

Agenda Item 04

Supplementary Information Planning Committee on 26 January, 2022

Case No. 20/1411

Location	Queens Park Community School, Aylestone Avenue, London, NW6 7BQ
Description	Construction of an artificial turf pitch, ball stop fencing with access gates, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds

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Further Representations and Clarifications

A total of 2 further objections were received from individuals who had previously made representations. One advised that they were told that the pitch would not be used during certain holidays such as Christmas and Easter. To clarify, the submission documents do not state that the premises would not be used on bank holidays. A recommendation has been made to restrict hours of use for Sundays and Bank holidays to 10 am to 6 pm which is in line with the hours proposed within the application form. The other comment raises concern regarding noise and light which have been discussed in the main report.

A letter of clarification has been sent to state that there were in fact 14 organisations that had written in support as opposed to 6 listed within the report.

The letter also asked for clarification that three Brondesbury Local Councillors supported the application. Brent have confirmed that in addition to Cllr Erica Gbajumo that that Cllr Tony Ethapemi and Cllr Gwen Grahl supported the proposal.

Brondesbury Park Residents Association sent two further letters in objection, one 3 page and one 22 page document. The letters largely repeat objections previously made which are addressed within the report. In addition to summarise:

- They request the application be withdrawn and deferred to allow further assessment and to ensure a lawful decision.

- Documents and material considerations not considered and opens up Local Planning Authority to Judicial Review. Application should be delayed for further surveys on bats dictated by case law.

The Council considers that relevant material considerations have been evaluated and discussed. With regard to the absence of a bat survey undertaken by the applicant, this was noted by the ecologist acting on behalf of the Council, it was advised that the impacts on biodiversity have been suitably addressed and that significant negative effects on the local bat assemblage are unlikely, but that a precautionary approach to compensation measures provided to ensure no net loss of foraging habitat for local bats. A condition has been included requiring an ecological enhancement strategy in line with the recommendation from the ecologist.

- Objections have not been fully regarded.

A number of objections had been received including rebuttals and in some instances opinions and reports by other technical experts in respect of matters such as, Lighting, Noise, Ecology, Trees,

Flood Risk and Anti-Social Behaviour to name a few. The impact of such matters have been assessed within the assessment section of this report. The methodology of many assessments has been scrutinised and critiqued. Brent have considered all representations made and have consulted both internal and external experts where necessary.

- Further letters been submitted from Noise Lighting, Ecology Consultants of BPRA to their Planning consultant. These scrutinise the technical reports submitted and Councils Assessment.

Sufficient information to make an informed judgment on the proposal and Brent have consulted with the relevant experts internally and externally where necessary.

- Regarding noise impact, it refers to communication BPRA have had with Environmental Health Office, but questions why different officer has provided comments.

It is not uncommon for different officers to comment on cases, due to staff resourcing and availability. Comments are made on behalf of the relevant team which in any case is Regulatory Services.

- Report underplays commercial use and other impact.

The report clearly covers the facts in regards to commercial use and details other impacts.

- Officers and members have not visited the site.

Officers and some members have visited the site a number of occasions and sufficient detail is given to members to gain an understanding of the sites characteristics.

- Type of whistle should be conditioned to reduce noise.

-The individual components of noise generated from sporting activities may vary, the whistle noise is not considered to be a factor that needs to be controlled to make the proposal acceptable. Reasonable assumptions must be made in regard to the character, type and volume of noise, and the noise assessment submitted by the applicant assumed a certain type of whistle for the purpose of that assessment. Consultant acting on behalf of BPRA contended that a louder whistle could be used. Regulatory services officers recommended that the use of the specific whistle is secured. As discussed above, the type, character and volume of noise will vary from one game and person to the next, and the noise levels can be both higher and lower than those modelled using typical assumptions. A condition securing a specific type of whistle is not considered to be necessary or enforceable, and is unlikely to meet the tests set out within the NPPF. Nevertheless, for the reasons set out within the report and supplementary report, the proposed development is considered to be acceptable in the absence of such a condition.

- Environmental Health Officer's concerns ignored, reference made to the need to survey existing premises and flaws to existing baseline levels to ascertain noise levels.

Prior to the EHO's formal comments additional information was sought. Sufficient information to make an informed judgment has been submitted and requested.

- Paragraph 93 is misleading in stating that Para 8.7 of the BPRA consultants report states 'a maximum of two bats [was] reported at any one time'.

The consultant's report states 'the pitch is serving as an important habitat for foraging, despite a maximum of only two bats flying simultaneously being noted from the sonograms'. In other words, the number of bats observed in simultaneous flight by the sonograms, does not in any way indicate that only two bats were present at any one time.

- Critiques have been made regarding the Light impact in terms of impact to Bats and to residential amenity.

The Ecologist acting on behalf of the Council has reviewed the information that has been submitted together with the information previously provided and on behalf of the BPRA and advised that they were content that the impacts have been suitably addressed within the proposal.

A number of conditions suggested by BPRAs:

Condition Suggested Comments	Officer Comment
No Floodlighting or any other externals lighting - change to Condition 5.	Conditions must meet the relevant tests outlined within the NPPF. The potential impacts associated with the use of lights and the hours of use have been considered and discussed within the committee report, and these conditions are not considered to be necessary.
No use of Sundays - change to Condition 4.	
No use on Public Holidays - change to Condition 4.	
No use beyond 6pm Monday to Friday and including Saturdays	
Moratorium on the use of rubber crumb infill: Use of the rubber crumb infill to be replaced with an environmentally friendly substitute - e.g. coconut shells, so as not to prejudice the local ecology or wildlife, and encourage contamination of micro plastic pollution into land and water (local eco) systems	
A Landscape Management Plan Increase number of trees	Condition 9 covers the provision of five new trees.
S106 agreement: Define community user agreement and community use Scheme for noise and light management No intention for special events/large groups, commitment should be enshrined in Legal Agreement.	Condition 7 covers Community Use. The noise and light is covered by Conditions 5 & 6. Due to the scale of development and proposed use, the restriction of types of events is not considered necessary.

Summary of points of clarification:

Relevant Section /Page or Paragraph	Clarification
No Paragraph Number. Page 5	14 organisations supported the Application and 3 Local Councillors.
Paragraph 93. Pages 23/24	Delete: 'a maximum of two bats [was] reported at any one time'. Insert 'the pitch is serving as an important habitat for foraging, despite a maximum of only two bats flying simultaneously being noted from the sonograms'
Paragraph 76	Applicant clarified amendment to report: the report refers to a 1:1000 year flood it should read 1:100.

Recommendation: Grant consent, subject to conditions set out in the committee report.

