Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/R5510/W/24/3348615
Northwood College Educational Foundation, Maxwell Road, Hillingdon, Northwood HA6 2YE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by The Girl's Day School Trust against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 2082/APP/2023/516 was approved on 23 January 2024 and planning permission was granted subject to conditions.
- The development permitted is the variation of Conditions 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2082/APP/2007/1411 dated 11-09-2007 (Removal of existing building and construction of new early years centre and relocation of all-weather sports surface playing field (approved under planning application ref. 2082/APP/2003/1103) including details of design and layout) to change the permitted operating hours and use of the all-weather pitch.
- The conditions in dispute are Nos 8, 9 and 14 which state that:
  '8. For a temporary period of 24 months from the date that this decision is issued, the all-weather playing surfaces shall only be used between the hours of:
  - Monday to Friday: 09.00 - 21.00;
  - Saturdays: 09.00 - 18:00;
  - Sunday: 10.00 - 16.00; and
  - No use on Bank Holidays'.
  '9. For a temporary period of 24 months from the date that this decision is issued, the all-weather pitch shall be available for use by the wider community on a managed basis. Activities shall be supervised by a Coach or Club Member and no championships or tournaments shall be held at the application site'.
  '14. (i) Prior to operation of community use activities, a Community Use Agreement, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the indoor, outdoor and supporting facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. For a temporary period of 24 months from the date that this decision is issued, the Community Use Agreement should allow community use of the facility during the following times:
  - Monday to Friday: 09.00 - 21.00;
  - Saturdays: 09.00 - 18:00;
  - Sunday: 10.00 - 16.00; and
  - No use on Bank Holidays.
  (ii) Prior to operation of community use activities, a car parking management strategy which details how parking for community use of the facilities will be managed and catered for on site, shall be submitted to and agreed in writing by the Local Planning Authority.
  The development shall not be used otherwise than in strict compliance with the approved documents'.
- The reasons given for the conditions are*: 'To safeguard the amenity of the surrounding area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021)'. 'To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020)' and 'To secure well managed safe community access to the*

sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy S5 of the London Plan (2021). Also, to ensure the community use of the facility does not result in an unacceptable impact on the local highway network through an unacceptable increase in demand for on-street parking, in compliance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020)'.

Decision

1. The appeal is allowed and the planning permission Ref 2082/APP/2023/516 for the variation of Conditions 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2082/APP/2007/1411 dated 11-09-2007 (Removal of existing building and construction of new early years centre and relocation of all-weather sports surface playing field (approved under planning application ref. 2082/APP/2003/1103) including details of design and layout) to change the permitted operating hours and use of the all-weather pitch at Northwood College Educational Foundation, Maxwell Road, Hillingdon, Northwood HA6 2YE granted on 23 January 2024 by the Council of the London Borough of Hillingdon, is varied by deleting conditions 8, 9 and 14 and substituting them for the following conditions:

   1.) The all-weather playing surfaces shall only be used between the hours of:
   - Monday to Friday: 0900 to 2100;
   - Saturdays: 0900 to 1800;
   - Sunday: 1000 to 1600; and
   - No use on Bank Holidays.

   2.) The all-weather pitch shall be available for use by the wider community on a managed basis. Activities shall be supervised by a coach or club member and no championships or tournaments shall be held at the application site.

   3.) (i) Prior to operation of community use activities, a Community Use Agreement, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the indoor, outdoor and supporting facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The Community Use Agreement should allow community use of the facility during the following times:
   - Monday to Friday: 0900 to 2100;
   - Saturdays: 0900 to 1800;
   - Sunday: 1000 to 1600; and
   - No use on Bank Holidays.

   (ii) Prior to operation of community use activities, a car parking management strategy which details how parking for community use of the facilities will be managed and catered for on site, shall be submitted to and agreed in writing by the Local Planning Authority.

   The development shall not be used otherwise than in strict compliance with the approved documents.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Having considered the content of the revisions it

is not necessary to re-consult the main parties about this change in national policy as they do not alter my conclusion.

Background and Main Issue

3. Planning permission was granted in 2007 for the removal of an existing building and the construction of a new early years centre and the relocation of an all-weather sports surface playing field (Ref: 2082/APP/2007/1411). This was subject to a number of conditions, including 12 and 13, which relate to the hours of use and the exclusive school use of the all-weather pitch.

4. Following this, the Council approved an application to vary these conditions (12 and 13) to allow the all-weather pitch to be used for longer hours and by the wider community (Ref 2082/APP/2023/516). However, conditions 8, 9 and 14 on this consent were reworded to restrict this to a temporary period of 24 months. The Council considers these conditions to be necessary to enable further community engagement to take place, and to monitor the situation in the context of concerns about highways safety conditions and neighbouring residential amenity.

5. The appeal seeks to vary these conditions so that permission is granted on a permanent basis. The main issue is therefore whether the conditions are reasonable and necessary in the interests of the living conditions of the residents of neighbouring properties and highway safety.

Reasons

6. The appeal relates to an existing all-weather pitch that is located to the north western end of the grounds of an independent girls day school called ‘Northwood College’. The surrounding area is predominantly residential with dwellings bounding 3 sides of this part of the appeal site.

7. Paragraph 57 of the Framework states that planning conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance (PPG) also advises that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

8. A noise impact assessment (NIA) was commissioned by the appellant which assessed the potential impact of the increase in operating hours and community uses on neighbouring residential amenity. The NIA concluded that the noise emissions from the proposed increase in hours would be negligible when compared to the ambient noise level.

9. I am also mindful that the proposal does not include floodlighting, which would restrict the evening use of the all-weather pitch for large parts of the year, and that the Council’s Noise Specialist has not raised any objection to the proposal, stating that it has a low noise nuisance risk. Furthermore, condition 15, requires the submission of a noise mitigation and management plan to the Council for its approval. This would provide details of a noise complaint procedure, including on how measures are implemented to resolve such complaints. I am satisfied that this

condition would provide effective permanent mitigation and control of noise matters, as well as ensuring some community engagement.

10. The appellant's suggested wording for condition 9 also omits the requirement for activities to be supervised by a coach or club member and for no championships or tournaments to be held at the site. However, there is nothing before me to demonstrate why these restrictions would be unreasonable or unnecessary and I see no reason to remove them.

11. In terms of highway safety, little substantive evidence regarding accidents or on-street car parking levels in this location has been provided by either main party. Nonetheless, 43 car parking spaces are available across different areas of the school grounds. Whilst there was some on-street parking in the surrounding highways at the time of my mid-day site visit, and I saw that some of these areas are part of a controlled parking zone, there was still sufficient space along them to accommodate additional cars. I recognise that this was only a snapshot in time and that the situation may change at busier peak times during the evening and weekends, when there is likely to be a greater demand for parking.

12. Moreover, a transport statement and addendum to include a schedule of activities at the site to cover the cumulative impact of multiple activities occurring at one time was submitted with the application. Its findings have not been contested by the Council's Highways Officer, who concluded that alongside other existing out of school hour uses, the proposal could be facilitated by the car parking provisions on site in combination with sustainable travel provisions and that any overspill onto the local highway network would be negligible. I have no substantive reason to disagree with any of this.

13. I am also aware that a parking management strategy is required to be secured via condition 14, and an updated Travel Plan, to encourage the use of sustainable transport modes, would also be a part of the planning obligation. Accordingly, and in the absence of any substantive evidence to the contrary, I have no reason to find that a permanent consent would have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network, following mitigation would be severe.

14. Moreover, the PPG also advises that conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. To my mind the financial burden for the air quality contribution without the assurance of a permanent permission is unreasonable.

15. For the reasons given above, I therefore find that conditions 8, 9 and 14 in their current form, are not reasonable or necessary and are required to be removed and replaced by conditions that do not restrict the permission to a temporary timeframe. This would not, in my view, conflict with Policies DMHB 11, DMT 1 and DMT 2 of the London Borough of Hillingdon Local Plan: Part 2 Development Management Policies (2020) and Policy D14 of the London Plan (2021). These seek, amongst other things, to ensure that development proposals do not adversely impact on the amenity of adjacent properties and manage noise, transport and highway impacts.

Other Matters

16. A completed S106 planning obligation deed has been submitted by the appellant in respect of financial contributions to address the air quality impacts of the proposed

development, and for the submission, approval and implementation of a Travel Plan. The Council has not raised any objections to this, and I am satisfied that it is compliant with regulation 122 of the CIL Regulations and paragraph 57 of the Framework.

17. Neither main party has raised any objections to the effect of the proposed development on the Green Lane Conservation Area. In reaching my decision I have also had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Given that the principle of development has long been established I agree that the proposal would not harm the significance of the heritage asset, which appears to lie in its Victorian and Edwardian architecture, green spaces, gaps and historical rural character. On this basis, I am satisfied that it preserves those interests.

18. In the absence of any substantive evidence to the contrary, I have no reason to suppose that the proposal would cause material harm to wildlife. Nor is there any firm evidence to suggest that the development would lead to a significantly harmful level of air pollution or that it would exacerbate existing drainage or flooding problems.

19. I have also been referred to a planning application at the Old Police Station, which I am informed was refused due to increased traffic and pollution. Nonetheless, on the evidence presented I cannot be certain that it represents a direct parallel to the appeal proposal.

20. A petition has been received from the residents of neighbouring properties. However, the level of support or objection to a proposal are not determining factors in the consideration of an appeal. Nor is the likelihood of a deferment and recommendation of refusal by planning committee or the appellant's lack of objection to the temporary consent and the planning obligation at application stage. This is because I have only had regard to the planning merits of the case, based on the evidence before me.

21. The comments from elderly residents in respect of disruption, their anxiety and stress are also acknowledged. Nevertheless, I have reasoned above, with reference to planning considerations in terms of the public interest, that the proposal would not have unacceptable effects.

Conclusion

22. I therefore find that the disputed conditions are not reasonable or necessary in the interests of the living conditions of the residents of neighbouring properties and highway safety. I shall allow the appeal and vary the planning permission by deleting and replacing conditions 8, 9 and 14 with conditions that omit reference to a temporary period.

Mark Caine

INSPECTOR