
Appeal Decision

Site visit made on 28 August 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2020

Appeal Ref: APP/F5540/W/19/3231036

Hounslow Heath Golf Course, Staines Road, Hounslow TW4 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hounslow Heath Golf Centre Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01054/H/P39, dated 15 December 2017, was refused by notice dated 30 April 2019.
 - The development proposed is described as 'amendments to clubhouse approved under reference APP/F5540/W/16/3160453'.
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Decision

1. The appeal is allowed and planning permission granted for amendments to clubhouse approved under reference APP/F5540/W/16/3160453 at Hounslow Heath Golf Course, Staines Road, Hounslow TW4 5DS in accordance with the terms of the application Ref 01054/H/P39, dated 15 December 2017, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Hounslow Heath Golf Centre Ltd against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal occupies part of a larger site in the Green Belt which was granted planning permission on appeal¹ for 'the development of Hobblers Heath Children's Zoo and Adventure Park, associated buildings and outdoor play structures, 9 hole golf course, floodlit golf driving range, adventure golf, associated landscaping, high ropes course and zip line park, climbing/jump tower, car parking and alterations to two existing vehicular access points off Staines Road' (the wider scheme).
4. The wider scheme covers an area of approximately 48ha. However, this proposal relates solely to a 0.7ha area of land within the wider scheme where the erection of a clubhouse building, an attached building, and open driving range 'bays' facing a driving range were permitted.

¹ Appeal reference – APP/F5540/W/16/3160453

5. In effect, it is proposed to substitute the consented clubhouse and driving range bay buildings with larger buildings. Like the consented clubhouse building, the proposed clubhouse would include retail, a kitchen/bar/servery and seating area but, in addition, it would also include an indoor activity area. The driving range building would be extended from 30 bays as permitted, to 53 bays, set over two floors of bays as opposed to one. The proposal would also include photovoltaic solar panels on the roof of the building, an increase in cycle parking spaces, and the incorporation of the previously permitted ground maintenance facility into the proposed clubhouse building.
6. As part of my consideration of the appeal, pursuant to Regulation 14(2) of the Town and Country Planning Environmental Impact Assessment Regulations 2017 (EIA), I referred the proposal to the Secretary of State (SoS) to determine whether the proposal is an EIA application within the meaning of the EIA Regulations. In summary the SoS concluded that, as the proposal was linked to the wider scheme which itself was subject to EIA, the proposed development when viewed within its wider context may result in a likely significant effect. In accordance with Regulation 14(5) of the EIA Regulations, the SoS directed that the proposal is an EIA development.
7. Subsequently, the appellant carried out additional EIA work and prepared an addendum to the original ES which was submitted as part of the wider scheme. The appellant carried out consultation in accordance with the Regulations and I am satisfied that interested parties have had an opportunity to comment on the ES Addendum and the proposal. In determining this appeal, I have had regard to the information submitted within the ES Addendum alongside the original ES, along with other environmental information submitted.
8. The appellant also submitted a S106 planning obligation with this appeal which would preclude the implementation of this proposal until certain works have been completed in association with the wider scheme. The obligation also incorporates a 'Construction Training Agreement' and 'Community Use Strategy'. No parties have been prejudiced by this late submission, and the Council have had the opportunity to comment on the planning obligation.
9. On my site visit I saw that some preparatory works were being carried out across the wider site. I am advised by the appellant that since then, relevant planning conditions have been discharged, and work has commenced on the wider scheme.

Main Issues

10. Having regard to the above, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the biodiversity and ecology of the area; and,
 - If the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, exceptions are made in the case of appropriate facilities in connection with use for outdoor sport or recreation which preserve the openness and do not conflict with the purposes of including land in the Green Belt, and proposals which involve the redevelopment of previously developed land which would not have a greater impact on openness than the existing development.
12. The proposal would involve the erection of buildings with a total internal floor area of approximately 3,091m². The site area and much of the land surrounding it is eminently open. Even though the original planning permission permits a golf club house, driving range and maintenance buildings with a floor area of over 1000m², there is no evidence to suggest that those buildings have been erected. Therefore, they do not form the 'baseline' and do not count as 'existing development' in connection with paragraph 145 of the Framework. In any event, the proposed buildings would increase the floorspace by 2000m² over and above the floorspace consented by the wider scheme.
13. Moreover, the previous appeal Inspector also concluded that the driving range and golf clubhouse buildings alone represented inappropriate development in the Green Belt, even though they were smaller overall and had less impact on the openness of the Green Belt than those proposed as part of this appeal. The buildings proposed in this case would be up to two storeys in height, have elongated front and rear elevations, and represent a considerable bulk and mass in an otherwise open area of Green Belt. Despite their location set away from Staines Road and on existing hardstanding, the buildings would nevertheless significantly reduce the openness of the Green Belt in this location.
14. Therefore, even if I was to accept that the proposal would be used in connection with use for outdoor sport, or involved the redevelopment of previously developed land, the extent of the built form proposed in this case would fail to preserve openness and would have a greater impact on openness than the existing development, contrary to the requirements set out in paragraph 145 of the Framework.
15. For the foregoing reasons the proposal would comprise inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. It would fail to meet the exceptions set out in paragraph 145 of the Framework and would be contrary to Policy GB1 of the Hounslow Local Plan 2015-2030 Volume One (the Local Plan) and Policy 7.16 of the London Plan 2016 (the London Plan), which states that the strongest protection should be given to London's Green Belt, in accordance with national guidance.

Biodiversity and ecology

16. The appeal site falls within Hounslow Heath, a metropolitan Site of Importance for Nature Conservation (SINC). It also lies close to the Crane Corridor SINC with the eastern boundary lying close to the Hounslow Heath Local Nature

Reserve (LNR). In addition, there are a number of other designated wildlife sites within 5km of the appeal site. The wider scheme was considered having regard to the impact on these areas of biodiversity interest and no unacceptable harm was identified. Subject to compliance with relevant reports, plans and planning conditions contained in the decision notice, the wider scheme could be built in its entirety independent of the current appeal proposal.

17. The red-line boundary associated with the appeal site relates to a relatively small proportion of the wider site. I acknowledge that whilst part of the site is located on hardstanding which is of limited ecological value, most of the site is located within areas identified as semi-improved grassland, scrub and tall ruderal plants, which are of benefit to species including reptiles and breeding birds. Therefore, the proposal would result in the direct loss of land with habitat potential.
18. However, the habitat which would be affected by the proposal would have been lost or altered to a similar extent in relation to the wider scheme. Moreover, the appellant submitted an updated Ecological Appraisal with this appeal, which included additional survey work, which the Council have had the opportunity to comment on. Whilst the more recent surveys² reveal that habitat suitability within the appeal site increased for some species since the original survey³, there is nothing before me in the evidence to suggest that the proposal's effect on biodiversity would be significantly greater than is already permitted. Moreover, it is proposed to compensate for loss of habitat through the submission of an Ecological Management Plan which would include measures to protect and enhance bird and reptile habitat and species, as well as additional biodiversity enhancement measures.
19. The Council have assessed the additional ecological report and are satisfied that it addresses one of their reasons for refusal, subject to the provision of additional bat enhancement and reptile mitigation, which could be secured by planning condition. I am also satisfied that the latest ecological information submitted is sufficient to allow me to assess the proposal's impacts on biodiversity, in an area of ecological sensitivity. I conclude that the proposal would appropriately mitigate for the loss of any potential habitats and would not have a significantly harmful effect on the nearby LNR and SINC's or protected species.
20. Therefore, the proposal would comply with the requirements of Policies CC1, CC2, and GB7 of the Local Plan which together seek to protect and enhance the Borough of Hounslow's natural environment and seek to increase the quantity and quality of its biodiversity, and integrate and enhance the natural landscape.

Other considerations

21. The previous appeal Inspector determined that the wider scheme would result in a £15 million investment. Over and above this, the current proposal would provide an additional £2.5 million investment and would create 29 Full Time Equivalent (FTE) jobs, which is an increase of 13.5 FTE jobs over the consented

² RPS Ecological Appraisal reports dated January 2019 and 13 June 2019 (ref - ECO00567)

³ Undertaken in 2015

development. Furthermore, the indoor golf facilities would provide a year-round attraction which would be likely to create less season dependent job opportunities. Whilst I appreciate that many of the jobs created would not be highly 'skilled', they would nevertheless provide employment opportunities for local people in an area which is deprived in the national context and would particularly benefit from job creation.

22. A community benefits package accompanies the proposal in the form of a S106 obligation. It would provide opportunities for local schools and disadvantaged groups to access the facilities during term time. One hour per week of golf coaching for these groups would be provided. The facility would also host an inter-schools golf tournament. The planning obligation also includes a job brokerage scheme which is intended to place Hounslow residents in jobs and training during both the construction and operation of the development.
23. Furthermore, the wider scheme could be implemented in its entirety independent of this proposal. However, even if I was to allow this appeal, it is intrinsically linked such that the access and the commencement of the above-ground works on phase 1 of the wider scheme would take place prior to the commencement of any development associated with the appeal proposal. Therefore, this proposal is a component part of the wider scheme thus it represents a fall-back position to which I apply substantial weight.

Other matters

24. Concerns raised by several third-parties relating to the principle of development associated with the wider scheme have had no bearing on my consideration of this appeal, which is separate proposal confined to an area within the wider site.
25. Even though the Council also refers to conflict with Policy 7.18 of the London Plan in their reason for refusal, there is nothing in the evidence before me to explain how the proposal would result in the loss of protected open spaces given that permission has already been granted for a larger development which incorporates the appeal site. In any event, the evidence submitted by the Council alleges unacceptable harm to the green belt and biodiversity, which has formed the basis of my considerations.
26. It is acknowledged that the proposal would have the potential to increase the number of visitors to the site in comparison with the consented scheme. I also note the appellant's intention to refresh the original Travel and Visitor Management Plan, to take into account travel to and from the site having regard to traffic flows at peak times on the local road network. There are no objections to the proposal from the Council as they find no unacceptable impact on highway safety nor severe cumulative impacts on the road network. I have no reason to disagree with the Council's overall conclusions.

Overall Balance

27. The proposal would significantly reduce the openness of the Green Belt and would constitute a form of encroachment, thus conflicting with one of the five purposes of including land in the Green Belt. I have applied substantial weight to this harm, as required by the Framework.

28. There would be no significant harmful effects on local biodiversity, subject to appropriate mitigation being secured by planning condition. This matter carries neutral weight in the planning balance.
29. On the other hand, the harm to the Green Belt in respect of this appeal would not be substantially greater than the resultant reduction in openness and encroachment already allowed as part of the wider scheme. The wider scheme has been implemented and could be completed independent of the current proposal. This fall-back position carries substantial weight in favour of this appeal.
30. In addition, there would be benefits to the local economy due to an increase in visitor numbers and job creation. The proposal would refocus the golfing element in relation to the wider scheme, providing additional jobs which would be more stable, reflecting the proposal's overarching aim to provide a year-round family-based attraction which would be more resilient to the current market than the permitted scheme. The proposal would encourage young people and other groups to participate in golf by providing opportunities for local schools and other select groups to utilise coaching and golfing facilities, provisions which are not included as part of the original consent.
31. When these benefits are taken in combination with the fall-back position, I conclude that the other considerations in this case clearly outweigh the harm to the Green Belt by reason of inappropriateness, reduction in openness and encroachment. Looking at the case as a whole, I consider that very special circumstances exist which justify the development, in line with the requirements of the development plan and the Framework.

Planning Obligation and Conditions

32. A signed S106 planning obligation has been provided and includes a mechanism whereby the appeal proposal could not commence until the access and other works in 'phase 1' of the wider scheme had been completed. The planning obligation also includes a construction training agreement and an employment initiative in order to encourage the employment of local apprentices and trainees, along with a community strategy to subsidise the use of the golfing facilities for a range of local groups. I find that the obligations would be directly related to the development proposed, are fairly and reasonably related in scale and kind, and are necessary to make the development acceptable. The proposal would therefore comply with the requirements of Regulation 122 of the CIL Regulations⁴ and the tests set out in paragraph 56 of the Framework.
33. In respect of the Council's suggested planning conditions, I have considered them against the relevant guidance contained within the Planning Practice Guidance (the PPG) and the Framework which requires that planning conditions should be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have amended some of them and consolidated several of them in the interests of clarity and in order to meet the PPG, and to avoid repetition.

⁴ Community Infrastructure Levy Regulations 2010 (as amended)

34. Whilst the appellant has informed me that the relevant planning conditions in relation to the wider scheme have been discharged, none of these approved details have been submitted as part of this appeal. I have taken this into account in determining the conditions necessary to make this development acceptable.
35. I have applied the standard '3 year' time limit condition, and the 'approved plans' and 'materials' conditions in the interests of certainty and character and appearance. The clubhouse, indoor golf facilities and driving range should include restricted opening hours in the interests of the living conditions of the nearest occupants. I have imposed a condition restricting construction hours, which aligns with the restrictions placed on the planning permission for the wider scheme, to protect the living conditions of the nearest residents.
36. No details of lighting have been provided and given the ecological sensitivity of the locality, a condition requiring the submission of lighting details is necessary. Whilst landscaping potential within the appeal site would be limited, the layout plan appears to show areas of planting around the car parking areas, thus a planning condition is required in order to secure this, in the interests of the character and appearance of the area.
37. A construction management condition is required prior to commencement due to the potential for highway safety issues from construction traffic, and in the interests of the living conditions of nearby occupiers.
38. The Council suggests conditions relating to boundary treatments and tree retention. However, these conditions appear to be relevant to the wider scheme, whereas the appeal proposal does not propose any tree retention or boundary treatments, thus the suggested conditions are not necessary. Moreover, conditions relating to contaminated land, archaeology, and invasive species are attached to the decision relating to the wider scheme, and given that the current proposal cannot commence until those conditions have been satisfied, I see no need to impose them in this case. Noise impacts are not anticipated to be significantly greater than those permitted, particularly given the distance of the proposal from the nearest residential properties, and I see no reason to impose a noise condition relating to the proposed golfing activities.
39. As the Council's officer report confirms, highway mitigation measures were secured under the previous permission comprising a suite of highway works to provide an improved access into the main site. As the planning obligation establishes a link to the wider scheme, it is not necessary for me to impose highway mitigation/works conditions in this case, as they are addressed as part of the wider scheme.
40. Having regard to nature conservation interests, there is a need for approval of an Ecological Management Plan pre-commencement due to the impact of this proposal and its construction on ecological interests, in comparison with the permitted development. Furthermore, a condition relating to bird and bat box details is necessary as, even though similar details were required in accordance with the wider scheme, the Council suggest further provision is necessary, and I do not have any approved details to hand to be certain that the proposal would not affect the approved location of any bat/bird boxes.

41. Having regard to the ES which confirms that built structures on site are expected to have piled foundations, and having regard to subsurface water infrastructure in the area, a piling method statement condition is required. In order to satisfy development plan requirements, conditions are required in order to ensure that the energy and environment credentials of the buildings are sufficient. The proposal would generate more vehicular movements and would affect the parking arrangement approved as part of the original consent. Furthermore, the wider site's drainage, and storage of waste and refuse would be affected by the proposal. Therefore, conditions are required in relation to these aspects.

Conclusion

42. For the reasons given above, the appeal is allowed.

Matthew Woodward

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans:- 100 Rev A, 101 Rev B, 102 Rev B, 103 Rev B, 105, 106 Rev C, 107, 108, 109, 110, AL-PL-046 Rev A, JKK8526, PPS1123, JNY8426, JNY9633, ECO00567 June 2019, Energy and Carbon Usage Report 2018.
- 3) Before any works involved in the construction of the buildings, details of the materials to be used in the construction of the buildings and golf driving range bays hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details
- 4) The use of the development hereby permitted shall be limited to the following times:
 - (a) The driving range bays, indoor golf activity and golf clubhouse (including all facilities within) shall not be open to customers outside the hours of 07:00 hours to 22:30 hours Monday – Sunday.
- 5) No demolition or construction work shall take place on the site except between the hours of 08:00 to 18:00 on Monday to Friday and 09:00 to 13:00 on Saturday and no demolition or construction work shall take place on Sundays and Public Holidays.
- 6) The buildings shall not be occupied until details of the arrangements for storing of waste and recycled materials have been submitted to and approved in writing by the Local Planning Authority. The arrangements for storing waste and recycled materials shall not be carried out otherwise than in accordance with any approval given and shall be completed before the use is commenced.
- 7) Details of any external lighting, including lux levels, direction and screening of any external lighting, shall be submitted to and approved in writing by the Local Planning Authority before any use hereby permitted commences. Development shall be carried out in accordance with the approved details.
- 8) The use hereby permitted shall not commence until a scheme showing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with a timetable to be agreed with the Local Planning Authority. If, within a period of 5 years from the date of planting, a tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.
- 9) The development shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:

- (a) details and location of parking spaces for people with disabilities;
- (b) details and location of electric vehicle charging points; and
- (c) details of measures proposed to restrict parking to designated bays only and prohibit parking on the access road.

The car parking areas shall thereafter be managed in compliance with the approved Car Park Management Plan.

- 10) Prior to the commencement of the use hereby permitted, full details of the provision to be made for both visitor and staff cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated purpose.
- 11) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) the management of vehicles carrying abnormal loads;
 - iii) the management of deliveries to the site;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) the provision of signage within the site to encourage safe access/egress from the site to and from the public highway.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 12) No building works above ground shall commence until Design Stage calculations under the National Calculation Method have been submitted to and approved in writing by the Local Planning Authority to show that the development will be constructed in accordance with the approved Energy and Carbon Usage Report, along with a strategy for monitoring the output of installed solar panels and other renewable energy generating technologies. Prior to first occupation of any buildings, evidence (e.g. photographs, installation contracts and as-built certificates under the National Calculation Method) shall be submitted to the Local Planning Authority and approved in writing to show that the development has been constructed in accordance with the approved Energy and Carbon Usage Report, and any subsequent approved revisions.
- 13) Prior to any works involving the above ground construction of the buildings, a BREEAM Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) shall be submitted to and approved in writing by the Local Planning Authority to show that a 'Good' rating (with 'Excellent' standards for the ENE01 and WAT01 credits) will be achieved. Prior to first occupation of the buildings a BREEAM Post

Construction Review certificate and summary score sheet (or such equivalent standard that replaces this) shall be submitted to and approved in writing by the Local Planning Authority to show that a 'Good' rating (with 'Excellent' standards for the ENE01 and WAT01 credits) has been achieved.

- 14) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.
- 15) Prior to occupation of any building hereby permitted, a Travel and Visitor Management Plan, including a Parking Management Plan, site and traffic management at peak times and details of monitoring and review mechanisms, shall be submitted to and approved in writing by the Local Planning Authority. The Travel and Visitor Management Plan shall be implemented as approved.
- 16) No development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall incorporate:
 - (i) a reptile translocation scheme;
 - (ii) details of measures to protect breeding birds, nests and eggs from mortality/damage, injury and disturbance, including avoidance by timing and/or appropriate supervision;
 - (iii) details of the ecological clerk of works supervision to be put in place to monitor the clearance of vegetation to ensure no impact on undiscovered badger setts or other unexpected faunal encounters;
 - (iv) an ecological lighting plan;
 - (v) details of ecological enhancement and biodiversity gain;
 - (vi) details of how the enhancement measures will be monitored, managed and maintained; andThe development shall then be carried out in accordance with the approved details.
- 17) No above ground construction works shall take place until details of a Sustainable Urban Drainage Scheme, including measures for the harvesting of rainwater, the minimisation of water run-off from the site, aiming for greenfield levels, and the conservation and reuse as appropriate of other water supplies in the buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 18) Prior to the occupation of any building, a scheme for the provision of bird and bat boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The boxes as approved shall be provided and be available for use prior to the occupation of the buildings.

End of Schedule