

Report of the Head of Planning, Sport and Green Spaces

Address MIDDLESEX STADIUM BREAKSPEAR ROAD RUISLIP

Development: Installation of parking area to rear of site

LBH Ref Nos: 18443/APP/2015/3181

Drawing Nos: 263/001 Rev A

Date Plans Received: 21/08/2015

Date(s) of Amendment(s):

Date Application Valid: 04/09/2015

1. SUMMARY

The application seeks planning permission for the installation of temporary parking area towards rear of site, behind the main football pitch. Currently this area is used as 'storage'. The area consists of hardstanding with overgrown weeds and trees.

The proposal represents inappropriate development within the Green Belt, and having considered all material considerations it is recommended that this application be refused.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed temporary car parking area, represents an inappropriate use within the Green Belt which would generate additional activity causing harm to the visual amenity and openness of the Green Belt. The proposal is therefore contrary to Policies OL1 & OL5 of the Hillingdon Local Plan: PART Two - Saved UDP Policies (November 2012), Policy 7.12 of the London Plan (March 2015) and the National Planning Policy Framework.

INFORMATIVES

1 I52 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 I53 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

OL1 Green Belt - acceptable open land uses and restrictions on new development

OL5	Development proposals adjacent to the Green Belt
NPPF9	NPPF - Protecting Green Belt land
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
AM7	Consideration of traffic generated by proposed developments.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to Middlesex Stadium. The site comprises of a Club house, two playing fields and the main football pitch. The Club house and main football pitch are set back from Breakspear Road by approximately 73.8m. The area in front of the Club house and the area South-West of the site, are partly covered in hardstanding, and act as the car parking area for the site.

The site is located in the Green Belt. To the north and west of the site, the area consists of fields and woodland areas, Mad Bess Wood and North Ridding Wood to the North and Bayhurst Wood to the West. The South to the site, consists of a predominantly residential area and to the East of the site, is Breakspear Crematorium.

The site is located in a developed area as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the installation of temporary parking area towards rear of site, behind the main football pitch. Currently this area is used as 'storage'. The area consists of hardstanding with overgrown weeds and trees.

3.3 Relevant Planning History

Comment on Relevant Planning History

The Council's Enforcement Officer has had some previous involvements with this site. A complaint was received by the Council's Planning Enforcement team, stating that the car park was being used for the commercial storage of vehicles (ENF/33/15/). Following an inspection from the Enforcement Officer, the end result was that no-further action would be taken, as the cars were removed from the site.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

Part 2 Policies:

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

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL5	Development proposals adjacent to the Green Belt
NPPF9	NPPF - Protecting Green Belt land
BE13	(2012) Built Environment - New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
AM7	Consideration of traffic generated by proposed developments.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Ruislip Residents Association, were consulted on the application on 8th September 2015. By the close of the consultation period on 29th September 2015, an objection was received.

Comments from Ruislip Residents Association are summarised in bullet point format below:

- The application is considered to be ambiguous as plans show 43 car parking spaces, while the application doesn't refer to any.
- The proposal for a temporary car park is considered to be an inappropriate use of the site as it is within the Green Belt and is intended for sport and leisure use. We don't see why the Club Sponsor should be allowed to use the site for any other reason.

Internal Consultees

None.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development is addressed within the 'Impact on the green belt' section of this report.

7.02 Density of the proposed development

Not applicable to this type of development.

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

The proposals are not located within and would not impact upon any designated heritage assets.

7.04 Airport safeguarding

The proposal would not conflict with aircraft safeguarding criteria.

7.05 Impact on the green belt

Paragraph 89 of the NPPF (2012) states, 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Aerial photographs of the site are unclear, in regards to the surface treatment of the area. However, the site visit has confirmed that the area in question is primarily soil with aspects of grass. It is not covered entirely in hardstanding, as the the 2012 aerial photographs may indicate, nor does the application propose any hardstanding.

Therefore as the area that is being proposed as the temporary car park, is not considered as previously developed land, it fails to comply with that exemption under paragraph 89 of the NPPF (2012).

The proposed use of the area of land behind the main football pitch, is for commercial car storage, which is in no way associated with the open recreational use of the site.

Policy OL1 of the Hillingdon Local Plan: PART Two - Saved UDP Policies (November 2012), states, 'within the green belt, the following predominantly open land uses will be acceptable

- (i) agriculture, horticulture, forestry and nature conservation;
- (ii) open air recreational facilities;
- (iii) cemeteries

The local planning authority will not grant planning permission for new buildings or for changes of use of existing land and buildings, other than for purposes essential for and associated with the uses specified at (i), (ii) and (iii) above. The number and scale of buildings permitted will be kept to a minimum in order to protect the visual amenity of the green belt'.

Although Middlesex Stadium is classed as an open air recreational facility, the temporary car park would not be associated with this use. Overall, the proposed land use is for a purpose that is not incidental to the main use of the land, which is a football pitch and playing fields (open air recreational facility).

As a result the proposed development fails to comply with Policy OL1 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012).

Policy OL5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), states 'the local planning authority will normally only permit proposals for development adjacent to or conspicuous from the green belt if it would not injure the visual amenities of the green belt by reason of siting, materials, design, traffic or activities generated'.

The proposed temporary car park would have an impact upon the green belt, as it will generate extra traffic, as vehicles will be dropped off and picked up by BMW. As there has been no official agreement between Middlesex Stadium and BMW, it is therefore unclear, as to:

- a) How many vehicles will be stored
- b) How long the vehicles will be stored for (how long will the temporary car park be in place for) and
- c) When the vehicles will be dropped off or picked up (e.g. once a week, twice a week, 9am - 12pm etc).

Therefore, vehicles could be dropped off / picked up every other day, which will result in an increase in unnecessary traffic and noise, with vehicles entering and leaving the site.

No very special circumstances have been offered by the applicant in support of their application.

Therefore, it is considered that the proposed temporary car park would harm the greenbelt.

7.07 Impact on the character & appearance of the area

The proposed temporary car park will be located to the rear of the main football pitch. As a result, it will not impact the character and appearance of the street scene, as it will not be visible from Breakspear Road. Therefore the proposed development complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The proposed car park is considered not to cause a loss of residential amenity to the occupiers of the neighbouring properties, in terms of loss of light, loss of outlook and overshadowing. Therefore the proposed development is in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

The proposal would not create future residential occupiers.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Although the activity generated by the proposal is of concern with respect to the visual amenity and openness of the Green Belt it is not considered that the proposed development would result in a level of additional traffic which would have significant detrimental impacts on the operation of the highway network. Nor would the scheme result in unacceptable arrangements in respect of pedestrian and vehicular safety.

7.11 Urban design, access and security

Design issues are addressed within the 'Impact on the green belt' and 'Impact on the character & appearance of the area' sections of this report.

The proposal is not considered to give rise to any concerns relating to accessibility or security.

7.12 Disabled access

No concerns relating to accessibility are raised given the nature of the proposal.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The proposal is not considered to result in the loss of any existing trees, landscape or ecology.

7.15 Sustainable waste management

The proposed use is not considered to have any implications with respect to waste management.

7.16 Renewable energy / Sustainability

The nature of the proposal would not require the provision of sustainable design.

7.17 Flooding or Drainage Issues

The site is not located within an area designated as being at risk of flooding and the proposal does not propose the addition of any hard standing. Accordingly, the proposal does not give rise to concerns relating to flooding and drainage.

7.18 Noise or Air Quality Issues

In respect of noise, the level of use is not clear from the application. In principle the extent of use would not necessarily give rise to noise or activity which would be sufficient to result in harm to the nearby residential occupiers. However, it is possible that if the extent of storage were too great or the turnover of vehicles within the storage area was high then this may result in activity would disturb the amenity of residential occupiers. It is however considered that this matter could be adequately dealt with by conditions and as such would not constitute a reason for refusing this application.

It is not considered that the proposal would give rise to unacceptable impacts on local air quality.

7.19 Comments on Public Consultations

The comments raised by the Ruislip Residents Association will be addressed in the main body of this report. However with regards to the amount of spaces that the proposed temporary car park will provide, the applicants are not exactly sure as to how many will be provided, as an official agreement between the applicants and the club sponsor, BMW, has not been agreed. However while out on site the applicant stated that she would allow no more than 40 cars if the application was approved. Furthermore the applicant mentioned, as stated above, an agreement between the applicant and BMW (the club sponsor) has not been agreed, and in fact it might turn out that BMW do not want to store their cars on site.

7.20 Planning Obligations

The proposed development would not result in any impacts which would require mitigation by way of planning obligations. Nor would the proposal create any buildings which would be liable to pay the Community Infrastructure Levy.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a

proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

10. CONCLUSION

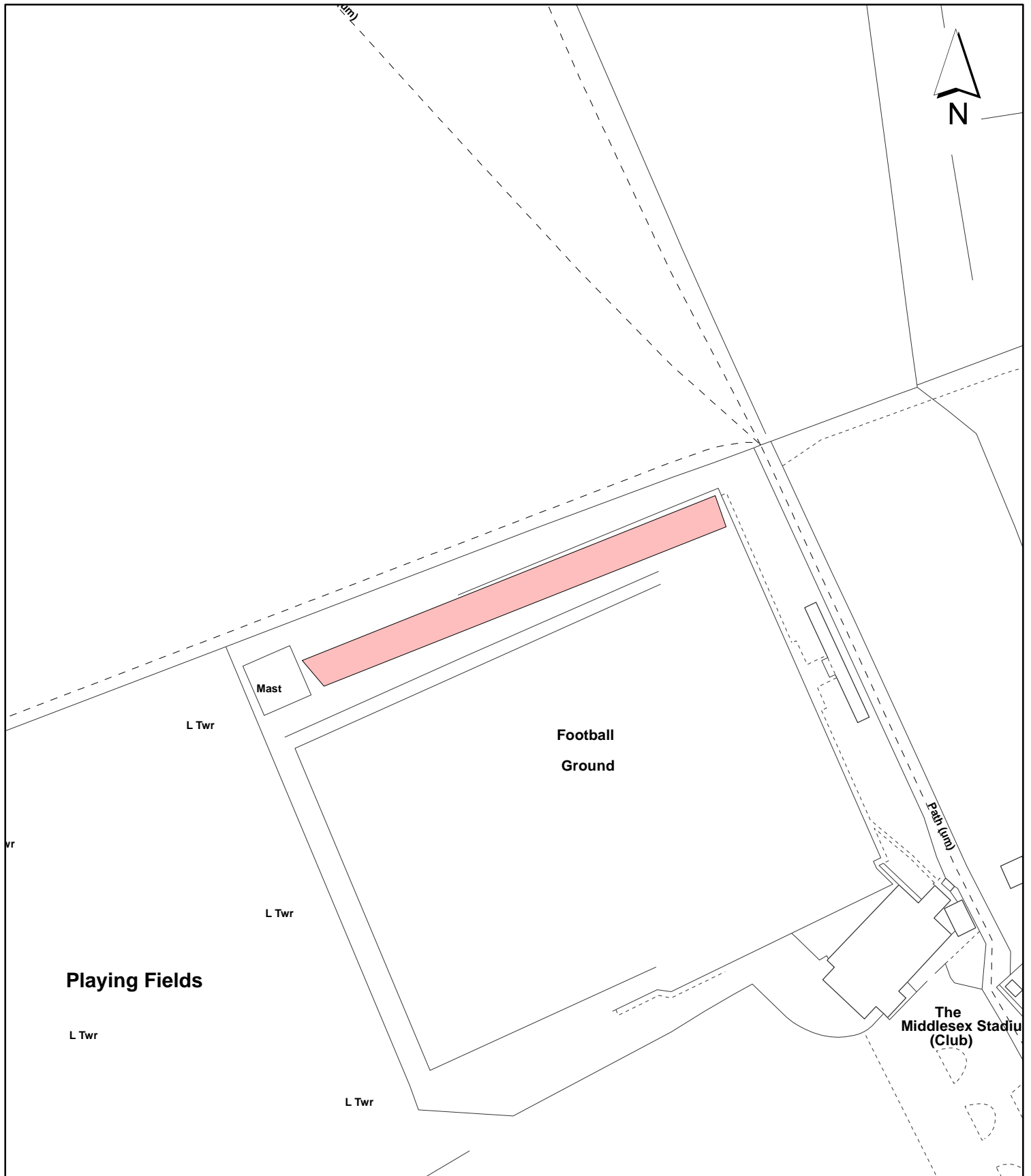
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11. Reference Documents

Contact Officer: Ayesha Ali

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Notes:

 Site boundary

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Site Address:

**Middlesex Stadium
 Breakspear Road
 Ruislip**

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

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

18443/APP/2015/3181

Scale:

1:1,250

Planning Committee:

North

Date:

November 2015



HILLINGDON
 LONDON