



## Planning Application 2414/APP/2012/2812

### Kings College Playing Fields, Kings College Road, Ruislip

Friends of Pinn Meadows are pleased to see that the above planning application is being recommended for refusal in the officer's report for the reasons given but we do not consider that these go far enough in identifying all the reasons why this application should be refused.

Our full response to the planning application was submitted to the planning department on the 14<sup>th</sup> January 2013 but has unfortunately been left out of the officer's report in its entirety. It can be viewed, together with appendices, at this link:-

<http://fopm.org.uk/FoPM%20Objection%20Links.html>.

We set out here additional reasons for refusal which we would ask the Committee to consider when determining this planning application. The reasons for refusal are shown in bold with the relevant policy to which they refer shown below in italics in each case.

#### Reduction of Open Space

On page 177 the report admits that Eastcote and East Ruislip Ward has been identified as having insufficient quantity of unrestricted open space and that a further 33 hectares of unrestricted open space is required by 2026. However, the report then proceeds to claim that Kings College Playing Fields does not qualify as unrestricted public open space because it is defined in the Open Space Strategy as outdoor sports facilities. This is not true.

The present grass football pitches are open to use by the whole community and all members of the public at all times except when in use for football matches, or occasionally for training. Indeed, the lease of the grass pitches contains a specific clause "not to obstruct public access over the pitches" .....

- 1. The proposed development would reduce the amount of publicly accessible open space adversely affecting local community needs to facilitate active life styles by providing spaces within walking distance of homes, contrary to policy EM4. It would also result in the removal of some trees and vegetation cover and have adverse effects on a number of ancient oak trees contrary to policy EM4.**

Policy EM4:

*"The Council will safeguard, enhance and extend the network of open spaces, informal recreational and environmental opportunities that operate as carbon sinks and that meet local community needs and facilitate active lifestyles by providing spaces within walking distance of homes. Provision should be made as close as possible to the community it will serve. There will be a presumption against any net loss of open space in the Borough.*

*The Council will seek to protect existing tree and landscape features and enhance open spaces with new areas of vegetation cover (including the linking of existing fragmented areas) including front and back gardens for the benefit of wildlife and a healthier lifestyle, mitigating climate change."*

- 2. The proposed development would reduce the number of grass football pitches available to meet local community need. It would also reduce the area of open space within Eastcote and East Ruislip Ward with unrestricted access, contrary to policy EM5 and the Hillingdon Open Space Strategy 2011-2026 which identified a deficiency in unrestricted open space within the ward.**

Policy EM5:

*“The Council will:*

- Safeguard, enhance and extend the network of sport and leisure spaces that meet local community needs and facilitate active lifestyles by providing active sport and leisure spaces within walking distance of home.*
- Ensure that the overall borough-wide target, identified in the Open Space Strategy, of active sport and leisure facilities with unrestricted access is maintained. There will be a presumption against any net loss of active sport and leisure facilities in the borough.”*

Hillingdon Open Spaces Strategy 2011-2026 Recommendation R5:

*“Address the deficiencies in the accessibility of Local and District level open space in Eastcote and East Ruislip to meet the accessibility standards.”*

### **Failure to supply Sequential Test information**

The Environment Agency have advised both FoPM and the Council that it is the Council’s responsibility to apply a Sequential Test in accordance with National Planning Policy Framework paragraphs 100 and 101 and Local Plan Policy EM6 that requires new development to be directed away from flood zones 2 and 3.

The initial search area should be defined. Sites at lower risk of flooding should be identified and investigated and assessed against the proposed application site taking into account their flood zone location and any constraints to delivery. None of this information has been supplied by the applicant to enable the Council to apply the Sequential Test.

- 3. The application has failed to provide information on any alternate sites to enable the application of a Sequential Test to determine whether the development could be undertaken on a site less vulnerable to flood risk.**

**The application also fails to provide details of drainage of the proposed pitch which would demonstrate whether this can be drained by sustainable urban drainage systems (SUDS), contrary to policy EM6.**

Policy EM6:

*“The Council will require new development to be directed away from flood zones 2 and 3 in accordance with the principles of the National Planning Policy Framework (NPPF).*

*The subsequent Hillingdon Local Plan: Part 2 – Site Specific Allocations LDD will be subjected to the Sequential Test in accordance with the NPPF. Sites will only be allocated within flood zones 2 or 3 where there are overriding issues that outweigh flood risk. In these instances, policy criteria will be set requiring future applicants of these sites to demonstrate that flood risk can be suitable mitigated.*

*The Council will require all development across the borough to use sustainable urban drainage systems (SUDS) unless demonstrated that it is not viable. The Council will encourage SUDS to be linked to water efficiency methods.”*

#### **Inappropriate location due to poor public transport links**

The proposed location is in an area poorly served by public transport. The proposed development would not serve demand from a catchment area within walking distance. It is therefore contrary to Local Plan Policy T1 and UDP Policy AM1. In the report to the North Planning Committee on 2<sup>nd</sup> February 2012 on the previous planning application, the Highway Engineer advised:

*“All of the above uses have their own parking demands, which considerably exceed the available spaces and result in significant overspill parking demand on the highway. During peak demand, heavy parking takes place on both sides of this section of Kings College Road and also extends on to other nearby roads.*

*“Given the demand considerably exceed capacity and the need for those visiting the facilities to park close to the site, indiscriminate parking takes place near the junctions, pedestrian crossing points and also on the roundabout at the junction of Kings College Road and Park Avenue. Congested parking on both sides of the road affects traffic flow, and highways and pedestrian safety, and causes chaos for drivers wishing to pass each other.”*

It is therefore proposed that the application be refused for the reasons stated above.

- 4. The proposed development is located in an inappropriate location to reduce its impact on the transport network due to its poor public transport links contrary to Local Plan policy T1. It is also likely to draw upon a majority of users and visitors from greater than walking distance for whom the development would not be considered accessible by public transport contrary to UDP saved policy AM1.**

Policy T1:

*“The Council will steer development to the most appropriate locations in order to reduce their impact on the transport network. All development should encourage access by sustainable modes and include good cycling and walking provision.*

*The Council will ensure access to local destinations which provide services and amenities.”*

Policy AM1:

*“The Local Planning Authority will only permit development for use which serve or draw upon more than a walking distance based catchment area if;*

- (i) It is or can be made accessible by public transport from the areas from which it is likely to draw the majority of its employees, potential customers and visitors, and*
- (ii) The existing or proposed public transport system has sufficient capacity to absorb the additional journeys generated by people travelling to the completed development.”*

## **Impact on the River Pinn corridor**

This reason for refusal complies with the reasons for objection given by the Environment Agency and quoted on page 154 of the officer report.

- 5. The assessment and mitigation of risks to the River Pinn and associated ecology are inadequate. In particular the proposals do not address the high light spill into the river corridor and buffer zone. The river corridor and buffer zone should be ‘intrinsically dark’ (0-2 lux). The submitted light spill plans show levels in excess of 100 lux in places. The application also fails to address the cumulative impact of light from the existing pitch and the proposed pitch.**

**While the updated Ecological Appraisal confirms that light spill could be harmful to bats and fish, the proposals do not adequately address the risks to protected species that may be affected by the proposals. Bats are affected (particularly by high light levels which alone can be considered as destruction of habitat in contravention to European Law). A fish survey undertaken in 2011 by the Environment Agency approximately 3.5 kilometres downstream of the site found eight species of fish present. Fish spawning sites can be particularly affected by high light levels and this is not recognised in the application.**

**The proposal is therefore contrary to National Planning Policy Framework paragraph 118, which requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications.**

NPPF paragraph 118:

*“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..”*

## **Deficiencies in the floodlighting report**

FoPM’s letter of objection includes a report by a specialist lighting engineer who has identified serious deficiencies in the floodlighting report produced to support the application. This included the competency of the author of the report who does not appear to have the appropriate specialist qualifications.

Light spill outside the pitch boundaries affecting the river corridor and residents homes had not been calculated. This has been identified by the Environment Agency and a document issued by a UK Professional Lighting body includes limitations which have not been considered.

The Council will be aware that a number of properties are already suffering and have complained of light nuisance and there is an on-going issue of enforcement of planning conditions relating to floodlighting of the existing hockey all weather pitch.

The proposed conditions relating to floodlighting suggested by the Environmental Protection Unit do not even match the conditions relating to the existing pitch which include a

requirement for a reduction in the level of illumination after 20.00 hours on weekdays and Saturday's to a maximum of 175 lux.

It is unacceptable that the applicants floodlighting report has been accepted without challenge in view of the concerns raised on behalf of objectors by a qualified lighting engineer and that these objections have been completely disregarded.

- 6. The application fails to provide cumulative light spill calculations to demonstrate that the impact of light spill from both the proposed development and existing floodlit hockey pitch would not adversely affect the amenity of adjoining residential premises contrary to the National Planning Policy Framework paragraph 125.**

NPPF paragraph 125:

*"By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

### **Personal Safety and Security Issues**

On page 186 the report refers to safety concerns raised by local residents that the development would enclose the path between the River Pinn and the sports pitch offering no escape route if an attack were to take place. This is then responded to with the dismissive comment "however, this view is not shared by the Metropolitan Police Crime Prevention Adviser."

This is not however an accurate précis of the adviser's comments which are given in full on page 162. Nor does it reflect the view of the Rights of Way Officer on page 172 which supports residents' concerns that "the location of the development could lead to potential safety problems as the enclosed nature of the path between the River Pinn and the development will offer no natural escape route if an attack were to take place."

- 7. The proposed development, by creating a 4m high un-climbable fence over 100m long immediately to the north of an existing public footpath would risk creating an unsafe environment for users of the footpath, between the new fence and the River Pinn, contrary to Security and Safety in Design principles and Unitary Development Plan Policy BE18.**

Policy BE18:

*"The design of developments with footway frontages, overlooking bus stops or other transport interchanges, or facing open space, should take account of the need to ensure that windows overlook pedestrian spaces and avoid the creation of hidden recesses adjacent to such spaces, such that pedestrian security is enhanced and effective policing is not prejudiced. The design should also ensure pedestrian safety is not endangered."*

**Rob Cousins  
20 March 2013**