

Report of the Head of Planning, Sport and Green Spaces

Address BISHOP RAMSEY C OF E SCHOOL WARRENDER WAY RUISLIP

Development: Variation of condition 3 of planning permission ref: 19731/APP/2008/2153 dated 26/11/08 (New Multi-Use Games Area and associated works) to allow the Multi-Use Games Area to be used until 9pm Monday to Friday.

LBH Ref Nos: 19731/APP/2017/66

Drawing Nos: Covering Letter (Ref: LT/JE/3113)

Date Plans Received: 05/01/2017

Date(s) of Amendment(s):

Date Application Valid: 09/01/2017

1. SUMMARY

Planning permission (ref: 19731/APP/2008/2153) was granted, at the Council's North Planning Committee in November 2008, for the creation of a Multi-Use Games Area (MUGA) and associated works at Bishop Ramsey Church of England School in Eastcote.

Condition 3 of that consent restricted the use of the MUGA to use between 0900 hours and 1800 hours Mondays to Saturdays and at no time on Sundays and Public Holidays,

This application seeks to vary that permission to allow longer hours of use on weekdays. The application form states:

"We request that this condition be amended to allow the school a greater opportunity to let the MUGA facilities out for the benefit of the wider community. The current provision restricts the use to between 0900 and 1800 Mondays to Saturdays and at no time on Sundays and Public Holidays; we are requesting an increase of 3 hours in the evenings from Monday to Friday only.

We request the following amendment: "Unless otherwise agreed in writing by the Local Planning Authority, the multi use games area hereby approved shall only be used between the hours of 0900 and 2100 Monday to Friday, 0900 to 1800 on Saturdays and at no time on Sundays and Public Holidays." This is to facilitate community use between the hours of 1700 to 2100 Monday to Friday during term time, 0900 to 1800 on Saturdays during term time, 0900 to 2100 Monday to Friday during school holidays and 0900 to 1800 on Saturdays during school holidays."

No other information has been provided in support of the application.

Condition 2 of the planning permission, a requirement of Sport England at that time, required the submission of a community use scheme. However, condition 4 of the planning permission confirms that, except as provided for in the community use agreement, the MUGA "shall be used solely by pupils and staff of the school and visiting teams thereto and shall not be hired out for use by any other persons or organisations."

The approved Community Use Scheme confirms hours of use would be as per those stipulated by condition 3 and so, in reality, notwithstanding the requirements of condition 2, current community use of the MUGA is nevertheless likely to be limited. Despite the

applicant's assertion that longer hours of use are required to facilitate community use during weekday evenings, the variation of condition 4, which directly conflicts with this, has not been sought. Accordingly, if the requested longer hours of use were allowed, this could only facilitate greater use by staff and pupils.

Residents have raised significant concern regarding numerous issues but particularly those relating to traffic, parking and noise. In this respect, planning application ref: 19731/APP/2015/47, which sought both the installation of six floodlighting columns around the pitch and also an extension to the hours and days of use, relevant. Whilst that application was withdrawn by the application prior to any formal determination, the officer's report to Committee was published and made publicly available and, accordingly, some limited weight must be attached to it.

That application had been recommended for refusal. Issues relating to the impact of the floodlighting aside, concerns were also raised over traffic, parking and noise, and it was felt that a general lack of information had been provided to demonstrate that those matters could be satisfactorily addressed.

Other than a statement within the application form, quoted above, no other information has been provided in support of the current application. Accordingly, the applicant has failed to address those concerns relating to traffic, parking and noise, which were highlighted in the earlier 2015 application.

The applicant has failed to demonstrate that the development would not result in an unacceptable impact on the local highway network or on residential amenity. It is therefore considered that the application fails to comply with Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies AM7, BE19, OE1 and OE3 of the of the Hillingdon Local Plan: (November 2012) and London Plan (2011) Policy 3.19 and, accordingly, refusal is recommended.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

Insufficient details and information has been provided regarding the level of traffic and parking demands likely to be generated by the proposal. It has not therefore been demonstrated that the use of the proposed facilities would not adversely impact on highway and pedestrian safety. With respect to parking demand the Local Planning Authority is concerned regarding overspill parking affecting adjacent residential areas. As such the proposal is contrary to policies AM7 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

Insufficient information has been provided to demonstrate how the extension of opening hours for the multi-use games area would impact on the amenity of neighbouring residential properties in terms of noise pollution. As such the proposal is deemed contrary to Policies BE19, OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policy 7.15 of the London Plan (2016).

3 NON2 Non Standard reason for refusal

The introduction of extended hours of use to facilitate outdoor sports, with associated noise pollution, is considered likely to have a detrimental impact on the character of the locality. In particular it is considered that there would be an urbanising effect of the adjoining parkland and residential neighbourhood. The proposal is therefore deemed

contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 7.4 of the London Plan (2016).

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

BE19	New development must improve or complement the character of the area.
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
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3.19	(2016) Sports Facilities
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

3 I59 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 (2016). 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

Bishop Ramsey Church of England School occupies an approximately 3.6 hectare

irregularly shaped plot located at the eastern end of Warrender Way in Ruislip. The site accommodates several school buildings of up to three-storeys in height, playing fields, hard and soft landscaping, car parking, and associated facilities.

A 37m wide by 65m long Multi-Use Games Area (MUGA), enclosed with 3m high metal fencing and marked out for various sports, including tennis, netball and football, is located to the rear (south) of the school buildings.

The site is bounded to the north by Highgrove Pool; to the east by Warrender Park; to the south by a narrow strip of public open space, beyond which are residential properties; and to the east by a narrow footpath, beyond which are residential properties.

The main vehicular access to the site is via Hume Way, through the Highgrove Swimming Pool Car Park. Pedestrian access and service vehicle access is available via Warrender Way.

The school site falls within the developed area as designated in the Hillingdon Local Plan. Warrender Park, to the east, is designated as a Nature Reserve and Nature Conservation Site of Borough Grade II or Local Importance.

3.2 Proposed Scheme

Planning permission (ref: 19731/APP/2008/2153) was granted on 26/11/08 for the creation of a Multi-Use Games Area (MUGA) and associated works at Bishop Ramsey Church of England School in Eastcote. Condition 3 of that consent states:

"Unless otherwise agreed in writing with the Local Planning Authority, the multi use games area hereby approved shall only be used between the hours of 0900 and 1800 Mondays to Saturdays and at no time on Sundays and Public Holidays.

Reason: To ensure that the amenity of the occupiers of nearby residential properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007."

This application seeks the variation of the condition as follows, to allow an additional three hours of use during weekday evenings:

"Unless otherwise agreed in writing by the Local Planning Authority, the multi use games area hereby approved shall only be used between the hours of 0900 and 2100 Monday to Friday, 0900 to 1800 on Saturdays and at no time on Sundays and Public Holidays."

The applicant has advised that the variation in hours is required to facilitate community use

3.3 Relevant Planning History

19731/APP/2006/2811 Bishop Ramsey Church Of England School Hume Way, Ruislip
AMALGAMATION OF UPPER AND LOWER SCHOOL SITES TO CREATE ONE SCHOOL CAMPUS. REDEVELOPMENT OF UPPER SCHOOL SITE INCLUDING DEMOLITION AND REFURBISHMENT OF EXISTING BUILDINGS, ERECTION OF NEW SCHOOL BUILDINGS, N PARKING AREAS, ACCESS PROVISION INCLUDING A DROP OFF POINT IN HUME WAY AND PLAYGROUND/SPORTS FACILITIES.

Decision: 18-05-2007 Approved

19731/APP/2007/3607 Bishop Ramsey C Of E School (Lower Site) Eastcote Road, Ruislip
RESERVED MATTERS (DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING) IN COMPLIANCE WITH CONDITION 2, TOGETHER WITH DETAILS OF NOI MITIGATION MEASURES, CONSTRUCTION METHOD STATEMENT, ON-SITE ENERGY GENERATION AND WASTE MANAGEMENT, UNITS TO LIFETIME HOMES AND WHEELCHAIR STANDARD AND SUSTAINABLE DRAINAGE TECHNIQUES IN COMPLIANCE WITH CONDITIONS 7, 8, 9, 10 AND 19 OF OUTLINE PLANNING PERMISSION REF. 19731/APP/2007/3690 DATED 13/05/2008: REDEVELOPMENT OF SITE TO PROVIDE 35 RESIDENTIAL UNITS.

Decision: 13-05-2008 Approved

19731/APP/2008/2153 Bishop Ramsey Church Of England School Warrender Way Ruislip
NEW MULTI USE GAMES AREA & ASSOCIATED WORKS

Decision: 26-11-2008 Approved

19731/APP/2009/1032 Former Bishop Ramsey School Eastcote Road, Ruislip
Installation of metal gates to front entrance (Application for a Certificate of Lawfulness for a proposed use or development).

Decision: 08-07-2009 Refused

19731/APP/2009/1663 Former Bishop Ramsey School Eastcote Road Ruislip
Installation of electric vehicular / pedestrian gates to front entrance.

Decision: 25-09-2009 Approved

19731/APP/2013/1285 Bishop Ramsey Church Of England School Warrender Way Ruislip
Single storey detached outbuilding to rear for use as storage

Decision: 22-07-2013 Approved

19731/APP/2013/1292 Bishop Ramsey C Of E School Hume Way Ruislip
Variation of condition 4 (hours of use of gate to Warrender Way) of planning permission ref. 19731/APP/2006/2811 (Amalgamation of upper and lower school sites to create one school campus. Redevelopment of upper school site including demolition and refurbishment of existing buildings, erection of new school buildings, new parking areas, access provision including a drop off point in Hume Way and playground/sports facilities).

Decision: 27-11-2013 Approved

19731/APP/2013/1476 Bishop Ramsey C Of E School Hume Way Ruislip
Single storey extension and alterations/refurbishment to existing sports hall changing and shower facilities.

Decision: 02-08-2013 Approved

19731/APP/2015/286 Bishop Ramsey C Of E School Warrender Way Ruislip
Single storey extension to north side and single storey extension to west side of existing sports hall

Decision: 24-03-2015 Approved

19731/APP/2015/47 Bishop Ramsey C Of E School Hume Way Ruislip
Installation of 6 floodlight columns (12m high) located evenly around the external perimeter of the Multi Use Games Area.

Decision: 02-03-2015 Withdrawn

19731/APP/2016/1982 Bishop Ramsey C Of E School Warrender Way Ruislip
Details pursuant to conditions 4 (arboricultural assessment), 5 (levels), 6 (tree protection) and 7 (green screen) of planning permission ref: 19731/APP/2015/286 dated 25/03/15 (Single storey extension to north side and single storey extension to west side of existing sports hall).

Decision: 14-07-2016 Approved

19731/APP/2016/2148 Bishop Ramsey C Of E School Hume Way Ruislip
Variation of condition 4 of planning permission ref: 19731/APP/2013/1292 dated 18/12/2006 (amalgamation of upper and lower school sites to create one school campus and redevelopment of upper school site to include demolition and refurbishment of existing buildings, erection of new school buildings, new parking areas, access provision including a drop off point in Hume Way at playgrounds/sports facilities) to allow use of the Warrender Way pedestrian access for general pedestrian use between 0800 and 1430 on Saturdays and between 1800 and 2130 on school days, for a temporary period of 4 months between 30/06/2016 to 02/11/2016, to facilitate construction of a sports hall extension.

Decision: 03-08-2016 Approved

19731/APP/2016/2349 Bishop Ramsey C Of E School Warrender Way Ruislip
Details pursuant to condition 2 (Community Use Scheme) of planning permission ref: 19731/APP/2008/2153 dated 26/11/2008 (New Multi-Use Games Area & associated works).

Decision: 11-08-2016 Approved

Comment on Relevant Planning History

The site has an extensive planning history, as summarised above. That most relevant to this scheme is discussed in more detail below:

Planning permission (ref. 19731/APP/2006/2811) was granted on 18/05/07 for the amalgamation of the upper and lower school sites to create one school campus at Bishop

Ramsey Church of England School in Ruislip. The scheme included the redevelopment of the upper school site, comprising the demolition and/or refurbishment of existing buildings, erection of new school buildings, creation of new car parking areas, access provision and playgrounds/sports facilities.

Planning permission (ref: 19731/APP/2008/2153) was granted on 26/11/08 for the provision of a Multi-Use Games Area and associated works at the site. Conditions 2, 3 and 4 of that consent are relevant to this current application:

Condition 2: The development hereby approved shall not be brought into use until a community use scheme for the development has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall include details of pricing policy, hours of use, access and parking arrangements by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the development.

REASON: To ensure that the proposed development maximises use of the existing school playing field in accordance with Policy R4 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

Condition 3: Unless otherwise agreed in writing with the Local Planning Authority, the multi use games area hereby approved shall only be used between the hours of 0900 and 1800 Mondays to Saturdays and at no time on Sundays and Public Holidays.

REASON: To ensure that the amenity of the occupiers of nearby residential properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

Condition 4: Except as provided for in the community use agreement approved pursuant to condition 2 of this planning permission, the multi use games area hereby approved shall be used solely by pupils and staff of the school and visiting teams thereto and shall not be hired out for use by any other persons or organisations.

REASON: To ensure that the proposed development does not result in additional vehicular traffic to the site during school hours in the interests of highway safety and residential amenity and to accord with Policies BE19 and AM7 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

Approval (ref: 19731/APP/2016/2349) was granted for the discharge of condition 2 on 11/08/16. The approved Community Use Agreement confirms that, in compliance with condition 3 and to avoid conflict with school activities, community use would only be allowed during the hours of 1700 - 1800 Monday to Friday and 0900 - 1800 on Saturdays during term time and 0900 -1800 Monday to Saturday during school holidays. It confirms that the MUGA's capacity allows for 4 Tennis Courts or 3 Netball Courts and that users can hire the whole, half or a third of the area.

An application (ref: 19731/APP/2015/47) was submitted during 2015 for the installation of six floodlighting columns to the MUGA. The officers report written at that time advised:

"It should be noted that in addition to the construction of the floodlighting this proposal seeks to extend the hours of use of the MUGA as controlled by planning condition No. 3 of the original planning consent (ref. 19731/APP/2008/2153). The proposed hours of use are

0830 to 2100 Monday to Friday, 0900 to 1800 Saturdays, 0900 to 1600 Sundays and to remain closed on Bank Holidays (the application form groups Sundays and Bank Holidays together but the applicant has confirmed by email on the 06/02/15 that no opening is proposed on Bank Holidays)."

Following an officer recommendation for refusal, that application was withdrawn by the applicant on 02/03/15, a few days prior to the relevant Committee meeting. The Officer's recommended refusal reasons were as follows:

1. Insufficient details and information has been provided regarding the level of traffic and parking demands likely to be generated by the proposal. It has not therefore been demonstrated that the use of the proposed facilities would not adversely impact on highway and pedestrian safety. With respect to parking demand the Local Planning Authority is concerned regarding overspill parking affecting adjacent residential areas. As such the proposal is contrary to policies AM7 and AM14 of the Hillingdon Local Plan: (November 2012).

2. Insufficient information has been provided to demonstrate how the flood lighting and extension of opening hours for the multi-use games area would impact on the amenity of neighbouring residential properties in terms of noise and light pollution. As such the proposal is deemed contrary to Policies BE19, OE1 and OE3 of the Hillingdon Local Plan: (November 2012) and policy 3.19 of the London Plan (2011).

3. Insufficient information has been provided to demonstrate how the flood lighting and light spill would impact on the ecology of the local area, which includes the High Grove Site of Importance for Nature Conservation (SINC) Grade 2. As such the proposal is deemed contrary to Policy EC3 of the Hillingdon Local Plan: (November 2012), Policies 3.19 and 7.19 of the London Plan (2011) and Paragraph 109 of the National Planning Policy Framework.

4. The introduction of floodlights and extended hours of use to facilitate outdoor sports, with associated light and noise pollution, is considered likely to have a detrimental impact on the character of the locality. In particular it is considered that there would be an urbanising effect of the adjoining parkland and residential neighbourhood. The proposal is therefore deemed contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: (November 2012) and Policy 7.4 of the London Plan (2011).

4. Planning Policies and Standards

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
Policy Statement - Planning for Schools Development (DCLG, 15/08/11)
London Plan (July 2011)
National Planning Policy Framework

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.EM5 (2012) Sport and Leisure

Part 2 Policies:

BE19	New development must improve or complement the character of the area.
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
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3.19	(2016) Sports Facilities
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 189 local owner/occupiers, the Eastcote Residents' Association and the Ruislip Residents' Association. Site notices were also posted. One letter of support was received:

- a) Would be good to have more sport facilities and more things to do for young people in Hillingdon
- b) No objection to noise or floodlights if use finishes at 9pm

64 letters of objection have been received, which raise the following concerns:

- i) Impact on residential amenity.
- ii) Impact on residents' enjoyment of their gardens, contrary to Human Rights legislation and also enjoyment of the park.
- iii) Increased noise and disruption from the sports games and traffic.
- iv) Noise from the school affects shift workers.
- v) The MUGA is 19m away from and 1m higher than residential gardens, which serves to amplify noise levels, which also echo off surrounding houses.
- vi) Use of and noise from the pitch is constant during the day. This will mean no respite between 9am and 9pm.
- vii) Use by members of the public will increase use of foul language, poor behaviour and littering.
- viii) Noise and floodlighting is out of keeping with the character and outlook of the area.
- ix) If allowed applications to hire out the facility and for floodlighting and extended hours will follow.
- x) Light pollution from floodlights.
- xi) Existing hours are sufficient.
- xii) The hours would only be relevant to summer months unless floodlighting was provided.
- xiii) No Noise Impact Assessment has been submitted and the application fails to demonstrate compliance with Local Plan: Part Two policies OE1 and OE3.
- xiv) This will increase existing traffic and parking problems, including illegal and inconsiderate parking, noise, pollution, nuisance to residents into the evenings and congestion. Transport links to

the school are already poor.

xv) The true extent of the traffic problems can be seen during open evenings and on Saturday mornings when the school is let out.

xvi) Emergency vehicles cannot get through due to parked cars.

xvii) If residents are forced to park further afield this will displace parking from other streets.

xviii) Parking demand is higher during the evenings when residents are home for work.

xix) Parking charges at Highgrove Pool put increased pressure on surrounding roads and there is no capacity there in the evenings anyway.

xx) Increased traffic will diminish safety for all road users.

xxi) No explanation as to how the school will manage parking or assessment of the impact of additional car trips has been provided.

xxii) The proposal is contrary to Local Plan: Part Two Policy AM1.

xxiii) The Headteacher has advised planning restrictions prevent parking on the school site.

xxiv) No justification is given for a relaxation of the original condition and intensification of use.

xxv) This is a money making exercise. It's nothing to do with education.

xxvi) This does not put "residents first."

xxvii) This will be bad for the environment, especially for wildlife and birds.

xxviii) There has been no change in circumstance since the 2008 application to justify this.

xxix) This follows a June 2016 application for community use of the MUGA. Each application chips away at the protection afforded by the 2008 consent.

xxx) Community use is not justification to relax the condition. It would create wider problems than currently exist.

xxxi) The application fails to demonstrate compliance with Local Plan: Part Two Policy BE19.

xxxii) The school gate at the end of Warrender Way is to be kept locked, as previously promised.

xxxiii) Measures to control traffic and parking need to be put in place.

xxxiv) Warrender Way has become the primary entrance to the school, contrary to the original school expansion planning consent in 2009. The school's address is Hume Way, not Warrender Way.

xxxv) The 2008 permission included conditions restricting use of the pitch.

xxxvi) Bishop Ramsey have not consulted neighbours.

xxxvii) School address incorrect - it is Hume Way rather than Warrender Way.

Eastcote Residents' Association:

We ask that this variation to application 19731/APP/2008/2153, be refused.

As it appears on the Hillingdon Planning Website, this application is very sparse in the information it provides and offers no detail or justification for the increased hours requested.

Condition 3 of the approved application specifically stated the hours during which the multi games area could be used. The reason given was 'to ensure that the amenity of the occupiers of nearby residential properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007.'

The need to preserve this concept for the local residents has not altered.

The current request to extend hours to 9pm Monday to Friday, would lead to the very parking, traffic, lighting and general noise and disturbance issues, about which so many residents complained at the time, and that the original approval removed by the conditions it imposed.

Furthermore, this alteration to Condition 3 calls into question whether, if approved, the school will then be asking for Condition 4 requirements to be extended beyond school (pupils and staff) and visiting team access within the extended hours, to allow for the hiring out of the facility, thus further exacerbating the issues detailed above, by the numbers of additional comings and goings that this would produce.

Have the requirements of Condition 2 already been discharged - surely these must also have a bearing on this application?

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

The extension of opening hours will affect the nature of the noise climate in the surrounding area. Carrying out sports activities during evenings, given the proximity of these facilities to residential properties, has potential to cause nuisance. There is potential disturbance to nearby residents and in particular residents in College Drive. There is no material submitted with this application to demonstrate adequate mitigation measures. The potential noise impact has not been assessed to support the application. This is a quiet residential area of Ruislip, the existing background noise in the area according to Defra noise mapping England is up to 55dB(A) Lden. Although there is no direct comparison between Lden and LAeq, this gives an idea of the noise levels in the area. Any activities that will be carried out in the evenings are likely to be noticeable as the ambient levels will drop by up to 5dB. In view of this, it is recommended an acoustic survey is undertaken to demonstrate that the development will not have adverse effects on neighbouring noise sensitive premises.

HIGHWAY ENGINEER

I have reviewed the material in the above application and have the following comments:

This application is for a variation of condition 3 relating to the opening times of the MUGA at Bishop Ramsey School. The school has an access off Warrender Way which is a local road that is subject to parking stress as not all properties have off-street car parking. During school times the road is also subject to additional parking demand from teaching staff and senior students.

There is no explanation given in the application as to the reasons for the proposed change of opening times, what level of use will be expected at the new times, and what car parking facilities will be provided to satisfy the demand for the proposed time extension.

I would expect some explanation of these issues via a technical note before I can complete my assessment.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy R10 of the Council's Local Plan: Part 2, seeks to encourage the provision of enhanced educational buildings across the borough. London Plan policy 3.18 also seeks to support development proposals which enhance education and skills provision including new schools and the expansion of existing facilities. Paragraph 72 of the National Planning Policy Framework (NPPF) confirms that great weight should be given to the need to create, expand or alter schools.

Notwithstanding the above, it should be noted that the emphasis of those policies, and in particular the NPPF, is nevertheless on the provision of additional school places. The proposal would not lead to an increase in pupil numbers at the site and, from the information provided, nor is it essential to enable the school to provide a high quality PE curriculum. Accordingly, it is considered that limited weight could be given to this scheme in terms of meeting those policy objectives as might otherwise be the case.

In terms of sports provision, London Plan Policy 3.19 is generally supportive of proposals which can increase sports participation opportunities. However, it also confirms, albeit with more specific reference to floodlighting, which is not proposed in this particular instance, that careful consideration should be given to the impacts of such use on residential amenity. Indeed, Local Plan policies BE19, OE1 and OE3 seek to safeguard residential

amenity. Policy OE1 confirms that planning permission will not be granted for proposals which are likely to become detrimental to the character and amenities of surrounding properties because of, amongst other criteria, traffic generation, congestion and noise.

London Plan policy 7.15 similarly seeks to resist development which would be detrimental to residential amenity due to noise, confirming that noise should be appropriately managed and mitigation measures provided where necessary.

Insufficient evidence has been provided to demonstrate that 'there is an identified need for sports facilities to increase sports participation opportunities' in the locality or to demonstrate that the proposal would not result in an unacceptable impact on the amenities of the occupiers of neighbouring residential units due to issues of noise and disturbance.

In addition to the above, it is considered that insufficient information has been provided to demonstrate that the proposed development would not result in an unacceptable increase in traffic or parking demand, contrary to the requirements of Local Plan: Part Two policies AM7 and AM14.

The site does not fall within the Green Belt and has no other specific designations which would preclude development. However, in view of the above, objections are raised to the principle of the development. Given the nature of the proposal it is particularly important that issues relating to noise, traffic and residential amenity are fully addressed.

7.06 Environmental Impact

Residents have raised concerns over the impacts of floodlighting on both residential amenity and also on wildlife. No floodlighting is proposed as part of this application. Issues relating to noise and air quality are addressed in part 7.18 of the report.

7.08 Impact on neighbours

Policy BE19 of the Hillingdon Local Plan: Part 2 seeks to protect residential amenity.

The rear elevation of the nearest residential properties in College Drive are located just over 45m away to the west of the MUGA. Rear garden boundaries are approximately 21m away.

The proposal would have no impact on residential amenity in terms of matters such as privacy, overlooking and outlook. Matters relating to noise and disturbance are addressed in part 7.18 of the report.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Local Plan: Part 2 policies AM2 and AM7 seek to safeguard highway and pedestrian safety and ensure that developments do not have an adverse impact on the surrounding highway network. Policies AM14 and AM15 seek to ensure appropriate levels of car parking are provided.

No details relating to proposed parking provision for users of the MUGA during the requested extended hours of use have been provided.

In considering a similar proposal for extended hours of use during 2015 (ref: 19731/APP/2015/47) the officer's report states:

"The Applicant has stated that an informal parking arrangement is proposed where users of the facility could use either the school car park (which is quieter outside of school hours) or the adjacent Highgrove Leisure Centre car park which is free after 6pm (Although no formal

approach has been made to the Council as landlord). There is no assessment of the volumes of traffic, how such traffic would be directed away from residential streets closer to the MUGA or assessment of the impact on the Council owned Highgrove leisure centre car park. The Council's Highways Officer has reviewed the proposal and raised concerns regarding the level of detail provided. In summary no information has been provided regarding the level of traffic and parking demands likely to be generated by the proposed use of the sports facilities. The concern raised is that given that the adjacent roads are already subject to high on-street parking demands, there is limited capacity to accommodate any significant increase. The applicant has not therefore demonstrated that the use of the proposed facilities would not adversely impact on highway safety and performance. As such the proposal is contrary to policies AM1, AM7 and AM14 of the Hillingdon Local Plan (2012)."

Whilst it must be acknowledged that that application was withdrawn prior to the Council's formal determination of it, a Committee report was nevertheless published and the applicant would have been fully aware of officer level concerns and recommendations. No information has been submitted in support of this current application to address those previously raised concerns. Indeed, despite the previous application, no mention whatsoever to parking is given in this application. Accordingly, the current proposals fail to address those previously raised concerns highlighted above and refusal is therefore recommended for those same reasons.

7.14 Trees, Landscaping and Ecology

Residents have raised concern over the impacts of the development on wildlife. No floodlighting is proposed as part of this application and it is not considered that the proposed extended hours of use would have such a detrimental impact on wildlife that refusal could be justified.

7.18 Noise or Air Quality Issues

Noise

Local Plan: Part Two policy OE1 states that planning permission will not normally be granted for uses which are, or are likely to become, detrimental to the character and amenities of surrounding properties because of (amongst other criteria) traffic generation, congestion and noise. Local Plan: part Two policy OE3 seeks to safeguard against noise annoyance. London Plan (2016) policy 7.15 similarly seeks to safeguard against development likely to cause a nuisance through noise.

In considering a similar proposal for extended hours of use during 2015 (ref: 19731/APP/2015/47) significant concerns regarding the likely noise generated by the use were raised by officers in the Council's Environmental Protection Unit. Notwithstanding this, no information has been provided in support of this application to demonstrate that noise levels will be within acceptable limits or that, alternatively, appropriate mitigated measures can be provided. Similar concerns have again been raised by Environmental Protection Officers.

The previous officer's report, which is available to the applicant, states:

"The Council's Environmental Protection Unit (EPU) have been consulted on the proposal and have raised concerns about an extension of opening hours and subsequent potential noise disturbance to nearby residents without adequate mitigation measures. The potential noise impact has not been assessed to support the application. EPU state that this is a quiet residential area of Ruislip and any activities that will be carried out in the evening period are likely to be noticeable. In view of this they recommend an acoustic report should have been submitted with the application which demonstrates that there will be no adverse

effects from the development on neighbouring residential properties."

It goes on to state that in light of the lack of information provided:

"... it is considered that the proposal could lead to an unacceptable impact on the residential amenity of the surrounding area in terms of noise and light pollution. The planning approval for the MUGA (ref. 19731/APP/2008/2153) included conditions which controlled the hours of use and limited the use of the MUGA to the school in order to protect residential amenity (subject to the discharge of a condition relating to community use). In addition condition no.11 was attached to the consent for the amalgamation of the two schools to control the use of floodlights in order to protect residential amenity. The applicant has supplied no supporting evidence which indicates that there is a material change in circumstances since these consents were granted.

Taking all of the above into consideration it is deemed that the proposal is contrary to Policies BE19, OE1 and OE3 of the Hillingdon Local Plan: (November 2012) and Policy 3.19 of the London Plan (2011)."

Whilst floodlighting is no longer proposed, those concerns regarding noise impact on residential amenity remain. No additional information has been submitted in support of this application to overcome those previously raised concerns and, accordingly, refusal is recommended.

7.19 Comments on Public Consultations

Resident concerns regarding the principle of the development, noise, residential amenity, traffic, parking and ecology have been addressed in the report.

Matters relating to the commercial benefits of the proposal for the school are not a material planning consideration.

Concerns regarding floodlighting are noted. However, no floodlights are proposed as part of this application.

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

Not applicable.

10. CONCLUSION

Insufficient detail has been provided regarding the acoustic impact of the development and how it would impact on traffic flow and parking within the locality. As such it is considered that the proposal may adversely affect the character of the area, the residential amenity of existing residential properties adjacent to the site and have an unacceptable impact on highway safety.

It is therefore considered that the application fails to comply with Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies AM7, BE19, OE1 and OE3 of the of the Hillingdon Local Plan: (November 2012) and London Plan (2011) policy 3.19.

The proposal is therefore recommended for refusal.

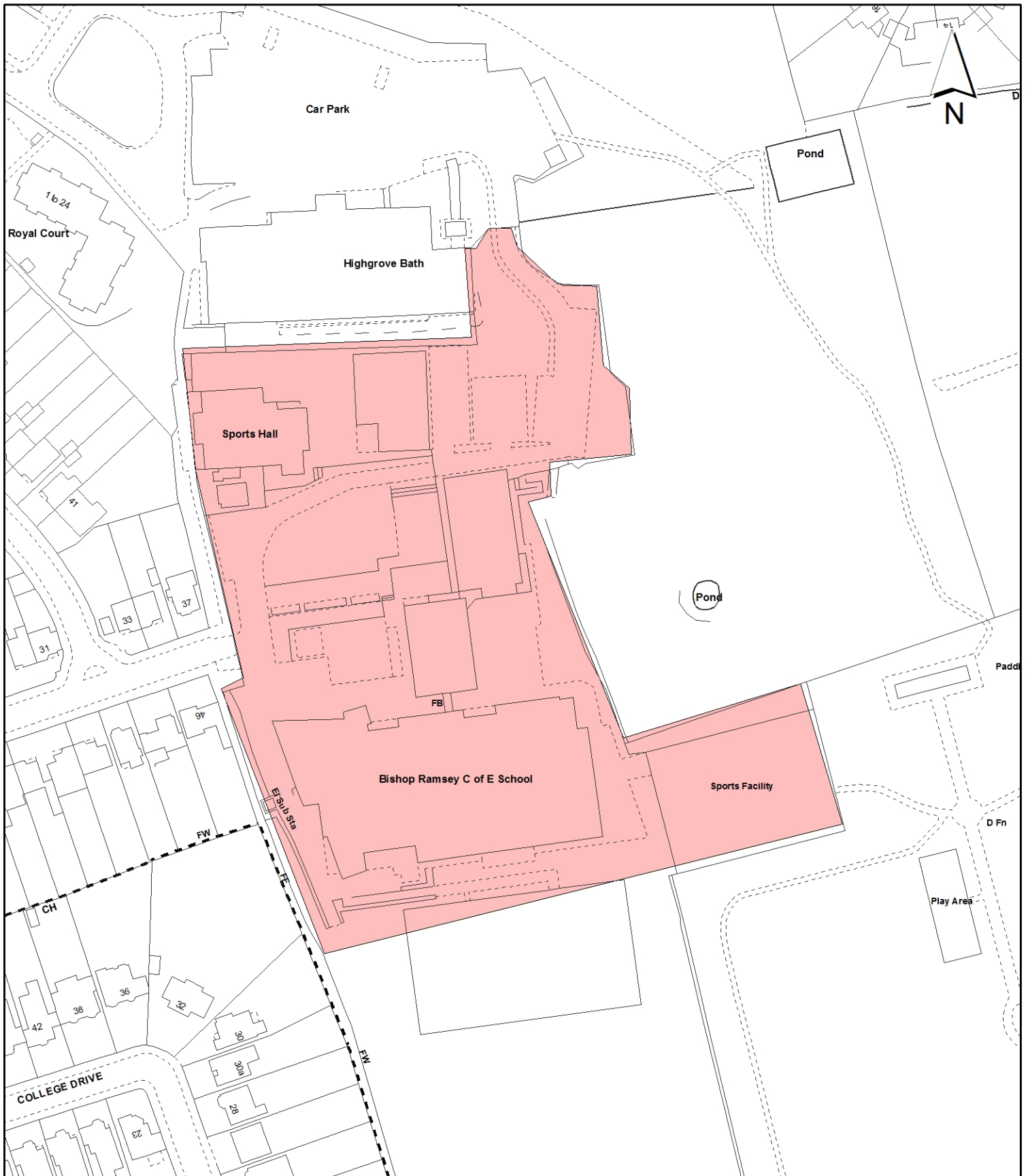
11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
Policy Statement - Planning for Schools Development (DCLG, 15/08/11)
London Plan (July 2011)
National Planning Policy Framework

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Notes:

 Site boundary

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Planning Application Ref:
19731/APP/2017/66

Scale:
1:1,500

Planning Committee:
North

Date:
February 2017

