an industrial site surrounded by a great deal of vegetation and the buildings are not of any particular interest. The northern end seems to have been used as a scrap yard. The change of use from outside storage area to scrap yard area probably has a relatively low impact on the character of the area. In terms of heritage wise, the change of use from industrial to scrapyard would not be significantly detrimental to the conservation area to warrant a refusal on this grounds.

Access Officer - The details of this retrospective Change of Use application have been reviewed with no accessibility matters to raise as part of the Development Control process. However, the following informative should be attached to any grant of planning permission: The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

Highways Officer - The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Management Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and Policies T4 and T6 of the London Plan (2021).

Land Contamination Officer - No objection Having consider the nature of the proposed development and the applicant submitted supportive information, please be advise that we have no objection in relation to the application on land contamination.However, the following land contamination informative is recommend for the planning application if approved.

### Contamination Informative

There is a possibility there may be some contaminating substances in the ground at the site. Our contaminated land record shows the site to be on a former contaminated land use identified as Works (Various) as well as within 250m of a landfill buffer.

We would advise persons working on site to take basic precautions in relation to any contamination they may find.

REASON:You are advised this development is on a former contaminated land use identified as Works (Various) as well as within 250m of a landfill buffer. Therefore, the above advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site is done should there be any contamination identified during the development where there is a need, for ground work once such works are complete to minimise risk to the occupants of the site.

## EXTERNAL CONSULTEE COMMENTS

Environment Agency - Based on the review of the submitted information, we object to this application and recommend that retrospective planning permission is refused:

1. Lack of Flood Risk Assessment. The application lies within Flood Zone 3. Paragraph 173 of the

NPPF states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission. Granting planning permission before overcoming this objection would be contrary to paragraph 173 of the NPPF, Paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the Planning Practice Guidance, Policy SI 12 (Flood Risk Management) of The London Plan 2021, and Policy DMEI 9 (Management Of Flood Risk) of the Hillingdon Local Plan Part 2: Development Management Policies.

2. We object to this retrospective planning application, as submitted, because the applicant has not provided adequate information to demonstrate that the risks posed to groundwater resources can be satisfactorily managed. We recommend that retrospective planning permission is refused on this basis.

Canal and River Trust - The main issues relevant to the Trust as statutory consultee on this application are:

- a. Noise.
- b. Drainage

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that additional information and suitably worded conditions are necessary to address these matters

Affinity Water - Object to the application due to the proposed use within an SPZ1. This use has the potential to cause ground contamination and the submitted documents do not address this concern. As the neighbouring landowner who owns the site known as Stockers Lake and as the owner of the access track that serves the property within the application, we have strong objections to the proposal;

- No apparent Authorised Treatment
- No apparent Authorised Treatment Facility licenses for End of Life Vehicles
- Adjacent to the River Colne (which their application doesn't seem to mention)
- Within a Water Source Protection Zone
- Affinity Water own the Access Track - the applicant has no Rights to park on this track
- No provision for Foul Drainage
- Their website suggests they recycle batteries and vehicles and other high contaminant potential materials
- Located within Flood Zone 3
- The adjacent Stockers Lake site is a Nature Reserve

The application has not recognised or addressed important ecological receptors adjacent to the application

site, including priority habitats and European Protected Species (EPS), which are likely to be impacted by the

proposed activities. The application form incorrectly states that the proposal is not within 20m of a watercourse and that there is no reasonable likelihood of protected or priority species, or important habitats being adversely affected by the proposal. The application site boundary is within 10m of the River Colne, a priority habitat chalk stream which forms part of Stockers Lake LNR. Priority habitat deciduous woodland also surrounds the application site. The banks of the adjacent River Colne, and the banks of Springwell Lake and Stockers Lake within the LNR, contain water voles which are a EPS. Given the application is for a mechanical and metal recycling site and will

comprise the operational use of heavy plant processing 5000 tonnes/year of municipal

## 6. Local Plan Designation and London Plan

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

### Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM4	(2012) Open Space and Informal Recreation
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.HE1	(2012) Heritage

### Part 2 Policies:

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 5	Development in Green Chains
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 4	Conservation Areas
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DME 2	Employment Uses Outside of Designated Sites
LPP E4	(2021) Land for industry, logistics and services to support London's economic function

LPP E7	(2021) Industrial intensification, co-location and substitution
LPP SI5	(2021) Water infrastructure
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D8	(2021) Public realm
LPP G1	(2021) Green infrastructure
LPP G2	(2021) London's Green Belt
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP H5	(2021) Threshold approach to applications
LPP S4	(2021) Play and informal recreation
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI4	(2021) Managing heat risk
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T6	(2021) Car parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF11 -23	NPPF11 23 - Making effective use of land
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF13 -23	NPPF13 23 - Protecting Green Belt land
NPPF15 -23	NPPF15 23 - Conserving and enhancing the natural environment
NPPF16 -23	NPPF16 23 - Conserving and enhancing the historic environment
NPPF2 -23	NPPF2 2023 - Achieving sustainable development
NPPF8 -23	NPPF8 23 - Promoting healthy and safe communities

In addition: Development Plan

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

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)  
The West London Waste Plan (2015)  
The London Plan (2021)

#### Material Considerations

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

## 7. MAIN PLANNING ISSUES

### 7.1 Impact on the amenities of the occupiers of neighbouring residential properties

London Plan (2021) Policy D3 seeks to optimise design capacity through a design-led approach. Among other considerations, this also requires new development to 'achieve safe, secure and inclusive environments' and 'help prevent or mitigate the impacts of noise and poor air quality'.

London Plan (2021) Policy D14, in part, requires development proposals to mitigate and minimise 'the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses'.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development should not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

The main impact of the development on neighbouring amenity is noise and disturbance from the scrap metal yard.

Paragraph 191 of the NPPF (2023) states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy D14 of the London Plan (2021) requires proposals to avoid significant adverse noise impacts on quality of life, and minimise and mitigate potential adverse noise effects.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) seeks to ensure that noise generating development adequately control and mitigate noise impacts.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

requires new development to avoid adverse impacts on the amenity, noise, daylight and sunlight of adjacent property and open space.

The nearest residential properties to the site are located 87m south at Willow Court. The Heritage Statement states that the operating hours of the site are Monday - Friday 7am - 6pm (machinery not operational until 9am and Saturday 9am - 2pm). Whilst the nearest residential properties are located some distance from the application site, there are significant concerns in terms of the operational use of the site and ability to result in significant noise and disturbance to users of the canal and surrounding area.

The Canal and River Trust have commented on the application and have stated that the waterways are prized for their tranquillity, recreational and amenity value and in accordance with Paragraph 191 of the NPPF (2023), it is important to ensure that such areas are protected. Although the site is set back from the canal there are long-term moorings along this stretch and there is the potential for adverse noise impacts from the proposed use.

However, a noise assessment has not been included with the submission. It is therefore difficult to fully assess the likely impacts on the waterway or its users or determine if any mitigation measures are required. The submission refers to the installation of a 2m high boundary fence though no further details are provided and it is not clear if this is proposed to provide an acoustic barrier.

Whilst it is acknowledged that the site forms part of a wider Class B2 use, a scrap metal yard is sui-generis and the nature of the operation differs significantly from the approved B2 use. There would be noise which is additional to that associated with the remainder of the B2 use such as intermittent bangs, crashes and cascades of loose material dropped from a height onto other metal or into trucks.

Taking the above into consideration, given the tranquil location of the surrounding area, together with the nature of the use, the proposed development would result in harm to surrounding area with specific reference to noise. In the absence of a noise assessment, the proposal fail to comply with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policy D14 of the London Plan (2021) requires proposals to avoid significant adverse noise impacts on quality of life, and minimise and mitigate potential adverse noise effects and Paragraph 191 of the NPPF (2023).

## **7.2 Impact on Street Scene**

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

The application site is located in the Springwell Lock Conservation Area. Policy DMHB 4 states that new development, including including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

- A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.
- B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.
- C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

Supporting paragraph 5.15 states that planning applications for development in Conservation Areas should be supported by a Heritage Statement. The submitted Heritage Statement lacks any specific details in terms of the impact of the development on the surrounding Conservation Area.

The Planning (Listed Buildings and Conservations Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions, and in relation to Conservation Areas, special attention must be paid to the desirability of preserving or enhancing the character and appearance of that area'.

Paragraph 203 of the NPPF (2023) states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF (2023) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Although the existing site is classified under Class B2 use, current B2 activities are primarily confined within existing industrial buildings. Historically, the northern area of these industrial buildings has been used for car storage. The proposed use as a scrap metal yard, along with the addition of shipping containers, mechanical grabbers, an office, and metal storage, would differ from its historical use however the Conservation Officer has not objected on the impact to the wider conservation area. This is largely due to the previous use on the site as a B2 industrial use. The proposal includes the erection of a 2-meter high profile metal boundary fence along the site's perimeter. Whilst the harm to the conservation area would not be significant, further assessment must be taken on the scheme impact on the wider Greenbelt. This is assessed within the other issues section below.

Whilst the proposed development would be visible from the River Colne and surrounding pathways, from a heritage perspective, it would have a neutral impact on the character and appearance of the conservation area. As such, the proposal would comply with to the Planning (Listed Buildings and

Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework 2023, Policies D8 and HC1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan Part One 2012 and Policies DMHB 11, DMHB 12 and DMHB 1 of the Hillingdon Local Plan: Part Two 2020.

### **7.3 Traffic Impact/Pedestrian Safety**

The application site is located in the far northern segment of the borough off Springwell Lane (adopted highway) in Harefield. This is a semi-rural location devoid of footways/parking controls and the address is bounded by the Grand Union Canal/River Colne and Stokers Lake.

Retrospective planning permission is sought for a change of use from an industrial B2 use class to a 'Sui Generis' scrap metal operation. Informal on-site parking is evident and would remain served by an established vehicular access without proposed alteration.

The site fails to register a public transport accessibility level (PTAL) rating which therefore encourages near total dependency on the use of private motor transport to and from the address.

The applicant states that the site operates Monday to Friday - 7am to 6pm & Saturday - 9am to 2pm. Approximately 30 two-way 'scrap metal' van delivery movements per day are stated by the applicant thereafter with 12 two-way attendance per week by larger vehicles (HGV's) for the purpose of onward distribution to specialist recycling facilities. Low-key tyre recycling is also part of the business model.

Although no specific comparative data has been produced for the 'current' B2 Industrial use, the Highway Authority considers that the informal on-plot parking demand is likely to remain broadly comparable to the previous industrial use, but the associated 'net' daily vehicular activity related to the proposal may produce a marginal increase. Notwithstanding this point, the presented activity data would not be expected to measurably impact the already overall low base-line traffic flows evident within this locality and would therefore continue to be relatively absorbable in generation terms and can be accommodated within the local road network without notable detriment to traffic congestion and road safety. There are no further observations.

Whilst the comments received from the public consultation regarding the larger vehicles impacting on the highway network and highway safety, the Highway's Officer is satisfied that the scheme would not be sufficiently different from the previous use. The Highway's Officer has raised no objections or concerns to Highway Safety in this instance.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Management Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and Policies T4 and T6 of the London Plan (2021).

### **7.4 Carparking & Layout**

Please refer to section on 'Traffic Impact/Pedestrian Safety'.

### **7.5 Urban Design, Access and Security Considerations**

Please refer to 'Impact on Street Scene'.

### **7.6 Other Issues**

#### **PRINCIPLE OF DEVELOPMENT**

The site is located within the Green Belt where national, regional and local policy and legislation is clear in stating that new development should be largely resisted other than when exceptional circumstances are provided.

Paragraph 152 of the NPPF (2023) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF (2023) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF (2023) confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In terms of Local Policy, Policy DMEI 4 states that:

- A) Inappropriate development in Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances;
- B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:
  - i) the height and bulk of the existing building on the site;
  - ii) the proportion of the site that is already developed;
  - iii) the footprint, distribution and character of the existing buildings on the site;
  - iv) the relationship of the proposal with any development on the site that is to be retained; and
  - v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

The application proposes a change of use from Industrial (Class B2) to a Scrap Metal Yard (Sui Generis).

The proposed Site Plan indicates that the site will accommodate a:

- Tipping area;
- Mechanical grabber;
- 3 no. shipping containers;
- Office;

- Covered storage;
- Container;
- Tyre storage

The application lacks detailed information regarding elevations and floor plans. Nevertheless, the proposed use of the site as a scrap metal yard does not align with the exceptions outlined in Paragraph 154 of the NPPF (2023). Although the site was originally part of a larger Class B2 area, historic aerial imagery reveals that this specific section has been used for car storage. The proposed addition of shipping containers, metal storage, and office and the operational nature of a scrap metal yard would intensify the site usage.

The inherent nature of a scrap metal yard implies a significant accumulation of scrap metal at any given time, which would materially impact the openness of the Green Belt. Additionally, the proposal includes the erection a 2m high profile metal fence surrounding the site boundary. The proposal would significantly alter the landscape, making it noticeably from the surrounding area and changing the site's character. The construction of an office and siting of shipping containers would introduce new built forms into an undeveloped part of the site. This, combined with the site's intensified use, would further diminish the openness of the Green Belt.

The proposal is therefore considered unacceptable. The proposal represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance. In this regard, there are no special circumstances which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt and the visual amenities of the street scene, contrary to the National Planning Policy Framework (NPPF), Policy G2 of the London Plan (2021), Policies EM2 and BE1 of the Hillingdon Local Plan: Part One - Strategic Policies and Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## AIR QUALITY

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2021) seeks to ensure development does not cause deterioration in local air quality levels.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires new development to avoid adverse impacts on the amenity, noise, daylight and sunlight of adjacent property and open space.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to protect air quality from deterioration throughout the Borough. Policy DMEI states that:

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.

In addition, under the Environmental Protection Act 1990, dust nuisance, if it is a regular problem which is substantially affecting resident's health or well-being, or interfering with the use and enjoyment of homes, is considered a statutory nuisance. The proposed development has the potential to generate high risk of nuisance to the nearby residents during its operation phase, particularly given the nature of the use and accompanying transport traffic. The applicant has not

provided sufficient information on the following:

- a) Impacts of transportation of stored materials on local residential areas, no cumulative assessment of the total vehicle movements (both cars, vans and lorries) with other existing activities in the vicinity of the site was undertaken.
- b) Plans and measures to mitigate fugitive emissions likely to originate from the application site during operation through a Dust Management Plan;

No cumulative assessment was undertaken to ascertain the impact of having construction vehicles coming in and out of the application site (this includes both traffic emissions and fugitive emissions due to track out). In addition, no air quality assessment of the impacts on local air quality and premises of fugitive emissions from within the site was submitted to the LA for evaluation.

In conclusion, there is a lack of information to ascertain the level of dust nuisance to nearby residential areas and the mitigation to be deployed at receptors most likely to be affected by the operation of the development due to traffic exhaust emissions and dust. In the absence of this information, it is considered that permission should be refused on air quality grounds.

## FLOOD RISK AND DRAINAGE

The site lies in flood zone 3 and the functional floodplain of the River Colne.

Paragraph 173 of the NPPF (2023) states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Policy DMEI of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequence of flooding will be refused.

In the absence of an acceptable Flood Risk Assessment, the proposed development has failed to demonstrate that the development is safe without increasing risk elsewhere. The Environment Agency has been consulted on the application and have objected on this basis. The EA have stated that a FRA is vital to making informed planning decisions and in its absence, it is unknown what the development's impact would be on the wider area in terms of flood risk. On this basis and given the location within flood zone 3 with a functional floodplain in the area, it would not be reasonable to secure these details by condition.

The Canal and River Trust have commented on the application states that the application indicates that surface water drainage would be to the mains system though no further details have been provided. The drainage methods of new development can have a significant impact on the water

quality and the biodiversity of waterways. Whilst the site is setback from the canal it adjoins watercourses which are hydrologically linked to the Grand Union canal. In the absence of further details, no information has been submitted to ensure that no contaminants enter the canal from surface water drainage.

Taking the above into consideration, insufficient information has been provided regarding the risk and effects of drainage and flooding at the site. The proposal is therefore contrary to Policy DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies SI 12 and SI 13 of the London Plan (2021) and the National Planning Policy Framework (2021).

## GROUND WATER RESOURCES

Policy DMEI 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development within a Source Protection Zone, Safeguard Zone, or Water Protection Zone must assess any risk to groundwater resources and demonstrate that these would be protected throughout construction and operational phases of development.

The previous industrial use and current scrap metal yard use of the site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

The Council's Contamination Officer has no comments on the application however, the Environment Agency have commented on this application and have stated that controlled waters are particularly sensitive in this location as:

- The site is located within a groundwater Source Protection Zone 1 (SPZ1). Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.
- The site is underlain by a Principal Bedrock Aquifer (Chalk).
- The site is underlain by a Secondary A Superficial Aquifer (Alluvium).
- The site is located within a Water Framework Directive (WFD) Groundwater water body with "Poor" chemical classification (Mid-Chilterns Chalk GB40601G601200).

The current use of the site for storage of scrap metals is potentially contaminative and may be a detriment to the groundwater quality. The nature of the material (hazardous, non-hazardous etc) being stored on site has not yet been characterised.

The EA have objected to the proposal. The proposed development is not supported by any appropriate risk assessment, it fails to meet the requirements set out in Paragraphs 180 and 189 of the National Planning Policy Framework (NPPF). Furthermore, the planning application is contrary to Policy DMEI 11 (Protection of Ground Water Resource) and Policy DMEI12 (Development of Land Affected by Contamination) of the Hillingdon Local Plan Part 2: Development Management Policies (Adopted January 2020). As such the applicant has not demonstrated that the risks to controlled waters are acceptable or can be appropriately managed.

In addition, the Thames River Basin Management Plan (RBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal could cause deterioration of a water quality element and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body. Therefore, the submitted proposal does not demonstrate that WFD requirements have been taken into account.

## BIODIVERSITY

The application site is located adjacent to the Stockers Lane Local Nature Reserve and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) is therefore relevant.

Policy DMEI 7 states that:

A) The design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on-site. Where development is constrained and cannot provide high quality biodiversity enhancements on-site, then appropriate contributions will be sought to deliver off-site improvements through a legal agreement.

B) If development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

C) All development alongside, or that benefits from a frontage on to a main river or the Grand Union Canal will be expected to contribute to additional biodiversity improvements.

D) Proposals that result in significant harm to biodiversity which cannot be avoided, mitigated, or, as a last resort, compensated for, will normally be refused.

Policy G6 of the London Plan (2021) states that:

A Sites of Importance for Nature Conservation (SINCs) should be protected.

B Boroughs, in developing Development Plans, should:

- 1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
- 2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
- 3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans
- 4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context
- 5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.

C Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

- 1) avoid damaging the significant ecological features of the site
- 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
- 3) deliver off-site compensation of better biodiversity value.

D Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

E Proposals which reduce deficiencies in access to nature should be considered positively.

Situated within the Colne Valley Regional Park, Springwell Lake is situated to the south-east and Stockers Lake to the north, with the Grand Union Canal a short distance away to the east.

The site lies within the Springwell Lock Conservation Area, a designation which protects all trees with a stem diameter of >75mm. It is also located adjacent to two Local Nature Reserves immediately to the north and south of the site. It is within the Metropolitan Green Belt and also

within the Colne Valley regional park.

The application is not accompanied by an appropriate Ecology Report in order to assess the impact on the surrounding biodiversity. The proposed use has the potential to disturb local wildlife and insufficient information has therefore been provided to determine the impact of the proposals on ecology. The proposals are therefore considered to be contrary to Policy EM7 (Biodiversity and Geological conservation) of the Local Plan: Part 1 - Strategic Policies (2012), Policy DMHB 7 and Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy G6 of the London Plan (2021).

## BIODIVERSITY NET GAIN

The Biodiversity Net Gain (BNG) requirement mandates that the biodiversity value post-development must exceed the pre-development value by at least 10%, and this gain must be sustained for at least 30 years. This legal requirement is usually secured through Section 106 agreements or conservation covenants.

3 ways developers achieve this

- They can create biodiversity on-site (within the red line boundary of a development site).
- If developers cannot achieve all of their BNG on-site, they can deliver the gain through a mixture of on-site and off-site efforts. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market.
- If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.

There are a number of exemptions to BNG requirements. If the application was submitted before the 12 Feb 2024 for a major application or before the 2nd April for all other applications, the BNG requirements are not applicable. The proposed application was submitted on the 5th February prior to the change in legislation and as such BNG would not be required.

## CONCLUSION

Overall the scheme proposed is considered contrary to both local, London Plan and National Plan policies on a number of grounds including the principle (Greenbelt), Noise concerns, Flood Risk and contamination of waterways, Air Quality and impact on the local wildlife. As such, Officer's have recommended the application for refusal.

## 8. Reference Documents

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The London Plan (2021)
- The National Planning Policy Framework (NPPF) (2023)

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