Northwood College

Statement of Case

ON BEHALF OF THE GIRLS DAY SCHOOL TRUST

July 2024

Contents

1. Introduction 3

2. The Appeal Site and Planning History 4

3. The Appeal Proposal, Planning Application and Conditions 8, 9 and 14 7

4. The Development Plan and Other Relevant Policy and Guidance 11

5. The Main Issue in This Appeal 15

6. Other Material Planning Considerations 21

7. Conclusion 23

Appendix A – A Copy of the Committee Report, ref. 2082/APP/2023/516 24

Appendix B - A Copy of the Decision Notice, ref. 2082/APP/2023/516 25

Appendix C – A Copy of the S106 Agreement, ref. 2082/APP/2023/516 26

1. Introduction

1.1 This Statement of Case is provided in support of an Appeal made under Paragraph 78.1.a) of S78 of The Town and Country Planning Act 1990, against Hillingdon Council ("the Local Planning Authority"), in relation to the addition of Conditions attached to the approval of a S73 application for the *"variation of Condition 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2018/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"*, ref. 2082/APP/2023/516 at Northwood College Educational Foundation, Maxwell Road, Northwood, HA6 2YE.

1.2 This Appeal is lodged on behalf of our client, the Girls Day School Trust ("the Appellant").

1.3 The Appellant is of the firm and clear opinion that the Local Planning Authority ("the LPA"), made the wrong decision when determining this application and so has exercised their right of Appeal. We respectfully request that this Appeal is allowed, and that planning permission is granted for this development on a permanent basis with the wording of Condition 8, 9 and 14 altered to remove reference to a temporary permission of 24 months.

1.4 This Statement of Case comprises:

- **Section 2** provides an overview of the Appeal Site and relevant planning history;
- **Section 3** outlines the Appeal Proposal and the reasons for refusal;
- **Section 4** sets out the relevant planning policy context;
- **Section 5** considers the main issues of the Appeal;
- **Section 6** sets out other material planning consideration; and
- **Section 7** provides an overall summary and conclusion.

2. The Appeal Site and Planning History

The Site

2.1 The Appeal site features an all-weather sports pitch at Northwood College, which is an independent girl's day school for students aged between 3 and 18 (use class F1). This proposal specifically relates to the all-weather sports surface pitch located in the north west corner of the college site, as identified in red within **Figure 2.1** below.

2.2 The Appeal Site is located within the Northwood Town Centre, Green Lane Conservation Area.

2.3 The Appeal Site is bordered by the wider school site to the south, which features a number of buildings, as well as tennis courts, the all-weather sports pitch, playground, car parking and ancillary features. Residential dwellings border the site to the west and garages to the north.

Figure 2.1 – Appeal Site

Planning History

2.4 Table 1 below provides an overview of the relevant planning history of the Appeal Site.

Application Reference	Description of the Development	Date of Decision	Decision
2082/APP/2003/1103	Erection of a two storey music and drama facility.	Approved	02 July 2003
2082/APP/2007/1411	Removal of an existing building and construction of new early years centre and relocation of all-weather sports surface playing field.	Approved	11 September 2007
2082/APP/2019/2828	Resurfacing of all-weather sports surface playing pitch and replacement fence.	Approved	31 October 2019
2082/APP/2023/516	Variation of Condition 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2018/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.	Approved	23 January 2024

Table 1 – Relevant Planning History

Application Ref. 2082/APP/2007/1411

2.5 In September 2007, planning permission was granted for the *"removal of an existing building and construction of a new early years centre and relocation of all-weather playing pitch and replacement fence".*

2.6 The all-weather pitch was permitted to be used by the school only, between the hours of 09.00 to 18.00 on Mondays to Saturdays, and no time on Sundays and Bank Holidays.

2.7 This permission relates to the all-weather playing pitch which this Appeal is the subject of.

Application Ref. 2082/APP/2023/516

2.8 In February 2023, a S73 application was submitted to Hillingdon Council to amend the wording of Condition 12 and Condition 13 of the above-mentioned planning permission for the relocation of the all-weather playing pitch, ref. 2082/APP/2007/1411.

2.9 The approved and suggested wording of Condition 12 and 13 are identified below.

Condition 12

Approved Wording	Suggested Wording
"The all-weather playing surfaces shall only be used between the hours of 09.00 and 18.00 on Mondays to Saturdays, and no time on Sundays and Bank Holidays".	*"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".***

Condition 13

Approved Wording	Suggested Wording
"The all-weather pitch shall be for the exclusive use of the school and shall not be hired out to outside organisations, which could attract additional trips during the evening peak".	*"The all-weather pitch shall be* ***used by the community on a managed basis as set out in Condition 12"****.*

2.10 The application was recommended for approval subject to the completion of a legal agreement for a permanent decision, and the draft Decision Notice did not include the addition of *"for a temporary period of 24 months from the date that this decision is issued".* A Copy of the draft Decision Notice can be found on Pages 4 – 7 of **Appendix A**.

2.11 The application was heard at Planning Committee on the 26 July 2023, where members resolved to approve the application, subject to the application being permitted for a temporary period of 24 months, as concerns were raised in relation to whether there would be regular engagement with the local community. The inclusion of the wording *"for a temporary period of 24 months from the date that this decision is issued", was included within Conditions 8, 9 and 14.*

2.12 The application was approved on the 23 January 2024, following the completion of a legal agreement. A Copy of the Decision Notice can be found in **Appendix B**. A Copy of the S106 Agreement can be found in **Appendix C**.

3. The Appeal Proposal, Planning Application and Conditions 8, 9 and 14

Appeal Proposal

3.1 The Appeal is made under Paragraph 78.1.a) of S78 of the Town and Country Planning Act 1990 for the S73 application to vary Condition 12 and 13 of planning permission ref. 2082/APP/2007/1411.

3.2 The Appellant does not dispute the Council's decision to amend Conditions 12 and 13, which were the subject of the planning application. Instead, the Appellant disputes the Council's decision to permit the proposal for a temporary period of 24 months and reference this within Conditions 8, 9 and 14. It is therefore proposed to amend the wording of Conditions 8, 9 and 14 to remove the restriction of a temporary permission, as outlined below:

Condition 8

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.

Condition 9

The all-weather pitch shall be available for use by the wider community on a managed basis.

Condition 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. 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.

S106 Agreement

3.3 It is recognised that the S106 Agreement also references the temporary permission within Schedule 2 (Travel Plan). A revised S106 Agreement will be provided as part of this Appeal.

The S73 Application

3.4 A S73 planning application was submitted to Hillingdon Council, as the LPA, on the 22 February 2023. The application reference was 2082/APP/2023/516.

3.5 The full description of development is as follows:

> *"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".*

3.6 The principle of development of the all-weather sports pitch has already been approved and is established by grant of planning permission ref. 2082/APP/2007/1411. This application sought to extend the hours of use to 9pm, Monday to Friday and for use by members of the community, as well as the school.

3.7 The application was made up of the following material:

Supporting Information	Composed By
Application Form	Planning Portal
Planning Statement	Nexus Planning
Noise Impact Assessment	KP Acoustics
Transport Statement	Vectos
Transport Statement Addendum	Vectos
Travel Plan	Vectos
A Letter in Response to Statutory Consultee Comments	Nexus Planning

Table 2 – Supporting Information

3.8 Throughout the application process the Appellant worked extensively with both the Case Officer and the Statutory Consultees to secure a positive outcome for the application, which was recommended for approval by Hillingdon Council at its Planning Committee on Wednesday 26 July 2023 (the corresponding Committee Report can be found in **Appendix A**).

3.9 During the Committee meeting, members raised the importance of regular engagement with the local community and enquired whether this could be assured by way of Condition. It was confirmed that this was not something that could be Conditioned; however, it was suggested that a temporary consent could resolve this issue. Therefore, the Planning Committee resolved to approve the application, subject to amending Condition 14 (Community Use Agreement and Parking Management Scheme) to ensure temporary consent was granted for a 24 month period. The Decision Notice and S106 Agreement were issued 23 January 2024, and Conditions 8 (Permitted Hours of Use), 9 (Community Use) and 14 (Community Use Agreement and Parking Management Scheme) had been amended to permit the development for a temporary period of 24 months.

3.10 The following Statutory Consultees (including the Highways Officer and Noise Specialist) were consulted on the application, and either raised no objection or no objection subject to Conditions:

- Sports England;
- Highways Officer;
- Noise Specialist;
- Conservation Officer;
- Air Quality Officer; and
- Access Officer.

Conditions Attached to the Decision Notice That Are Relevant to this Appeal

3.11 The wording of Conditions 8, 9 and 14 are the subject of this Appeal, and were not included within the draft Decision Notice. The Appellant disputes the addition of the wording to permit the proposal for a temporary period of 24 months within these Conditions on the Decision Notice, which is the subject of this Appeal.

3.12 Below we have outlined the Conditions, which are relevant to this Appeal.

Condition 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.

REASON: 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).

Condition 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.

REASON: 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).

Condition 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.

REASON: 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).

Condition 15

Prior to the use of the all-weather playing surfaces during evening hours (6pm to 9pm), a Noise Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail a noise complaint procedure, including detail on how measures are implemented to resolve such complaints. Thereafter the all-weather playing surfaces shall only ever be used during evening hours in accordance with these details for as long as the development remains in existence.

REASON: To safeguard the amenity of the surrounding area in accordance Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), and Policy D14 of the London Plan (2021).

4. The Development Plan and Other Relevant Policy and Guidance

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that, when making a determination under the Planning Acts, determination shall be made in accordance with the Development plan unless material considerations indicate otherwise.

4.2 Hillingdon Borough Council's Development Plan comprises the following documents:

- London Plan (2021);
- Hillingdon Local Plan: Part 1 – Strategic Policies (2012);
- Hillingdon Local Plan: Part 2 – Development Management Policies (2020); and
- Hillingdon Local Plan: Part 2 – Site Allocations and Designations (2020).

Policies Relevant to this Appeal

4.3 Policies cited by the LPA in its reasons for implementing the permission for a temporary period of 24 months within Conditions 8, 8 and 14 are highlighted below:

Policy D14 (Noise) in the London Plan (2021)

A. In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

1. Avoiding significant adverse noise impacts on health and quality of life;
2. Reflecting the Agent of Change principle as set out in Policy D13 Agent of Change;
3. Mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses;
4. Improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);
5. Separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation;
6. Where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles;
7. Promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receive;

B. Boroughs, and others with relevant responsibilities, should identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra's Noise Action Plan for Agglomerations.

Policy S5 (Sports and Recreation Facilities) in the London Plan (2021)

A. To ensure there is sufficient supply of good quality sports and recreation facilities, boroughs should:

1. Prepare Development Plans informed by a needs assessment for sports and recreation facilities. Needs should be assessed at the local and subregional level. Needs assessments should include an audit of existing facilities;

2. Secure sites for a range of sports and recreation facilities in Development Plans, as justified by the needs assessment;

3. Maintain, promote and enhance networks for walking, cycling and other activities including the Walk London Network shown on Figure 5.1

B. Development proposals for sports and recreation facilities should:

1. Increase or enhance the provision of facilities in accessible locations, well-connected to public transport and link to networks for walking and cycling;

2. Maximise the multiple use of facilities, and encourage the co-location of services between sports providers, schools, colleges, universities and other community facilities;

3. Support the provision of sports lighting within reasonable hours, where there is an identified need for sports facilities, and lighting is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.

C. Existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained unless:

1. An assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements (for the existing or alternative sports and recreational provision) at the local and sub-regional level. Where published, a borough's assessment of need for sports and recreation facilities should inform this assessment; or

2. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

3. The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

D. Where facilities are proposed on existing open space, boroughs should consider these in light of policies on protecting open space (Policy G2 London's Green Belt, Policy G3 Metropolitan Open Land and Policy G4 Open space) and the borough's own assessment of needs and opportunities for sports facilities, and the potential impact that the development will have.

Policy DMT 1 (Managing Transport Impacts) in the Hillingdon Local Plan: Part 2 (2020)

A. Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

   i. Be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;

   ii. Maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;

   iii. Provide equal access for all people, including inclusive access for disabled people;

   iv. Adequately address delivery, servicing and drop-off requirements; and

   v. Have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B. Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments11 that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2 (Highways Impacts) in the Hillingdon Local Plan: Part 2 (2020)

Development proposals must ensure that:

i. Safe and efficient vehicular access to the highway network is provided to the Council's standards;

ii. They do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;

iii. Safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;

iv. Impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and

v. There are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMHB 11 (Design of New Development) in the Hillingdon Local Plan: Part 2 (2020)

A. All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i. Harmonising with the local context by taking into account the surrounding:

- Scale of development, considering the height, mass and bulk of adjacent structures;
- Building plot sizes and widths, plot coverage and established street patterns;
- Building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
- Architectural composition and quality of detailing;
- Local topography, views both from and to the site; and
- Impact on neighbouring open spaces and their environment.

ii. Ensuring the use of high quality building materials and finishes;

iii. Ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv. Protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v. Landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B. Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C. Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development5 sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D. Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Other Relevant Policies

4.4 The Circular 11/95: Use of conditions in planning permission document is also relevant to this Appeal, as it sets out advice and guidance of how planning conditions should be applied. Whilst we acknowledge that this guidance is no longer adopted and has been replaced by the National Planning Policy Guidance, save for Appendix A, it is still helpful to reference.

4.5 Paragraph 56 in the NPPF (2023) states that:

> *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".*

5. The Main Issue in This Appeal

5.1 Our understanding is that the following matters are not in dispute between the parties:

- Principle of development;
- Impact on heritage assets;
- Design;
- Impact on the neighbours;
- Highways impact;
- Urban design, access and security;
- Disabled access;
- Trees, landscape and ecology;
- Sustainable waste management;
- Renewable energy / sustainability;
- Flooding or drainage issues; and
- Noise or air quality issues.

5.2 The application was recommended for approval for a permanent permission, as cited on the draft Decision Notice.

5.3 The application was heard at Planning Committee on the 26 July 2023. During the Committee meeting, members raised the importance of regular engagement with the local community and enquired whether this could be assured by way of Condition. It was confirmed by Hillingdon Council that this was not something that could be Condition; however, it was suggested that a temporary consent could resolve this issue. Therefore, the Planning Committee resolved to approve the application, subject to the amending Condition 14 (Community Use Agreement and Parking Management Scheme) to ensure temporary consent was granted for a 24 month period. The Decision Notice and S106 Agreement were issued 26 July 2023, and the wording of Conditions 8, 9 and 14 had been amended to permit the development for a temporary period of 24 months.

5.4 It is the Appellant's view that the approval of the application for a temporary period of 24 months is unreasonable and should be removed from the Decision Notice, to permit the application permanently.

5.5 In addition, the reasons for applying the temporary consent for a period of 24 months on Conditions 8, 9 and 14 reference highways and amenity impact issues. We have expanded on these issued further below.

Whether the Proposal Results in Adverse Amenity Impacts

5.6 Condition 12 of planning permission ref. 2082/APP/2007/1411 (Timing Restrictions on the Astro Pitch) was imposed in order to protect neighbouring residential amenity. The proposal sought to extend the operating hours of the existing sports pitches from 09.00 and 18.00 on Mondays to Saturdays, and no time on Sundays and Bank Holidays to 09.00 to 21.00 on Mondays to Fridays, 09.00 to 18:00 on Saturdays, and 10.00 to 16.00 on Sundays for use by both school pupils and the local community. It is important to reiterate that the location and use of the all-weather pitch is already established and used regularly throughout the day. The all-weather pitch is set back from the boundary shared with the closest residential properties located west of the existing pitch which, in addition to the dense tree cover surrounding the pitch mitigates against both visual and noise impacts on surrounding residents.

5.7 It is important to note that the School has never received any complaints in relation to community use or operation. In addition, no complaints or issues have been received from local residents or neighbours in relation to the school use of the pitch which has operated successfully since implementation in 2008.

5.8 In support of the application, a Noise Impact Assessment (NIA) was prepared by KP Acoustics, 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. Therefore, the proposed hours would result in noise falling in the 'none' effect category defined by IEMA Guidelines for Environmental Noise Impact Assessment.

5.9 The Council's Noise Specialist assessed this report and agreed that the extended hours and community use of the established all-weather sports pitch would have a low noise nuisance risk. Notwithstanding this, it was suggested that a Condition was attached to the Decision Notice requiring the submission of a Noise Mitigation and Management Plan (NMMP) prior to commencement of the extended hours or community use. A Copy of their response can be found within the Committee Report (**Appendix A**).

5.10 It is noted within the Committee Report that *"any noise management would be if necessary be effected through operational control and this is typically how they would deal with complaints in the unlikely event they were to arise".* Committee members requested the temporary permission in order for the Appellant to have regular engagement with the local community. During the application process the Noise Specialist considered that the NMMP would set out how the organisers of the sports at the school would operate in order to best reduce noise impacts during the evening hours, this would include engagement with the local community or a complaints procedure. It is therefore considered, that Condition 15 satisfies the request of members for engagement with residents without the requirement for a temporary permission.

5.11 In addition, the extended school and community use of the pitch would operate strictly within the amended time restrictions and would be carefully managed by the school. All community users would have to agree to a written code of conduct before using the school facilities. This would be secured by the Community Use Agreement, which is subject to Condition 14 of the Decision Notice.

5.12 Overall, the Local Planning Authority concluded within their Committee Report that *"the proposed extended hours of use would not be considered to pose an unacceptable impact on neighbouring residential amenity sufficient to support a robust reason for refusal in an Appeal scenario"*.

5.13 It has been demonstrated that there are suitable measures in place to protect residential amenity, including a noise complaint procedure; therefore, it is the Appellant's view that there is no requirement for the application to be permitted for a temporary period of 24 months. In summary, it is considered that the proposed increase in hours and community use will not have an adverse impact on neighbouring residential amenity in terms of noise and complies with Policy DMHB 11 in the Local Plan: Part 2 – Development Management Policies (2020) and Policy D14 in the London Plan (2021).

Whether the Proposal Results in Adverse Highways Impacts

5.14 Condition 13 of permission ref. 2082/APP/2007/1411 (Restrictions of Use to the School) stated that the reason for restricting external use of the pitch is to ensure that the development does not cause danger and inconvenience to adjoining pavement and highway as a result of additional trips during the evening peak period. The S73 application sought to amend the wording of Condition 13 to allow the use of the all-weather sports pitch for community uses, as well as the school.

5.15 In support of the application to vary Condition 13, the Appellant submitted a Transport Statement by Vectos (February 2023), as well as an Addendum (July 2023).

5.16 The Council's Highways Officer reviewed the application and stated that there would not be significant on-street parking taking account of the cumulative assessment undertaken and there would not be a notable detriment to highway congestion and road safety thereby protecting residential amenity. It was concluded that that the Highways Officers had no 'in principle' objection to the proposal subject to the imposition of a Planning Obligation / Condition in relation to a Car Parking Management Plan, Community Use Agreement and Travel Plan. A Copy of their response can be found in the Committee Report (**Appendix A**).

5.17 Community users would access the pitch via the main school entrance located at Maxwell Road. The community use would take place outside of school hours and therefore ample parking will be available on site. Community users will be required to enter and exit in accordance with the Written Code of Conduct included as part of the lease agreement, which would be included within the Community Use Agreement. If there is evidence of non-compliance with the Written Code of Conduct, the School will issue non-compliance warning with the potential of cancelling the hire agreement if the Written Code of Conduct is not adhered to. In addition, a Car Parking Management Plan is secured via Condition requiring its submission prior to operation of the community use (Condition 14).

5.18 The S106 Agreement also requires an updated Travel Plan to be submitted prior to operation to encourage the use of sustainable transport modes to further reduce the impact of the development on the highways network.

5.19 In addition, it is important to reiterate that the school has never received any complaints which we consider to be indicative of the success of the use of the school facilities by external groups, and proof that they can operate without unacceptably impacting the local highways network or exacerbating parking supply.

5.20 Therefore, it is considered that the increase in hours and the use of the pitch by community users will not have an adverse impact on highways subject to Conditions 14 and Schedule 2 of the S106 Agreement and complies with Policies DMT 1 and DMT 2 in the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) and Policy T4 in the London Plan (2021).

Conditions Test

5.21 Paragraph: 001 Reference ID: 21a-001-20140306 in the NPPG states that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

5.22 Paragraph 56 of the National Planning Policy Framework (2023) states that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

5.23 The National Planning Policy Guidance, Paragraph 005 Reference ID: 21a-005-20190723 states *"that any proposed condition that fails to meet one of the 6 tests should not be used. This applied even if the applicant suggests or agrees to it, or it is suggested by the members of the planning committee or a third party"* (our emphasis).

5.24 Below we have demonstrated why permitting the application for a temporary period of 24 months fails Tests 1 and 6 and is therefore considered to be an unreasonable Condition and reference to this should be omitted from the Decision Notice.

Test 1 – Necessary

5.25 Paragraph: 002 Reference ID: 21a-002-20190723 in the National Planning Policy Guidance states that Section 70(1)(a) of the Town and Country Planning Act enables the local planning authority to impose *"such conditions as they think fit"* in granting planning permission. This power needs to be interpreted in light of material considerations such as the National Planning Policy Framework, supporting guidance on the use of conditions, and relevant case law.

5.26 Paragraph 15 of the Circular 11/95: Use of conditions in planning permission document also states that *"in considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification".*

5.27 The proposal was recommended for approval by Hillingdon Planning Officers and was initially deemed acceptable for a permanent period without the inclusion of a Condition restricting the permission to a temporary period of 24 months. A Copy of the Committee Report can be found in **Appendix A**.

5.28 The application was heard at Planning Committee on the 26 July 2023, where Planning Committee members recommended the permission was granted for a temporary period of 24 months to allow engagement with local residents. Condition 15 requires a Noise Mitigation and Management Plan (NMMP) to be submitted prior to commencement of the community uses and extended hours of the all-weather sports pitch. The Condition was requested by the Council's Noise Specialist, who noted that the NMMP would set out how the organisers of the sports at the school would operate in order to best reduce noise impacts during the evening hours, this would include engagement with the local community or a complaints procedure. It is therefore considered that Condition 15 satisfies the request of members for engagement with residents without the requirement for a temporary permission.

5.29 It is important to note, that members requested the temporary permission for 24 months to allow engagement with local residents; however, within the Decision Notice it is referenced that the Conditions were attached to protect highways and amenity impacts. During the application process no adverse impacts were identified in relation to highways and noise from the relevant statutory consultee comments, as outlined below:

- **Highways Officer** confirmed on the 11 July 2023 (a Copy of their comment can be found within **Appendix A**), that they had no 'in principle' objection to the proposal subject to the imposition of a Planning Obligation / Condition in relation to a Car Parking Management Plan, Community Use Agreement and Travel Plan. These elements are secured within the S106 Agreement (a Copy of the S106 Agreement can be found in **Appendix C**) and Conditioned within the Decision Notice (a Copy of the Decision Notice can be found in **Appendix B**):
  - S106 Agreement, Schedule 2 (Travel Plan) – required to be submitted prior to commencement;
  - Decision Notice, Condition 14 (Community Use Agreement and Parking Management Scheme – required to be submitted prior to operation of the community use activities;

- **Noise Specialist** confirmed on the 17 April 2023 (a Copy of their comment can be found within **Appendix A**), that the proposed outside activity operating during the day has low noise nuisance risk. Notwithstanding this, it was suggested that a Condition should be attached requiring a Noise Mitigation and Management Plan to be

secured prior to the operation of the community users within the evening hours (6-9pm). This element is secured by Condition 15 of the Decision Notice.

5.30 In addition, the Local Planning Authority did not evidence any adverse impacts associated with a permanent position within their Committee Report.

5.31 It is therefore considered that permitting the proposal for a temporary period of 24 months as stated within Conditions 8, 9 and 14 is not necessary and should be omitted from the Decision Notice.

Test 2 – Relevant to Planning

5.32 Paragraph 20 of the Circular 11/95: Use of conditions in planning permission document states that *"a condition which has no relevant to planning is ultra vires".* Ultra vires is acting or done beyond one's legal power or authority.

5.33 We consider that the Condition is relevant to planning policy, as the development was considered acceptable by the LPA but only for a temporary period. It is therefore considered that the Condition passes Test 2.

Test 3 – Relevant to the Development to be Permitted

5.34 The Condition imposed requires the Appellant to cease operation of the all-weather pitch for community uses and within the evening for the school 24 months after the Decision Notice is issued (23 January 2026).

5.35 We consider that the Condition is relevant to the development, albeit for a temporary period. It is therefore considered that the Condition passes Test 3.

Test 4 – Enforceable

5.36 Paragraph 27 of the Circular 11/95: Use of conditions in planning permission document states that *"sometimes a condition will be unenforceable because it is in practice impossible to detect a contravention".*

5.37 The Condition permits the community uses and extended hours of the all-weather pitch for a temporary period of 24 months from the date the Decision Notice is issued (23 July 2026). As this is operational development, it will be clear whether the works are still being undertaken after this date. Therefore, it is considered that the Condition is enforceable.

Test 5 – Precise

5.38 Paragraph 31 of the Circular 11/95: Use of conditions in planning permission document states that *"a condition which is not sufficiently precise for the applicant to be able to ascertain what must be done to comply with it is ultra vires and cannot be imposed".*

5.39 The Condition wording requires the community use and extended hours of the all-weather pitch to cease within 24 months from the date the Decision Notice is issued (23 July 2026). The Condition is clear in the timeframes for the works to be implemented and to cease operation; therefore, it is considered that the Condition is precise.

Test 6 - Reasonable in All Other Respects

5.40 Paragraph: 005 Reference ID: 21a-005-20190723 of the National Planning Policy Guidance states that *"conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness".*

5.41 Schedule 1 of the S106 Agreement, requires the Appellant to pay an Air Quality Contribution of £12,222 prior to commencement of development. Due to the monetary implications of the use being brought into operation, it is considered an unreasonable to permit the use for a temporary period.

Conclusion

5.42 It is therefore considered that permitting the development for a temporary period of 24 months and including this within the wording of Conditions 8, 9 and 14 fails Tests 1 and 6 as noted in Paragraph: 003 Reference ID: 21a-003-20190723 of the NPPG and is considered unreasonable and should be omitted from the Decision Notice.

6. Other Material Planning Considerations

6.1 For the reasons that we have set out in this Statement of Case, the Appellant strongly contends that permitting the proposal for a temporary period of 24 months within Condition 8, 9 and 14 is unsound and requests that this element is removed from the Decision Notice.

6.2 In the following section, the Appellant has set out other material considerations in which the application was determined and confirmed to be acceptable.

Principle of Development

6.3 Extending the hours of use and allowing external groups to use the all-weather pitch will provide significant health and wellbeing benefits to pupils as well as the local community enabling the facilities to be used more frequently and for longer periods. Demand for such facilities in the local area is evidenced by the number of groups who approach the school requesting to use the sports facilities for play, in line with Policy EM5 (Sport and Leisure) in Part 1 of the Local Plan (2012) and Policy S5 (Sports and Recreation Facilities) in the London Plan (2021). This is reflected within the Committee Report (**Appendix A**), where it is stated that *"community use of such facilities would provide public benefit….and the principle of development is supported"*.

6.4 In addition, the proposal was supported by Sports England, who stated *"Sport England welcomes this application as allowing and extending the period when the facilities would be available provides local residents more opportunities to access sport facilities within their local area"*. A Copy of their response can be found on Page 16 of **Appendix A**.

Trees, Landscape and Ecology

6.5 Matters relating to trees and landscaping have already been established by grant of the original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

6.6 A Preliminary Ecological Appraisal was submitted as part of the application. Within the Committee Report it is noted that:

"The report identifies that the buildings and tree close to the sports pitches are suitable for birds and bats. Mitigation measures would be required if floodlighting was proposed. As previously noted, the current application does not include floodlighting and therefore does not form part of the consideration of this application.

With regard to noise impacts on local ecology, it is noted that the noise environment is already inclusive of the school operation which includes the regular use of the sports pitches. As such, the proposal to extend the access of the pitches to the local community and extend the hours of use to the early evening is not considered to have a detrimental impact with respect to local ecology".

6.7 It is therefore considered that the proposal will have no adverse ecological impacts or tree impacts.

Air Quality Issues

6.8 The site is located within close proximity to the Northwood West Air Quality Focus Area.

6.9 Within the application process, the Air Quality Officer considered that the proposal would contribute to the production of unacceptable pollutant emissions. As a result, a financial contribution should be secured via a legal agreement to mitigate the impacts and result in an air quality neutral development.

6.10 A financial contribution of £12,222 towards air quality has been secured via Schedule 1 of the legal agreement. It is therefore considered that the proposal will have no adverse air quality impacts.

7. Conclusion

7.1 This Statement of Case has been prepared in support of an Appeal against the decision of the Local Planning Authority to permit application ref. 2082/APP/2023/516 for a temporary period of 24 months, as outlined within Conditions 8, 9 and 14 of the Decision Notice.

7.2 The application was considered acceptable on a permanent basis by the Local Planning Authority and was recommended for approval at Planning Committee on the 26 July 2023. During the Committee meeting, members raised the importance of regular engagement with the local community and enquired whether this could be assured by way of Condition. It was confirmed that this was not something that could be Condition; however, it was suggested that temporary consent could resolve this issue. Therefore, the Planning Committee resolved to approve the application, subject to the amending Condition 14 to ensure temporary consent was granted for a 24 month period. The Decision Notice was issued 23 January 2024 following the completion of a S106 Agreement, and Conditions 8, 9 and 14 had been amended to permit the development for a temporary period of 24 months. It is the Appellant's view, that the inclusion of Condition 15 (Noise Mitigation and Management Plan), allows a suitable mechanism for the Appellant to engage with the local residents, including any complaints that are received while in operation. Therefore, the provision of a temporary consent is not necessary, and it is requested that this is omitted from the Decision Notice.

7.3 In addition, it is considered that the attachment of this to a Condition is unsound, as it does not meet the six tests as set out in Paragraph: 003 Reference ID: 21a-003-20190723 of the NPPG, particularly failing Tests 1 and 6.

7.4 As set out in this Appeal Statement, there is no dispute between the Appellant and the Local Planning Authority in relation to the: principle of development; impact on heritage assets; design; impact on the neighbours; highways impact; urban design, access and security; disabled access; trees, landscape and ecology; sustainable waste management; renewable energy / sustainability; flooding or drainage issues; and noise or air quality issues.

7.5 The Appellant is of the firm view that suitable Conditions have been attached to the Decision Notice and within the S106 Agreement to further protect residential amenity and highways impacts, including the submission of the following details prior to operation:

- Community Use Agreement;
- Car Parking Management Plan;
- Travel Plan; and
- Noise Mitigation and Management Plan.

7.6 It is important to highlight that extending the hours of use and allowing external groups to use the all-weather pitch will provide significant health and wellbeing benefits to pupils, as well as the local community by enabling the facilities to be used more frequently and for longer periods of time. Demand for such facilities in the local area is evidenced by the number of groups who approach the school requesting to use the sports facilities for play. The proposal will provide significant public benefits and is supported by regional and local planning policies

7.7 Therefore, it is respectfully requested that planning permission is granted on a permanent basis and reference to a temporary permission of 24 months is omitted from Conditions 8, 9 and 14, as set out in Section 3 of this Statement of Case.

Appendix A – A Copy of the Committee Report, ref. 2082/APP/2023/516

Report of the Head of Development Management and Building Control

Address:	NORTHWOOD COLLEGE EDUCATIONAL FOUNDATION MAXWELL ROAD NORTHWOOD
Development:	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.
LBH Ref Nos:	2082/APP/2023/516
Drawing Nos:	24405.PCR.01 Rev. A Noise Impact Assessment (Dated 1st December 2022) School Travel Plan (Dated February 2023) 32404 Cover Letter (Dated 21st February 2023) 32404 Cover Letter - Appendix A and B (Dated 21st February 2023) 32404 Cover Letter - Appendix C (Dated 21st February 2023) Response to Public Comments (Dated 25th May 2023) Transport Statement Addendum (Dated July 2023) 398-SKD-22 398-SKD-11 398-SKD-12 398-SKD-16A 398-SKD-17A 398-SKD-18A 398-SKD-21 1575/PL03 398-SKD-08 398-SKD-07 398-SKD-00 398-SKD-27 398-SY-05 398-SY-09 398-SY-10A 398-SY-04 398-SKD-26 398-SKD-10A 398-SKD-15A

	398-SKD-20A		
Date Plans received:	22-02-2023	**Date(s) of Amendments(s):**	18-06-2007 25-05-2023
Date Application valid	22-02-2023		22-02-2023

1. SUMMARY

This is a section 73 application that seeks permission to vary Conditions 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2082/APP/2007/1411. The original consent is a historic permission that granted consent for the removal of the existing building and construction of new early years centre and the relocation of all-weather sports surface playing field.

The current s73 application seeks to amend the relevant conditions of planning permission ref. 2082/APP/2007/1411 to enable access by the community (alongside the school) within the following times:

- 09.00 to 21.00 Mondays to Fridays;
- 09.00 to 18.00 Saturdays;
- 10.00 to 16.00 Sundays; and
- No use on Bank Holidays.

The principle of the use of the all-weather sports surfaces in this location has already been established by grant of planning permission under application reference 2082/APP/2007/1411, the only difference being that the pitches would be used for extended hours and by members of the community as well as the school. Community use of such facilities would provide a public benefit and is supported by regional and local plan policies. The proposal is supported in principle.

The proposed increase in hours of possible operation is notable. The school is located in a predominantly residential area and is bounded by residential properties on all sides, albeit there is an existing road which provides some separation distance between the school and properties directly opposite. The impact of the use of the outdoor facilities until 21:00 at night, in addition to associated late vehicle and pedestrian activity as users depart the site at this time, in terms of noise and disturbance to neighbouring residents has been fully considered. It is highlighted that the current application does not propose floodlights and would deem use until 21:00 impractical in any case for a significant portion of the year. Officers emphasise that floodlighting cannot be considered under the current application. This would be considered in full as part of a separate application submission.

Officers are aware that the Council has allowed for hours of use beyond 21:00 in residential areas, including the nearby Northwood School, Potter Street, which allows for hours of use until 22:00 on weekdays and 19:00 on weekends. Under the current application submission, the Council's Noise Specialist has also advised that the proposed outside activity operating during the day has low noise nuisance risk. Notwithstanding, it is considered necessary and reasonable to secure a Noise Mitigation and Management Plan by condition prior to the use of the playing surfaces during evening hours. This should set out how organisers of sports at the school would operate in order to best reduce noise impacts during the evening hours. Subject to such a condition, the proposed extended hours of use would not be considered to pose an unacceptable impact on neighbouring residential amenity sufficient to support a robust reason for refusal in an appeal scenario.

A schedule of activities at the site has also been submitted as part of a Transport Statement Addendum document which accounts for all other activities that would take place on site, not just the activities that would take place in connection with the MUGAs / all-weather pitch. This includes the sports hall, swimming pool, tennis courts, sports field, fitness suite, dance studio and recital hall. Taking this into consideration, the Highway Authority conclude that the proposal, alongside other existing out of school hour uses, can be facilitated by the car parking provisions on site in combination with sustainable travel provisions. Any overspill onto the local highway network would be negligible. As such, the proposal is not considered have an unacceptable impact on highway safety or severe cumulative impact on the road network. Officers do not consider a reason for refusal based on highway safety impact or residual cumulative impacts on the road network to be reasonable, robust or defendable in an appeal scenario.

Subject to the planning conditions and obligations to be secured by legal agreement, the proposed development is considered acceptable with respect to its impact on neighbour amenity, the local highway network, accessibility, security, landscaping, ecology, waste and noise. For the reasons set out within the main body of the report, the proposal accords with the development plan when read as a whole.

Subject to planning conditions and legal agreement, this application is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Director for Planning, Regeneration and Environment to grant planning permission subject to the following:

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:

i) Travel Plan: A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include such as matters as: targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the Travel Plan; and a commitment to delivering the Travel Plan objectives.

ii) Air Quality Contribution: A financial contribution equal to £12,222 shall be paid to the Council to address the air quality impacts of the proposed development.

iii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Director for Planning, Regeneration and Environment), delegated authority be given to the Director for Planning, Regeneration and Environment to refuse planning permission for

the following reason:

'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of the travel planning and air quality). The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-57 of the National Planning Policy Framework (2021).'

E) That if the application is approved, the following conditions be imposed:

1. NONSC **Compliance**

The development hereby permitted relates solely to the operation of the site. All works of previously approved under planning permission reference 2082/APP/2007/1411 (dated 11th September 2007) have now ceased and shall remain as such. This decision notice does not permit any further works from this site.

REASON
To comply with Section 91 of the Town and Country Planning Act 1990.

2. NONSC **Materials**

All material details were approved under application reference 2082/APP/2007/3110 (dated 8th December 2009) and shall be retained as such.

REASON
To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

3. NONSC **Boundary Treatment**

All boundary details were approved under application reference 2082/APP/2007/3110 (dated 8th December 2009) and shall be retained as such.

REASON
To safeguard the visual amenities of the area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

4. NONSC **Parking for Wheelchair Disabled People**

Details relating to parking for wheelchair disabled people have been approved under application reference 2082/APP/2007/3245 (dated 7th December 2009) and shall be retained as such.

REASON
To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020).

5. COM10 **Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged,

uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON
To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

6. NONSC **Landscape Scheme**

All landscape scheme details were approved under application reference 2082/APP/2007/3245 (dated 7th December 2009) and shall be retained as such.

REASON
To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with Policies DMHB 14 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7. NONSC **Early Years Centre Hours of Use**

The early years centre shall only be used between the hours of 08:00 to 21:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays.

REASON
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).

8. NONSC **All-Weather Pitch Hours of Use**

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.

REASON

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).

9. NONSC **All-Weather Pitch Use by Community**

The all-weather pitch shall be available for use by the wider community on a managed basis.

REASON
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).

10. NONSC **Control of Noise and Odour**

Details pertaining to the control of noise and odour emanating from the site were approved under application reference 2082/APP/2009/497 (dated 16th June 2009) and shall be retained as such.

REASON
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).

11. ST1 **Renewable Energy**

10% of energy requirements for the development hereby approved shall be supplied from renewable sources and shall be retained as such.

REASON
To accord with the requirements secured under the original permission and to comply with the general principles of Policy SI 2 of the London Plan (2021).

12. ST1 **Staggered opening hours for the Early Years Centre**

The opening hours for the Early Years Centre shall be staggered by a minimum of 15 minutes from the college opening hours as detailed in the letter received from Dannatt, Johnson Architects dated 1/08/07.

REASON
To protect the amenity of surrounding areas in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

13. ST1 **Access to Early Years Centre**

The access to the Early Years Centre will be from Maxwell Road and no drop-off or pick-up will be permitted from Myrtleside Close. This condition shall not apply to access for fire or other emergency services.

REASON
To ensure that vehicle safety is not prejudiced and to protect the amenities of occupiers of residential properties in Myrtleside Close in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

14. NONSC **Community Use Agreement & Parking Management Scheme**

(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: 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.

REASON
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).

15. NONSC **Noise Mitigation and Management Plan**

Prior to the use of the all-weather playing surfaces during evening hours (6pm to 9pm), a Noise Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the all-weather playing surfaces shall only ever be used during evening hours in accordance with these details for as long as the development remains in existence.

REASON
To safeguard the amenity of the surrounding area in accordance Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), and Policy D14 of the London Plan (2021).

INFORMATIVES

1. I52 **Compulsory Informative (1)**

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

2. I70 **LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3.

Please be advised that the application hereby approved does not permit any form of floodlighting.

I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMCI 6	Indoor Sports and Leisure Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP HC1	(2021) Heritage conservation and growth
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling

LPP T6	(2021) Car parking
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF4	NPPF 2021 - Decision-Making
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

3. CONSIDERATIONS

3.1 Site and Locality

Northwood College occupies a 3.3 hectare irregularly shaped plot located on the north-western side of Maxwell Road. The main access to the school is from Maxwell Road. The site accommodates a number of buildings, which make up the lower and upper schools and the sixth form, in addition to playing fields, two Multi-Use Games Areas (MUGAs), car parking and ancillary facilities. The MUGA in western section of the school site forms the focus of this application, and adjoins residential properties located on Myrtleside Close to the west and The Glen to the north.

Despite its close proximity to Northwood Town Centre, it falls within a predominantly residential area and is bounded by residential properties to the north-east and south-west. To the north-west it is bounded by residential properties and garages and to the south-east residential properties lie on the opposite side of Maxwell Road.

The entire school site falls within the Green Lane Conservation Area as designated in the Hillingdon Local Plan. The buildings at the front (south-east) of the site, including the Old School, Sixth Form and Library, Wray Lodge and Vincent House, are locally listed. The tree belt along the Maxwell Road boundary (north end) is protected by TPO 491. All other trees are protected by virtue of their location within Northwood Town Centre Conservation Area.

Further to the south-west, there is the designated Haste Hill & Northwood Golf Courses & Northwood Cemetery Nature Conservation Site of Grade 2 importance. The Northwood West Air Quality Focus Area is located a short distance to the west (circa 60m) and the Northwood East Air Quality Focus Area is located further away to the east (circa 700m).

3.2 Proposed Scheme

This application proposes the variation of Conditions 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission 2082/APP/2007/1411 dated 11th September 2007, which granted consent for the '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)'.

At present, the all-weather playing surfaces are only permitted to be used by the school between the hours of 09:00 and 18:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays. This application seeks permission to amend Condition 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) to enable access to the all-weather playing surfaces by the community, alongside the school, during the following times:

- 09.00 to 21.00 Mondays to Fridays;

- 09.00 to 18.00 Saturdays;
- 10.00 to 16.00 Sundays; and
- No use on Bank Holidays.

The original planning permission will continue to exist separate to the outcome of the application under section 73. Where relevant, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

Should the application be approved, it is recommended that a number of the original conditions are attached where they remain applicable, removed where they are no longer relevant or altered to ensure compliance with previously approved details.

3.3 Relevant Planning History

2082/APP/2007/1411 Northwood College Maxwell Road Northwood

REMOVAL OF AN 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.

Decision: 11-09-2007 Approved

2082/APP/2007/3110 Northwood College Maxwell Road Northwood

DETAILS IN COMPLIANCE WITH CONDITION 3 (MATERIALS), CONDITION 4 (BOUNDARY TREATMENT) AND CONDITION 18 (DEMOLITION AND CONSTRUCTION MANAGMENT PLAN) OF PERMISSION REF: 2082/APP/2007/1411 DATED 11/09/2007 'REMOVAL OF AN 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.'

Decision: 08-12-2009 Approved

2082/APP/2007/3245 Northwood College Maxwell Road Northwood

DETAILS IN COMPLIANCE WITH CONDITIONS 5 (DISABLED PARKING PROVISION), 7 (TREE PROTECTION), 8 (HARD & SOFT LANDSCAPING) AND 10 (LANDSCAPE MAINTENANCE) OF PLANNING PERMISSION REF: 2082/APP/2007/1411 DATED 11/09/2007 REMOVAL OF AN EXISTING BUILDING AND CONSTRUCTION OF A NEW EARLY YEARS CENTRE AND RELOCATION OF AN ALL WEATHER SPORTS SURFACE PLAYING FIELD'

Decision: 02-12-2009 Approved

2082/APP/2009/497 Northwood College Maxwell Road Northwood

DETAILS IN COMPLIANCE WITH CONDITION 16 (AIR EXTRACTION SYSTEM) AND CONDITION 22 (GREEN TRAVEL PLAN) OF PLANNING PERMISSION REF 2082/APP/2007/1411 DATED 11/09/2007: REMOVAL OF AN 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.

Decision: 16-06-2009 Approved

2082/APP/2014/600 Northwood College Educational Foundation Maxwell Road Northwood

Demolition of existing storage sheds and construction of two storey building comprising 1,600 sqm of temporary classroom accommodation, for a period of 3 years from 4 September 2014 (excluding construction/deconstruction period).

Decision: 07-05-2014 Approved

2082/APP/2017/2086 Northwood College Educational Foundation Maxwell Road Northwood

Continued use of temporary classroom accommodation, comprising a two storey building of 1,600sq.m, for a further temporary period of 3 years (as previously approved in planning permission ref: 2082/APP/2014/600 dated 08-05-2014).

Decision: 12-09-2017 Approved

2082/APP/2018/981 Northwood College Educational Foundation Maxwell Road Northwood

Details pursuant to Condition 6 (community use agreement) of planning permission ref: 2082/APP/2017/2086, dated 14-09-17 (Continued use of temporary classroom accommodation, comprising a two storey building of 1,600 sq.m for a further temporary period of 3 years (as previously approved in planning permission ref: 2082/APP/2014/600, dated 08-05-2014))

Decision: 08-10-2018 Approved

2082/APP/2019/3720 Northwood College Educational Foundation Maxwell Road Northwood

Continued use of temporary classroom accommodation comprising of a two storey building of 1,600sqm until 14 September 2023 (as previously approved in planning application reference 2082/APP/2014/600 and 2082/APP/2017/2086)

Decision: 18-03-2020 Approved

Comment on Relevant Planning History

The current application is connected to planning application ref. 2082/APP/2007/1411 which granted permission for the removal of existing building and construction of a 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.

Condition 12 attached to planning permission 2082/APP/2007/1411 states that:

The all-weather playing surfaces shall only be used between the hours of 09:00 and 18:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays.

Reason: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Condition 13 attached to planning permission 2082/APP/2007/1411 states that:

The all weather pitch shall be for the exclusive use of the school and shall not be hired out to outside organisations, which could attract additional trips during the evening peak.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway in accordance with policy AM2 of the Hillingdon Unitary Development Plan.

Planning application ref. 2082/APP/2014/600 granted permission for the demolition of existing storage sheds and construction of two storey building comprising 1,600 sqm of temporary classroom accommodation, for a period of 3 years from 4 September 2014 (excluding construction/deconstruction period).

Subsequently, planning application ref. 2082/APP/2017/2086 permitted the continued use of temporary classroom accommodation, comprising a two storey building of 1,600sq.m, for a further temporary period of 3 years (as previously approved in planning permission ref: 2082/APP/2014/600 dated 08-05-2014). Condition 6 was attached to this permission, requiring the submission of a Community Use Agreement. This Condition was discharged under application ref. 2082/APP/2018/981 and confirmed that the grass pitch, multi-use games area, tennis courts, sports hall, climbing wall and swimming pool could be used by the community during the following times:

Term-time:
Mon-Fri 18:00 hrs to 21:00 hrs
Sat 09:00 hrs to 19:00 hrs
Sun 09:00 hrs to 12:00 hrs

School holidays:
Mon-Fri 09:00 hrs to 18:00 hrs
Sat 09:00 hrs to 18:00 hrs
Sun 09:00 hrs to 12:00 hrs

As the condition is connected to planning permission ref. 2082/APP/2017/2086, which was a temporary consent that expired on 14th September 2020, a permanent community use has not technically been established at the site.

A further application for the continued use of the temporary classroom accommodation comprising of a two storey building of 1,600sqm until 14th September 2023 (as previously approved in planning application reference 2082/APP/2014/600 and 2082/APP/2017/2086) was approved under application ref. 2082/APP/2019/3720 but a community use agreement condition was not replicated on the decision notice.

4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the

development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM5 (2012) Sport and Leisure

PT1.EM8 (2012) Land, Water, Air and Noise

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMCI 6 Indoor Sports and Leisure Facilities

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMEI 10 Water Management, Efficiency and Quality

DMEI 9 Management of Flood Risk

DMHB 1 Heritage Assets

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 3 Locally Listed Buildings

DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D14	(2021) Noise
LPP HC1	(2021) Heritage conservation and growth
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
NPPF4	NPPF 2021 - Decision-Making
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **21st April 2023**

5.2 Site Notice Expiry Date: **28th April 2023**

6. Consultations

External Consultees

A total of 890 no. letters were sent to neighbouring properties, a site notice was displayed to the front of the

site and an advert was posted in the local paper. All forms of consultation expired on 28th April 2023.

A petition in objection to the scheme has been received with 25 signatories. The comments made as part of the petition are summarised as follows:

1) The proposal disrespects the human rights to have times of peace and quiet.
2) The proposal disregards ecology, including birds, hedgehogs and other animal life.
3) Sports should be situated outside towns.
4) Permission should not be granted.
5) Sunday should be free of noise.
6) If permission is granted, supervision should be on-site at all times.

A further 17 individual objections have been received and are summarised as follows:

1) Extended hours will cause more traffic and cause issues for parking.
2) Parents disregard all rules during school pick-up and drop-off.
3) The swimming pool is open to non-pupils at the weekend.
4) There is already a lot of noise from the school which impacts those who work from home or those that do night shifts.
5) The proposed constant noise is unfair to residents and would impact on quality of life.
6) Floodlighting is totally unacceptable.
7) The proposal changes the ethos of the school from an educational establishment to a commercial enterprise.
8) Use of the site up to 9pm and use on Sundays is not appropriate.
9) The proposal would affect the Conservation Area.
10) The proposal would create pollution.
11) The proposal would adversely affect the local ecosystem.
12) Sport events can require the use of PA systems, loudspeakers and megaphones which will adversely affect the noise environment.
13) There is an increase of non-residential parking on Hawkesworth Close, Dormans Close and Leaf Close which will get worse.
14) The proposal is for profit.
15) The Transport Statement only covers aspects of 2 netball playgrounds without covering other activities Northwood College host at the same time.
16) The Parking Permit Scheme should be extended to Hawkesworth Close and Dormans Close to have "Residential permit parking only" restrictions from 8:00 to 20:00 weekdays and from 8:00 to 16:00 weekends.

Planning Officer comment

All material planning considerations are addressed within the main body of the report.

Specifically, it should be clarified that the application would not include any new construction or floodlighting, rather it is an administrative change to the operation of the site outside of school hours.

A Transport Statement Addendum has been submitted to cover the cumulative impact of multiple activities occurring at one time.

Regarding an extension of the parking permit scheme on local residential roads, it is noted that residents will need to petition to implement such a scheme.

NORTHWOOD RESIDENTS ASSOCIATION

We object to the proposed times which includes Sunday.

SPORT ENGLAND

The application seeks to amend the conditions to allow the Multi-Use Games Area (MUGA) to be used on weekday evenings and during the weekend by the community. Sport England welcomes this application as allowing and extending the period when the facilities would be available provides local residents more opportunities to access sport facilities within their local area.

Sport England, however, would like to highlight that the peak time for community sport participation is weekday evenings until 10pm and during the day at the weekend so it would encourage that the condition reflects these times. It would also support revising/drafting a Community Use Agreement (CUA) so that sustainable long-term community use of the facility could be secured. Sport England has template CUA that can be forwarded on the request.

Sport England also have a free online resource called Use Our School that offers further guidance and information for local authorities and other education providers on how to make the best use of school facilities for the benefit of the local community. It is especially useful for those who have responsibility within a school for establishing, sustaining and growing community activity on school sites. More detail can be found at www.sportengland.org/useourschool

Internal Consultees

PLANNING OFFICER COMMENT

Following comments raised by residents in respect of the cumulative impact of all activities on the school site, a Transport Statement Addendum document has been submitted for review. This is considered within the main body of the report and by the Highways Authority below.

HIGHWAYS AUTHORITY (Dated 11th July 2023)

Site Characteristics & Background

The site is situated in the far northern part of the borough in Northwood. The college fronts Maxwell Road and is in proximity of Rickmansworth Road. The former roadway is covered by a Controlled Parking Zone (CPZ) operating from Monday to Friday for one-hour per day increasing to an all-day Monday to Saturday coverage to the north-east of the site toward Northwood town centre. All of which further limits the availability of 'un-paid' for parking in the area during these periods.

It is proposed to extend the operational times of the existing Astro turf 'all-weather' pitch and to promote the sporting facility for extended community use purposes.

This proposal is specifically related to conditions 12 & 13 of permission - 2082/APP/2007/1411 relating to the construction of a new 'early years' centre and relocation of an all-weather sports pitch and reads as follows:

Condition 12 (Existing)

"The all-weather playing surfaces shall only be used between the hours of 9am and 6pm on Mondays to

Saturdays, and at no time on Sundays and Bank Holidays".

Condition 13 (Existing)

"The all-weather pitch shall be for the exclusive use of the school and shall not be hired out to outside organisations, which could attract additional trips during the evening peak".

Condition Variations (Proposed)

Condition 12

"The all-weather playing surfaces shall only be used between the hours of: Monday to Friday - 9am to 9pm; Saturday - 9am to 6pm & Sunday - 10am to 4pm with no use on Bank Holidays".

Condition 13

"The all-weather" pitch shall be used by the community on a managed basis as set out in condition 12".

Appraisal

In terms of highway/transport considerations, the two planning conditions are intrinsically linked. At a pre-application enquiry stage in 2021, the enquirer was encouraged to provide an assessment of the likely impacts of extra-curricular activities which should take into account the extended hours of opening during the working week and Sunday. This information has been provided.

It is noted that extracurricular activities would now be made available to the wider community for 7 days per week. The proposed extended hours of extracurricular activity from Monday to Friday (7 to 9pm) have been arranged so as not do overlap or interfere with normal weekday daytime school operations. In cumulative impact terms, this is welcomed for clear reason. Saturday periods of use are to remain as previously consented whilst Sunday use has been newly added.

There are in the region of 43/18 formal on-plot car parking/cycle spaces respectively available on-site for school related purposes and these would be made fully available for the proposed extracurricular activities which would measurably assist in limiting parking related impacts on the immediate local road network.

The applicant has provided information pertaining to the likely peak level of attendance related to the 2 proposed 'netball' pitches (14 players per pitch). It has been estimated by way of census data, that in terms of modal share, up to 50% of patrons ** would travel to and from the site via private motor transport generating in the region of a 14 'car' attendance plus several associated with referees/organisers and typically nominal viewing attendees when both pitches are active. This level of demand would be well within the available capacity of the on-site parking provision which totals 43 spaces and would usefully cater for 'consecutive hour' overlapping match attendee parking demand together with a high proportion of existing 'after-school' events. It is also noted that there is some realistic scope in a further reduction in predicated vehicle parking demand based on a 'not unreasonable' assumption that a proportion of after school activities are frequented by students of the school who are already in attendance which inherently cancels out arrival trips leaving only departures.

It should be noted that, reliance on what are in effect, 'third-party' parking provisions outside of the site envelope such as the availability of nearby off-street car parks for overspill (such as Green Lane Car Park), as suggested by the applicant, is not normally promoted. This is due to the fact that such spaces outside the site envelope cannot be guaranteed in perpetuity and conversely, measurable levels of occupation

generated by related site activities may impact detrimentally on the general parking availability for the rest of the general public (shoppers and/or restaurant patrons included) thereby potentially impacting on the viability and vitality of the local town centre. However, in fairness to the applicant, it is also accepted that, in reality, these facilities are physically available and can be used legitimately as and when required where capacity permits which thereby lessens potential demand on specific on-site parking provisions and the need to park on-street.

Notwithstanding this last point, an analysis of the accumulation of parking spaces on site indicates that demand would only be exceed the 43 on-site spaces available on a single occasion between the hours of 7pm and 8pm by 1 parking space given a likely demand of 44.

As a logical consequence of the above predicted demand, any significant untoward/displaced on-street parking within the local public roadways or local public car parks is therefore not anticipated thereby protecting residential amenity. This conclusion is also reflected when considering cumulative impacts of match events related to traffic generation which would be expected to be absorbable by the local road network without notable detriment to traffic congestion and road safety with no imposition on the most crucial and sensitive peak morning and late afternoon/early evening weekday traffic periods.

The applicant has accepted to manage and monitor these extracurricular activities by way of a 'Car Parking Management Plan' to assist matters and has also submitted an existing Community Use Agreement (CUA) for a previous separate permission (2082/APP/2017/2086) which is applicable to the existing community use. It would therefore be beneficial to update this agreement (including mitigations) to reflect the current proposal via planning condition.

An updated school travel plan based on one produced for the provision of a new science block (2082/APP/2019/4091 - condition 16) has also been submitted and takes into account the current proposal for the extended community use. The submission is considered broadly fit for purpose and securement via planning condition is recommended as this is considered as a 'live' document that should be open to enhancement/variation as and when required.

Conclusion
In summary, there is no 'in principle' objection to the proposal subject to the imposition of the above highlighted conditions.

** The percentage reduction factor is considered realistic as it also takes into account the likelihood of multiple car sharing, mini-bussing and attendance by sustainable means such as walking and use of public transport.

NOISE SPECIALIST (Dated 17th April 2023)

It is an outside activity area operating during specified times during the day. Despite the reference to IEMA guidance, evidence based guidance for this is sparse which makes assessment and regulation I would suggest rather unnecessary in the context of a low noise nuisance risk.

It is therefore considered that any noise management would if necessary be effected through operational control and this is typically how they would deal with complaints in the unlikely event they were to arise.

CONSERVATION OFFICER (Dated 20th April 2023)

I confirm that altering the opening hours of the all weather playing areas will have no impact on the Conservation Area.

AIR QUALITY OFFICER (Dated 25th May 2023)

1 Summary of Comments

The proposed development is located outside the LBH Air Quality Management Area and approximately 100m from the Northwood West Focus Area, with the potential of increasing pollutant traffic emissions in this sensitive area.

As per the London Plan (GLA, 2021) and the LBH Air Quality Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas (or in their vicinity if affecting them), contributing to the reduction of emissions in these sensitive locations. As per the plan, LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor. Furthermore, Policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

The Mayor of London has implemented the requirements to reduce PM2.5 concentrations to achieve the WHO interim target of 10ug/m3 through the London Plan and has placed a requirement on Local Authorities to reduce PM2.5 concentrations in their areas (London LAQM Policy 2019 Guidance: para 5.11. reads "Boroughs are expected to work towards reducing emissions and concentrations of PM2.5 in their areas"). The current proposal will be increasing pollutant traffic emissions due to the additional trip generation associated with the operation of the site on Sundays.

The proposed development is in the catchment area of a LBH Focus Area and therefore an appropriate level of mitigation is calculated using the Damage Cost Approach. The level of mitigation required associated with the operation phase of the proposed development for both pollutants of concern: NOx and PM2.5 amounts to a S106 contribution required of £14,378.

Damage Cost and Mitigation Measures

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

The mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

The total level of mitigation required to the proposed variation for traffic emissions is £14,378. Once all deductions were applied, the remaining value of mitigation due is £12,222. Flat rate deductions applied are as follow: Travel Plan (15%), Green Sustainable Measures (0%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (0%), totalling a reduction of £2,157.

Therefore, if no further quantifiable mitigation is offered by the applicant, a section 106 agreement with the LAP of £12,222 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

ACCESS OFFICER (Dated 3rd July 2023)

I have considered the detail of this planning application and consider this proposal to have no impact on accessibility.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S5 of the London Plan (2021) states:
B) Development proposals for sports and recreation facilities should:
1) increase or enhance the provision of facilities in accessible locations, well-connected to public transport and link to networks for walking and cycling
2) maximise the multiple use of facilities, and encourage the co-location of services between sports providers, schools, colleges, universities and other community facilities
3) support the provision of sports lighting within reasonable hours, where there is an identified need for sports facilities, and lighting is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.

Policy CI2 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will ensure that community and social infrastructure is provided in Hillingdon to cater for the needs of the existing community and future populations by:
4) Encouraging the development of multi-purpose facilities that can provide a range of services and facilities to the community at one accessible location;

Policy DMCI 2 of the Hillingdon Local Plan: Part 2 (2020) states:
A) Proposals for the refurbishment and re-use of existing premises for community facilities will be supported.
B) Proposals for the provision of new community facilities will be supported where they:
i) are located within the community or catchment that they are intended to serve;
ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards that meet the needs of intended occupants;
iii) are sited to maximise shared use of the facility, particularly for recreational and community uses; and
iv) make provision for community access to the facilities provided.

This application seeks permission 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 to enable access by the community (alongside the school) within the following times:
- 09.00 to 21.00 Mondays to Fridays;
- 09.00 to 18.00 Saturdays;
- 10.00 to 16.00 Sundays; and
- No use on Bank Holidays.

The principle of the use of the all-weather sports surfaces in these locations has already been established by grant of planning permission under application reference 2082/APP/2007/1411, the only difference being that the pitches would be used for extended hours and by members of the community as well as the school. Community use of such facilities would provide a public benefit and is supported by Policy S5 of the London Plan (2021), Policy CI2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMCI 2 of the Hillingdon Local Plan: Part 2 (2020), as well as being supported by Sport England. The principle of the proposal is considered acceptable, subject to the detailed

consideration of all other material planning considerations.

7.02 Density of the proposed development

Not applicable to the consideration of the application.

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

ARCHAEOLOGY AND AREA OF SPECIAL LOCAL CHARACTER

Not applicable to the consideration of the application.

CONSERVATION AREA AND LOCALLY LISTED BUILDINGS

The site is designated within Green Lane Conservation Area and the buildings at the front (south-east) of the site, including the Old School, Sixth Form and Library, Wray Lodge and Vincent House, are locally listed.

Policy DMHB 3 of the Hillingdon Local Plan: Part 2 (2020) states that there is a general presumption in favour of the retention of buildings, structures and features included in the Local List. The Council will take into account the effect of a proposal on the building's significance and the scale of any harm of loss when considering planning applications, including those for major alterations and extensions. Proposals will be permitted where they retain the significance, appearance, character or setting of a Locally Listed Building.

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

The above policies are supported by the NPPF (2021), Policy HC1 of the London Plan and Policy HE1 of the Hillingdon Local Plan: Part 1 (2012).

This application seeks permission for the variation of conditions to enable access by the community, alongside the school, during extended hours of access. As such, no physical development is proposed as part of this application. The Council's Conservation Officer has been consulted and has confirmed that the application would not have an impact on the Conservation Area or Locally Listed Buildings.

7.04 Airport safeguarding

Not applicable to the consideration of the application.

7.05 Impact on the green belt

Not applicable to the consideration of the application.

7.06 Environmental Impact

Not applicable to the consideration of the application.

7.07 Impact on the character & appearance of the area

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards

and, incorporate principles of good design.

Matters relating to impact on the character and appearance of the area have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

7.08 Impact on neighbours

Policy D14 of the London Plan (2021) states that development proposals should avoid significant adverse noise impacts on health and quality of life. It also requires development proposals to mitigate and minimise potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that all development should not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

At present, the all-weather playing surfaces are only permitted to be used by the school between the hours of 09:00 and 18:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays. This application seeks permission to amend Condition 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) to enable access to the all-weather playing surfaces by the community, alongside the school, during the following times:

- 09.00 to 21.00 Mondays to Fridays;
- 09.00 to 18.00 Saturdays;
- 10.00 to 16.00 Sundays; and
- No use on Bank Holidays.

This is a notable increase in hours of possible operation over the existing restrictive condition. Furthermore, the use of the premises by external clubs/local residents would intensify the use of the outdoor game areas.

Whilst Sport England's desire for the facilities to be made available for longer hours is acknowledged, it must be noted that the school is located in a predominantly residential area and is bounded by residential properties on all sides, albeit for the road which provides some separation distance between the school and properties directly opposite. Use of the outdoor facilities until 21:00 at night, in addition to associated late vehicle and pedestrian activity as users depart the site at this time, could give rise to unreasonable levels of noise and disturbance, which could affect residential amenity. Accordingly, it is considered that an appropriate balance must be struck between maximising the sporting use of the site and safeguarding residential amenity.

It is also noted that, in reality, the absence of floodlights at the school site would deem use until 21:00 impractical in any case for a significant portion of the year. It is noted that the information submitted references the submission of a separate application for floodlighting but it should be emphasised that this does not form part of the current application submission. This is a matter which would be considered in full as part of a separate application submission.

Notably, the Council has allowed for hours of use beyond 21:00 in residential areas. At the nearby Northwood School, Potter Street, the community use permitted in connection with application references 12850/APP/2014/4469 and 12850/APP/2013/1810 allows for hours of use until 22:00 on weekdays and 19:00 on weekends. Under the current application submission, the Council's Noise

Specialist has also advised that the proposed outside activity operating during the day has low noise nuisance risk.

It is noted that residents have raised concerns with regard to the use of the all weather playing surfaces in the evening hours. Specifically, there are concerns over shouting, whistling and use of megaphones. Officers appreciate that these are noises which are an inevitable product of sports. The information submitted notes that all community users would have to agree to a written code of conduct before using the school facilities. Notwithstanding, it is considered necessary and reasonable to secure a Noise Mitigation and Management Plan by condition prior to the use of the playing surfaces during evening hours. This should set out how organisers of sports at the school would operate in order to best reduce noise impacts during the evening hours.

Given the above considerations, subject to necessary planning conditions, the proposed extended hours of use would not be considered to pose an unacceptable impact on neighbouring residential amenity sufficient to support a robust reason for refusal in an appeal scenario.

7.09 Living conditions for future occupiers

Not applicable to the consideration of the application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site is located on Maxwell Road. Based on TfL's WebCAT planning tool, the site has a PTAL rating of 2. This indicates that access to public transport is low and that there is a dependency on the private car for trip making to and from the site.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:
A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity. This should be viewed in conjunction with Policies T6 and T6.1 of the London Plan (2021).

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

This application seeks permission to vary Conditions 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2082/APP/2007/1411 to change the permitted operating hours and use of the all-weather pitch.

Car Parking:

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Northwood College currently provides 43 no. car parking spaces within the bounds of the school.

It is noted that extracurricular activities would now be made available to the wider community for 7 days per week. The proposed extended hours of extracurricular activity from Monday to Friday (17:00 to 21:00) have been arranged so as not to overlap or interfere with normal weekday daytime school operations. Saturday periods of use are to remain as previously consented (09.00 to 18.00) whilst Sunday use would be between 10.00 to 16.00.

The applicant has submitted that the likely peak level of attendance related to the netball pitches, this being the most intensive use of the pitches, would generate 14 players per pitch. It has been estimated by way of census data, that in terms of modal share, up to 50% of patrons would travel to and from the site via private motor transport generating in the region of a 14 car attendances plus several associated with referees/organisers and typically nominal viewing attendees when both pitches are active. This level of demand would be within the available capacity of the on-site parking provision which totals 43 spaces and would cater for consecutive hour overlapping match attendee parking demand.

The 50% modal share is considered to be robust by the Council's Highways Officer as it would take into account car sharing, trips made by mini-bus and attendance by sustainable means such as walking and use of public transport.

A schedule of activities at the site has also been submitted as part of a Transport Statement Addendum document which accounts for all other activities that would take place on site, not just the activities that would take place in connection with the MUGAs / all-weather pitches. This includes the sports hall, swimming pool, tennis courts, sports field, fitness suite, dance studio and recital hall.

By combining the existing and proposed numbers, based on the assumptions that 66% travel by car, 50% of which car share, on a weekday between the hours of 5pm and 11pm, it is likely that the accumulation of parking spaces on site would only exceed the 43 spaces available once between the hours of 7pm and 8pm. It is also understood that the exceedance would not be significant, estimated to be only 1 parking space.

Based on the above considerations, the Council's Highways Officer concludes that the proposal, alongside other existing out of school hour uses, can be facilitated by the car parking provisions on site in combination with sustainable travel provisions. Any overspill onto the local highway network would be negligible. As such, the proposal is not considered have an unacceptable impact on highway safety or severe cumulative impact on the road network. As per paragraph 111 of the NPPF (2021), development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers do not consider a reason for refusal based on highway safety impact or residual cumulative impacts on the road network to be reasonable, robust or defendable in an appeal scenario.

Cycle Parking:

The school currently provides 18 cycle parking spaces at the site. No additional cycle parking is

proposed as part of this application.

Community Use Agreement:

An existing Community Use Agreement (CUA) has been submitted for a previous separate permission (2082/APP/2017/2086) on the school site. If recommended for approval, an updated Community Use Agreement would be secured by planning condition which directly applies to the subject All-Weather pitches.

Travel Plan:

An updated school travel plan based on one produced for the provision of a new science block (2082/APP/2019/4091 - Condition 16) has been submitted and takes into account the current proposal for the extended community use. If recommended for approval, a final detailed travel plan shall be secured by a Section 106 legal agreement.

Pick-Up and Drop-Off Strategy:

The pick-up and drop-off strategy is to remain as existing.

Servicing and Delivery:

Servicing and delivery arrangements are to remain as existing.

Summary

Subject to conditions and a Section 106 legal agreement, the proposed development would not be considered to prejudice conditions on the local highways network, in accordance with Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020) and Policies T4 and T7 of the London Plan (2021).

7.11 Urban design, access and security

URBAN DESIGN

Please see Section 07.07 of the report.

SECURITY

Matters relating to security have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

7.12 Disabled access

Policy D5 of the London Plan (2021) requires development proposals should achieve the highest standards of accessible and inclusive design.

The physical arrangement of the site has already been established as acceptable in accessibility terms under the original planning permission (ref. 2082/APP/2007/1411). The school site provides accessible toilet facilities within the Sports Hall. Changing room facilities are provided for the swimming pool but these would not be accessible to users of the sports pitches. A total of 2 no.

accessible car parking spaces are also provided within the school car park. For these reasons, the proposal is not considered contrary to Policy D5 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of the application.

7.14 Trees, Landscaping and Ecology

TREES AND LANDSCAPING

Matters relating to trees and landscaping have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

ECOLOGY

The Haste Hill & Northwood Golf Courses and Northwood Cemetery Nature Conservation Site of Grade 2 importance is designated circa 150m to the south-west.

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

A Preliminary Ecological Appraisal has been submitted as part of the application. The report identifies that the buildings and tree close to the sports pitches are suitable for birds and bats. Mitigation measures would be required if floodlighting was proposed. As previously noted, the current application does not include floodlighting and therefore does not form part of the consideration of this application.

With regard to noise impacts on local ecology, it is noted that the noise environment is already inclusive of the school operation which includes the regular use of the sports pitches. As such, the proposal to extend the access of the pitches to the local community and extend the hours of use to the early evening is not considered to have a detrimental impact with respect to local ecology.

7.15 Sustainable waste management

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection.

The Transport Statement submitted confirms that there will be no change to the existing servicing and refuse collection arrangement as a result of these proposals.

7.16 Renewable energy / Sustainability

Matters relating to energy have already been established by grant of original permission and there has been no material change in site circumstances to suggest that the previous assessment is no longer valid.

7.17 Flooding or Drainage Issues

Matters relating to flood and water management have already been established by grant of original

permission and there has been no material change in site circumstances to suggest that the previous assessment is no longer valid.

7.18 Noise or Air Quality Issues

NOISE

Please see Section 07.08 of the report.

AIR QUALITY

Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors. Policy SI 1 of the London Plan (2021) further supports this.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) states:
A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.
B) Development proposals should, as a minimum:
i) be at least "air quality neutral";
ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The Northwood West Air Quality Focus Area is located a short distance to the west (circa 60m) and the Northwood East Air Quality Focus Area is located further away to the east (circa 700m). These are areas that exceed the EU annual mean limit value for nitrogen dioxide (NO2), have high human exposure and current planned measures are insufficient to resolve the poor air quality issues.

As confirmed by the Council's Air Quality Officer, the proposed development would contribute to the production of unacceptable pollutant emissions in the Northwood West Air Quality Focus Area and the Northwood East Air Quality Focus Area. Calculations undertaken by the Council's Air Quality Officer indicate that the development is not air quality neutral. Further, the proposed development is not air quality positive and the measures proposed are not sufficient to mitigate the total emissions.

The damage cost is calculated to equal £14,378 and is discounted by 15% in view of the proposed travel plan, equalling £12,222. If recommended for approval, this contribution would be secured by a Section 106 legal agreement, ensuring compliance with Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy SI 1 of the London Plan (2021).

7.19 Comments on Public Consultations

Please see Section 06.1 of the report.

7.20 Planning Obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:
A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure

requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).
B) Planning obligations will be sought on a scheme-by-scheme basis:
i) to secure the provision of affordable housing in relation to residential development schemes;
ii) where a development has infrastructure needs that are not addressed through CIL; and
iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.
C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

i) Travel Plan: A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include such as matters as: targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the Travel Plan; and a commitment to delivering the Travel Plan objectives.

ii) Air Quality Contribution: A financial contribution equal to £12,222 shall be paid to the Council to address the air quality impacts of the proposed development.

iii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 100m2 or more will be liable for the Mayoral Community Infrastructure Levy (Mayoral CIL), as legislated by the Community Infrastructure Levy Regulations 2010 and The Community Infrastructure Levy (Amendment) Regulations 2011. The liability payable will be equal to £60 per square metre (from April 2019). The London Borough of Hillingdon is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

In addition development with additional floor area would represent Chargeable Development under the Hillingdon Community Infrastructure Levy, which came into effect on 1st August 2014.

The proposals do not include any additional floor area and as such the proposals are not liable to CIL.

7.21 Expediency of enforcement action

Not applicable to the consideration of the application.

7.22 Other Issues

SECTION 73 CONDITIONS

The original planning permission will continue to exist separate to the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. Decision notices for the grant of planning permission under section 73 should should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

A number of conditions have been restated and amended and a number of conditions have not been restated as they no longer continue to have an effect.

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

The principle of the use of the all-weather sports surfaces in this location has already been established by grant of planning permission under application reference 2082/APP/2007/1411, the only difference being that the pitches would be used for extended hours and by members of the community as well as the school. Community use of such facilities would provide a public benefit and is supported by regional and local plan policies. The proposal is supported in principle.

Officers are aware that the Council has allowed for hours of use beyond 21:00 in residential areas, including the nearby Northwood School, Potter Street, which allows for hours of use until 22:00 on weekdays and 19:00 on weekends. Under the current application submission, the Council's Noise Specialist has also advised that the proposed outside activity operating during the day has low noise nuisance risk. Notwithstanding, it is considered necessary and reasonable to secure a Noise Mitigation and Management Plan by condition prior to the use of the playing surfaces during evening hours. This should set out how organisers of sports at the school would operate in order to best reduce noise impacts during the evening hours. Subject to such a condition, the proposed extended hours of use would not be considered to pose an unacceptable impact on neighbouring residential amenity sufficient to support a robust reason for refusal in an appeal scenario.

A schedule of activities at the site has also been submitted as part of a Transport Statement Addendum document which accounts for all other activities that would take place on site, not just the activities that would take place in connection with the MUGAs / all-weather pitch. This includes the sports hall, swimming pool, tennis courts, sports field, fitness suite, dance studio and recital hall. Taking this into consideration, the Highway Authority conclude that the proposal, alongside other existing out of school hour uses, can be facilitated by the car parking provisions on site in combination with sustainable travel provisions. Any overspill onto the local highway network would be

negligible. As such, the proposal is considered to have an acceptable highway safety and would not have a severe cumulative impact on the road network. Officers do not consider a reason for refusal based on highway safety impact or residual cumulative impacts on the road network to be reasonable, robust or defendable in an appeal scenario.

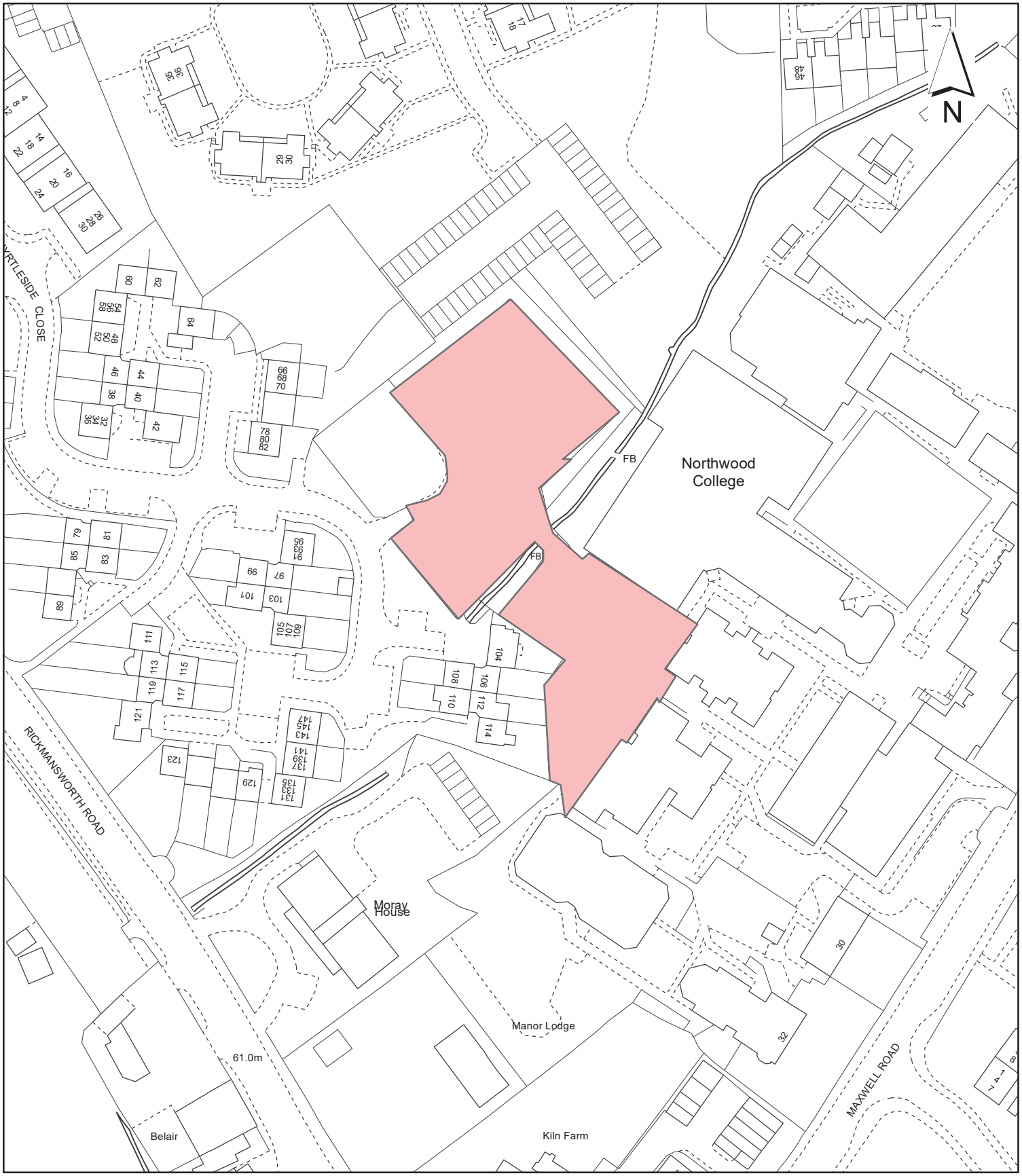
Subject to the planning conditions and obligations to be secured by legal agreement, the proposed development is considered acceptable with respect to its impact on neighbour amenity, the local highway network, accessibility, security, landscaping, ecology, waste and noise. For the reasons set out within the main body of the report, the proposal accords with the development plan when read as a whole.

Subject to planning conditions and legal agreement, this application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (July 2021)
The London Plan (March 2021)
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
Accessible Hillingdon Supplementary Planning Document (September 2017)
Planning Obligations Supplementary Planning Document (July 2014)
London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)

Contact Officer:	Michael Briginshaw	**Telephone No:**	01895 250230



Notes:

Site boundary

For identification purposes only.

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Site Address:

Northwood College Educational Foundation, Maxwell Road

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
2082/APP/2023/516

Scale:
1:1,250

Planning Committee:
Major

Date:
July 2023

HILLINGDON
LONDON

Appendix B - A Copy of the Decision Notice, ref. 2082/APP/2023/516

HILLINGDON
LONDON

Miss Georgia Goff
Nexus Planning Ltd.
Nexus Planning Ltd.
Holmes House
4 Pear Place
London
SE18BT

Application Ref: 2082/APP/2023/516

TOWN AND COUNTRY PLANNINGACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **GRANTS** permission for the following:

Description of development:
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.

Location of development:	Northwood College Educational Foundation Maxwell Road Northwood
Date of application:	22nd February 2023
Plan Numbers:	See attached Schedule of plans

Permission is subject to the condition(s) listed on the attached schedule:-

R Johnson

Head of Development Management and Building Control
Date: 23rd January 2024

NOTES: (i) Please also see the informatives included in the Schedule of Conditions.

(ii) Should you wish to appeal against any of the conditions please read the attached sheet which explains the procedure.

(iii) This decision does not convey any approval or consent which may be required under any by-laws, building regulations or under any Act other than the Town and Country Planning Act 1990 (as amended).

TOWN AND COUNTRY PLANNINGACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Application Ref: 2082/APP/2023/516

SCHEDULE OF CONDITIONS

1 The development hereby permitted relates solely to the operation of the site. All works of previously approved under planning permission reference 2082/APP/2007/1411 (dated 11th September 2007) have now ceased and shall remain as such. This decision notice does not permit any further works from this site.

REASON
To comply with Section 91 of the Town and Country Planning Act 1990.

2 All material details were approved under application reference 2082/APP/2007/3110 (dated 8th December 2009) and shall be retained as such.

REASON
To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

3 All boundary details were approved under application reference 2082/APP/2007/3110 (dated 8th December 2009) and shall be retained as such.

REASON
To safeguard the visual amenities of the area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

4 Details relating to parking for wheelchair disabled people have been approved under application reference 2082/APP/2007/3245 (dated 7th December 2009) and shall be retained as such.

REASON
To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020).

5 Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON
To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

6 All landscape scheme details were approved under application reference 2082/APP/2007/3245 (dated 7th December 2009) and shall be retained as such.

REASON
To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with Policies DMHB 14 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7 The early years centre shall only be used between the hours of 08:00 to 21:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays.

REASON
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).

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.

REASON
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).

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.

REASON
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).

10 Details pertaining to the control of noise and odour emanating from the site were approved under application reference 2082/APP/2009/497 (dated 16th June 2009) and shall be retained as such.

REASON
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).

11 10% of energy requirements for the development hereby approved shall be supplied from renewable sources and shall be retained as such.

REASON
To accord with the requirements secured under the original permission and to comply with the general principles of Policy SI 2 of the London Plan (2021).

12 The opening hours for the Early Years Centre shall be staggered by a minimum of 15 minutes from the college opening hours as detailed in the letter received from Dannatt, Johnson Architects dated 1/08/07.

REASON
To protect the amenity of surrounding areas in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

13 The access to the Early Years Centre will be from Maxwell Road and no drop-off or pick-up will be permitted from Myrtleside Close. This condition shall not apply to access for fire or other emergency services.

REASON
To ensure that vehicle safety is not prejudiced and to protect the amenities of occupiers of residential properties in Myrtleside Close in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

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.

REASON
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).

15 Prior to the use of the all-weather playing surfaces during evening hours (6pm to 9pm), a Noise Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail a noise complaint procedure, including detail on how measures are implemented to resolve such complaints. Thereafter the all-weather playing surfaces shall only ever be used during evening hours in accordance with these details for as long as the development remains in existence.

REASON
To safeguard the amenity of the surrounding area in accordance Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), and Policy D14 of the London Plan (2021).

INFORMATIVES

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

2 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3 Please be advised that the application hereby approved does not permit any form of floodlighting. Any future application submitted which seeks permission for the installation of floodlighting shall be reported to the Hillingdon Planning Committee for determination.

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

Part 1 Policies

PT1.BE1	(2012) Built Environment
PT1.EM5	(2012) Sport and Leisure
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.HE1	(2012) Heritage

Part 2 Policies

DMCI 6	Indoor Sports and Leisure Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D14	(2021) Noise
LPP HC1	(2021) Heritage conservation and growth
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
NPPF4	NPPF 2021 - Decision-Making
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

GRANT OF PLANNING PERMISSION

Application Ref: 2082/APP/2023/516

SCHEDULE OF PLANS

398-SKD-20A - received 18 Jun 2007

398-SKD-15A - received 18 Jun 2007

398-SKD-10A - received 18 Jun 2007

398-SKD-26 - received 18 Jun 2007

398-SY-04 - received 18 Jun 2007

398-SKD-22 - received 18 Jun 2007

398-SKD-11 - received 18 Jun 2007

398-SKD-12 - received 18 Jun 2007

398-SKD-16A - received 18 Jun 2007

398-SKD-17A - received 18 Jun 2007

398-SKD-18A - received 18 Jun 2007

398-SKD-21 - received 18 Jun 2007

1575/PL03 - received 18 Jun 2007

24405.PCR.01 Rev. A Noise Impact Assessment (Dated 1st December 2022) - received 22 Feb 2023

School Travel Plan (Dated February 2023) - received 22 Feb 2023

398-SKD-08 - received 18 Jun 2007

398-SKD-07 - received 18 Jun 2007

398-SKD-00 - received 18 Jun 2007

Transport Statement Addendum (Dated July 2023) - received 30 Jun 2023

32404 Cover Letter (Dated 21st February 2023) - received 22 Feb 2023

32404 Cover Letter - Appendix A and B (Dated 21st February 2023) - received 22 Feb 2023

32404 Cover Letter - Appendix C (Dated 21st February 2023) - received 22 Feb 2023

398-SKD-27 - received 18 Jun 2007

398-SY-05 - received 18 Jun 2007

398-SY-09 - received 18 Jun 2007

398-SY-10A - received 18 Jun 2007

Response to Public Comments (Dated 25th May 2023) - received 25 May 2023

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspecorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424) Appeal forms can be downloaded from the Planning Inspectorate website at www.Planning-inspectorate.gov.uk

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.
Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power inless there are special circumstances, which excuse the deploy in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix C – A Copy of the S106 Agreement, ref. 2082/APP/2023/516

DATED 19TH JANUARY 2024

THE GIRLS' DAY SCHOOL TRUST

and

THE LONDON BOROUGH OF HILLINGDON

PLANNING OBLIGATION BY DEED PURSUANT TO SECTION 106

OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND ASSOCIATED POWERS

RELATING TO THE DEVELOPMENT OF LAND AT

NORTHWOOD COLLEGE EDUCATIONAL FOUNDATION

MAXWELL ROAD

LONDON

HA6 2YE

PLANNING APPLICATION NUMBER: 2082/APP/2023/516

Planning & Corporate Team

London Borough of Hillingdon

Civic Centre, High Street

Uxbridge, Middlesex

Ref: 3E/04/022458

THIS PLANNING OBLIGATION BY DEED is dated 19TH JANUARY 2024

and is made **BETWEEN**:

1. **THE GIRLS' DAY SCHOOL TRUST** (company number 00006400) a company incorporated in England and Wales whose registered office is situated at 10 Bressenden Place, London SW1E 5DH ("the Owner");

   and

2. **THE LONDON BOROUGH OF HILLINGDON** of the Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW ("the Council").

BACKGROUND

A The Council is the local planning authority for the purposes of the Act in respect of the Land and by whom the obligations in this Agreement are enforceable.

B The Owner has a freehold interest in the Land registered under Title Nos. NGL20566 and NGL309235 at the Land Registry "the Land"

C On 22nd February 2023, the Owner submitted the Planning Application to the Council for permission to develop the Site for the purposes and in the manner described in the Planning Application.

D The Owner intends to develop the Site pursuant to the Planning Permission.

E The Council resolved at its Major Applications Planning Committee meeting on 26th July 2023 to delegate authority to determine the Planning Application to the Director of Planning, Regeneration and Environment subject to the prior completion of this Agreement.

F The Council has considered the provisions of the development plan and taken into account planning considerations affecting the Site and considers that in the interests of the proper planning of its area the Development of the Site ought to only be permitted subject to the terms of this Agreement and for that purpose the parties are willing to enter into this Agreement.

THIS DEED WITNESSES AS FOLLOWS:-

OPERATIVE PROVISIONS

1 INTERPRETATION

1.1 For the purposes of the recitals and this Agreement, the following words and expressions shall have the following meaning:

"1980 Act"	means the Highways Act 1980 (as amended);
"1990 Act"	means the Town and Country Planning Act 1990 (as amended);
"Air Quality Contribution"	means the Indexed Linked sum of £12,222.00 referred to in Schedule 1 as a financial contribution towards initiatives to improve air quality in the Authority's Area including (but not limited to): - Use of low emission fuel technology and other measures to reduce emissions; - Tree and other planting; - Restrictions on certain types of vehicles; - Use of cleaner fuels on energy and heating; - Use of combined heat and power and community heating systems; and - Environmental management systems and air quality strategy in accordance with paragraphs 5.10-5.13 of the Council's Planning Obligations Supplementary Planning Document (July 2014);
"All Weather Sports Pitch"	Means the sports pitch subject to the Planning Permission and shown within the land outlined in red on the Plan (but for the avoidance of doubt only forming part of the land outlined red)
"Auditor"	means a suitably qualified, experienced and independent person nominated by the Owner and approved in writing by the Council for the purpose of verifying the results of the Monitoring;
"Authority's Area"	means the administrative area of the Council;
"Car"	means a four (4) wheeled motor vehicle other than one powered by electricity;
"Commencement of Development"	means the change of use permitted by the Planning Permission: - Use of the All Weather Sports Pitch: (i) by the School and the community to be secured by the community use agreement in Condition 14 of the Planning Permission in accordance with the following times; (ii) 09.00 to 21.00 Mondays to Fridays 09.00 to 18.00 Saturdays 10.00 to 16.00 Sundays; and No use on Bank Holidays as permitted by Condition 8 of the Planning Permission and Commence and Commenced shall be construed accordingly;
"Contributions"	means the Air Quality Contribution in Schedule 1 of this Deed;
"Director of Planning, Regeneration and Environment"	means the Council's Director of Planning, Regeneration and Environment;

"Development"	means the development of the Site pursuant to the Planning Permission for 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;
"Form PO1"	means the form in the substantial format attached at Appendix 1 of this Deed;
"Index Linked"	means the application of the formula provided at Clause 15 of this Deed;
'Monitoring'	means a survey of the School and community users authorised pursuant to the Planning Permission on a temporary basis for 24 months from the date of the Planning Permission for the approved hours in condition 8 and the community use agreement in condition 14 of the Planning Permission making the journey to/from the School for the purposes of using the All Weather Sports Pitches shown outlined in red on the attached Plan, using a questionnaire in a form supplied or approved by the Council with the object of ascertaining the modes of transport used by such persons (or any alternative method of achieving that object approved in writing by the Council from time to time);
"Monitoring Period"	means the period of up to a maximum of five (5) years beginning on Commencement of Development of the Development permitted by the Planning Permission;
"Plan "	means the plan attached to this Agreement at Appendix 2 of this Deed;
"Planning Application"	means the application for planning permission for under the Council's reference number 2082/APP/2023/516;
"Planning Permission"	means the planning permission that may be granted in pursuance of the Planning Application substantially in the form of the draft permission at Appendix 3 of this Deed;
"Planning Reference"	means planning reference 2082/APP/2023/516;
"Project Management and Monitoring Fee"	means the sum equivalent to five percent (5%) of the total Contributions to be used by the Council at its discretion for its costs incurred in administering, monitoring, reviewing and implementing this Agreement;
"School"	means Northwood College Educational Foundation;
"Site"	means the property known as Northwood College Educational Foundation, Maxwell Road, London, HA6 2YE and shown for

	identification purposes only edged red on the Plan;
"Specified Date"	means the date upon which an obligation arising under this Agreement is due to be performed;
"Targets"	means for targets for achieving a decrease in the proportion of persons travelling to and from the Development by driver only private Car to using more sustainable modes of transport (where walking, cycling or the use of public transport are more sustainable than using a Car) as calculated in the Travel Plan which shall be submitted to and approved by the Council for the Development;
"Travel Plan"	means the School travel plan in respect of Condition 8 Hours Of Use of the Planning Permission to be provided and adopted by the Owner as approved in writing by the Council to encourage means of travel to and from the All Weather Sports Pitch Development other than by the driver only private car in accordance with Schedule 2 of this Deed, paragraphs 5.8-5.9 of the Council's Planning Obligations Supplementary Planning Document (July 2014);
"Travel Plan Co-Ordinator"	means the person or persons to be appointed by the Owner to act as co-ordinator of the Travel Plan who shall be responsible for the implementation, monitoring and progress reporting of the Travel Plan for a period of not less than the Monitoring Period in order to achieve the objectives of the Travel Plan;
"VAT"	means value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax;
"Working Day"	means any day except Saturday, Sunday and any bank or public holiday and Working Days shall be construed accordingly.

1.2 In this Agreement:

1.2.1 the clause headings do not affect its interpretation;

1.2.2 unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting any one gender shall include all genders and words denoting persons shall include bodies corporate, unincorporated associations and partnerships;

1.2.3 a reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions;

1.2.4 unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time;

1.2.5 the headings in this Agreement are inserted for convenience only and shall not affect the construction or interpretation of this Agreement;

1.2.6 unless otherwise indicated, references to clauses and Schedules are to clauses of and Schedules to this Agreement and references in a Schedule to a Part or paragraph are to a Part of paragraph of that Schedule;

1.2.7 where the agreement, approval, consent or an expression of satisfaction is required by the Owner under the terms of this Agreement from the Council that agreement, approval, consent or satisfaction shall be given in writing and shall not be unreasonably withheld or delayed;

1.2.8 references to any statute or statutory provision include references to:

1.2.8.1 all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by subsequent legislation; and

1.2.8.2 any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision;

1.2.9 references to the Site include any part of it;

1.2.10 references to any party in this Agreement include the successors in title of that party and any person deriving title through or under that party. In addition, references to the Council include any successor local planning authority exercising planning powers under the 1990 Act or any successor local highway authority exercising powers under the 1980 Act;

1.2.11 "including" means "including, without limitation";

1.2.12 any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing;

1.2.13 without prejudice to the terms of any other provision contained in this Agreement the Owner shall pay all costs, charges and expenses (including without prejudice to legal costs and Surveyor's fees) reasonably incurred by the Council for the purpose of or incidental to the enforcement of any right or power of the Council or any obligation of the Owner arising under this Agreement;

1.2.14 where two or more people form a party to this Agreement, the obligations they undertake may be enforced against them jointly or against each of them individually; and

1.2.15 if any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of the Agreement is to be unaffected.

2 LEGAL BASIS

2.1 This Agreement is made pursuant to section 106 of the 1990 Act. To the extent that they fall within the terms of section 106 of the 1990 Act, the obligations contained in this Agreement are planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the Council as local planning authority against the Owner without limit of time.

To the extent that any of the obligations contained in this Agreement are not planning obligations within the meaning of the 1990 Act, they are entered into pursuant to the powers contained in section 111 of the Local Government Act 1972, section 16 of the Greater London Council (General Powers) Act 1974, section 2 of the Local Government Act 2000, section 1 of the Localism Act 2011 and all other enabling powers with the intent that it will bind the Owner and the Security Trustee and their successors in title to the Site

3 CONDITIONALITY

The obligations contained in the schedules to this Agreement are subject to and conditional upon:

(i) the grant of the Planning Permission; and

(ii) Commencement of the Development All other parts of this Agreement shall be of immediate force and effect unless otherwise stated.

4 MISCELLANEOUS

4.1 Nothing contained or implied in this Agreement shall prejudice or affect the rights, powers, duties and obligations of the Council in exercise of their functions as local planning authority and their rights, powers, duties and obligations under all public and private statutes, bylaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

4.2 Nothing in this Agreement prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Agreement, whether or not pursuant to an appeal.

4.3 No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the covenants undertakings obligations or restrictions contained in this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said covenants undertaking or obligation from acting upon any subsequent breach or default in respect of the Owner.

4.4 Nothing in this Agreement shall be construed as a grant of planning permission.

4.5 Unless expressly agreed otherwise in this Agreement, the covenants in this Agreement shall be enforceable without any limit of time against the Owner and any successors in title to the Site and assigns of the Owner in an interest or estate to the Site or any part or parts of the Site as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.

4.6 No party to this Agreement nor its successors in title nor any person deriving title from or under them shall be liable for any breach of any of the planning obligations or other obligations contained in this Agreement after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

4.7 This Agreement shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission is quashed or revoked or otherwise withdrawn or (without the consent of the Owner or their successors in title) is modified by any statutory procedure or expires prior to Commencement of Development.

4.8 Insofar as any clause or clauses of this Agreement are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Agreement.

4.9 In the event that the planning obligations contained in this Agreement being modified a note or memorandum thereof shall be endorsed upon this Agreement.

4.10 The Agreement cannot be amended or discharged without the prior consent in writing of the Owner and the Council or their respective successors in title.

5 THE OWNER'S PLANNING OBLIGATIONS

The Owner covenants with the Council so as to bind the Site to observe and perform the obligations contained in this Agreement and the Schedules hereto.

6 COSTS

6.1 The Owner hereby covenants with the Council that on completion of this Agreement it will pay the Council's reasonable and proper legal costs, together with all disbursements, incurred in connection with the negotiation, preparation, completion and registration of this Agreement.

6.2 Prior to Commencement of Development the Owner will pay to the Council the Project Management and Monitoring Fee. For the avoidance of doubt the Project Management and Monitoring Fee shall be paid in addition to the costs referred to in clause 6.1 above.

7 REGISTRATION OF AGREEMENT

The Owner recognises and agrees that the covenants in this Agreement shall be treated and registered as local land charges for the purposes of the Local Land Charges Act 1975.

8 RIGHT OF ACCESS

8.1 Without prejudice to the Council's statutory right of entry the Owner shall permit the Council and its authorised employees and agents upon reasonable written notice to enter the Site at all reasonable times for the purpose of verifying whether or not any obligation arising under the Agreement has been performed or observed.

9. ARBITRATION

9.1 Any dispute, controversy or claim arising out of or relating to this Agreement, including any question regarding its breach, existence, validity or termination or legal relationship established by this Agreement shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

9.1.1 the tribunal shall consist of one other arbitrator appointed jointly by the parties;

9.1.2 in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;

9.1.3 the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and

9.1.4 the seat of the arbitration shall be London

10. THIRD PARTIES

A person who is not named in this Agreement does not have any right to enforce any term of this Agreement under the Contracts (Rights of Third Parties) Act 1999.

11. NOTICES

11.1 All notices served under or in connection with this Agreement shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party;

11.2 Any notice to be served under or in connection with this Agreement shall be sent to the:
a) Interim Head of Planning Regeneration and Public Realm, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW and shall cite the Planning Reference for this Agreement; and
b) The Owner at Trust Office Estates, GDST, 10 Bressenden Place, London, SW1E 5DH.

12. FORM PO1

Prior to Commencement of the Development the Owner shall notify the Council that it intends to commence the Development by completing and sending Form PO1 to the Council addressed to the Interim Head of Planning Regeneration and Environment, 3 North, London Borough of Hillingdon, High Street Uxbridge UB8 1UW and shall cite the Planning Reference.

13. CHANGE IN OWNERSHIP

The Owner agrees to provide to the Council as soon as is reasonably practicable written notification of any change in Ownership of any of its interest in the Land occurring before all of the obligations under this Agreement have been discharged (such notice to give details of the transferee's full name and registered office) together with the area of the Land or unit of occupation purchased by reference to a plan and the Section 106 Reference.

14. CONTRIBUTIONS

14.1 Payment of the Contributions required by this Agreement shall be made on the following basis:

(a) The Contributions due under this Agreement shall be delivered to the person and address specified in clause 11 above;

(b) pursuant to the Local Government Act 2003, the Council shall be at liberty to charge the Contributions to a Council revenue account and for the avoidance of doubt it is agreed and declared that this shall be without prejudice to the Council's right to apply the Contributions or any part or parts thereof to revenue purposes or to capital purposes or partly to the one and partly to the other.

14.2 Where any sum is paid for a particular purpose in accordance with this Agreement the Council shall not use the payment otherwise than for that purpose or for such other purpose as the Owner (at its absolute discretion) and the Council may agree in writing.

14.3 In the event that the Contributions or any element or part of the Contributions remain unspent or committed unconditionally to be spent within seven (7) years after the date on which the relevant Contribution was paid to the Council, then the Council shall within 28 days of a written demand return to the Owner the unexpended or uncommitted (as the case may by) part of the Contributions (with any accrued interest).

15. INDEXATION

The Owner agrees with the Council that any sums payable by the Owner under this Agreement shall be increased by the application of the formula A=B x C/D where:

(a) A is the sum actually payable on the Specified Date;
(b) B is the original sum mentioned in this Agreement;
(c) C is the Index of Consumer Prices for the month 2 months before the Specified Date;
(d) D is the Index of Consumer Prices for the month 2 months before the date of this Agreement; and
(e) C/D is equal to or greater than 1.

16. INTEREST

All costs, payments and expenses payable to the Council under this Agreement shall bear the Interest rate from time to time being charged from the date such payment is due until the payment is received by the Council.

17. VAT

17.1 All consideration given in accordance with the terms of this Agreement shall be exclusive of any VAT properly payable.

17.2 The Owner hereby acknowledges and agrees that if at any time VAT is required to be paid in respect of the Land and the Contributions then to the extent that VAT had not been previously charged in respect of that payment the Council shall have the right to issue a VAT invoice to the Owner and the VAT shall be paid accordingly.

18. JURISDICTION

This Agreement is governed by and interpreted in accordance with the law of England and Wales.

19. MORTGAGEE'S CONSENT

The Mortgagee acknowledges and declares that this Agreement has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Agreement and that the security of its charge over the Land shall take effect subject to this Agreement PROVIDED THAT the Mortgagee shall otherwise have no liability under this Agreement unless they take possession of the Land in which case they too will be bound by the obligations as if they were a person deriving title from the Owner.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1

AIR QUALITY CONTRIBUTION

The Owner hereby covenants and agrees with the Council as follows:

1 Prior to Commencement of Development to pay to the Council the Air Quality Contribution; and

2 Not to Commence or cause or allow or permit Commencement of Development before the Air Quality Contribution has been paid to the Council.

SCHEDULE 2

TRAVEL PLAN

The Owner hereby covenants and agrees with the Council as follows:

1 Not to Commence Development permitted by the Planning Permission until a Travel Plan for the All Weather Sports Pitch has been submitted to and approved by the Council in writing.

2 To ensure the Travel Plan controls travel to and from the All Weather Sports Pitch arising from the following permitted uses

2.1 For a temporary period of 24 months from the date of the Planning Permission the hours of use shall be

09.00 to 21.00 Mondays to Fridays;
09.00 to 18.00 Saturdays;
10.00 to 16.00 Sundays; and
No use on Bank Holidays

3 Further Travel Plan(s) shall be submitted to the Council each time there is a variation to the community use agreement pursuant to condition 14 of the Planning Permission.

4 The Travel Plan shall include as a minimum:

4.1 Details as to compliance with TfL methodology to be used to implement and monitor the Travel Plan;

4.2 The Travel Plan Monitoring Period;

4.3 A timetable for the preparation, implementation, monitoring and review (within the Monitoring Period) of all stages of the Travel Plan; and

4.4 The period post Commencement of Development when the initial Monitoring will be undertaken and details of subsequent Monitoring for the purposes of assessment achievement of Targets.

The Targets

5 The Travel Plan shall be implemented by the Owner as soon as reasonably practicable and in any event no later than Two (2) months following first Commencement of Development.

6 To procure the funding and implementation of the Travel Plan in accordance with the actions and timetable specified therein and thereafter to comply with the Travel Plan for the Monitoring Period.

7 The Owner shall not Commence the Development any part of the Development until a Travel Plan Co-ordinator has been appointed and details of the name, office, address, email address and telephone number of the said Travel Plan Co-Ordinator have been supplied to the Council and TfL in the case of referred applications to the GLA.

8 The Owner shall be responsible for the reasonable and proper costs of any Monitoring and auditing and any remuneration and reasonable and proper expenses payable to the Travel Plan Co-ordinator and the Auditor.

9 In the event that the Travel Plan Co-ordinator resigns or is otherwise dismissed from employment for any reason, the Owner will employ (or will procure the employment of) a replacement Travel Plan Co-ordinator as soon as reasonably practicable.

10 Following approval of the Travel Plan the Travel Plan Co-ordinator shall monitor and review the Travel Plan for a period of not less than the Monitoring Period including undertaking the following:

10.1 within Twenty-Eight (28) days of the Commencement of Development to provide written details of the Travel Plan to the School;

10.2 to use reasonable endeavours to ensure that users of the School comply with the Travel Plan;

10.3 to undertake the initial Monitoring which shall not be carried out later that one (1) year after first Commencement of Development and to undertake an annual review of the Travel Plan and provide a written report within Twenty-Eight (28) days of the review to the Council;

10.4 to supply the Council with a statistical summary of the modes of transport used by residents/users disclosed by any Monitoring or copies of any questionnaires completed by users; and

10.5 to secure that the results of each Monitoring are verified by an Auditor within Two (2) calendar months of the Monitoring taking place by methods that accord with the reasonable requirements of the Council.

10.6 The Owner will implement any reasonable recommendations made by the Council following each annual review of the Travel Plan within Twenty-Eight (28) days of such recommendation being made by the Council.

APPENDIX 1
FORM PO1

TO: HEAD OF PLANNING AND ENFORCEMENT
RESIDENTS SERVICES
LONDON BOROUGH OF HILLINGDON
3N CIVIC CENTRE
HIGH STREET UXBRIDGE
MIDDLESEX UB8 1UW

SECTION 106/278 LEGAL AGREEMENT
SITE ADDRESS:

PLANNING REFERENCE:

DESCRIPTION OF DEVELOPMENT:

DATE OF COMMITTEE AUTHORISATION:

SECTION 106 OBLIGATIONS

DATE OF IMPLEMENTATION OF DEVELOPMENT:

(i) NOTIFIED TO THE COUNCIL:

(ii) SUBMITTED TO THE COUNCIL WITH THIS FORM:

NB: Please continue of separate sheet(s) if necessary.

TICK BOX IF THIS FORM IS TO CONSTITUTE THE "FIRST NOTICE" UNDER THE SECTION 278 HIGHWAY AGREEMENT IF THIS IS THE "FIRST NOTICE" PLEASE ATTACH THE "FIRST PAYMENT" AS SPECIFIED IN THE AGREEMENT ☐

FOR COUNCIL USE:

NB: IF THIS IS THE FIRST NOTICE PASS IMMEDIATELY TO HIGHWAYS ENGINEERS

COST CODE:

PLANNING COSTS:

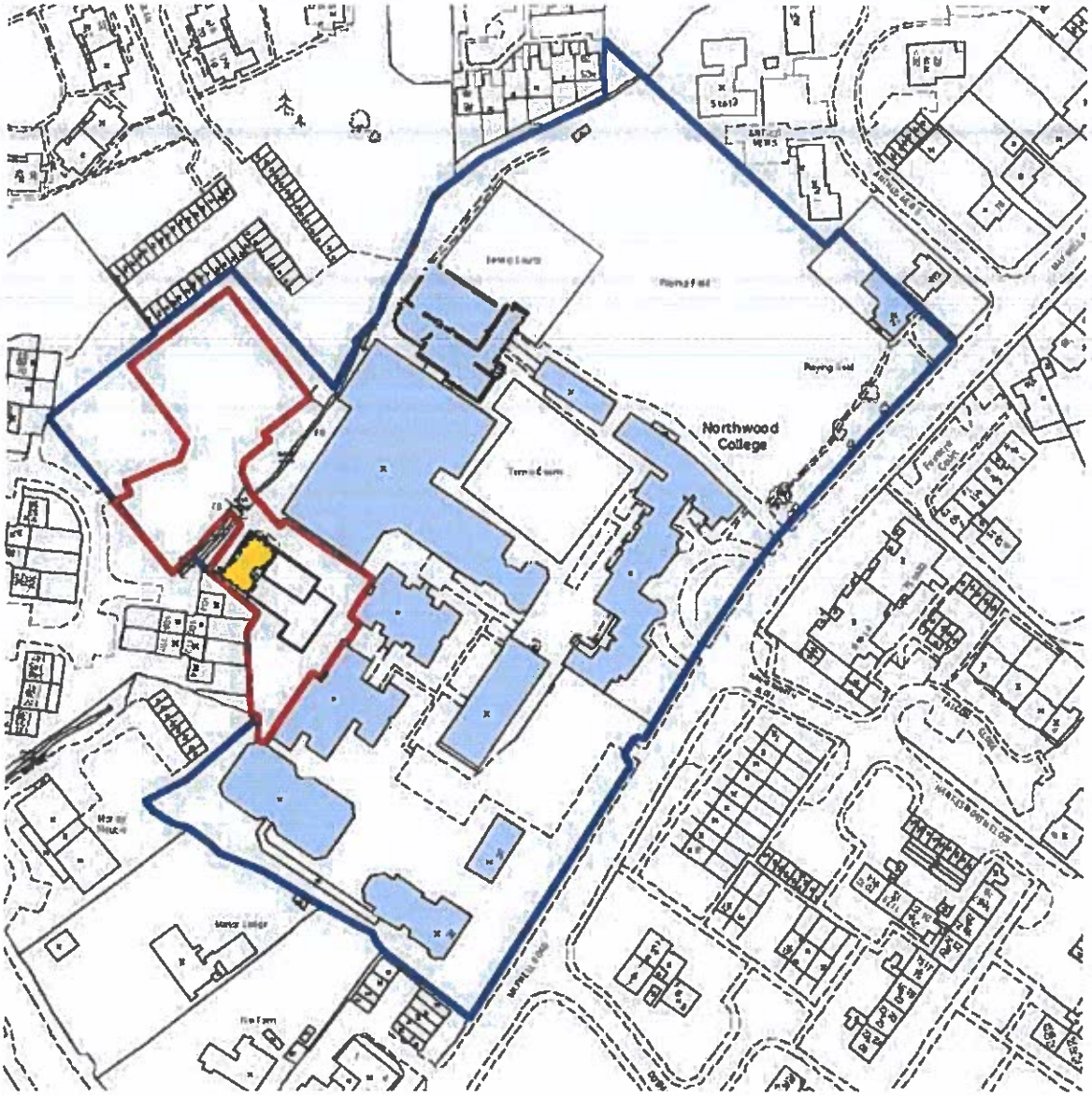
LEGAL COSTS:

OTHER COSTS (IDENTIFY):

MAINTENANCE COSTS (COMMUTED SUM)

INTEREST BEARING ACCOUNT FOR BENEFIT OF OBLIGATIONS YES/NO

APPENDIX 2
PLANS



David Boyd

MEMBER OF THE COUNCIL

AUTHORISED OFFICER

DRAFT

Miss Georgia Goff
Nexus Planning Ltd.
Nexus Planning Ltd.
Holmes House
4 Pear Place
London
SE18BT

Application Ref: 2082/APP/2023/516

TOWN AND COUNTRY PLANNINGACT 1990 (AS AMENDED)

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders permission for the following:

Description of development:
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.

Location of development:	Northwood College Educational Foundation Maxwell Road Northwood
Date of application:	22nd February 2023
Plan Numbers:	See attached Schedule of plans

Permission is subject to the condition(s) listed on the attached schedule:-

Draft Decision Notice produced:

Checked by:..... **Date:**.....

Amendments required: YES / NO

DRAFT

TOWN AND COUNTRY PLANNINGACT 1990 (AS AMENDED)

Application Ref: 2082/APP/2023/516

SCHEDULE OF CONDITIONS

1 The development hereby permitted relates solely to the operation of the site. All works of previously approved under planning permission reference 2082/APP/2007/1411 (dated 11th September 2007) have now ceased and shall remain as such. This decision notice does not permit any further works from this site.

REASON
To comply with Section 91 of the Town and Country Planning Act 1990.

2 All material details were approved under application reference 2082/APP/2007/3110 (dated 8th December 2009) and shall be retained as such.

REASON
To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

3 All boundary details were approved under application reference 2082/APP/2007/3110 (dated 8th December 2009) and shall be retained as such.

REASON
To safeguard the visual amenities of the area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

4 Details relating to parking for wheelchair disabled people have been approved under application reference 2082/APP/2007/3245 (dated 7th December 2009) and shall be retained as such.

REASON
To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020).

5 Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS BS 3998:2010 'Tree work -

Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON
To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

6 All landscape scheme details were approved under application reference 2082/APP/2007/3245 (dated 7th December 2009) and shall be retained as such.

REASON
To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with Policies DMHB 14 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7 The early years centre shall only be used between the hours of 08:00 to 21:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays.

REASON
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).

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.

REASON
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).

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.

REASON
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).

10 Details pertaining to the control of noise and odour emanating from the site were approved under application reference 2082/APP/2009/497 (dated 16th June 2009) and shall be retained as such.

REASON
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).

11 10% of energy requirements for the development hereby approved shall be supplied from renewable sources and shall be retained as such.

REASON
To accord with the requirements secured under the original permission and to comply with the general principles of Policy SI 2 of the London Plan (2021).

12 The opening hours for the Early Years Centre shall be staggered by a minimum of 15 minutes from the

college opening hours as detailed in the letter received from Dannatt, Johnson Architects dated 1/08/07.

REASON
To protect the amenity of surrounding areas in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

13 The access to the Early Years Centre will be from Maxwell Road and no drop-off or pick-up will be permitted from Myrtleside Close. This condition shall not apply to access for fire or other emergency services.

REASON
To ensure that vehicle safety is not prejudiced and to protect the amenities of occupiers of residential properties in Myrtleside Close in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

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.

REASON
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).

15 Prior to the use of the all-weather playing surfaces during evening hours (6pm to 9pm), a Noise Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail a noise complaint procedure, including detail on how measures are implemented to resolve such complaints. Thereafter the all-weather playing surfaces shall only ever be used during evening hours in accordance with these details for as long as the development remains in existence.

REASON
To safeguard the amenity of the surrounding area in accordance Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), and Policy D14 of the London Plan (2021).

SCHEDULE OF PLANS

398-SKD-20A - received 18 Jun 2007

398-SKD-15A - received 18 Jun 2007

398-SKD-10A - received 18 Jun 2007

398-SKD-26 - received 18 Jun 2007

398-SY-04 - received 18 Jun 2007

398-SKD-22 - received 18 Jun 2007

398-SKD-11 - received 18 Jun 2007

398-SKD-12 - received 18 Jun 2007

398-SKD-16A - received 18 Jun 2007

398-SKD-17A - received 18 Jun 2007

398-SKD-18A - received 18 Jun 2007

398-SKD-21 - received 18 Jun 2007

1575/PL03 - received 18 Jun 2007

24405.PCR.01 Rev. A Noise Impact Assessment (Dated 1st December 2022) - received 22 Feb 2023

School Travel Plan (Dated February 2023) - received 22 Feb 2023

398-SKD-08 - received 18 Jun 2007

398-SKD-07 - received 18 Jun 2007

398-SKD-00 - received 18 Jun 2007

Transport Statement Addendum (Dated July 2023) - received 30 Jun 2023

32404 Cover Letter (Dated 21st February 2023) - received 22 Feb 2023

32404 Cover Letter - Appendix A and B (Dated 21st February 2023) - received 22 Feb 2023

32404 Cover Letter - Appendix C (Dated 21st February 2023) - received 22 Feb 2023

398-SKD-27 - received 18 Jun 2007

398-SY-05 - received 18 Jun 2007

398-SY-09 - received 18 Jun 2007

398-SY-10A - received 18 Jun 2007

Response to Public Comments (Dated 25th May 2023) - received 25 May 2023

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 8428). Appeal forms can be downloaded from the Planning Inspectorate's website at www.planningportal.gov.uk.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In Practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

THE COMMON SEAL of the

MAYOR AND BURGESSES OF THE

LONDON BOROUGH OF HILLINGDON

was duly affixed to this Agreement

in the presence of:-

MEMBER OF

THE COUNCIL..... J Palmer .....

AUTHORISED OFFICER..... .....

425482

EXECUTED AS A DEED BY
The Common seal of
THE GIRLS' DAY SCHOOL TRUST
was affixed in the presence of
~~Acting by a Director and its Secretary~~

~~Or by two Directors~~

.....

Director of Estates

David Boyd

Director/~~Secretary~~ of Legal and Risk Assurance

2520

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London
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4 Pear Place
London
SE1 8BT

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