

## Report of the Head of Planning & Enforcement Services

**Address** BRUNEL UNIVERSITY KINGSTON LANE HILLINGDON

**Development:** Variation of condition 7 of planning permission ref. 532/APP/2001/1858 to allow a temporary change of opening times to include bank holidays and extend opening hours to 11pm Monday to Sunday for the period 4th June to 5th June 2012 and 20th July to 11th August 2012 (Provision of replacement sports pitches (including new synthetic playing surfaces, erection of floodlighting, boundary fences and storage building, together with associated parking and access improvements (site 3)

**LBH Ref Nos:** 532/APP/2012/607

**Drawing Nos:** BUSP-OW-00-SIT-003 Rev. A  
BUSP-OW-00-SIT-004 Rev. A  
Letter from applicant dated 1 May 2012  
Vehicle Count Register  
Appleyards Consulting - Floodlighting Survey Rev. 1 (dated August 2012)

**Date Plans Received:** 14/03/2012

**Date(s) of Amendment(s):**

**Date Application Valid:** 15/03/2012

### 1. SUMMARY

The application seeks to temporarily vary condition 7 of planning permission (Ref. 532/APP/2001/1858) concerning the hours of operation of the sports pitches.

The variation is a temporary variation only to permit opening times to include public holidays and extend opening hours to 11pm Monday to Sunday for the period 4th June to 5th June 2012 and 20th July to 11th August 2012 for the purposes of serving a national Olympic Team based at Brunel University for the event and its run up.

Given the sought relaxation in condition 7 is proposed for a very limited calendar period time and to serve a unique one off event (the Olympics) that will not be repeated in a lifetime it is not considered the variation is unacceptable. Whilst there is no evidence to suggest the variation will result in an unacceptable degree of noise or light pollution to neighbours these issues should they arise can be closely monitored and inform the local planning authority in any future more permanent proposals that may subsequently be made to extend the hours. As such the application is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 NONSC Hours of Use

The facilities hereby approved shall not be used except between 07:30 hours and 23:00 hours Mondays to Sundays for the periods of 04th June 2012 - 05th June 2012 and 20th July 2012 to 11th August 2012.

From the 12th August 2012 the facilities hereby approved shall not be used except between 07:30 hours and 21:00 hours Mondays to Saturdays, 08:00 to 18:00 hours

Sundays and at no time on Bank Holidays.

**REASON**

To protect the residential amenities of adjoining residents in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**2 NONSC Landscape Retention**

Trees, hedges and shrubs shown to be retained on the original approved scheme (532/APP/2001/1858) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority (LPA).

Any trees, hedges and shrubs being severely damaged during construction, seriously diseased or dying shall be replaced by one of a size and species to be agreed in writing with the LPA.

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 LPA. New planting should comply with EIS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) Recommendations for Tree Work and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Such work or planting shall be completed within 8 months of the commencement of the development or such period as agreed in writing by the LPA.

**REASON**

To safeguard the amenities of the area.

**3 NONSC Traffic Arrangements**

The roads, sight lines at road junctions and parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed prior to the commencement of the use of the synthetic hockey pitch and multi games area, thereafter permanently retained and used for no other purpose.

**REASON**

To ensure that adequate facilities are provided.

**4 NONSC No Additional Floodlighting**

No floodlighting or other form of external lighting (including security lighting) shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources, intensity of illumination and shielding to eliminate vertical and horizontal light spillage. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

**Reason**

To protect the visual amenity of the Green Belt, the residential amenities of surrounding residents and the ecology of The Grove Nature Reserve.

**5 NONSC Floodlighting use**

The floodlights hereby approved shall only be used for those specific facilities in use at any time.

## REASON

To protect the visual amenity of the Green Belt, the residential amenities of surrounding residents and the ecology of The Grove Nature Reserve.

### **6 NONSC Hedgerow maintenance**

The hedgerow along the site boundary shall be maintained at a minimum height of 2,4 metres. Any gaps which occur shall be filled with replacement planting of similar size and species or other boundary screening as agreed by the Local Planning Authority.

## REASON

To protect the visual amenity of the Green Belt, the residential amenities in surrounding residents and the ecology of The Grove Nature Reserve.

## INFORMATIVES

### **1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

Brunel University comprises a total of approximately 70 ha (170 acres). The Campus is split between five sites, with the majority of built development on Sites 1 and 2. Intensive sporting facilities are provided on Site 3 while Site 5 consists of playing fields.

The Campus consists of a series of buildings of varying heights and footprints and is identified as a major developed Green Belt site in the Unitary Development Plan Saved policies (September 2007).

### **3.2 Proposed Scheme**

The original approved scheme concerned the provision at Site 3 of Brunel University of replacement sports pitches including new synthetic playing surfaces, the erection of floodlighting, boundary fences and storage building, together with associated parking and access improvements. Condition 7 limited the hours of operation. The scheme would for a temporary period permit opening times to 11pm Monday to Sunday for the periods of 4th

June to 5th June 2012 (to include public holidays) and 20th July to 11th August 2012 for the purposes of serving a national Olympic Team based at Brunel University for the event and its run up.

### 3.3 Relevant Planning History

532/APP/2001/1858 Brunel University, Site 3 Kingston Lane Hillingdon

PROVISION OF REPLACEMENT SPORTS PITCHES (INCLUDING NEW SYNTHETIC PLAYING SURFACES), ERECTION OF FLOODLIGHTING, BOUNDARY FENCES AND STORAGE BUILDING, TOGETHER WITH ASSOCIATED PARKING AND ACCESS IMPROVEMENTS (SITE 3)

**Decision:** 15-10-2002 Approved

#### Comment on Relevant Planning History

There is an extensive planning history to the wider Brunel University site however of relevance to this application is only the original 15 October 2010 approval (Ref. 532/APP/2001/1858) to which this application seeks to vary condition 7.

## 4. Planning Policies and Standards

### UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.
- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OE1 Protection of the character and amenities of surrounding properties and the local area
- AM7 Consideration of traffic generated by proposed developments.

## 5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

42 neighbours were consulted and 1 response was received raising the following:

- no objection to this temporary extension of opening hours, provided it does not become permanent and is not allowed to be the pre-cursor for some other alteration or development
- the site already causes major disruption both day and evening throughout the week including

weekends, both in noise and light pollution from the whole site.

Cleveland Road Residents Association, Robinwood Grove Residents Association and Cleveland Road Neighbourhood Watch were also consulted but no responses have been received.

### **Internal Consultees**

Environmental Protection Unit:

I have reviewed this proposal and EPU would support the temporary variation to the hours of use in this instance. Should there be issues of noise arising from these temporary extended opening hours this can be monitored to inform any future possible proposals to extend hours on a more permanent basis.

## **7. MAIN PLANNING ISSUES**

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

The principle of the development was established with the original approved scheme to which this application seeks to vary a condition to the approved scheme. There has been no substantive change to policy or guidance in respect of the sports pitches since the 2002 approval. There is no objection in principle subject to the variation in hours of operation not raising any amenity issues to neighbours.

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

Not applicable to this application.

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

Not applicable to this application to vary a condition on hours of operation.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Given the existing activity on the site and the extended hours of use are for a temporary period to serve a one off event it is not considered the scheme will have any adverse impact on the Green Belt.

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

The scheme will involve no physical alterations to the sport pitches or the associated in situ flood lighting, accordingly it is not considered the scheme will have any material impact on the character and appearance of the area.

### **7.08 Impact on neighbours**

Accompanying the application is a floodlight survey report that has assessed the existing flood lighting. For the report the lighting level from the flood lights was measured around the perimeter of the sports park, and just beyond the perimeter. The results were then reviewed against current legislature, design guidelines, approved codes of practice (ACOP) and other generally accepted principles of good practice. The Report concludes the lighting levels (i.e. illuminance), measured on site in 2010 were deemed to be in accordance with codes of practice and general good practice and have had no environmental impact on the surrounding land or a social impact to the local residents. Against this background and with the opportunity to monitor any greater impact the later hours of lighting may have on the site with this temporary permission it is not considered the variation of hours should be refused on light pollution grounds

The extension of opening hours is to serve the international Olympic teams and their support staff and the facilities during this period will not be open to the general public. Accordingly the scheme will reduce the total numbers of people using the facility during this period and as such is not considered will give rise to other adverse impact in terms of

traffic movement and general disturbance to neighbours.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The variation of hours is for a temporary period in respect of the forthcoming Olympics. The users of the facilities for this period will be Olympic athletes and this support staff who will reside on the campus and with general public excluded from use of the sports pitches during this temporary period it is not considered the scheme will have any increased impact on traffic volumes to/from the site.

**7.11 Urban design, access and security**

Not applicable to this application restricted to varying a condition on the hours of operation to the sport pitches.

**7.12 Disabled access**

The application will have no impact to disabled access arrangement to the site.

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

Not applicable to this application.

**7.14 Trees, landscaping and Ecology**

Not applicable to this application.

**7.15 Sustainable waste management**

Not applicable to this application.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

The issue of potential light pollution

**7.19 Comments on Public Consultations**

The 1 public response on the scheme not objecting is noted and issues with respect to the site as a whole are noted but are not material to this scheme.

**7.20 Planning obligations**

None.

**7.21 Expediency of enforcement action**

Not applicable.

**7.22 Other Issues**

None

**8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The

specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

#### **9. Observations of the Director of Finance**

None

#### **10. CONCLUSION**

The variation of opening hours is not considered to have any negative impact assessed against Green Belt Policies. In terms of adverse amenity impact to neighbour there is not considered to be any issues based on the information supporting the application. Should any issues arise these can be monitored with the temporary permission to inform any possible future permanent extension of opening hours.

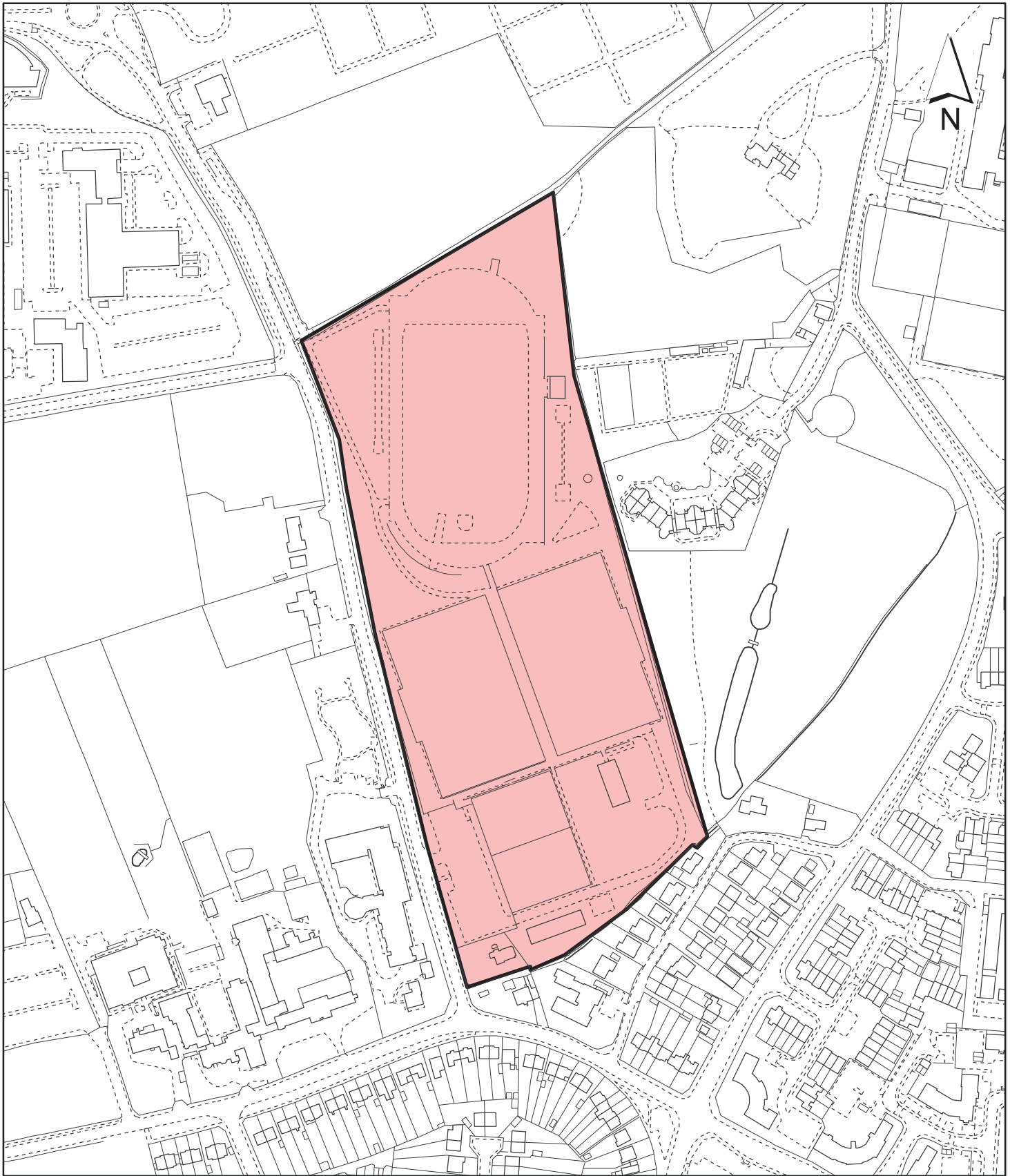
The scheme is considered to comply with Policies OL1 and OE1 of the Saved Policies of the Unitary Development Plan (September 2007) and as such is recommended for approval.

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

National Planning Policy Framework (March 2012)

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

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**LONDON BOROUGH  
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& Community Services

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Telephone No.: Uxbridge 250111

Planning Application Ref:

**532/APP/2012/607**

Scale

**1:3,000**

Planning Committee

**Central and South**

Date

**May  
2012**



**HILLINGDON**  
LONDON