

Report of the Head of Planning & Enforcement Services

Address 18 DUCKS HILL ROAD NORTHWOOD

Development: Erection of a detached golf training facility (Class D2 use - assembly and leisure.)

LBH Ref Nos: 272/APP/2010/2564

Drawing Nos: 166-A12 Rev. P4
166-A16 Rev. P4
166-A20 Rev. P4
166-A24 Rev. P4
166-A11 Rev. P5
166-A15 Rev. P4
166-A19 Rev. P4
166-A23 Rev. P4
166-A13 Rev. P4
166-A17 Rev. P4
166-A21 Rev. P4
Design and Access Statement
166-A01 Rev. P5
166-A14 Rev. P4
166-A18 Rev. P4
166-A22 Rev. P4
Tree Report
166-A34 Rev. P1
166-A35 Rev. P1
166-A36 Rev. P1
166-A37 Rev. P1

Date Plans Received: 04/11/2010

Date(s) of Amendment(s):

Date Application Valid: 22/11/2010

1. SUMMARY

Planning permission is sought for the erection of an outdoor training golf pod. The proposed leisure facility is consistent with those acceptable uses in the Green Belt and therefore no very special circumstances need to be demonstrated.

The proposal is not considered to harm the residential amenities of nearby residents, subject to appropriate planning conditions. However, it has not been possible to assess the effects of the proposal on the character and visual amenities of the Green Belt, as the applicant has failed to carry out a sufficient landscape and visual impact assessment.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

In the absence of a landscape and visual impact assessment, the Local Planning Authority has been unable to assess the proposal in terms of its impact on the landscape and visual amenities of the Green Belt and the legally protected trees. The proposal is therefore considered to be detrimental to the visual amenity and open character of the

Green Belt, contrary to policies OL2, OL15 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and PPG2: Green Belts.

INFORMATIVES

1 152 **Compulsory Informative (1)**

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

2 153 **Compulsory Informative (2)**

The decision to REFUSE 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
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
OL15	Protection of Countryside Conservation Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
PPG2	Green Belts
LPP 7.16	(2011) Green Belt

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The Riverside Club is a multi-sports and health complex within extensive landscaped grounds. There is a large essentially single storey building sited on the north western boundary of the site (main pavilion), with a large car park to the front accommodating 200 spaces, the access to which is obtained from the A4180 Ducks Hill Road, to the south of the former Park Farm buildings. There are outdoor tennis courts on the south east side of the building, with a small lake in front.

The site is adjoined to the north west by the grounds of Mount Vernon Hospital, to the north by the grounds of the Northwood Cricket Club, to the east and south east by residential development fronting Ducks Hill Road and Cygnet Close and to the west by open farm land.

The site is within a Countryside Conservation Area and forms part of the Metropolitan Green Belt, as do the adjoining hospital and cricket grounds and open farm land to the west and north, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of an outdoor training golf pod located to the south of the main pavilion building between the existing playing fields and surrounding trees, involving the loss of a Rowan Tree. The structure comprises a grassed area some 40m by 40m in size, surrounded by high impact nets on 3 sides and a lightweight construction building/fence on the remaining side. The safety net will be supported by 16 triangular steel frames some 15m high. The proposed building would be located to the south of the nets. It would measure some 48m long and 9.3m wide, and comprise timber elevations on 3 sides with an open frontage facing the nets. The building would be 4m high rising to 5.5m high, and finished with a metal sheeting mono-pitched roof. 5 no. floodlights are proposed on the roof edge facing the nets.

The building will be divided into 11 compartments consisting of reception/shop, and 4no. enclosed and 6no. open Pro Golf Bays. Part of the building would be set on concrete slabs.

3.3 Relevant Planning History

272/DL/93/1539

Park Farm Ducks Hill Road Northwood

Demolition of existing buildings and erection of a 11,938 sq. metres indoor tennis centre with ancillary sports and restaurant facilities, and outside tennis courts

Decision: 09-01-1995 DOE

Appeal: 09-01-1995 Allowed

Comment on Relevant Planning History

The application site has an extensive planning history, particularly in regards to the Health Club development. That development was the subject of a legal agreement dated 15th June 1994, to secure the landscape management of land to the South and North East (pond) of the Health Centre and a public footpath.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
OL15	Protection of Countryside Conservation Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
PPG2	Green Belts
LPP 7.16	(2011) Green Belt

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

23 adjoining owner/occupiers have been consulted. 18 letters of objection and a petition with 23 signatories opposing the scheme have been received, making the following comments:

- (i) The existing parking spaces are insufficient for the existing facility. Additional parking should be provided for this use;
- (ii) There are other Golf facilities within the locality of the application site. There is no need for yet another driving range;
- (iii) The proposal will increase traffic congestion on Ducks Hill Road;
- (iv) The trees must not be affected by the development. These trees (T2-5) were planted in accordance with the conditions of the original permission for the centre;
- (v) The proposal would result in an increase in noise and disturbance to occupiers of Cygnet Close;
- (vi) The proposed structure will be visible from Cygnet Close;
- (vii) The proposal is not appropriate in the Green Belt;
- (viii) The proposal would detract from the immediate area; and
- (ix) The floodlights would cause light pollution to nearby residential properties in Cygnet Close.

Northwood Residents' Association:

OL5: 3.14: This development is on green belt land. It will have a detrimental effect upon the environment and generate more traffic to and from the site.

OL 7: proposals for golf development should be on derelict or degraded green belt land. This site is would be degraded by further development.

Traffic and Danger: The access road is near a busy junction and the increased traffic would have a detrimental impact on road safety.

Nick Hurd MP:

I am writing on behalf of a number of constituents who are concerned over the above planning application.

As you are no doubt aware, the proposed commercial development of the Training Golf Pod is on Green Belt Land. This application, therefore, does not comply with the Borough's Green Belt Planning Policy in its UDP. Although the proposed facility is small, I feel that if this application is passed it will create a dangerous precedent for the future.

There will also be a problem with parking as they are already insufficient parking facilities at the Riverside Club, especially for disabled drivers. It is hoped that an Officer could assess these problems as the amount to traffic that uses Ducks Hill Road, especially in the peak hours, means that it is not viable to expect people to park outside the premises.

I, therefore, wish to lodge my objection to this planning application.

Internal Consultees

Trees/Landscape:

From memory, the legal agreement for the (Tennis Centre) development of this site restricts the

use of the open land, which is also subject to a management plan (also required by the agreement). You may want to refer to the permission and the associated legal agreement for the Tennis Centre (allowed after a public enquiry - 'called-in'), as this application may not comply with them.

In any case, the proposal will harm the visual amenity and affect the openness of the Green Belt, because the facility and support structures will be outside the belts of immature tree/shrub planting/screening near to the building and tennis courts, and because no landscaping is proposed as part of this scheme.

Access:

As the information provided does not show sufficient detail to allow detailed observations to be made, the following comments are provided to allow for suitable planning conditions to be applied to any grant of planning permission.

1. Part of the reception desk should be provided at a height of 750-800mm. An assisted listening device, i.e. infra-red or induction loop system, should be fitted to serve all reception areas.
2. Internal door widths should provide a minimum clear opening width of 800mm to facilitate adequate access for wheelchair users. Internal doors should also have 300mm unobstructed space to the side of the leading edge.
3. The proposed plan does not currently include any WC provision for disabled people and, if customer toilets are to be provided, at least one accessible unisex toilet is required.
4. The accessible toilet should be signed either "Accessible WC" or "Unisex". Alternatively, the use of the "wheelchair" symbol and the words "Ladies" and "Gentlemen" or "Unisex" would be acceptable.
5. Consideration should be given to ensure that arrangements exist to provide adequate means of escape for all, including wheelchair users. Fire exits should incorporate a suitably level threshold and should open onto a suitably level area.
6. Advice from a suitably qualified Fire Safety Officer concerning emergency egress for disabled people should be sought at an early stage.

Recommended Informatives

7. Provisions that ensure equal participation by disabled people should be fully considered, and no assumptions should be made in terms of disabled peoples ability to participate in golfing activities.
8. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.
9. Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur.
10. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

Conclusion: Acceptable, subject to suitable conditions to secure the above provisions.

Environmental Protection Unit:

Original comments:

I write further to my memo of 13th January 2011 and in the contents of the email response from Mr Szarek dated 14th March 2011. I do not wish to object to this proposal.

I am providing further comments in the context that the applicant has not sourced a quantified noise impact assessment for the use proposed at this location and the noise sources remain as per those identified in my initial memo:

- Impact noise from club on ball
- Possible use of machinery to collect balls at the end of use

I will summarise the mitigation indicated to me in respect of these two noise sources having given the applicant opportunity to address them.

1. Impact noise from club on ball:

A combination of separation distance, orientation and sound insulation materials incorporated in the golf pod structures is proposed by the applicant to address any concerns over the propagation of airborne sound from this source being audible at the nearest residential buildings. I would recommend that this be controlled by the following suggested conditions:

The premises shall not be used outside the hours of 0900 hrs and 2100 hrs on any day.

Reason: To safeguard the amenity of surrounding areas.

Condition 2

The development shall not begin until a noise protection scheme which specifies the provisions to be made for the control of airborne noise transmission to neighbouring dwellings has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

Reason: To safeguard the amenity of surrounding areas.

2. Ball collection methodology

I have viewed the proposed methodology for ball collection about which I raised concerns about whether any noise would be generated by a mechanised collection arrangement. I note the proposed Polypikka EGM Single or Dual hand operated collector, which not being motorised would be suitable to be used during any approved operating hours as part of the aforementioned noise protection scheme.

3. Lighting

Floodlights are proposed at low level and directed towards an area with no dwellings. I would recommend a suitable condition to seek prior approval of floodlighting specifications before first use:

Condition 3

Details of external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and illumination. No floodlighting or other external lighting should be installed without the prior written approval of the Local Planning Authority.

REASON To ensure the safety and security of occupants while safeguarding the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan.

Construction site informative is recommended.

Highways:

The site is accessed from a privately owned access road in a green land area on the western part of Ducks Hill Road close to its junction with Rickmansworth Road which is a Main Distributory Road.

The site is an existing Health and Racquets club, with a total area of approximately 315000 m2, accommodating a number of indoor and outdoor sports facilities as well as restaurant, bar and Lounge with total of 224 vehicle parking space including five disabled parking spaces.

Parking and cycling arrangements are not clearly shown in submitted plans except the planning application, indicating that the site is currently benefiting from 224 vehicle parking spaces. However, there is no proposal for secured cycle parking. Policy AM9 (iii) of the UDP refers to the Council's Cycle parking standard contained in the Annex 1. The London Borough of Hillingdon UDP (adopted 1998) saved policies, 27th September 2007, for a total area of 114.6m2, including A1 and D2 requires 8 Cycle parking spaces based on 1 space per 25m2 for A1 and 1 space per 15 square meters for D2 of similar use.

Consequently no objection is raised on the highways and transportation aspect of the development subject to the applicant providing the following:-

(i) Details and Proposed location of secure and covered 8 Cycle parking spaces including staff shower and changing facilities.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Planning Policy Guidance Note 2: Green Belts (PPG2) states that the construction of new buildings, within the Green Belt is inappropriate unless it is for a number of specified purposes, which includes essential facilities for outside sport and recreation. PPG2 also makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The guidance adds that such circumstances will not exist unless the harm is clearly outweighed by other considerations and that it is for the applicant to show why permission should be granted.

This PPG2 advice is reflected in Policy OL1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) which states that the local planning authority will not grant planning permission for new buildings other than for purposes essential for and associated with the uses specified, which includes open-air recreational facilities.

The proposed golf training pod is an outdoor recreational facility that falls within the same use as the existing leisure centre. As such, it would be ancillary to the use of the premises for sports and leisure uses and is therefore an acceptable use in the Green Belt. Therefore very special circumstances do not need to be demonstrated.

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.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Policy OL4 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) states that the replacement or extension of buildings within the Green Belt will only be permitted if:

- i. The development would not result in any disproportionate change in the bulk or character of the original building;
- ii. The development would not significantly increase the built-up appearance of the site;
- iii. Having regard to the character of the surrounding area, the development would not injure the visual amenities of the Green Belt by reason of siting, materials, design, traffic or activities generated.

It is considered that the proposal would increase the built up appearance of the site and without a comprehensive landscape visual impact assessment to demonstrate that the proposal will not have an adverse impact on the landscape and visual amenities of the Green Belt, it is considered that the proposal will injure the visual amenities of the Green Belt. In particular, there is no 'proposed site location plan' that shows the proposed development set against the existing land levels/contour, and adjacent to the existing buildings/facilities and the legally protected landscaped areas.

The applicant was advised of the above and submitted additional information comprising a series of plans showing the proposed facilities superimposed on photographs. However, this was not considered to be sufficient to assess the impact of the proposal on the Green Belt.

It is important to note that the original permission for a multi-sports and leisure centre was supported by a landscape visual impact assessment which clearly demonstrated the impacts of the proposal on the Green Belt. Given this and that the original permission was approved subject to a legal agreement to provide landscape improvements and management of the site, there is a need for the applicant to clearly demonstrate that the proposal will not have a detrimental impact on the landscape and visual amenities of the site and the immediate area.

In the absence of a sufficient landscape and visual impact assessment, the Local Planning Authority consider the proposal unacceptable in terms of its impact on the character and visual amenities of the Green Belt, contrary to policies OL4 and OL15 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.06 Environmental Impact

The main environmental issues are considered to be noise and light pollution.

The applicant has advised that the proposed golf pod will be located approximately 200m from the nearest dwellings in Cygnet Close. In addition, its orientation means that any noise from club hitting a ball will need to 'travel' from the pod towards the existing health club buildings and then reflect back and travel 280m towards the houses in Cygnet Close, during which, the noise will disperse.

Additionally, the pod structure will be located well below existing buildings. As the angle of noise hitting the existing elevation will be identical to the angle of noise reflected, the great majority of the echo will pass well above neighbouring dwellings.

Regarding the ball collection machines, due to a relatively small area, it is proposed to use the 'Polypikka' EGM Single or Dual Hand Operated Collector. As this machine has no engine it should not make any noticeable noise.

At present there are a number of outdoor sports facilities at the Esporta Riverside health club. These include football pitch, basketball and a number of tennis courts. There have been no noise complaints from the residents of nearby properties.

The issues were considered by the Environmental Protection Officer, who concluded that subject to conditions to restrict the operation hours of the Pod and the submission of a noise protection scheme, the proposal would not result in a significant increase in noise and disturbance over and above the current use of the facility for sports and leisure purposes.

The proposed ball collector will not be motorised and the positions of the low level floodlights are such that they will not result in light pollution.

It is therefore considered that subject to the suggested conditions, the proposal would comply with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.07 Impact on the character & appearance of the area

These issues have been covered in Section 7.05.

7.08 Impact on neighbours

As stated above, the proposed structure would be some 200m from the nearest residential properties in Cygnet Close. Subject to the conditions recommended by the Environmental Protection Officer, it is not considered that the proposal would harm residential amenity to a significant degree to support a refusal of planning permission on this ground.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The concerns regarding insufficient parking and additional congestion are noted. However, the proposed golf training pod is ancillary to the use of the centre for leisure and recreational purposes. As such, no additional parking spaces are required under the parking standards in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

These issues have been covered in Section 7.05.

7.12 Disabled access

With regards to access, the Council's Access Officer has raised no objections to the proposal subject to conditions.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The application is accompanied by a Tree Report which assesses the trees that may be affected by the proposed development. Of these trees, T6, a Rowan tree, has been identified to be felled as it is of low amenity value.

However, the Trees/Landscape Officer has been unable to fully assess the impact of the proposal on these trees and on the effects of the proposal on the immediate landscape area, and to ascertain whether suitable landscape mitigation is required under Policy OL2

of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), as the applicant has failed to carry out a suitable landscape and visual impact assessment. As such, the proposal is contrary to policies OL2, OL15 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

These issues have been covered in Section 7.06.

7.19 Comments on Public Consultations

Point (ii) is not a material planning consideration. The remaining points are addressed in the report.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

There are no other relevant issues.

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

10. CONCLUSION

For the reasons outlined above and that the proposal would fail to comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for refusal.

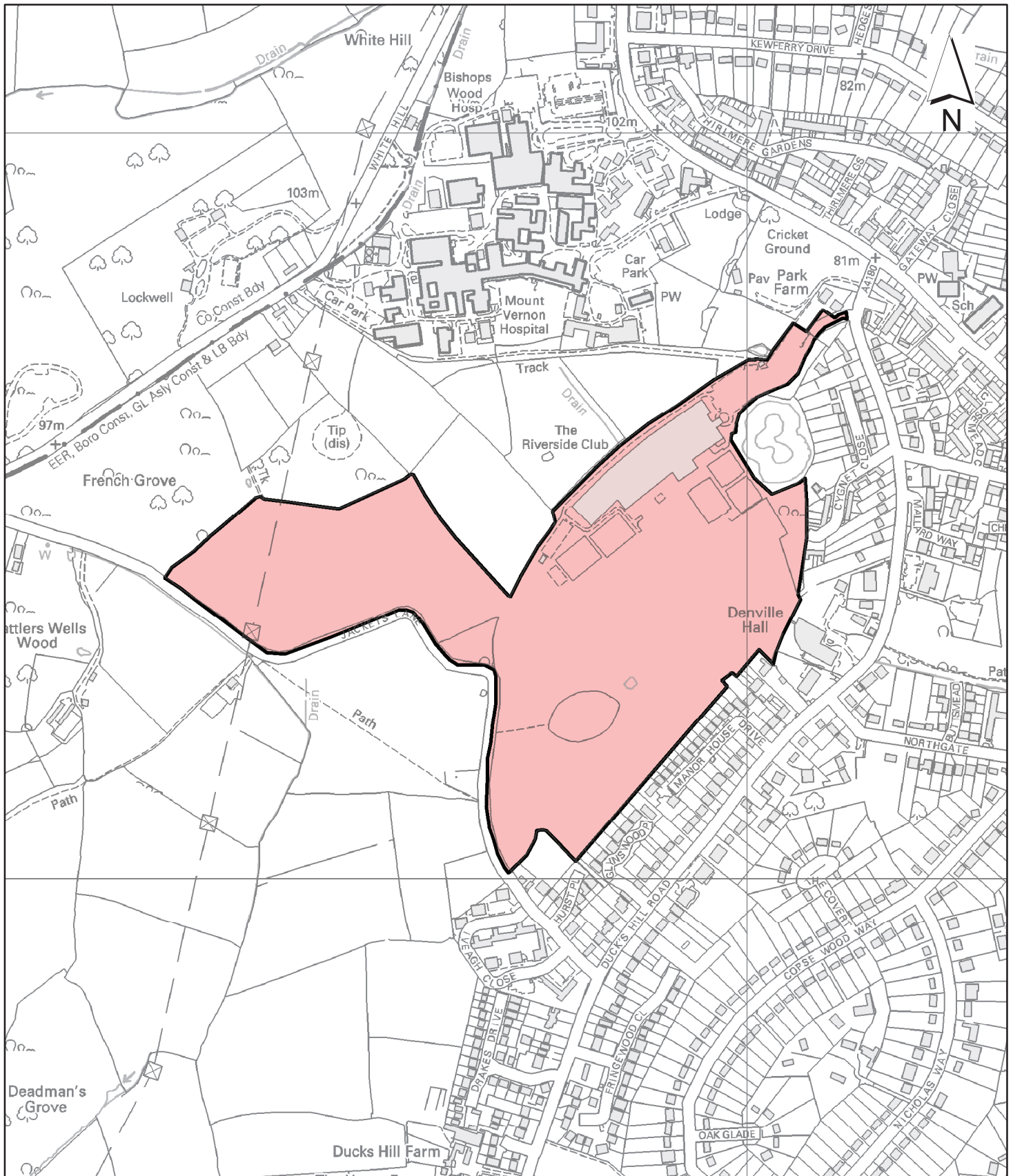
11. Reference Documents

PPG2

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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Notes

 Site boundary

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Site Address

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Planning Application Ref:
272/APP/2010/2564

Scale
1:7,000

Planning Committee
North

Date
**December
 2011**



HILLINGDON
 LONDON