

## Planning Applications Committee

20<sup>th</sup> January 2022

## Supplementary Agenda

## Modifications Sheet.

### Item 5. Ricards Lodge School, Lake Road SW19 – 19/P4337 – Village Ward

Consultation – Page 16

Amend paragraph 5.8 to 5.10 to include Environment and Health Officer Comments from memorandum's received in September 2021 and November 2021

I have previously raised concern that the extended use and intensification of the site could give rise to disturbance to the nearby residential premises and this submission again follows on from previous observations made.

With regards to the application and report I make the additional comments/observations.

The school already operates for extended periods out of school hours. The noise values put forward by the acoustic consultant are adjusted to include the acoustic noise barrier as mitigation.

When the comparison (detailed in the Technical Note) is undertaken using a 1 hour ambient noise level rather than the previous 6 hour periods together with acknowledging that outdoor amenity areas are classed as 'sensitive' and compared for different times of the evening, against the total noise levels from the sports pitch in use, the Degree of Effect is increased from the previously reported *Not Significant/Slight* to *Moderate* at some of the locations and times of day.

Within the Guidelines For Environmental Noise Impact Assessment by IEMA, used by Southdowns Environmental Consultants, using the above Degree of Effect descriptors under '*Moderate*' - as in Table 3.2: Assessment of Change In Ambient Noise Level of the Technical Note, Moderate is described as: Receptor Perception = Intrusive, Noise impact can be heard and causes small changes in behaviour and/or attitude.

The additional information also states that maximum noise levels from 'human voice was a primary contributor to the noise level of the sports pitch', this would be difficult to control by a planning condition, as would the use of the amount the whistle is used.

Using the Sport England – Artificial Grass Pitch Guidance, which is again referred to by Southdowns Environmental Consultants, recommends an upper noise limit from AGPs of 50 dB LAeq,1hr (free-field) external to residential properties and in external amenity areas. The Sport England guidance that also states that "*Based on a 15 decibel sound reduction of a partially open window, the noise level outside a residential property during the daytime about 1 metre from façades of living spaces should not*

*exceed 50 dB LAeq.*” The 1hr calculations in the Technical Note does include some, albeit minor, exceedances of 50 dB LAeq,1hr for total ambient noise levels at some locations and times (which includes the calculated noise levels from the hockey pitch in use).

Additional consideration should be given particularly when there are low ambient noise levels in an area and where there will be an increase in noise levels when a new or extended facility would be in operation, further noise increases should be avoided.

Perhaps the proposed facility could operate with reduced operational times.

Should you be minded to approve the application, then consideration should be given that appropriate controls are implemented and I suggest the following conditions.

1. The noise mitigation measures contained within the Southdowns Acoustic reports, submitted by the applicant, shall be implemented in full, used during the use of the facility and maintained or replaced with alternatives to an equal or better standard.
2. A post construction completion noise monitoring assessment fully representative of the pitch use shall be undertaken with 6 weeks of first use to demonstrate that compliance that the site noise criteria has been achieved. The report shall be submitted to the LPA with 3 weeks for the assessment.
3. The use of whistles shall not be permitted during practice drill/non match periods.
4. A comprehensive Noise Management Plan (NMP) shall be developed to assist in minimising the potential noise impact of the use of the sports pitch. In addition to the physical mitigation measures specified with the Southdowns noise impact assessment, this shall include practical and organisational control measures and a procedure for dealing with complaints. This shall be implemented and reviewed every year.
5. *Any such approved external lighting in respect of a phase shall be positioned and angled to prevent/minimise any light spillage or glare that will affect any nearby residential premises. The approved scheme of lighting shall be implemented prior to first use of the proposed forecourt area.’*

Insert paragraph below paragraph 5.12

Following the publication of the Officer’s Committee Report on 12<sup>th</sup> December 2022 a further 10 representations were received by the Council. These comprised 9 objections (including 1 objection from the chair of Belvedere Estates Residents Association and 1 letter of support.

The grounds of objection are summarised below:

- Negative Impact on visual amenity
- Negative impact on the Conservation Area
- Negative Impact of noise and light pollution and resultant impact on residential amenity and health of nearby residents
- Negative Impact on traffic
- Negative impact on wildlife and the integrity of the SINC (along Arthur Road) and Green Corridor

- Concerns regarding height of the lighting columns
- Concerns the number of car movements to the site are underestimated
- Questions whether there will be coaches for national matches.
- Concerns that there is no noise from the school at night, rarely after 5pm and as such the noise impact is significant.
- Concerns that 13 St Aubyn's Avenue noted in the noise report does not exist
- Negative impact on security of residents.
- Neighbours have offered to fund a new hockey pitch for the school, pupils and younger children in the Borough which would include those in the quick start program. The Headmistress and governors were unresponsive.
- Concerns regarding the impact on badgers.
- Concerns over the commercial use of the site for the Wimbledon Hockey Club and questions why alternative sites were not considered.
- Concerns the E&H officer and Conservation Officers have not been taken seriously.
- Concerns internal consultations were posted online at short notice.
- Concerns the noise impact assessment was carried out during lockdown when no more than 6 people were allowed to play sport.
- Negative impact on climate change.
- Concerns the proposal represents development creep
- The noise assessment is flawed because it was carried out when no spectators were present.
- Concerns the school previously removed ivy suitable for bats.
- Summary of points raised by the Belvedere Residents Association:
  - The Officer has written a long report which fails to acknowledge the fact that this pitch is currently used very infrequently, particularly outside school hours. The current usage amounts to 240 hours of hockey per year which, if these proposals were to go ahead, would increase to 1688 hours of hockey. The assumption is that the pitch is currently used in summer evenings - this has been a very rare occurrence in the past so any use after 6pm would be an entirely new phenomenon for all near (and in the case of whistles, shouting, car engine noise and pollution) not so near neighbours.
  - The Bat Survey company as employed by a near neighbour has requested that further investigations are undertaken before any decision is made on this site.
  - The site likely to flood more frequently
  - It is hoped PAC will take note of the Conservation Officer's concerns - what is the point of having these experts in the Council unless their advice and comments are adhered to.
  - What hasn't been covered here is that the site is poorly served by public transport (PTAL 1b) so many of the hockey players will be arriving and leaving by car increasing noise, pollution, particulates - all at a time when the Council and the Government are doing their utmost to REDUCE transport by car. The car movements would increase more than thirty-two fold.
  - The Environment officer has highlighted the increase in noise - this is will be c. 84% as per the increase in usage of the hockey and that increase will in many instances be when children are already in bed and adults

are trying to enjoy some leisure time. Not to mention during the day when residents should be able to enjoy their outdoor amenity space in peace and quiet.

- The request by the E&H Officer to reduce the use of whistles has totally been ignored in the conclusion and in the Conditions.
- Comments in support do not outweigh the negative aspects of this proposal and one assumes are not written by those who would be directly and negatively affected.
- It is wonderful that so many people want to sign up and play hockey but playing a noisy game up to 10pm almost every night at the end of people's gardens is not the best way to provide this facility.
- Any additions or changes to the Conservation area should not only preserve the character and appearance of the area but should enhance it.
- The Planning Officer accepts that there will be impacts on properties to the west but does not consider the even greater impact to their gardens and outdoor amenity spaces so this is hugely harmful in planning terms.
- one of the listed properties - 13 St. Aubyn's Avenue - does not exist - so it is impossible to verify this noise impact assessment as the information is flawed.
- as there is barely any existing noise No 23 certainly will not have a lower sensitivity thus any increase in noise will have a huge effect according to the IEMA guideline effect descriptions.
- Given the E & H officer has recommended this Condition to prohibit whistles he/she clearly recognises how loud & shrill whistles can be and how frequently blown during hockey training and matches. This clearly demonstrates that this entire proposal is un-neighbourly and, if passed, would show total disregard for the Council's own rate payers.
- All bat surveys done at the correct time of year have shown bat activity of at least 4 bat species. Bats are protected - period - and it is clear that this proposal would have a detrimental effect on these bats and therefore should not be approved.
- Additional bat surveys should be carried out.
- Concerns regarding negative impact on transport and parking.
- An objection was received from Richard Buxton Solicitors which seeks to highlight errors in the Case Officers committee report. The main points of concern relate to:
  - Inaccurate Light Assessment
  - Incorrect noise Assessment
  - Impact on Bats
  - Contravention of Human Rights
- The letter of support notes the proposal will benefit the pupils of the school and the local hockey club, and wider community. There is a shortage of such facilities in the borough.

Amendment to paragraph 7.13

London Plan 2021 policy D4 (delivering good design), Merton Core Strategy (2011) policy CS14 (Design) and Merton Sites and Policies Plan policies DMD2 (Design considerations in all developments) require well designed proposals that relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Further, London Plan 2021 Policy HC1 Heritage conservation and growth) and Merton SPP Policy DMD4 (Managing heritage assets) require development proposals to conserve or enhance the significance of identified heritage assets, including Conservation Areas.

#### Amendment to paragraph 7.18

Officers acknowledge the Conservation Officers concerns above, however, for the reasons stated in the preceding paragraphs, Officers consider the floodlights would preserve the character and appearance of the Conservation Area and would not harm the locally listed tunnel or locally listed school building. Further, the floodlights are considered to have an acceptable design insofar as they are designed to limit light spill beyond the site as far as is reasonably possible. Therefore, the proposal would comply with the relevant policies noted above (para 7.13) in respect of design, heritage and conservation area impacts.

#### Amendment to paragraph 7.23

There would also be some noticeable visible glare from these properties (otherwise called maximum luminous intensity). However, the Lighting Statement notes this would not exceed 5789cd which is compliant with the relevant guidance from the Institute of Lighting Professionals (ILP) which gives a maximum pre-curfew limit of 7500 lux. Curfew is defined by the ILP as the time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied the local planning department. Depending upon application curfew times often commence between 21:00 to 23:00 and may run until 07:00.

Amendment to paragraph 7.26 - The applicant has confirmed no. Receptor 1 in relation to the noise impact assessment was located at no. 15 St Aubyn's Avenue.

The applicant has submitted a noise impact assessment produced by Southdowns Environmental Consultants Ltd. The noise report involved assessing the impact of noise on the nearest residential properties, notably:

- 15 St Aubyn's Avenue
- 23 St Aubyn's Avenue
- 20 Arthur Road
- The Well House
- 5 Curie Hill Close

#### Amendment to paragraph 7.39

London Plan (2021) Policy G6, Merton Core Strategy Policy CS13 and SPP Policy DMO2 require development proposals to conserve and enhance biodiversity, particularly areas which are designated such as site of Importance to Nature Conservation (SINCs). A SINC is located to the north of the site abutting Arthur Road. Furthermore, trees are located to the west of the site at the rear of neighbouring residential plots. Furthermore the site is also located within a designated 'Green Corridor'.

Insert paragraph below paragraph 7.46

Concerns have been raised by residents that the proposed development could have a detrimental impact on the population of badgers. Officers consider that the proposed floodlight columns are located in close proximity to the existing fenced hockey pitch which already has had ground disturbance with the laying of the hockey pitch in 2004. The floodlights columns would have a limited level of excavation to accommodate them (1m deep foundation). Further, the Council's ecologist did not raise concern in respect of badgers when informed of the application.

Amendment to paragraph 7.47 and insertion of additional paragraph below paragraph 7.47

National Planning Policy Framework Paragraph 180 notes that planning permission should be refused if significant harm to biodiversity cannot be avoided. Based on the evidence submitted by the applicant and the third party bat survey, officers do not consider there is sufficient evidence to suggest that the threshold for significant harm is met. There is unlikely to be unacceptable impact on bats or other statutory protected species resulting from the proposal. Consequently, the development is considered compliant with NPPF paragraph 180.

Merton Sites and Policies Plan (2014) Policy DMO2 states the council will protect all sites of recognised nature conservation interest and the green corridors linking them, against inappropriate development in accordance with the measures set out in Merton's Core Planning Strategy Policy CS 13 part g) and wherever possible, secure measures that enhance their nature conservation value. Development which may destroy or impair the integrity of green corridors will not be permitted and proposals in and adjacent to these corridors will be expected to enhance their nature conservation value. For the same reasons stated in this section (subheading biodiversity) the development would be in accordance with Merton Sites and Policies Plan (2014) Policy DMO2 and Merton's Core Planning Strategy Policy CS 13 part g). The evidence indicates the development would unlikely impair the integrity of the green corridor and adjacent SINC and would not have a significant adverse effect on the population or conservation status of protected or priority species and priority habitats.

Insert paragraph below para 7.49

Trees

London Plan Policy G7, Merton Core Strategy Policy CS13 and Sites and Policies Plan Policy DMO2 require development proposals to conserve and enhance trees.

Officers note there are trees located along the western boundary of the site. Some of these trees fall within the grounds of the School and some within boundaries of neighbouring properties. Officers do not consider it likely that the proposed lighting columns would have a harmful impact on trees within the vicinity. This is because existing trees are positioned away from the immediate area to the west of the hockey pitch where the floodlight columns would be installed. The majority of trees are positioned along the western boundary which is roughly 10m away from the hockey pitch. Further, the lightings columns would require a limited degree of excavation with foundations measuring 1m deep x 2m wide. Although an arboricultural impact assessment, method statement and tree protection plan has not been submitted in support of the application, Officers consider it appropriate to secure this by condition to ensure there would be no harm to trees, particularly during the construction phase.

For the reasons stated above, officers consider the proposed development compliant with London Plan Policy G7, Policy CS13 and SPP Policy DMO2 in respect of trees.

Amendment to Condition 6 (page 31):

The floodlights hereby approved shall not be used until evidence of physical mitigation measures as specified in appendix A of the report entitled “Addendum to Noise Impact Assessment” by Southdowns Environmental Consultants (dated 28/05/2021) have been submitted to and approved in writing by the Local Planning Authority. The physical mitigation measures approved shall be used during the use of the development and maintained or replaced with alternatives to an equal or better standard.

Amendment to Condition 7 (page 31)

A post construction completion noise monitoring assessment fully representative of the pitch use shall be undertaken within 6 weeks of first use to demonstrate compliance that the noise criteria set out within the reports entitled “Noise Impact Assessment (19/12/2020) and “Addendum to Noise Impact Assessment” (dated 28/05/2021) both written by Southdowns Environmental Consultants. Noise levels of the sports pitch shall not exceed 50 dB LAeq,1hr (free-field) external to residential properties and in external amenity areas. The assessment report shall be submitted to the LPA within 3 weeks of it being carried out.

Additional Conditions (page 32)

**Condition 9.** Prior to commencement of development, a Biodiversity Enhancement Plan detailing how the mitigation measures recommended in paragraphs 1.32 to 1.36 of the report entitled ‘Bat Lighting Assessment’ (January 2020) by Darwin Ecology shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect, enhance and mitigate the biodiversity of the site in accordance with the following Development Plan policies for Merton: Policies G6 and G7 of the

London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

**Condition 10.** The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

**Reason:** To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

**Condition 11:** No development [including demolition] pursuant to this consent shall commence until an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

**Reason:** To safeguard trees and other landscape features in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

**Condition 12:** Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

**Reason:** To safeguard trees and other landscape features in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

**Condition 13:** Any such approved external lighting shall be positioned and angled to prevent/minimise any light spillage or glare that will affect any nearby residential premises.

**Reason:** To protect the amenity of neighbouring properties in accordance with Merton Sites and Policies Plan (2014) policy DMD2.



**Item 6. 192-202 Martin Way, Morden SM4 - 21/P1856 – Cannon Hill Ward.**

Amendment to paragraph 3.1 and replacement with the paragraph below:

The application seeks planning permission for the erection of one additional storey to the building to provide 5 residential flats. Each of the flats would be 1 bedroom 1 person units. The applicant proposes that the external walls of the extension to be a zinc cladding, with windows installed to the front, side and rear. A metal railing fence would be installed above the building's front parapet in order to facilitate the use of the front section of roof as private external terrace areas for the occupants.

**Item 7. 29 Richmond Road, SW20 – 20/P1438 – Raynes Park Ward.**

No modifications.

**Item 8. 29 Richmond Road SW20 – 21/P2432 – Raynes Park Ward.**

Officers note that the same set of drawings has been reproduced in error on the agenda papers for both Richmond Road applications. The correct set of drawings will be displayed for 21/P2432 in the officer presentation to Committee and are attached to the Supplementary Agenda.

**Item 9 201A South Park Road SW19 – 21/P3562 – Trinity Ward**

This item has been withdrawn from the agenda.

**Item 10. Planning Appeal Decisions.**

No modifications.

**Item 11. Planning Enforcement Summary.**

No modifications.

This page is intentionally left blank