

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

26 January, 2022
04
20/1411

SITE INFORMATION

RECEIVED	13 May, 2020
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	Queens Park Community School, Aylestone Avenue, London, NW6 7BQ
PROPOSAL	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
PLAN NO'S	Please See Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_149939</p> <p><u>When viewing this as an Hard Copy</u> _</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "20/1411" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to **grant** planning permission subject to conditions.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and Informatives to secure the following matters:

Conditions

1. Time Limit
2. Approved Plan
3. Materials
4. Hours of Use
5. Lighting
6. Noise
7. Community User Agreement
8. Flood Risk & Drainage
9. Tree Report/Planting Schedule
10. Ecological Enhancements
11. Construction Method Statement/Environment Management Plan
12. Updated Travel Plan

That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

SITE MAP



Brent

Planning Committee Map

Site address: Queens Park Community School, Aylestone Avenue, London, NW6 7BQ

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This map is indicative only.

PROPOSAL IN DETAIL

Construction of an artificial turf pitch, ball stop fencing with access gate/s, 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.

EXISTING

The application relates to a broadly rectangular shaped playing field within the south east corner of Queen's Park Community School. Queen's Park Community School is a mixed secondary school with approximately 1280 pupils aged between 11-18.

The site consists a grassed playing field with a sloping topography from north to south. The surrounding area is residential in character. Aylestone Avenue is located east of the site, beyond which are two-storey detached and semi-detached residential properties. To the immediate south of the site is Tiverton Green Open Space.

The playing fields are designated as Open Space but are not public open space. The site area within the red line boundary is designated as Flood Zone 1 at low risk of flooding, there is a small area outside of the application site but within the blue line boundary (indicating other land owned by the applicant), located north of the school buildings designated as Flood Zone 3a at high risk of surface water flooding. The site is located within an Air Quality Management Area.

The ten trees identified on site are subject to a both a grouped and individual Tree Preservation Orders.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

Representations received: 84 objections and two petitions against the proposal were received, one with 287 signatures and one with 98 have been received objecting to the application for a variety of reasons. 232 comments of support from individuals, 6 from organisations and one from a Local Councillor have been received. 5 neutral have been received. Further details of the comments received are discussed within the "consultation section"

Provision of additional sports facilities for the benefit of on-site school children and members of the wider community: The proposal would provide enhanced local sports facilities, which would serve the school, and would also be available for bookings for the use of the local community.

Principle of Development: The playing fields are located on land designed as open space by the Local Plan. Core Strategy Policy CP 18 (Protection and Enhancement of Open Space, Sports and Biodiversity) asserts that open space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. The proposed development would see the continued use of the space for sporting/recreational use in an open environment. It would enable additional sports to be played throughout the school day by the school and for use by the wider community in the evenings and weekends. The development would constitute the enhancement and management of open space for sporting activities for the benefit, enjoyment, health and wellbeing of Brent's residents and visitors. The proposed development is therefore considered to represent appropriate development consistent with Policy CP 18 of the Brent Core Strategy 2010. Sport England are a statutory consultee on any planning application that would affect or lead to the loss of a sports playing field. Sport England were consulted on this application and raised no objection to the development.

Impact to local residential amenity: It is acknowledged that the floodlights and proposed use would

facilitate greater use, particularly in winter months and that the closest properties located on Aylestone Avenue would experience some noticeable noise.

The level of additional noise impact, when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm (Monday to Friday), is not considered to result in a significant degree of harm. Furthermore, when balanced against the wider public social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to outweigh the level of additional noise impact. The light spill from the floodlights would not result in harm to the residential amenity of nearby properties. A condition would be recommended to ensure lighting is carried out in accordance with the details and mitigation submitted and limit the hours of use.

Visual impact: The size, scale and appearance of the sports pitch, is considered to be acceptable in terms of its general siting and appearance.

Flood Risk and Drainage: The site area within the red line boundary is designated as Flood Zone 1 at low risk of flooding, there is a small area outside of the application site within the blue line boundary, located north of the school buildings designated as Flood Zone 3a at high risk of surface water flooding. The Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment has demonstrated that the site within the application site has a low risk of flooding from all types of flooding.

A dry pond detention SUDS is proposed. Brent's Lead Local Flood Authority were consulted and was satisfied that the proposed development with the proposed drainage strategy and mitigation would not result increase flood risk within the locality.

Highways and Transportation : The proposed development is not considered to result in harm to pedestrian or vehicular highway safety, nor would parking pressure be harmfully increased.

Trees and Ecology: The trees on site are subject to a Tree Preservation Order (s). The Arboricultural Impact and Method Statement identifies potential harm to trees as a result of the development and construction phase and the method statement proposes measures to ensure the protection of those trees. The potential harm as a result of the construction and operation of the earth bund, detention basin as well as soil compaction close to or within Root Protection Areas as well as the foundations of a floodlight within a small proportion (less than 1%) of the Root Protection Area of one Tree have been identified. The 'Impact to Trees' section provides further detail. Brent's Tree Officer has been consulted and is satisfied that provided the development is carried out in full accordance with the Arboricultural Method Statement that existing trees would be adequately protected. A condition to ensure development is carried out in accordance with the Arboricultural Method Statement is recommended.

A revised lighting spillage assessment demonstrated that the impacts on local biodiversity has been suitably addressed within the proposals. A condition is recommended for an Ecological Enhancement Strategy based on the recommendation of the Ecological Appraisal and this should include compensation for foraging bats.

A condition is recommended for the submission and approval of a Construction Environment Management Plan to detail measures to protect biodiversity during construction. The impact to biodiversity and ecology is considered to be acceptable, a condition is recommended that the development is carried out in accordance with the recommendations within the submitted Ecology Report.

RELEVANT SITE HISTORY

The current application is a resubmission and includes additional supporting information and accompanying surveys, as well as a dry pond detention basin among other mitigation measures.

In addition, the site has an extensive planning history of extensions and alterations dating back to 1992. The most significant of these planning application over the last 10 years are as follows as well as permission application reference 07/3721 and subsequent reserved matters and condition application:

21/3058. Full Planning. Granted.

Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY:

CP18 OF BRENT'S LOCAL PLAN).

19/1477. Full Planning. Granted. 17/10/2019.

Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY CP18 OF BRENT'S LOCAL PLAN).

17/3003. Full Planning. Granted. 13/02/2018.

Retention of the single storey classroom building located to the north of the school.

15/3669. Full Planning. Granted. 07/10/2015.

Single storey extension to expand the existing Sixth Form with associated access, canopy and screening to the school building fronting Aylestone Avenue.

13/1304. Full Planning. Granted. 04/07/2013.

Extension and refurbishment of the school to include the erection of a single storey extension to accommodate additional toilet facilities, installation of a steel canopy with glazed units, erection of single storey extensions to the PE store and dining hall and installation of replacement windows to main hall.

08/2597 – Granted

Details pursuant to condition 2 (management plan) of outline planning permission reference 07/3721, dated 10 April 2008, for the installation of an outdoor multi-use games area adjacent to the gardens of 6-14 Mount Pleasant Road (matters to be determined: layout and access)

08/1501- Granted

Reserved matters relating to outline planning permission 07/3721, granted 10/04/2008, for the installation of an outdoor, multi-use games area adjacent to the gardens of 6-14 Mount Pleasant Road (matters to be determined: appearance, landscaping & scale), as accompanied by Performance Specification, dated 04/02/2008 received 18/09/2008

07/3721 – Granted

Outline planning permission for the installation of an outdoor multi-use games area adjacent to the gardens of 6 - 14 Mount Pleasant Road (matters to be determined: layout and access)

CONSULTATIONS

305 new neighbour consultation letters were sent out on the 2nd June 2020. A site notice advertising the proposal was displayed on a lamppost outside the property from 1st July 2020. A press notice advertising the proposal was placed in the local press.

Amendments and further technical reports have been submitted and updated throughout the course of the application. This included but was not limited to the submission of a revised lighting strategy and ecology information.

A full re-consultation was undertaken. 487 new neighbour consultation letters were sent out on the 22nd October 2021 for a minimum of 21 days. Two site notices advertising the proposal were displayed on a lamppost outside the property from 21st October 2021. A new press notice advertising the proposal was placed in the local press on 4th November 2021. These provided a minimum of three weeks visibility to local residents prior to determination.

A total of 232 individuals support comments were received with 6 support comments from organisations and a support comment was received from Councillor Erica Gbajumo (Ward Councillor for Brondesbury Park).

A total of 84 objections were received from individuals, in addition objections were received from Brondesbury Park and Roe Green Residents' Associations.

Copies of online petitions have been received objecting to the proposal. At the time of submission to the Council the 'Change.org' petition had 287 signatures, names and addresses were provided for these signatures. It was noted at the time of submission 6 signatories had limited details in terms of names and

addresses. The online petition (18/01) states 303 people have signed yet details cannot be verified.

A copy of an additional petition from '38 Degrees' was submitted, the reference related to the withdrawn application. Yet the lead petitioner stated it had been updated and requested it be considered against this application. 98 names and addresses were provided with this, issues with the webpage have meant officers have been unable to verify exact dates when new signatures were added nor any additional names and addresses.

The table below summarises the themes within objections received and provides officer comment or direction to the relevant part of the report which affected concerns raised:

Objection Theme	Officer Comment
<p>Principle of Development</p> <p>Loss of playspace. Reference made to other development on site which has resulted in loss of space as playing fields. Conflicts with planning policy.</p> <p>Material change of use of the site, on basis of operational hours, commercial use as well as intensification of use. Red line signals material change of use.</p> <p>Substantial increase in school letting across the school site. Intensity of use and operational 365 days a year</p>	<p>See '<i>Principle of Development</i>' section of report.</p> <p>The proposed development does not propose a change of use to the existing school site.</p> <p>There are no particular planning restrictions in regard to the operational hours of the school playing fields. Please see Principle of Development for proposed operational hours and split between school and letting hours, please also see condition relating to hours of use and restrictions.</p> <p>The use is not considered to be entirely commercial, it will be used by pupils and also let out to other groups. The London Plan Policy 5.3.12 relates to Education Facilities such as</p> <p>sports, play, training and meeting facilities – should be capable of use by the wider community outside their main operating hours. They can provide venues for a range of community activities, including nurseries, children's centres, cultural, youth and sports activities.</p>
<p>Development of open space</p>	<p>See '<i>Principle of Development</i>' section of report.</p>
<p>Need</p> <p>No justification of need for school or community.</p>	<p>Please see '<i>Principle of Development</i>' section of report.</p> <p>The type of facility is notably different in</p>

<p>Refers to MUGA near Tiverton Green and South Hampstead Cricket/Tennis Club. States that this is under-utilised.</p>	<p>terms of sport that can be played with reference to South Hampstead, furthermore the MUGA is an all-weather artificial grass pitch unlike the courts located near Tiverton Green which are hardstanding.</p>
<p>Commercial Use</p> <p>Excessive commercial use</p> <p>Reference made to previous MUGA and use. Questions if use has been in line with planning conditions.</p> <p>Sinking fund should be used to fund maintenance.</p>	<p>Please see the 'Proposal in Detail' and 'Principle of Development' sections of the report. School use is significant from 08:30-16:30 on weekdays. Notwithstanding this, a condition requiring the submission and approval of a Community User Access Agreement is recommended as a condition and this will involve consultation with Sport England.</p>
<p>Residential Amenity</p> <p>Lightspill from floodlights – states the revised lighting scheme is worse. Sky glow.</p> <p>Noise from use, mitigation not sufficient</p> <p>Noise and disturbance from comings and goings</p> <p>Hours of use unreasonable, increased hours and more intense use (365 days a year) in all weather conditions.</p> <p>Criticism of technical reports submitted</p> <p>Impact to health and wellbeing.</p> <p>Asserts location of pitched is less used and quiet.</p> <p>Overlooking/loss of privacy.</p>	<p>The noise impact and level of use is discussed more within the 'Impact to Residential Amenity' section of this report.</p> <p>The proposal would not give rise to any overlooking or loss of privacy.</p>
<p>Crime & anti-social behaviour</p> <p>Increase in crime and anti-social behaviour.</p> <p>States different elements of use impacts crime & disorder. Unknown visitors to</p>	<p>Please see text under heading 'Anti-social behaviour' within the main body of this report.</p>

<p>school.</p> <p>Limited police resources.</p> <p>News report relating vandalism of a pitch in Humberside.</p> <p>Litter.</p>	
<p>Character and Appearance</p> <p>Bund/detention basin substantial size, significant visual impact.</p> <p>Acoustic barrier, close proximity to path and width overbearing.</p> <p>Out of character in quiet residential area. Lighting impact and structures.</p> <p>Lack of landscaping.</p>	<p>Please refer to '<i>Siting and Appearance</i>' and 'Ecological Considerations' section of this report.</p>
<p>Ecological Impact</p> <p>Ecological impact, immediate site and local environment and wildlife, such as bat assemblage, including light, noise and use of artificial turf and rubber crumb.</p> <p>No Bat survey undertaken.</p> <p>Not real grass.</p> <p>Contravention of Habitat Regulations.</p>	<p>Please see 'Ecological Considerations' section of this report</p>
<p>Impact to Trees</p> <p>Impact to trees from development including lights, pitch, bund/detention basin and structures raised.</p> <p>Impact to trees as a result of the detention</p>	<p>Please see 'Impact to Trees' section of this report.</p>

<p>basin being filled with water.</p>	
<p>Climate Change/ Sustainability</p> <p>Conflict with Brent’s Climate Emergency and Strategy Plan 2021-2030 and the LTN School Street Schemes.</p> <p>Not real grass, required replacement rubber crumb.</p> <p>Increase heat island effect.</p>	<p>The proposed development does not directly undermine the objective of the document/scheme listed. It is acknowledged that an area of grass on the planning field would be replaced with artificial grass. The scheme contributes to climate resilience by incorporating a Sustainable Urban Drainage System (SUDS). The Climate Emergency and Strategy Plan 2021-2030 encourages SUDS. Furthermore, please see ‘ Ecological Considerations’ section of this report which concludes the impact to biodiversity and ecology has been assessed and found to be acceptable, a condition is recommended that the development is carried out in accordance with the recommendations within the submitted Ecology Report.</p>
<p>Flood Risk</p> <p>Concern regarding flood risk raised.</p> <p>Non-biodegradable material would increase flood risk.</p> <p>Soil infiltration rates not determined.</p>	<p>Please see ‘Flood Risk’ section of this report. In addition the submitted Drainage and FRA Strategy provides details of management and maintenance.</p>
<p>Contamination and Risk to Human Health</p> <p>Hazardous materials and ground contamination.</p> <p>Objection states European Chemicals Agency has objected to general use of rubber crumb infill on artificial turf pitches.</p>	<p>At Paragraph 16.10 of the submitted Planning Statement the applicant provides confirmation in regard to the safety of the infill material. It states in accordance with European Directive EN 71-3:2019 a series of toxicology tests have been conducted on test specimens of the rubber infill material used to The test established that the proposed infill material is not toxic or harmful to human or animal or aquatic life.</p>
<p>Transport/Pollution</p>	

Reference made to the Brondesbury and Queen's Park Healthy Neighbourhood and refers to negative impact of traffic and transport.

Noise from traffic.

Low PTAL/poor accessibility. No Travel Plan.

Community use coming from outside the borough, not sustainable.

Please see 'Transport Considerations' section of report. The level of vehicular movements expected to arise from the proposed development is not so significant to result in adverse impact to traffic or pollution.

Transport accessibility has been covered within the submitted Transport Statement and reviewed. Please see 'Transport Considerations' section of report. A condition is recommended to require the submission and approval of an updated Travel Plan, to cover the promotion of non-car access,

Process

Planning Statement does not refer to bund

Plans don't show full development in context

Ambiguity between information submitted. Some information not visible.

Council does not have enough information to determine application.

Description of development refers to bund, as does other documents such as the Application Form, the Surface Water Drainage Strategy and Flood Risk Assessment. The application has been clear and no one has been prejudiced during the consultation process. The Local Planning Authority have undertaken consultation in line with the Statutory Duties.

Sufficient details have been provided to show the development clearly.

Any ambiguity raised has been resolved over the course of the planning application and re-consultation has taken place. No one has been prejudiced.

Sufficient information has been submitted and reviewed and made public to assess the impact of the proposed development.

<p>Re-consultation required.</p> <p>Not enough consultation.</p> <p>States height of Acoustic Barrier not clear.</p>	<p>The height would be 3m as outlined on the drawings and on the proposed plans.</p>
<p>Conditions</p> <p>Section 106 /conditions to for, community user agreement, access, management plans, noise, and light mitigation should be added and consulted upon.</p>	<p>Please refer to conditions recommended. Conditions would not be consulted upon.</p>
<p>Engagement</p> <p>Asserts school has not listened to residents. Asserts that there was some misinformation about plans from school.</p>	<p>The Council are aware that the school have carried out engagement meetings.</p> <p>The Local Planning Authority have ensured information is clear and carried out consultation which meets it's statutory duty</p>
<p>Benefits / Harm and balance</p> <p>Benefit to wellbeing cannot be considered single benefit to health and wellbeing and a result of covid, given current playing fields. Cannot be used to justify harm.</p> <p>No mention of benefits to elderly, families or those with disabilities or special needs.</p> <p>Benefits not outweighed by harm.</p>	<p>The impact of the development is discussed within the main body of the report as are the benefits and planning balance.</p> <p>An existing path track would be utilised. It is considered that would be accessible and the gates into the pitch are sufficient. The proposal would not exclude the elderly or those with particular needs from using the venue.</p>
<p>Construction</p> <p>No Construction Management Plan submitted</p>	<p>Please refer to condition requiring submission and approval of Construction Method Statement.</p>
<p>Other</p>	

<p>Premises been let out, including the car parking areas. Questions management of school.</p> <p>Many comments are from people who do not live within the vicinity of the site. A link to a google map has been provided which illustrated where comments have been received from in a geographical mode.</p>	<p>Not relevant to this application.</p> <p>Whilst the geographic range is varied, objections and support comments have been received from properties within the immediate vicinity and wider area. Such a proposal has the ability to impact those close by, but also benefit a wider catchment.</p>
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Some of the key themes raised within support comments include:

- better facilities for sport for young people, especially in winter
- promote exercise, health and mental well being
- wider local community use after school hours (evenings and weekends)
- lack of sports facilities locally (replacement of the Moberly Centre development)
- create a stronger community to both socialize and stay active
- appropriate steps have been taken to minimise any potential negative impact
- ease the school's finances in days of reduced funding
- better access for those in lower income brackets and the BAME community
- increased use of the proposed area could improve safety around the Tiverton Green area

Internal Consultees

Transport Team – No objection

Environmental Health- No objection

Local Lead Flood Authority –No objection subject to conditions discussed within the report.

Tree Officer – No objection subject to condition.

Planning Policy Team – No Objection.

External Consultees

Sport England – No Objection raised, comments discussed in main body of report.

Thames Water – No objection raised. Informatives recommended.

External Ecologist - (Ecological Planning & Research Ltd) – Comments discussed under the 'Ecology Considerations section of this report.

POLICY CONSIDERATIONS

Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2021, Brent Core Strategy 2010 and the Brent Development Management Policies 2016.

The key policies applicable to this proposal are:

London Plan 2021

D11: Safety, security and resilience to emergency
D12: Fire safety
D14: Noise
S1: Developing London's social infrastructure
S3 Education and childcare facilities
S4: Play and informal recreation
S5: Sports and recreation facilities
G1: Green infrastructure
G4: Open space
G5: Urban greening
G6: Biodiversity and access to nature
G7: Trees and woodland
SI1: Improving air quality
SI12: Flood risk management
SI13: Sustainable drainage
T4: Assessing and mitigating transport impacts
T6: Car Parking

Local

Brent Core Strategy (2010)

CP 18 – Protection and enhancement of Open Space, Sports and Biodiversity
CP 19 – Brent Strategic Climate Change Mitigation and Adaptation Measures
CP 23 – Protection of existing and provision of new Community and Cultural Facilities

Brent Development Management Policies (2016)

DMP 1 – General Development Management Policy
DMP 8 – Open Space
DMP 9a – Managing Flood Risk
DMP 9b – On Site Water Management and Surface Water Attenuation
DMP 12 – Parking

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

Brent's Emerging Local Plan

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which took place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given its progress through the statutory plan-making processes.

Key Emerging Policies include:

DMP1: Development Management General
BS1 Social infrastructure and community facilities

The National Planning Policy Framework is also a material consideration.

Brent Biodiversity Action Plan (adopted 2007)

DETAILED CONSIDERATIONS

Proposal in Detail

1. The proposed development is for an all-weather sports pitch to the south east corner of the school site. The development includes an artificial turf pitch (61m x 43m) with ball stop fencing, netting, access gates an acoustic barrier as well as floodlit masts. A dry pond detention basin with earth bund is to be located to the south side of the site. The existing bund would be removed, spread and levelled under the pitch, this along with (500mm excavation and 500mm infill) would be undertaken to achieve suitable surface gradients.
2. The proposed artificial pitch development would enable additional sports to be played throughout the school day and by the wider community in the evening and at the weekend. The use of artificial turf in combination with floodlighting would enable use within the winter months in terms of weather conditions and lighting. The proposed operating hours are as follows:

	School Use	Community Use	Out of Hours Lettings
Monday to Friday	08:30-16:30	16:30-18:00	18:00 – 21:00
Saturdays	N/A	N/A	09:00-19:00
Sundays and Public Holidays	N/A	Overall operational hours 10:00-18:00, of which four hours would be reserved for community use.	

*An additional curfew time permitted of 15 minutes to the terminal timings detailed in this section is proposed to allow for the clearance and closing of the pitch facility.

3. The school is accessed from entrances on Aylestone Avenue and Oakhampton Road. However, vehicular access outside school hours would be from Aylestone Avenue only. Access gates are controlled via the school reception.

Principle of Development

4. This application seeks permission for the construction of an all-weather sports pitch to the south east corner of the school site. The development includes an artificial turf pitch (61m x 43m) with ancillary ball stop fencing, netting, access gates an acoustic barrier, floodlit masts and a dry pond detention basin with earth bund to be located to the south side of the site.
5. London Plan Policy G4 relates to open space, it states development proposals should not result in the loss of protected open space, among other things asserts that development plans should undertake a needs assessment of all open space and identify deficiencies, include polices to protect open space, promote new areas of publicly available open space.
6. The playing fields are located on land designed as open space by the Local Plan. Core Strategy Policy CP 18 (Protection and Enhancement of Open Space, Sports and Biodiversity) asserts that open space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent’s residents, visitors and wildlife. CP 18 states that ‘support will be given to the enhancement and management of open space for recreational, sporting and amenity use

and the improvement of both open space and the built environment for biodiversity and nature conservation. It is set out within London Plan policy G4 that development proposals should not result in the loss of protected open space.

7. The proposed development would see the continued use of the space for sporting/recreational use in an open environment. It would enable additional sports to be played throughout the school day by the school and for use by the wider community in the evenings and weekends. The development would constitute the enhancement and management of open space for sporting activities for the benefit, enjoyment, health and wellbeing of Brent's residents and visitors. The proposed development is therefore considered to represent appropriate development consistent with Policy CP 18 of the Brent Core Strategy 2010.
8. The natural environment of a proportionately small area of the school's wider playing fields would be lost, but the value of the space for recreational sporting and amenity uses would be enhanced as it would enable year round use of the space for sporting activities and the quality of the space for enabling sports activities would be improved through levelling of the land, providing a flat ground surface. The impact to ecology is assessed within the relevant section of this report.
9. London Plan Policy S3 sets out that development proposals for education facilities should locate facilities in areas of identified need and maximise the extended or multiple use of educational facilities for community or recreational use, through appropriate design measures.
10. London Plan Policy S5 relates to Sports and recreation facilities, paragraph B states that development proposals for sports and recreational facilities should:
 - 1) *increase or enhance the provision of facilities in accessible locations, well-connected to public transport and link to networks for walking and cycling;*
 - 2) *maximise the multiple use of facilities, and encourage the co-location of services between sports providers, schools, colleges, universities and other community facilities;*
 - 3) *support the provision of sports lighting within reasonable hours, where there is an identified need for sports facilities, and lighting is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.*
11. Sport England were consulted on this application and raised no objection to the development. Sport England advised they assessed the application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are as follows:
 - *Protect - To protect the right opportunities in the right places;*
 - *Enhance - To enhance opportunities through better use of existing provision; and*
 - *Provide - To provide new opportunities to meet the needs of current and future generations.*
12. Sport England advised that whilst the facility had not been strategically identified in the Council's Playing Pitch Strategy or the Local Football Facility Plan that the submitted documentation indicates a school need for the facilities. Furthermore the Football Foundation and Middlesex FA have indicated that they would not object to the proposed facility coming forward as small sided football facilities are well used in the area and the proposal could cater for new users.
13. In terms of the facility design, Sport England advised that the Football Foundation have confirmed that the proposed facility does follow design principles of FA guidance. In terms of community use, they remarked that the facility would be available for community sport and Sport England consider that the proposed Artificial Grass Pitch would be suitable for community use. Sport England would wish to see this intention consolidated by way of a Community Use Agreement (CUA), such an agreement is recommended as a pre-commencement condition.
14. In summary, provided the facility is designed and constructed in accordance with the appropriate guidance, has secured community use and has appropriate long-term management and maintenance plans in place, Sport England do not object the proposal as it broadly aligns with its 'Provide' Objective.
15. The principle of development therefore complies with policy CP18 of Brent's Core Strategy 2010 and G4 of the London Plan.

16. Objections were received stating that the proposal would result in a material change of use of the site, some objections states it would be a mixed use. Comments stated a material change of use of the site would occur, on basis of operational hours, commercial use as well as intensification of use and that the red line signals material change of use. Substantial increase in school letting across the school site. Intensity of use and operational 365 days a year.
17. The proposed development does not propose a change of use to the existing school site. The proposed development would be for a sporting facility on existing playing fields. There are no particular planning restrictions in regard to the operational hours of the school playing fields. Please see Principle of Development for proposed operational hours and split between school and letting hours, please also see condition relating to hours of use and restrictions.
18. The use is not considered to be entirely commercial, it will be used by pupils and also let out to other groups. The London Plan, Policy S3 and paragraph 5.3.12 relates to Education Facilities such as sports, play, training and meeting facilities – should be capable of use by the wider community outside their main operating hours. They can provide venues for a range of community activities, including nurseries, children’s centres, cultural, youth and sports activities.

Siting and Appearance

19. A metal mesh powder coated green fence measuring 4m in height is proposed to the outer perimeter of the pitch, a higher 8m ballstop netting is proposed. A 3m high acoustic barrier is proposed to the north eastern side of the pitch adjacent to Aylestone Avenue. A total of 6 floodlit masts measuring 12m in height are proposed, 4 at each corner and 2 at the halfway point of each side of the pitch.
20. Whilst the acoustic barrier would be solid in appearance and located to the north eastern side of the site and visible from Aylestone Avenue, it would have a reduced height of 3m and the metal mesh fencing enables substantial flow of light and visibility from and to the inside of the pitch, retaining a suitably open character within and around the pitch. The powder coated green finish to the fencing is considered to blend in with surrounding school environment and green landscaped area.
21. The closest floodlit mast would be located approximately 19m from the schools’ boundary with the pavement on Aylestone Avenue. The light spill from floodlighting will be visible within the streetscene within hours of darkness up until 21:15 Monday – Friday, 19:15 on Saturdays and 18:15 on Sundays/Bank Holidays. Although the floodlighting would be noticeable, it is not considered to cause adverse harm to the character and appearance of the streetscene, the lighting would be directed towards the pitch and the LED luminaires would have inbuilt louvres to minimise backward spillage.
22. The existing bund would be removed, spread and levelled under the pitch, this along with (500mm excavation and 500mm infill) would be undertaken to achieve suitable surface gradients. The pitch is to be constructed in a manner such that the completed gradient will broadly following the existing ground topography, with its highest point will be on the NE side and the lowest point in the SW side. A dry pond detention basin with earth bund to be located to the south side of the site, the levels of the bund would be noticeable (highest part of bund would be approximately 1.2m above existing levels, yet the width is limited and height decreases with slopping sides) in appearance, however, it would be finished with grass and the height and depth of the bunds perimeters is not so significant that it is considered to be harmful to the appearance of the landscape or wider streetscene.
23. The size, scale and appearance of the sports pitch, is considered to be acceptable in terms of its general siting and appearance. The pitch, fencing and floodlights would appear as a typical feature of many school sites and the use of permeable mesh fence with the exception of the lower 3m solid acoustic barrier would sufficiently preserve the visibility in and around the pitch. The distances from the vantage points outside of the school site are sufficient to offset the development from appearing too prominent. The siting and appearance of the development is therefore supported in planning terms, and complies with DMP1.

Impact to Residential Amenity

24. Policy DMP 1 of the Brent Development Management Polices Plan and emerging Local Plan seek to

ensure new development, amongst other things, provides high levels of external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by the Brent Design Guide SPD 1.

25. The nearest residential properties are located north east of the proposed development and beyond Aylestone Avenue. They consist a mix of detached and semi-detached two storey dwellings with front gardens. A row of properties including numbers 68-72 are located within a perpendicular angle to the proposed pitch, at a distance to their front elevation, varying from approximately 38-40 meters from the pitch, the recessed goal located centrally is located approximately 37m from number 70 Aylestone Avenue. The distance to the acoustic barrier to these properties varies from approximately 35-37m.
26. Oakhampton Road is located and Tiverton Road are located south and south west of the proposed development, again characterised by two storey detached and semi-detached dwellings. Number 77 Oakhampton Road is located 66m from the pitch, beyond the nursery and City Leaning Centre buildings on site. Number 24 Tiverton Road is located over 80m from the pitch beyond Tiverton Road.
27. The rear gardens of Mount Pleasant Road border the school site and the pitch would be approximately 128m from the edge of the closest rear garden at number 2 Mount Pleasant Road.

Impact of Floodlights

28. A total of six floodlit masts at a height of 12m are proposed, one mast is located in each corner of the pitch enclosure and one located on each side of the field at a central location. The introduction of artificial lighting via the proposed floodlighting has the ability to have an impact on nearby residential properties.
29. Since the submission of the application a revised lighting strategy has been proposed. Revised plans and documents have been submitted to account for this change. A Light Spillage Assessment dated 2nd September 2021 has been submitted and reviewed by Brent's Environmental Health Team.
30. Objections raised concerns regarding the methodology used within the submitted Lighting Assessment and impact to residential properties. Brent's Environmental Health Team reviewed the submitted Lighting Assessment, supporting documentation as well as objections and are satisfied with the methodology used.
31. The lighting assessment outlines that the revised luminaires continue to provide the same level of lighting on the pitch but include built in louvres to minimize any backwards light spill.
32. The report refers to the Institute of Lighting Professionals' (ILP) environmental zone classification system used for the categorisation of sensitive receptor locations based on typical levels of baseline obtrusive light. The proposed development site falls under Environmental Zone E3. ILP's pre-curfew (07:00-23:00) criteria for Environmental Zone E3 is 10 lux and the results show that this level is not predicted to be exceeded as a result of the proposed development.
33. Sky glow has also been considered in context with this report. The upward light ratio is the measurement used to calculate the amount of light projected up into the sky and is the primary approach to assessing sky glow. The upward light ratio of the proposed lighting scheme is below the ILP criteria of 5%.
34. The operational hours of the floodlights would be from dusk to 21:15 Monday – Friday, 19:15 on Saturdays and 18:15 on Sundays/Bank Holidays. A condition will also be recommended to restrict the hours of operation of the floodlights and to ensure that the lighting is installed in accordance with the approved plans and details contained within the lighting assessment.
35. The proposed development is not therefore predicted to result in significant adverse light obtrusion impacts with respect to local sensitive residential receptors.

Noise Impact

36. It is acknowledged that the existing use is a school playing field and as such activities at playtime or associated sporting activities for example have the potential to result in noise disturbance. Some potential

sources of noise associated with the proposed development could derive from player's voices, balls hitting the mesh fencing, referee whistles and general comings and goings from the venue.

37. As outlined the overall operational hours of the pitch are as follows:

Monday – Friday 08:30 - 21:00

Saturdays - 09:00 – 17:00

Sundays and Public Holidays 10:00 – 18:00

38. An additional curfew time permitted of 15 minutes to the terminal timings detailed in this section is proposed to allow for the clearance and closing of the pitch facility.

39. Objections and technical reports undertaken by consultants were submitted on behalf of objectors. The robustness and assumptions used within the methodology of the originally submitted Noise Report (dated May 2020) were scrutinised and critiqued. These documents as well as the site, surroundings and submitted Noise Assessment were assessed by planning officers and Brent's Environmental Health Team. The applicant provided a Noise Addendum with further explanation and justification of the methodology used whilst also clarifying issues raised within objections. The addendum report provided additional noise monitoring results as well as predicted results from the use of whistles and takes account of noise generated from human interaction during the use of the 3G pitch. The applicant has provided further information to further justify the noise levels which were used in the Acoustic Modelling. Brent's Environmental Health Team were satisfied that the levels used were representative of expected noise impact.

40. It is acknowledged that noise from any MUGA/3G pitch is difficult to assess in terms of the impact it would have on residential amenity as there is no set guidance that can be used to establish whether or not the noise would have a detrimental impact. The noise report has provided details of the methodology and reasoning used to reach the predicted noise levels.

41. However, the noise assessment report follows specific objective guidelines as set out in the Sport England Design Guidance: 'Artificial Grass Pitch (AGP) Acoustics - Planning Implications.' This guidance is deemed to be appropriate and specifically relevant to this application. The Sport England noise assessment methodology considers average noise levels over a one-hour assessment in terms of LAeq,1h which is considered to be representative of a typical sports session. The noise report considers the use of noise criteria of predicted average noise levels of 50dB LAeq,1h and 65dB LAF, max from individual noise events at residential properties; if the predicted noise is lower than the noise criteria, it is an indication of low impact. Sport England Design Guidance, states: "...a typical free-field noise level of 58dB LAeq (1 hour) at a distance of 10 metres (m) from the side-line halfway marking has been determined as representative for noise from an AGP." It is noted that this criteria has been used to calibrate the noise modelling software.

42. The objections raised concern with the use of averages which would not account for higher louder noises such as shouting, whistles blowing and balls hitting fences. The noise report does also consider maximum noise levels in terms of LAF max and after review of a number of existing reports prepared for other similar sporting events, Bickerdike Allen Partners select noise criteria of 73 dB LAF, max at 10m from the edge of the pitch to represent maximum predicted noise to include noise such as a male voice shouting, a whistle, a football striking a fence, loud individual shouts and a football striking a wire mesh fence. Brent's Environmental Health Team were in support of the approach used because it was considered to be more representative of a wider range of noise, spanning events.

43. Brent's Environmental Health Team were satisfied with the methodology used for the baseline noise survey and agree that the selected sites for noise measurement as shown in figure 1 are representative for the purposes of determining background noise levels around the site and at the nearest noise sensitive receptor. It is noted that the background level has measured at 49dB LAeq and the report factors in a worst-case scenario of 10-15dB reduction for a partially open window resulting in 34-39dB LAeq indoors; these results show that the current daytime indoor levels of 35dB LAeq are being met or marginally exceeded with windows open.

44. The noise report presents results (tables 5.1 and 5.2) that show average and maximum predicted noise levels (with and without mitigation) and highlights the properties where the noise levels are likely to be marginally exceeded. Without mitigation the first floor windows of numbers 70, 72 & 74 Aylestone

Avenue measurements (at 51) would marginally exceed the average noise level criterion of 50 dB LAeq, 1h. However, when building in the Acoustic Barrier as mitigation the average criterion would not be exceeded.

45. The guideline of 65 dB LAF, max from individual noise events is also predicted to be marginally exceeded (66 LAF,max dB) at these receptors, again when factoring in the acoustic barrier the predicted maximum noise levels fall within the guidelines. A condition would be recommended to ensure the Acoustic Barrier be installed in accordance with the submitted details prior to first use of the pitches and maintained in perpetuity.
46. The proposed mitigation measures (3m acoustic barrier) would likely to reduce the levels to the target criteria. The report provides a detailed specification of the barrier and provided this is designed and installed according to the recommendations made in the report, the noise criteria limit is likely to be met.
47. The proposed development is likely to introduce some audible characteristic noise to the local area, the noise report supports the position that the overall impact is likely to be noticeable.
48. The nature of the existing school is such that a large number of visits to and from the site occur. It is acknowledged that the school can be used in the evenings and for external hire. The proposed development would largely be accessed by pedestrians and vehicles from the Aylestone Avenue school entrance located north east of the development. Although the planning statement does indicate that the rear car park could be made available if necessary, this is located to the east of the development accessed via Oakhampton /Tiverton Road. Given the provision of 90 car parking spaces which would be made available to those hiring the sports pitches, it is unlikely that the proposal would lead to any significant increase in on street parking. The Transport statement has estimated a maximum of 6 vehicular trips within the weekday evening peak hour of 5-6pm.
49. The Planning Statement indicates that the development would typically be operated in the following ways:
50. 2 x 5 a side pitches
 - 1 x 7 a side pitch
 - 3 x smaller pitches (estimated 30 students to be accommodated)
 - An area 3m wide is provided to the north west of the pitch to accommodate spectators as well as an area for players to clean boots and to access the pitches. It is noted that this area is cited at least 60 metres from the nearest residential property.
51. Therefore, although the journeys to and from the site as a result of the development are acknowledged, particularly in the evenings and weekends, the scale of development and siting of the pitch and access arrangements is not considered to give rise to unacceptable levels of noise and disturbance.
52. It is acknowledged that the proposed development would result in some noticeable noise to nearby residential properties. It is important to give weight to the existing and fall-back position of the site as a school playing field, which is used for sports and play during the school day and there are currently no restrictions on use of the playing fields in the evenings and at weekends, furthermore the laying out of new grass pitches would in itself not require planning permission. It is acknowledged that the floodlights and proposed use would facilitate greater use, particularly in winter months. However, the level of additional noise impact when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm is not so significant to resist the proposed development. Furthermore, the wider social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to outweigh the level of additional noise impact.

Air Quality

53. The application site is within a designated Air Quality Management Area (AQMA), the Transport Statement estimates that the pitch would generate a maximum of six vehicular trips in the weekday evening peak hour (5-6pm), which is not considered to harmfully impact on local air quality. A Construction Method Statement is recommend as a pre-commencement condition to mitigate, dust, pollution among other matters whilst the development is being built.

Anti-social behaviour

54. A number of objections have been received raising concerns that the development would give rise to anti-social behaviour, including crime and disorder. A Crime and Disorder Impact Assessment was submitted which included comments from a former Chief Inspector in the Metropolitan Police. The access and operational arrangements have been outlined for the site and are considered to be appropriate for the proposed development. It is not considered that the proposed development would be likely to result in usual or excessive levels of anti-social behaviour, crime and disorder.

Physical Structures

55. Brent's Supplementary Planning Document 1 guidance sets out the parameters for acceptable amenity impact in respect to the height of the development and ensuring that the proposal does not appear overbearing. As a guide, the development should sit within a line drawn at 45 degrees from the edge of the rear garden measured at 2m high above garden level and a 30 degree line with respect to habitable room windows. The development would not breach the 30 and 45 degree lines with reference to any residential properties. Therefore the structures and ancillary works are not considered to result in adverse harm to the amenity of any neighbouring properties.
56. In summary the proposal would not result in an adverse impact on the overall living conditions of the neighbouring occupiers. The application therefore complies with the requirements of Policy DMP1 in terms of neighbour amenity.

Transport Considerations

57. Brent's Highways Department, have reviewed the submitted Transport Statement and raise no objection to the proposed development.
58. Pupil and staffing numbers will remain unchanged as a result of the development and therefore there would be minimal impact on the number of journeys made to and from the site during the school day.
59. The provision of floodlighting will allow greater use of the facility by the local community outside of school hours, in the evening and on weekends. The school already has a 90-space car park that can be used by people renting the pitches, therefore the extended community use is unlikely to lead to on-street parking problems in the area, particularly as surrounding streets are lightly parked at night.
60. The Transport Statement has considered the potential traffic impact arising from the proposed use of the pitch outside of normal school hours sufficiently. It estimates that the pitch would generate a maximum of six vehicular trips in the weekday evening peak hour (5-6pm), which would not harmfully impact on the local highway network. The floodlights would minimise light spill over the adjoin highway.
61. Notwithstanding this, in the interest of promotion non-car and sustainable modes of travel a condition is recommended for the submission and approval of an updated School Travel Plan.
62. The proposed development is not considered to result in harm to pedestrian or vehicular highway, nor would parking pressure be harmfully increased. The proposal would not result in highway safety problems and therefore the development is in accordance with DMP1 and DMP 12 of the Brent Development Management Polices Plan.

Flood Risk and Drainage

63. Chapter 14 of the NPPF seeks to ensure development does not increase flood risk on or off site. London Plan Policy SI 12 seeks to ensure flood risk is minimised, mitigated and residual risk is addressed. London Plan Policy SI 13 relates to sustainable drainage and among other things seeks to ensure greenfield runoff rates and sustainable drainage. It outlines a hierarchy for sustainable drainage.
64. Policy DMP9A ('Managing Flood Risk') confirms that new development must avoid and reduce the risk of flooding and not increase the risks elsewhere. Planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMP9B ('On Site Water Management and Surface Water Attenuation') requires minor schemes to make provision of an

appropriate Sustainable Urban Drainage System (hereafter referred to as SuDs) scheme where feasible.

65. A Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment have been submitted in support of this application.
66. The area within the application site is designated as Flood Zone 1 at low risk of flooding. There is a small area within the blue line boundary (denoting other land owned by the applicant), located north of the school buildings designated as Flood Zone 3a at high risk of surface water flooding. The Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment has demonstrated that the area within the application site has a low risk of flooding from all types of flooding.
67. A SuDs Assessment has been undertaken and has been considered against the SUDs drainage hierarchy. In line with this hierarchy the applicant has investigated infiltration, but due to clay geology the permeability is not suitable for infiltration to be relied upon. Discharge to a water course is not a feasible option given the distance to the nearest watercourse.
68. The drainage strategy for the proposed development uses a SuDS Detention Basin (dry pond) for storm water attenuation in combination with an orifice plate to control flows to existing drains. Furthermore permeable surfacing materials would be used in the construction of the pitch itself. The drainage strategy outlines that surface water would be discharged into Highway drains or other surface water drains.
69. Thames Water were consulted and raised no objection to the proposed development. Brent's Lead Local Flood Authority were consulted and are satisfied that the proposed development with the proposed drainage strategy and mitigation would not result increase flood risk within the locality, and that the proposals will have a positive effect on reducing discharge rates to the main system. The proposed development and drainage strategy is therefore considered to be in general accordance with the NPPF, London Plan Policies SI 12 and SI 13 as well as DMP 9a and 9b.

Impact to Trees

70. An Arboricultural Report has been submitted, which includes an Arboricultural Impact Assessment, Method Statement and Planting Schedule. A number of objections have been received regarding impact to trees, among other things including the impact of the detention basin both in terms of its construction, form and the impact from water collecting within the basin, as well as impact from the proposed floodlighting.
71. A total of ten trees were evident on site. There are group tree preservation orders and individual tree preservation orders affecting trees within the site. Trees covered by the Tree Preservation Order are as follows; T1, T3, T4, T5, T6, T7, T8, T9 and T10.
72. Three Category B trees (T2, T3 and T4) and a Category C tree (T1) are located to the north and parallel to Aylestone Avenue. Adjacent to the eastern boundary of the field grow three Category B trees (T6, T7 and T10), two Category C trees (T8 and T9) and one Category U tree (T5). Any works to trees covered by tree preservation order require consent from the Local Authority.
73. All trees are to be retained. The Arboricultural Impact Assessment identifies the activities associated with the development and trees potentially affected. It identifies that the Root Protection Area (hereafter abbreviated to RPA) of T7 could be impacted by the physical construction of the floodlight, whilst trees T6, T7, T8, T9 and T10 could be impacted by the earth bund for detention basin, it identifies that trees RPA's adjacent to the construction area could be impacted by soil compaction, but that these are preventable by tree protection measures.
74. A small proportion (less than 1%) of the RPA to T7 would be affected by the floodlight, however the impacted area is too small to have an adverse impact to the tree's health.
75. It identifies the canopies are located sufficiently far from the proposal and would not be impacted by the construction activities with no pruning necessary.
76. The proposed earth bund for detention basin would be located to the south eastern boundary. No excavation in this area is proposed, yet it would be located on relatively small parts of the outer RPAs of T6, T7, T8, T9 and T10. The height would not exceed 1m and given the narrow width, it is acknowledged

that in the event of water collecting within the detention basin, there would be a minimal impact to the water and oxygen able to reach the roots beneath. However, the impact is considered to be minor, furthermore whilst it is acknowledged that the climate is changing and high rainfall events are more frequent, as demonstrated within the Flood Risk and Drainage Statement the filling of the bund is likely to happen in storm events, the documents show that this area of the site would be impacted by a 1 in 1000 year flood event. The level of soil loading is not significant enough to cause adverse harm to the health of the adjacent trees.

77. Five new trees are proposed along the boundary with Tiverton Green and Aylestone Avenue, the tree planting schedule outlines the species (a Scots Pine, Downy Birch, Swamp Cypress and 2 Common Alders) and that the trees will be planted with an 8-10cm girth and heights between 2.5-3m in order that a significant contribution can be made within a short period of time. A condition is recommended to secure the planting of the trees detailed in the locations shown.
78. The Arboricultural Method Statement outlines mitigation to protect the trees. Brent's Tree Officer has been consulted and is satisfied that provided the development is carried out in full accordance with the Arboricultural Method Statement that existing trees would be adequately protected. A condition to ensure development is carried out in accordance with the Arboricultural Method Statement is recommended.
79. The proposed development therefore subject to conditions can be constructed and have an acceptable impact on the existing trees. Additional planting would enhance the trees on site and the application complies with policies G7, DMP1 and emerging policy BG12.

Ecological Considerations

80. The NPPF specifies the need to protect and enhance biodiversity. London Plan Policy G6 relates to biodiversity and access to nature. Paragraph D asserts that development should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
81. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support will be given to the improvement of the built environment for biodiversity and nature conservation.
82. The application site comprises entirely of amenity grassland, with some trees along the north-eastern and south-eastern site boundaries. The originally submitted ecological appraisal was externally reviewed by a qualified ecologist on behalf of Brent Council. The review of this assessment highlighted deficiencies within the submitted assessment, among other matters that were considered to be overcome via conditions, the review highlighted further information was required in relation to local bat assemblage to determine if/how they utilise the site and if necessary to inform mitigation and compensation measures. The applicant was advised of the deficiencies and further information was submitted and scrutinised by the external ecological consultant. The review outlined that an assessment of the trees had been carried out, finding that they would be of low suitability and concluded that no further survey work of trees would be required, but there were still concerns regarding the potential impacts of the increased light levels of site. In particular, the floodlights previously proposed showed a significant increase in lux levels and the external review concluded that the significant increase in light levels to surrounding habitats, taken with the absence of survey data was such that the impact of lighting levels could not be fully assessed with regard to local bat assemblage.
83. The applicant revised their lighting strategy and submitted a revised Light Spillage Assessment and this information was subject to re-consultation. The revised lighting strategy would utilise Philips Flood Lighting OptiVision LED's due to its built-in louvres which are used to reduce the backwards spill from the luminaires and minimise potential glare.
84. The Updated Preliminary Ecological Appraisal (Rev 5 dated November 2021 prepared by Phlorum) details that a Phase 1 ecological survey was undertaken in November 2020 by a qualified ecologist. The existing site consists of an area of grassed playing field and the site contains ten trees. The site is not subject to any statutory or non-statutory designations. The closest statutory site is Westbere Copse Local Nature Reserve located approximately 1.6km north-east at its closest point. The survey area does not support any features that contribute to the designation of this site.

85. The report addresses the likelihood of roosting or foraging animals including bats, mammals, amphibians, reptiles, birds, invertebrates, Great Crested Newts' and hedgehogs. The report identifies a negligible potential for supporting reptiles, reptiles, stag beetles, and great crested newts (and other amphibians). A low potential for breeding and foraging hedgehogs, badgers and breeding birds but a moderate potential for foraging birds.
86. Out of the ten trees on-site, four were considered to provide a low potential to support roosting bats. These were T4, T5, T6, and T8. Potential roosting features present included rot holes, split/broken limbs and flaking bark. The rest of the trees on-site offer a negligible potential for roosting bats, and the site as a whole offers a low potential to support foraging bats. The trees around the boundary of the site offer features which would be able to support breeding birds. One old nest was noted within tree 6 and two were noted within tree 8. There are no shrubs or hedgerow on-site which limits the amount of foraging material available.
87. Overall, on the basis of the survey results and the above criteria, habitats within the site are considered largely to be of ecological value within the immediate vicinity only. The site provides suitable habitat to support invertebrates, breeding birds, bats and badgers. However, populations of these are unlikely to be locally significant.
88. Habitats within the proposed development area were assessed as being of value to wildlife with the local vicinity only with potential to support breeding birds, bats and badgers. It is set out within the Ecology Report that the site offers low potential for breeding badgers and low potential for foraging badgers. The report states that it is unlikely that badgers would inhabit this site, it states that the connectivity of the site to the wider network of local parks and gardens gives potential for the site to be utilised by foraging badgers. Snuffle holes present at adjacent Tiverton Green. No setts observed on site or within 30m, and no suitably sized burrows observed for use by badgers. The report concluded that the site offers low potential for breeding and foraging badgers. Recommendations are made in the event of foraging badgers.
89. Section 5 of the Ecology Report outlines recommendations for ecological mitigation including the provision of a biodiversity net gain, in principle these are considered to mitigate potential impact to ecology, a condition is recommended to formalise measures with details in an Ecological Enhancement Strategy.
90. The revised information was again reviewed externally on behalf of Brent which included a review of the revised lighting strategy as well as considering an earlier letter from the applicant in regard to ecology impact. A number of objections were received in regards to the impact on ecology and biodiversity as a result of the development, this included letters accompanied by rebuttals and technical documents scrutinising the submitted documentation, methodologies used and ecological impact. Regard has been had to these objections and the external review included an assessment of these documents.
91. The revised lighting strategy and proposed luminaires with built in louvres would result in no more than one lux between ground level and the tops of the all trees. This is no more than light levels at twilight, or potentially a clear full moon (BCT, 2016). As a result, it is considered that the lighting proposals are unlikely to have a significant negative impact on local bat assemblage. The review notes that in the absence of a bat survey with details of local assemblage a precautionary approach to compensation should be used, to include compensation measure to ensure no net loss of foraging habitats for local bats. Such mitigation may include further notice planting, or the creation of more natural habitat.
92. A Bat Activity Survey was submitted by consultants acting on behalf of Brondesbury Park Residents Association in support of their objection. This has been reviewed by the external ecologist appointed by the Council. A single survey was undertaken and was undertaken at the latter end of the active bat season and therefore provided a small snapshot of bat usage during this part of the season. The review advised that the methodology does not follow recommendations of a bat activity survey as set out by the Bat Conservation Trust (BCT 2016), which would include a walkover survey taking a transect of the site and recording activity as well as static detectors left in fixed location for 5 nights. The report outlines access was not possible.
93. The results presented suggest the site and surroundings are largely utilised by Common Pipistrelle and Soprano Pipistrelle, both species are common and widespread in urban environments. It is noted that the report at paragraph 7.8 states that the majority of activity on the pitch was detected aurally, with few

visual observations made. As such it is not possible to determine if calls were coming from the pitches or tree lines. The external review suggested that paragraph 8.6 of the report was misleading to suggest a bat call soon after sunset suggest, even tentatively that a bat roost is present in the trees on the southern side of the site. It may be indicative that a roost is present within the vicinity, but the location is not identified. The report suggests a high level of activity, yet paragraph 8.7 states a maximum of two bats reported at any one time. As such the data presented within the report would suggest low numbers of bats for persistent and continuous foraging for the early part of the night.

94. A further objection was received in November 2021 prepared by consultants acting on behalf of Brondesbury Park Residents' Association (BPRA). This was also reviewed by Brent's external consultant. The representation related to the suitability of the adjacent trees to support roosting bats, for the most part, no additional information has been provided to suggest the trees have features not previously identified. Concerns were raised over whether the identified features constitute a low or moderately suitable tree.
95. Some inconsistencies between the arboriculture findings have been identified for Tree 4 which may impact upon the tree's suitability to support roosting bats. BPRA's consultants have noted that impacts, such as lighting, would still require a European Protected Species Licence (EPSL) to allow works to proceed lawfully should a bat roost be affected by the development. However, the most recent lighting assessment has demonstrated that light levels on these trees will be no more than 1 lux between ground level and the tops of the trees. Therefore, with the correct implementation of the proposed mitigation, no negative impacts are anticipated on these trees and subsequently any potential roosts. As a result, notwithstanding this objection, further surveys are not considered necessary for the trees surrounding the development.
96. Many objections were received in regard to negative impact to biodiversity and ecology. Concerns relate to the impact to ecology such as badgers and biodiversity net gain, it is considered that the revised ecological assessment addressed these concerns. Objections relate to the LED lighting and impact to bats and invertebrates, yet LEDs are the preferred options for bats and invertebrates and the Lux levels have been sufficiently reduced, reference is made the deterioration of irreplaceable habitats for protected species in relation to the NPPF. This is a misinterpretation of the NPPF, irreplaceable habitats do not relate to habitats specifically for protected species, but rather habitat themselves which cannot be replaced once destroyed, such as Ancient Woodlands.
97. In summary, the revised lighting spillage assessment demonstrates that the impacts on local biodiversity has been suitably addressed within the proposals. A condition is recommended for an Ecological Enhancement Strategy based on the recommendation of the Ecological Appraisal and this should include compensation for foraging bats. A condition is recommended for the submission and approval of a Construction Environment Management Plan to detail measures to protect biodiversity during construction.
98. To conclude, the impact to biodiversity and ecology has been assessed and found to be acceptable, a condition is recommended that the development is carried out in accordance with the recommendations within the submitted Ecology Report.

Fire Safety

99. Policy D12a of the London Plan (2021) requires all new development to take account of fire safety in design. Given the nature of the development being located outside, with open access to the pitch, clear exits and the access directly onto open playing fields, the submission is considered to meet the requirements of Policy D12a.

Conclusion

100. The proposed development is considered to accord with the development plan. The proposal would enable the school to support outdoor sporting activities through the year. The use of a community access agreement would also enable the facilities to be used by the local community. The proposal is therefore considered to result in significant benefits social and community benefits in terms of facilities, health and wellbeing.
101. It is acknowledged that the floodlights and proposed use would facilitate greater activity, particularly

in winter months and that the closest properties located on Aylestone Avenue would experience some noticeable noise. However, the level of additional noise impact when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm (Monday to Friday) is not considered to result in significant harm to their living conditions. Furthermore, when balanced against the wider public social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to clearly outweigh the level of harm.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 20/1411

To: Joshua Simons & Associates Limited Limited
Joshua Simons & Associates
Imperial Business Park
Building 4
Maxwell Road
Borehamwood
WD6 1JN

I refer to your application dated **13/05/2020** proposing the following:

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

and accompanied by plans or documents listed here:
Please See Condition 2.

at **Queens Park Community School, Aylestone Avenue, London, NW6 7BQ**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 18/01/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is considered to accord with the development plan. The proposal would enable the school to support outdoor sporting activities through the year. The use of a community access agreement would also enable the facilities to be used by the local community. The proposal is therefore considered to result in significant benefits social and community benefits in terms of facilities, health and wellbeing.

It is acknowledged that the floodlights and proposed use would facilitate greater activity, particularly in winter months and that the closest properties located on Aylestone Avenue would experience some noticeable noise. However, the level of additional noise impact when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm (Monday to Friday) is not considered to result in significant harm to their living conditions. Furthermore, when balanced against the wider public social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to clearly outweigh the level of harm

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

OS Location Map

SC/1801/01 Revision B - General Layout

SC/1801/02 Revision B – Pitch Layout

SC/1801/03 Revision B - Fencing Layout

SC/1801/04 Revision C – Elevations

SC/1801/05 Revision B – Existing Topographical Plan

SC/1801/06 Revision B – Site Location Plan

SC/1801/07 Revision A - Site Access Arrangement

SC/1801/08 Revision C – Sections

12m RL - 12m RL with 1 & 2 Philips LED dated 12/07/2021

HLS1149 – Aiming Drawing

1005169 (Sheet 2 of 3) – Jakoustic Fencing System

1005169 (Sheet 3 of 3) – Jakoustic Fencing System

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail shown on the approved plans, unless details of alternative materials are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 4 The Artificial Grass Pitch hereby approved shall not be used other than between 08.30-21.00 Mondays to Fridays, 09.00-19.00 on Saturdays and 10.00-18.00 Sundays and Bank Holidays and any floodlights associated with the sport pitches shall be switched off no later than 15 minutes after these times and the pitch vacated. Within these time parameters, the floodlights shall only be switched on when the court is in active use.

Reason: In the interest of mitigating impact to neighbouring amenity.

- 5 The maximum level of illumination for the floodlights shall be carried out in accordance with approved 'Light Spillage Assessment dated 2nd September 2021'.

Reason: To ensure that the floodlights are not detrimental to the local ecology or surrounding residents.

- 6 Prior to first use of the development hereby approved, the applicant shall carry out the development in full accordance with the mitigation measures outlined with the following submitted document 'Noise Assessment 19th May 2020 and the Acoustic Barrier shall be carried out in accordance with the approved drawings and maintained in perpetuity.

Reason: To protect neighbours living conditions and ensure acceptable local noise levels, in accordance with Policy DMP1.

- 7 Prior to first use of the sports pitch hereby approved, a Community Access Plan detailing community access arrangements, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved plans and documents the Community Access Plan shall outline a minimum number of hours for community use at the school each week and shall include details of rates of hire (based upon those charges at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of first use of the sports pitch and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan.

- 8 The development shall be carried out in accordance with the details contained within the submitted 'Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment' document. Prior to construction, final details of the earth bund and detention basin shall be submitted to and agreed in writing by the Local Planning Authority. The dry pond detention and bund basin shall be constructed in accordance with the agreed details prior to first use of the development hereby approved and thereafter retained and maintained.

Reason: In the interest of mitigating flood risk and providing a Sustainable Urban Drainage System.

- 9 The development shall be carried out in accordance with the submitted: 'Arboricultural Report Impact Assessment, Method Statement & Planting Specification dated 21st November 2019.

The five new trees shall be planted in accordance with the tree planting schedule and in the location shown within this approved document within the next available planting season following first use of the development hereby approved.

Prior to commencement of work to the bund hereby approved, a Method Statement detailing the construction method shall be submitted to and agreed in writing, the development shall be carried out in accordance with the approved details.

Any trees that is part of the approved scheme that within a period of *five* years is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure trees on site are protected and in the interest of visual and wildlife amenity.

- 10 Notwithstanding the submitted Preliminary Ecological Assessment (Updated Preliminary Ecological Appraisal Rev 5 dated November 2021 prepared by Phlorum), prior to commencement of works an Ecological Enhancement Strategy based on the recommendation of the Ecological Appraisal (listed above), which shall include a biodiversity net gain calculation of the site and shall also include compensation for foraging bats among other enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy

Reason: To protect and enhance ecology.

- 11 Prior to the commencement of works a Construction Method/ Environment Management Plan shall be submitted to and agreed in writing by the Local Planning Authority, it shall detail measures to protect biodiversity during construction, it shall also provide details of the following:

(a) damping down materials during demolition and construction, particularly in dry weather conditions,

(b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,

(c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,

(d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,

(e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,

(f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.

(g) the use of demolition equipment that minimises the creation of dust.

The approved statement shall be implemented throughout the duration of construction.

Non Road Mobile Machinery

Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM.

Reason: To mitigate harm to ecology during construction and to manage environmental impacts and nuisance during construction.

- 12 Prior to the first use of the artificial pitch hereby approved, an updated School Travel Plan (to include specific reference to the community use of the artificial pitch), shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In order to promote sustainable transport measures.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500