

APPLICATION FOR: 49914/APP/2023/1017
UXBRIDGE FOOTBALL CLUB HORTON ROAD
YIEWSLEY

COMMITTEE: Major Apps PC

DATE: 26th July 2023

I confirm:-

- All consultations have been completed
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

pitch are a like for like replacement in terms of scale. The proposed replacement of the east stand would result in a marginally taller structure in this location (0.6m), however it is clear that the existing stand has come to the end of its life span and the design is likely to have contributed to its degradation. The pitched roof of the new stand is a more appropriate design and would increase the lifespan of the structure and the minimal increase in height is not considered to result in a reduction in openness. As such the proposal is considered to comply with Para 149 exception b) of the NPPF 2021 and is therefore by definition, appropriate development within the Green Belt.

With regards to playing pitch provision, the proposal would result in the loss of a turf pitch, therefore the applicant must demonstrate that the pitch is being replaced with one which would be of a higher quality and benefit in accordance with the Development Plan and Sport England's requirements. Sport England have been consulted and raised no objection to the replacement of the pitch with an artificial surface, subject to a condition pertaining to the submission of a Community Use Agreement. If Committee are minded to approve the application then a condition is recommended to be attached to the decision notice to ensure an appropriate Community Use Agreement is secured.

The proposal would not appear over-dominant and would integrate well within its setting. Given the significant separation distance between the site and the nearest residential properties, no concerns are raised regarding the impact upon the amenities of neighbouring occupants.

It should be noted that the area proposed for development is less than the 1.ha threshold which classes the scale of development as a major application. In order to comply with the validation requirements the applicant is required to submit a location plan indicating the site for development within a red line boundary that connects to the main public highway. It is due to the extent of the long access road which extends from the main public highway around Beaches Yard and into the football club car park, that the site area surpasses the threshold for major scale planning applications. Taking this into consideration the Local Planning Authority does not consider all of the supporting documents for a major application to be necessary given the scale of development proposed.

The proposal is supported by a drainage strategy which provides adequate information to demonstrate the development would not result in an increase in potential flood risk. Furthermore the development would not result in a significant increase in trip generation and therefore no objection has been raised by the Councils Highway Officer.

Taking the above points into consideration and the assessment of the material planning considerations set out within this report, the application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1. COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

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

2. COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers;

SSL2475 02 Rev 01

SSL2475 03 Rev 00

SSL2475 05 Rev 00

SSL2475 08 Rev 00

SSL2475 09 Rev 00

SSL2475 06 Rev 00

SSL2475 07 Rev 00

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3. COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Uxbridge FC Construction Method Statement 11-07-23

Full Contaminated Land Assessment R-STQ4386-G01 Rev01

Uxbridge FC Site Setup & Logistics Plan VS306-01-B

Design and Access Statement SSL2475A 28/03/23

Proposed AGP Materials and Appearance Appendix A

Drainage Strategy 29/03/23

Land Contamination Assessment Ground Testing STQ4386-G01

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

4. NONSC Community Use Agreement

Prior to the use of the development, 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 Artificial Grass Pitch and ancillary facilities and include details of pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The development shall not be used other than in strict compliance with the approved agreement.

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) and Paragraph 99 of the NPPF (2021).

5. NONSC Imported Soils

No contaminated soils or other materials shall be imported to the site. All imported soils for engineering and/or landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

6. COM22 Operating Hours

The consented pitch hereby approved shall not be used except between the hours of:-
10:00 to 22:30 Monday - Sunday.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

7. NONSC Construction logistics and management

The construction of the development shall be carried out in strict accordance with the details contained within the approved Construction Method Statement (reference VS306-01-B, dated 11-07-23).

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties, in accordance with Policies DMT 1, DMT 2, and DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies D14, SI 1, T4, and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).

INFORMATIVES

1.

It is likely there may be contaminating substances present in the ground at the site. We have some

information on the ground conditions. We would advise persons working on site to take basic precautions in relation to contamination they encounter. Precautions should also be taken to minimise the mixing of any excavated material with any clean shallow soils that are to remain on site.

You are advised that based on available data and other information this development is on an area of former landfilled materials. The advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete to minimise risk to the users and/or occupants of the site.

2.

Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

3. 170 **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.

4. 115 **Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within

the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

5. 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).

6. I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

7. I47A Damage to Verge - For Private Roads:

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

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

DMAV 1 Safe Operation of Airports

DMEI 4 Development on the Green Belt or Metropolitan Open Land

DMEI 9	Management of Flood Risk
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
EM6	(2012) Flood Risk Management
LLP D1	(2021) London's form character and capacity for growth
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP G2	(2021) London's Green Belt
LPP S5	(2021) Sports and recreation facilities
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T2	(2021) Healthy Streets
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development

3. CONSIDERATIONS

3.1 Site and Locality

The site is located in the West Drayton area and is occupied by Uxbridge Football Club. The site comprises two grass football pitches, a clubhouse, car parking and stands. The site is accessed off Horton Road, which contains a mix of industrial and commercial uses to the south of the site. Stockley Park public recreation ground is to the west, Stockley Country Park is to the North and Stockley Park Golf Course is to the East. The site was quarried for sand and gravel between c1914 and c1938.

The topography local to the site is relatively level with a gently slope downwards to the south with the site some 3m above the land to the west and 2m above the adjoining site to the south.

Centrally the grass surfaced first team pitch and run off area are surrounded by a concrete post and timber fence (1m in height) and concrete footpath around the perimeter of the pitch. Four stands and dug out are also located around the perimeter of the pitch. The stands are concrete with corrugated metal roofing. Lighting columns are also present around the perimeter of the pitch. Levels across the existing grass surfaced pitch undulate noticeably.

The eastern portion of the site is occupied by the training pitch which is a grass surfaced pitch with no physical border defined except on the southern boundary which is marked with Heras type fencing.

The western area of the site is a series of small grassed areas with concrete footpaths that front the changing rooms and bar. Fencing 1.5m to 2m in height separates the larger area into three smaller areas with gates present to allow access.

3.2 Proposed Scheme

The application seeks planning consent for the conversion of the stadium natural turf pitch will enable a better-quality playing surface for the first team and other users, with the expectation that games will no longer be called off due to adverse weather conditions. The nature of the ground conditions of the old quarry creates issues with the ongoing state of the playing surface, inconsistent grass growth and movement of the playing surface that are proposed to be eradicated from by the re-engineering works of the base to serve the 3G pitch surface and significantly improve sporting play and characteristics of the Uxbridge FC teams.

In addition to the replacement of the existing turf pitch, the replacement of the east stand is proposed as the existing stand is in poor condition and the replacement of the existing timber fence which segregates the main playing pitch and the spectator viewing areas with a metal ball stop fence of a similar scale. The application applies to use the proposed new pitch between the hours of 10:00-22:30 Monday - Sunday.

The application submission proposes that the development will dramatically benefit the club, partner organisations and sports clubs in the surrounding area.

The stadium pitch will be marked out for 11 a side football and used for competitive matches and training only.

3.3 Relevant Planning History

Comment on Relevant Planning History

The application site has no planning history relevant to the current proposals.

4. Planning Policies and Standards

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 London Plan (2021)
- The West London Waste Plan (2015)

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:

Part 2 Policies:

NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
LPP D4	(2021) Delivering good design
LLP D1	(2021) London's form character and capacity for growth
LPP D5	(2021) Inclusive design
LPP G2	(2021) London's Green Belt
LPP S5	(2021) Sports and recreation facilities
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T2	(2021) Healthy Streets

DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
EM6	(2012) Flood Risk Management
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 9	Management of Flood Risk
DMAV 1	Safe Operation of Airports

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **8th June 2023**

5.2 Site Notice Expiry Date: **15th June 2023**

6. Consultations

External Consultees

Letters were sent to 3 adjoining land owners and a site notice was displayed at the site for a period of 21 days. The application was also advertised within the local press. All methods of consultation expired 08-06-23, no objections were received.

SPORT ENGLAND

Thank you for consulting Sport England on the planning application affecting the above site.

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to

the loss of, or would prejudice the use of:

all or any part of a playing field, or
land which has been used as a playing field and remains undeveloped, or
land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The Proposal and Impact on Playing Field

The application seeks to replace the natural turf football pitch with a 3G Artificial Grass Pitch (AGP). A fence and replacement stand are also proposed.

Assessment against Sport England Policy

Artificial Grass Pitch

The Council do not have a Playing Pitch Strategy therefore the local need for an AGP is not fully known. However, the Local Football Facility Plan has identified that the area requires an AGP and identifies the adjacent Stockley Park as a potential location. This, though, has not been delivered therefore it could be argued that there is still a potential requirement for an AGP in the area. The Football Foundation have confirmed this and are supportive of the proposed AGP that could also be available for community use. The Design and Access Statement highlights that the club feel that the AGP would improve the play and characteristics of the clubs' teams.

The Design and Access Statement also indicates that there will be community use of the facilities. Community access to the proposed AGP, especially given that there could be considered a local community need for such a facility, would be beneficial to sport and should be secured for the long-term through a Community Use Agreement (CUA). Sport England would have no objection if any permission were conditional upon the submission of a CUA.

In relation to design, the Football Foundation have confirmed that the proposed AGP conforms to the FA guide to 3G Football Turf Pitches and would be permitted for play at Step 4 of the Football Pyramid.

On the basis of the above, Sport England is satisfied that the proposed AGP would be of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of the area of natural playing field, consequently the AGP would meet Exception 5 of Sport England's Playing Field Policy.

Fencing and Replacement Stand

Sport England is satisfied that the proposed fencing and replacement stand meets Exception 2 of our Playing Field Policy in that they are ancillary facilities supporting the principal use of the site as a playing field and do not affect the playing pitch or otherwise adversely affect its use. It would, however, like to highlight that the Football Foundation, whilst noting that the proposed stand appears to be a 'like for like' replacement, have advised that the club would need to ensure the stand complies with ground grading requirements.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it

is considered to meet Exceptions 2 and 5 of its Playing Field Policy. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

- Use of the development shall not commence until a Community Use Agreement prepared in consultation with Sport England has been 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 Artificial Grass Pitch and ancillary facilities and include details of pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Internal Consultees

HIGHWAY OFFICER

An application has been received seeking planning permission for the conversion of the stadia pitch to a 3G Artificial Grass Pitch (AGP) together with a 1.1 metre high pitch perimeter fence and a replacement 158no. seater stand. The application site is located at the far northern end of Honeycroft which is a private road c.250m in length that leads off Horton Road, West Drayton. The southern half of this private road provides access to various commercial uses most notably the Addison Lee taxi company and is subject to on-street parking. Public Right of Way Y3 follows the route of the southern half of the road. Further north the road narrows to c.5.7m wide and is bordered by fencing and vegetation, there are no footways on either side of the road nor any street lighting. Access to the site by larger lorries is therefore restricted, however, the applicant mentions that there are places for on-coming drivers to pass one another.

The conversion of the natural turf pitch to AGP will prevent football matches being called off due to adverse weather conditions. The stadium pitch will be marked out just for 11-a-side football and used for competitive matches only.

The applicant reports that the purposes for how the site is used will remain as existing, however the frequency of use would increase given to the enhanced durability of the 3G artificial grass playing surface. Existing floodlighting allows the pitches to be used all year round in the evenings, the applicant requests that the opening hours are extended from 10:00 to 22:30h Monday to Sunday - there are no highway objects to this change. The applicant highlights that whilst the proposal involves a new stand, it a replacement stand, as such the proposal is not expected to result in an intensification of the site in

terms of numbers attending the site at peak times.

The site currently provides 131no. standard car parking places and 4no. disabled persons spaces. There is also parking for 1no. mini-bus. None of these car parking spaces have electric vehicle charge points, similarly there is no cycle parking though there are 20no. motorcycle parking spaces.

In accordance with the published London Plan 2021 Policy T7 Deliveries, Servicing and Construction a Construction Logistics Plan titled 'Site Setup and Logistics Plan' and a 'Construction Method Statement' has been provided. Overall, these are considered satisfactory though the Highway Authority is concerned that deliveries could take place in the peak hours when the road network is busiest. The Highway Authority requires that these documents are amended, there shall be no deliveries between 08:00 and 09:00h and 15:00 and 18:00h.

There are no Highway objections to this proposal subject to a planning condition that requires the applicant to submit to the Council for approval revised a 'Site Setup and Logistics Plan' and a 'Construction Method Statement' that confirms that there will be no deliveries between 08:00 and 09:00h and 15:00 and 18:00h to ensure the proposal is in accordance with the published London Plan 2021 Policy T4.

Case Officer comment:

The applicant has agreed to the construction times suggested by the Highway Officer in his comment. A revised Construction Logistics Plan has been submitted confirming the suggested construction times are agreed. As such no condition is required. With regards to the hours of use, the application seeks to confirm the permitted hours of use for the proposed new pitch rather than an extension to the hours of use. If committee are minded to approve the application the a condition restricting the hours of use will be added to the decision notice.

CONTAMINATED LAND OFFICER

I have conducted a further review of the following report:

Title: Ground Investigation Report (Revision 01 -August 2018); Ref: STQ4386-GO1 (Rev 01); Dated: August 2018; Prepared by: Soiltechnics Ltd.

The report provides detailed information regarding potential and confirmed land conditions from a phase I desk top study and a phase II site investigation conducted at the Uxbridge Football Club.

I understand, from new information provided (see email below), this application focuses on a first phase of development, which the email correspondence dated 06/06/2023 informs us "is just for the change of the grass pitch to an artificial sports pitch that has the capacity to avoid any issues and cap off the potential risks that are being referred to"

Therefore, I am satisfied the information within the report provides suitable and sufficient information for a recommendation to the LPA to consider the application on this occasion without requirement to impose other land contamination conditions.

This recommendation is subject to strict adherence, throughout planning operations and site works, to the details outlined within the submitted report as mentioned above.

However, I do recommend the following imported soil condition and informative are imposed only for this

particular change of the grass pitch to an artificial pitch.

Imported Materials Condition:

No contaminated soils or other materials shall be imported to the site. All imported soils for engineering and/or landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

Contamination Informative:

It is likely there may be contaminating substances present in the ground at the site. We have some information on the ground conditions. We would advise persons working on site to take basic precautions in relation to contamination they encounter. Precautions should also be taken to minimise the mixing of any excavated material with any clean shallow soils that are to remain on site.

You are advised that based on available data and other information this development is on an area of former landfilled materials. The advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete to minimise risk to the users and/or occupants of the site.

In the meantime, If/when further development phases are introduced at the site, then I recommend a new consultation should be forwarded to me for various and appropriate new conditions to be imposed accordingly.

NOISE OFFICER

A qualitative noise assessment has been provided, assuring that noise effects would be not significant given separation distances and operating hours, the latter being 1000-2230. This is considered sufficient.

URBAN DESIGN AND CONSERVATION OFFICER

Assuming the proposed replacement stand is the same size as the previous stand there are no comments on this application from an Urban Design/Landscape perspective.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site accommodates an established outdoor stadia sports pitch used only for football by Uxbridge Football Club. The entire site falls within the Green Belt as designated in the Hillingdon Local Plan. Accordingly, the issues pertaining to the principle of development relate to the impact of the development on the openness of the Green Belt and the loss of the grass pitch.

GREEN BELT

London Plan (2021) policy G2 and the NPPF (2021) confirm that the strongest protection should be given to the green belt and that inappropriate development should be refused, except in very special circumstances.

Policy EM2 of the Local Plan: Part 1 (2012) confirms that any proposals for development within the Green Belt will be assessed against national and London Plan policies, including the very special circumstances test.

Policy DMEI 4 of the Hillingdon Plan : Part 2 - Development Management Policies (2020) states:

A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

- i) the height and bulk of the existing building on the site;
- ii) the proportion of the site that is already developed;
- iii) the footprint, distribution and character of the existing buildings on the site;
- iv) the relationship of the proposal with any development on the site that is to be retained; and

The NPPF (2021) sets out the national planning policy approach to development in the Green Belt. It states that planning authorities should continue to consider the construction of new buildings in the green belt as "inappropriate". However the NPPF notes that certain forms of development can be considered as being 'not inappropriate' provided they preserve its openness and do not conflict with the purposes of including land within it.

Paragraph 149 lists these exceptions. Of relevance to the proposed development, this includes:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Having regard for the above policies, the applicant has submitted a planning and design and access statement which supports why this development should be considered acceptable within its Green

Belt location. The document states "In terms of the impact on the Green Belt the proposal will provide improved, replacement facilities for outdoor sport and recreation on an existing outdoor sports facility, therefore conforming in principle to paragraph 149 of the NPPF 2021". It is clear that the proposal for a replacement of the grass pitch with an AGP would be used for outdoor sports and would therefore meet exception b) of paragraph 149, the fencing around the perimeter of the pitch would not have an additional impact upon the openness of the Green Belt given that it is replacing an existing timber ball stop fence and the site is enclosed by a boundary treatment which extends around the whole site, therefore the ball stop fence would not be visible except from within the stadia. The proposed replacement stand would be marginally taller (0.6m) than the existing stand which would not give rise to a reduction in openness. As such the proposal is considered to be appropriate development within the Green Belt and therefore the applicant is not required to demonstrate Very Special Circumstances.

IMPACT ON THE PLAYING FIELDS AND PROVISION OF ENHANCED SPORTS FACILITIES AND COMMUNITY BENEFITS

The proposed development would result in alterations to the layout of the site, which would affect playing field provision. Paragraph 99 of the NPPF (2021) states that:

"a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) 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
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

Policy S5 of the draft London Plan (2019) seeks to retain existing playing fields unless (among other criteria) the loss resulting from the proposed development would be replaced by equivalent or other better provision in terms of quantity and quality in a suitable location or the development is for an alternative sports and recreational provision and the benefits of which clearly outweigh the loss of current and former use.

Further to the above, the 'Playing Fields Policy' states that 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field, unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The five specific exceptions are identified as follows:

1. A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
2. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
3. The proposed development affects only land incapable of forming part of a playing pitch and does not:
 - reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);

- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any part of a playing field and any of its playing pitches.
4. The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
- of equivalent or better quality, and
 - of equivalent or greater quantity, and
 - in a suitable location, and
 - subject to equivalent or better accessibility and management arrangements.
5. The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The proposed development would result in the loss of a grass playing pitch by its replacement with an artificial grass pitch therefore Sport England are required to be consulted. The London Borough of Hillingdon does not have a Playing Pitch Strategy which would be referred to in order to determine whether there is a surplus in the availability of turf pitches within the borough which could be used. Furthermore there is no specific data which would allow officers to assess the usability of the turf pitches across each year over specific period which would be useful in determine whether there is a need for artificial grass pitches to increase the level of all year round outdoor sports provision. However as noted by Sport England, the Local Football Facility Plan has identified that the area requires an AGP and identifies the adjacent Stockley Park as a potential location. This, though, has not been delivered therefore it could be argued that there is still a potential requirement for an AGP in the area.

It is noted that both Sport England and the Football Foundation support the scheme, with the former recognising that the club feel that the AGP would improve the play and characteristics of the clubs teams.

In summary the replacement of the existing turf pitch with an AGP is considered to be an upgrade to the sports facility which would be of benefit to the football club in terms of its usability all year round and the wider community. Sport England support the scheme as indicated within their comments on the application subject to a condition pertaining to the submission and approval of a Community Use Agreement. As such the development is considered to be acceptable.

7.02 Density of the proposed development

Not applicable to this application.

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

The application site is not located within an archaeological priority zone, a conservation area, an area of special local character and nor does it accommodate a listed building.

7.04 Airport safeguarding

The National Planning Policy Framework requires that planning decisions promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments,

should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:

A) The Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

B) In consultation with the Airport Operator, the Council will ensure that:

i) areas included in Airport Public Safety zones are protected from development which may lead to an increase in people residing, working or congregating in these zones; and

ii) sensitive uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

The application site is located within a reasonable proximity to Heathrow Airport, however the proposal would only marginally increase the height of the stand in comparison with existing buildings and would be approximately equivalent to 1 or 2 stories. The construction would not require a crane, which could raise concerns regarding aircraft/airport safety. As such the proposal would comply with the above policies.

7.05 Impact on the green belt

This consideration has been partly addressed in Section 7.01 of the report.

The application site comprises of an existing turf football pitch. The site is bound to the north east and west by greenbelt open land fields, with a grass training pitch owned by the football club immediately to the east. To the south of the site is the access road which extends to the public highway and serves the Beaches Yard industrial site which is also located to the south.

In terms of visual impact, the existing site is located in the centre of Green Belt open land, however as explained in Section 7.01 of this report the pitch itself is obscured from views outside of the stadia, the ball stop fencing would replace an existing timber fence of a similar height and the proposed new stand is slightly taller (0.6m) than the existing stand. It should be noted that the new stand features a slightly pitched roof in order to provide better rainwater run off than the existing stand, which appears to have been damaged over a number of years. The roof on the existing stand is clearly dilapidated and this will not have been helped by the roof design which has weathered poorly resulting in a undulating roof line. The additional height would allow for the same volume of spectators to benefit from covered seating and provide the club with a stand which has a better life span. The benefits would clearly outweigh the potential harm if identified in this respect.

The proposed replacement of the pitch, ball stop fencing and the replacement of the stand would not result in a potential impact upon openness, as such the proposal is considered to be appropriate development within the Green Belt. The application therefore complies with para 149 exception b) of the NPPF (2021), Policy S5 of the London Plan (2021) and Policy DMEI 4 of the Hillingdon Plan : Part 2 - Development Management Policies (2020), Policy EM2 of the Local Plan: Part 1 (2012).

7.07 Impact on the character & appearance of the area

Policy D1 of the London Plan (2021) requires all development to make the best use of land by following a design led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) re-emphasises the importance of good design in new development by;

- A) requiring all new buildings and extensions to be designed to the highest standards, which incorporate principles of good design, such as harmonising with the local context by having regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure;
- B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space;
- C) safeguarding the development potential of adjoining sites and
- D) making adequate provision for refuse and recycling storage.

Policy DMHB 12 of the Local Plan: Part Two (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The application site is located within an area characterised by Green Belt open land and industrial buildings to the south. The development would be contained within the stadium itself and would largely be obscured by the 2 metre boundary walls which surround the site. The tip of the pitched roof would be visible from outside of the site but given its minor scale and the remote location of the site the proposed new stand would not appear over-dominant within its setting and would in fact integrate well with its surroundings. As such the proposal complies with Policy D1 of the London Plan (2021) and Policies DMHB 11 & DMHB 12 of the Hillingdon Local Plan: Part Two (2020).

7.08 Impact on neighbours

Policy DMHB 11 (2020) requires that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The application site is not bounded by residential properties, the nearest property is located approximately 200 meters north west in Willow Avenue. As such the development would not result in a loss of outlook, daylight and sunlight to surrounding residential properties. With regards to noise, the proposal would not result in an intensification of the use of the pitches other than what would be secured as part of the Community Use Agreement. Given the distance between the stadium and the nearest residential properties any additional noise generated by the development would not give rise to concerns regarding noise pollution as the level of noise would not exceed that of a match day. Moreover the proposal has been reviewed by the Councils Noise Officer who has raised no objection. As such the development would comply with Policy DMHB 11 of the Hillingdon Local Plan: Part Two (2020).

7.09 Living conditions for future occupiers

Not relevant to the assessment of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Local Plan: Part Two (2020) notes development proposals must ensure that safe and efficient vehicular access to the highways network is provided to the Council's standards.

Policy DMT 6 of the Local Plan: Part Two (2020) sets maximum car parking standards. For a development of this type it is required that the quantum of car parking provided is determined 'on an individual basis using a transport assessment and a travel plan, and in addition provision for taxi and bus/coach access and parking'.

Policy T2 Healthy Streets of the London Plan (2021) outlines that development proposals should:

- Demonstrate how they will deliver improvements that support the ten Healthy Streets indicators in line with TfL guidance;
- Reduce the dominance of vehicles on London's streets whether stationary or moving; and
- Be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

The proposed replacement of the turf pitch would not give rise to additional vehicle movements, however the inclusion of a condition pertaining to the submission of a Community Use Agreement (CUA) at the request of Sport England could result in additional trips. It is noted that the trip generation would not exceed the trips associated with a club training sessions and would be below that of a matchday. The community use would not take place on a matchday therefore the additional trips generated by the CUA would not give rise to highway safety concerns. No changes are proposed to the existing parking provision or layout.

The application has been reviewed by the Council's Highway Officer who has raised no objection to the proposal subject to a planning condition requiring a revised Construction Logistics Plan that confirms that there will be no deliveries between 08:00 and 09:00h and 15:00 and 18:00h. The applicant has submitted a revised Construction Logistics Plan (ref. VS306-01-B) confirming the suggested construction times are agreed. Therefore no such condition is required.

Taking the above into consideration the proposed development is considered to comply with DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies and T2 of the London Plan (2021).

7.11 Urban design, access and security

URBAN DESIGN

Comments relating to Urban Design are covered within Sections 7.01 and 7.05 of this report.

7.12 Disabled access

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:

- A) Development should be well integrated with the surrounding area and accessible. It should:
- i) improve legibility and promote routes and wayfinding between the development and local amenities;
 - iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;
 - iv) provide safe and direct pedestrian and cycle movement through the space;
 - vii) deliver proposals which incorporate the principles of inclusive design.

The main works proposed as part of the application are relevant to the pitch replacement to improve

the playing environment for the club and its members. A concrete path is located around the outer edge of the pitch wide enough for wheelchair access and this would be unaffected by the development. The proposal does not impact the car parking layout which includes the provision of 4 disabled compliant spaces.

7.13 Provision of affordable & special needs housing

Not relevant to the assessment of this application.

7.14 Trees, landscaping and Ecology

Policy DMHB 14 of the Local Plan:Part Two (2020) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

There are no TPO's or Conservation Area designations affecting the site and there is no vegetation, other than that which bounds the training pitch and behind the fence of the northern stand. The proposed site plan indicates where the existing trees surrounding the site are located and demonstrates that none would be affected by this development. As such the proposal complies with DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020).

With regards to ecology the existing grass pitch would provide little to no ecological value given it's use and frequency of use. It would also be closely mown throughout the year. As stated above no trees or foliage would be affected by the development. As such the proposal is considered to be acceptable from an ecology perspective.

7.15 Sustainable waste management

The proposal does not affect the existing refuse and recycling arrangements.

7.16 Renewable energy / Sustainability

Not relevant to the assessment of this application.

7.17 Flooding or Drainage Issues

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

London Plan Policies SI 12 & SI 13 state that developments should respond to the flood risk constraints of the site by implementing a suitable SUD's scheme which deals with water within the boundaries of the application site.

The Government's Flood Risk for Planning map shows the site is located within Flood Zone 1, indicating a low risk of flooding. The applicant has submitted a drainage strategy which states that the site is at no risk of flooding from rivers or sea, and very low risk of flooding from surface water.

FIFA's Quality Concept for Football Turf (Handbook of Requirements January 2015 Edition) requires a 3G artificial turf to provide water permeability (for outdoor uses) >180mm/hr and advises

that to ensure adequate drainage of a field, all individual elements of the football turf should satisfy this requirement.

The designed surface water drainage solution should be based upon the following criteria, to maintain satisfactory system performance:

- Provide adequate functionality over a period of twenty years.
- Prevent the risk of uncontrolled flooding elsewhere (to land adjacent to the development).
- Comply with all applicable Sustainable Urban Drainage System (SUDS) requirements with attenuated flows (containment within the granular pitch subbase) incorporated wherever necessary, without affecting the performance of the pitch.

This is achieved through the surface water being attenuated / stored within the construction and make up of the artificial turf pitch, which has 37% void space acting as the surface water drainage for the calculated volume of storage to meet a 1 in 100 year storm event + 40% climate change, which is 417m³. The attenuation calculated within the base of the pitch and proposed drainage system allows the controlled storage onsite to be up to 497m³, as detailed within SSL2475 09 - Proposed AGP Drainage Strategy.

The proposed development and associated surface drainage strategy from this site is such that the surface water will be managed and disposed of within the existing surface water drainage, thus complying with relevant policy requirements.

7.18 Noise or Air Quality Issues

AIR QUALITY

As the proposed development is of a minor scale and is not expected to result in a significant increase in trip generation the proposal would not give rise to air quality concerns. As such a full air quality assessment is not deemed to be required.

NOISE

Noise considerations are assessed within Section 7.8 of this report.

7.19 Comments on Public Consultations

No comments have been received.

7.20 Planning obligations

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.

At a regional level, the London Plan (2021) stipulates that when considering planning applications

of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks 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. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

Due to the minor nature of the proposed development it is considered that no planning obligations are required.

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

CONTAMINATED LAND

Paragraph 183 of the NPPF (2021) states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 184 of the NPPF (2021) states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will expect proposals for development on contaminated land to provide mitigation strategies that reduce the impacts on surrounding land uses. Major development proposals will be expected to demonstrate a sustainable approach to remediation that includes techniques to reduce the need to landfill.

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states that:

- A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.
- B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.
- C) Where initial studies reveal potentially harmful levels of contamination, either to human health or

controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

Policy DMEI 13 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Development proposals that include the importation of waste material (inert or otherwise) must be accompanied by a monitoring plan that includes:

- i) the amount and types of material to be imported;
- ii) the timetable for disposal;
- iii) onsite precautions to be taken to ensure only authorised vehicles and waste will be allowed on to site; and
- iv) methods for reviewing and reporting on the progress of the disposal to the Local Planning Authority.

B) On commencement of the disposal operation the applicant will provide a written report in accordance with A) iv) above that provides details of:

- i) the types and quantities of waste that have been imported, including carrier notices where appropriate;
- ii) the source of the waste imported to the site;
- iii) appropriate details of the company/companies importing the material; and
- iv) updates in accordance with A) iv) pertaining to the progress of material importation and disposal in compliance with the approved plans.

C) Where assurances cannot be given that the appropriate protection and safeguards can be implemented, then the Council will expect the applicant to provide contingency plans including providing security bonds (through legal agreements) to ensure any subsequent harm can be remediated and the site made good.

D) Proposals that include the importation of waste materials (inert or otherwise) that are not accompanied by the appropriate level of controls or safeguards will not be supported.

The Council's Contamination Officer has reviewed the submitted details and confirmed that they consider that the proposal is acceptable subject to a planning condition ensuring no contaminated soils are introduced onto the site. This condition, with a supporting informative, is recommended to be attached should the application be approved.

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

In conclusion, the application proposed the replacement of the Uxbridge Football Club stadium grass pitch with an artificial grass pitch, replacement of the timber boundary fence which segregates the spectator areas from the playing pitch and the replacement of one of the existing stands.

The entire site is located within the designated Green Belt therefore the applicant must demonstrate that the application proposes appropriate development or that very special circumstances would exist. The replacement of the turf pitch and fencing which segregates the spectating area from the pitch are a like for like replacement in terms of scale. The proposed replacement of the east stand

would result in a marginally taller structure in this location (0.6m), however it is clear that the existing stand has come to the end of its life span and the design is likely to have contributed to its degradation. The pitched roof of the new stand is a more appropriate design and would increase the lifespan of the structure and the minimal increase in height is not considered to result in a reduction in openness. As such the proposal is considered to comply with Para 149 exception b) of the NPPF 2021 and is therefore by definition, appropriate development within the Green Belt.

With regards to playing pitch provision, the proposal would result in the loss of a turf pitch, therefore the applicant must demonstrate that the pitch is being replaced with one which would be of a higher quality and benefit in accordance with the Development Plan and Sport England's requirements. Sport England have been consulted and raised no objection to the replacement of the pitch with an artificial surface, subject to a condition pertaining to the submission of a Community Use Agreement. If Committee are minded to approve the application then a condition is recommended to be attached to the decision notice to ensure an appropriate Community Use Agreement is secured.

The proposal would not appear over-dominant and would integrate well within its setting. Given the significant separation distance between the site and the nearest residential properties, no concerns are raised regarding the impact upon the amenities of neighbouring occupants.

It should be noted that the area proposed for development is less than the 1.ha threshold which classes the scale of development as a major application. In order to comply with the validation requirements the applicant is required to submit a location plan indicating the site for development within a red line boundary that connects to the main public highway. It is due to the extent of the long access road which extends from the main public highway around Beaches Yard and into the football club car park, that the site area surpasses the threshold for major scale planning applications. Taking this into consideration the Local Planning Authority does not consider all of the supporting documents for a major application to be necessary given the scale of development proposed.

The proposal is supported by a drainage strategy which provides adequate information to demonstrate the development would not result in an increase in potential flood risk. Furthermore the development would not result in a significant increase in trip generation and therefore no objection has been raised by the Councils Highway Officer.

Taking the above points into consideration and the assessment of the material planning considerations set out within this report, the application is recommended for approval.

11. Reference 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)
NPPF (2021)

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