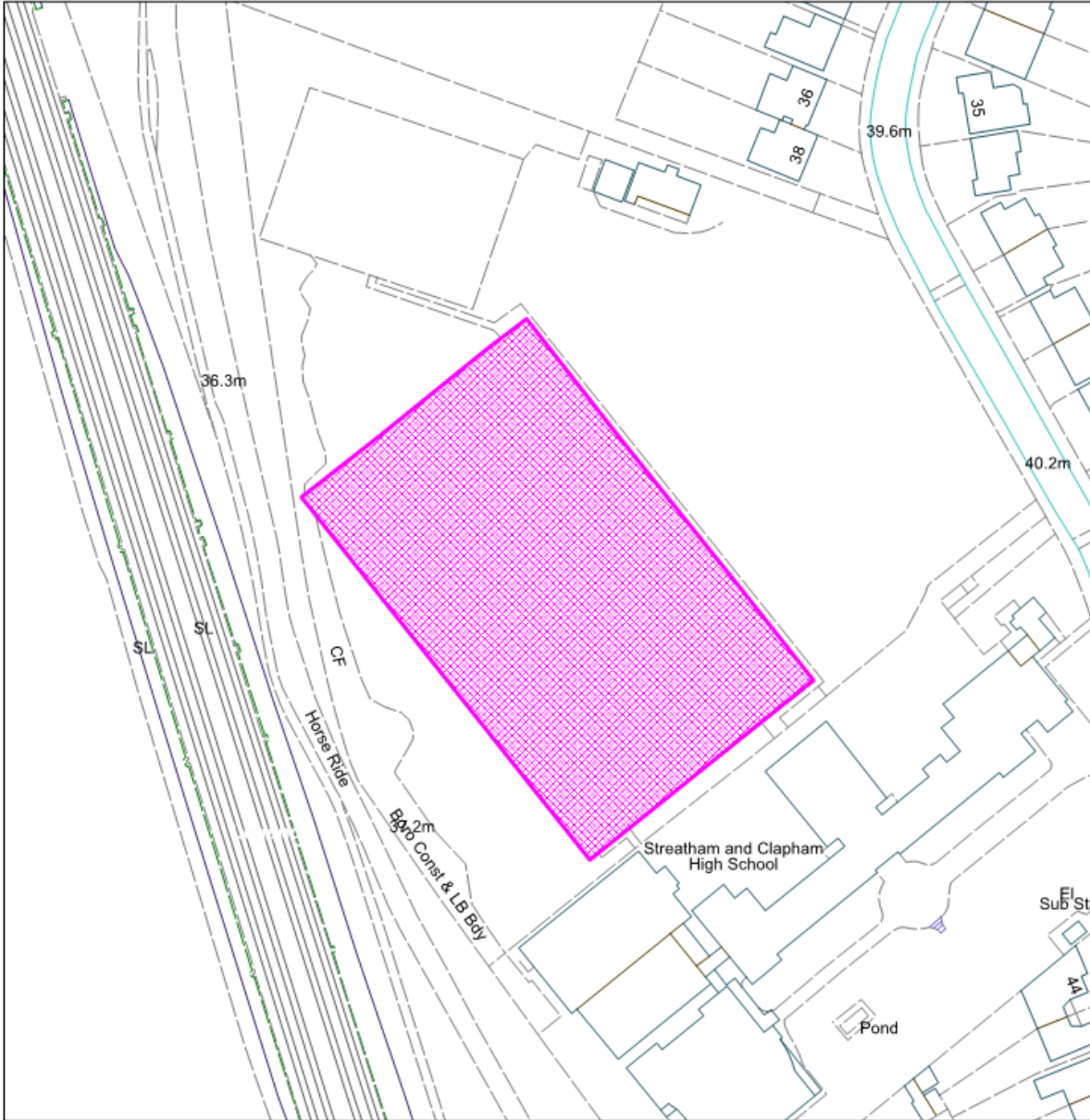


Case Number:	18/04221/VOC
Application Address:	Streatham Hill & Clapham High School - 42 Abbotswood Road - SW16 1AW



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L.B. Lambeth LA 100019338

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The planning application was originally presented to the Council's Planning Applications Committee (PAC) Meeting on the 12 February 2019. Officers advised PAC Members that additional car parking surveys would be required before the application should be considered and that the wording of the proposed new condition, as consulted on, would place a greater restriction on how other schools could use the pitch when compared with the current condition's wording. PAC Members were advised that a proposed revised condition would be necessary and this would need to be consulted on. PAC Members resolved that the application be deferred to allow for the parking survey to be provided, for the proposed condition wording to be amended and for a period of re-consultation to be carried out.

This report has been updated in response to the new supporting information and additional representations which have been received since the publication of the original report.

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ADDRESS:	Streatham Hill And Clapham High School, 42 Abbotswood Road, London, SW16 1AW	
Application Number: 18/04221/VOC	Case Officer: Luke Farmer	
Ward: St. Leonard's	Date Received: 05.10.2018	
<p>Proposal: Variation of Condition 3 (School Use) of planning permission 08/02118/RG4 (Formation of an all-weather hockey pitch and associated fencing comprising 4.5m high weldmesh fencing behind the goals and 3m high weldmesh around the remainder of the pitch including formation of three pedestrian gates to replace existing grass football pitch) granted 28.07.2008.</p> <p>Original condition 3 states:</p> <p>The development herewith approved shall not be used other than as ancillary to and in association with the general school use of the property, without prior permission in writing by the Local Planning Authority.</p> <p>Amendment sought states:</p> <p>3. The development herewith approved shall not be used other than in association with the general use of the Streatham and Clapham High School (including for the avoidance of doubt, other state and private schools), apart from between the hours of 18:00 to 21:00 Monday to Friday (in April to August only); and 10:00 to 16:30 on Saturdays; and 10:00 to 14:30 on Sundays; when it can be used by groups and associations other than the Streatham and Clapham High School.</p>		
Applicant: Girls' Day School Trust	Agent: Nexus Planning	

RECOMMENDATION

1. Resolve to grant conditional planning permission.
2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to finalise the recommended conditions as set out in this report, addendums and/or PAC minutes.

SITE DESIGNATIONS

Relevant designations:	
Metropolitan Open Land	A London-wide designation
Conservation Area	Streatham Park and Garrads Road (CA12) (adjacent to southern boundary of school)
Site of Importance for Nature Conservation (SINC)	Tooting Bec Common (adjacent)

LAND USE DETAILS

Site area (ha):	0.64 ha
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NON-RESIDENTIAL DETAILS

	Use Class	Use Description	Area (m ²) of all-weather sports pitch
Existing	D2	All-weather sports pitch	6,365
Proposed	D2	All-weather sports pitch	6,365

AUDIT TRAIL

Consultation					
Name/Position	Lambeth department	Date Sent	Date Received	Report Cleared	Comments in para:
Susan Boucher - Lawyer	Legal Services	03.04.2019	03.04.2019	05.04.2019	Throughout

EXECUTIVE SUMMARY

The application relates to an all-weather sports pitch ('the pitch') in the playing fields of the Streatham and Clapham High School on Abbotswood Road. This was granted planning permission in 2008 and constructed shortly after. The original permission referred to the pitch as a 'hockey pitch', which is its primary use, but other sports are able to be played on the pitch. The current planning permission includes a condition ('condition 3') that only allows the pitch to be used in association with the general school use of property, which is unrestricted. This is taken to mean that other schools are able to use the pitch, as officers consider that falls within the 'general school use of the property'. The current permission also entitles the use of artificial illumination, so long as such artificial illumination does not amount to 'development' requiring planning permission.

The reasons given for requiring condition 3 were to protect the amenities of the surrounding area relating to residential amenity, operation of the local highway network and also to protect the character of the nearby designated conservation area – the Streatham Park and Garrads Road Conservation Area, which is located immediately to the south of the school boundary.

It appears that the pitch has been used in an unauthorised manner by non-school groups and clubs (hockey clubs primarily) in the last nine years since its construction – in breach of condition 3. Permission is sought to regularise the use of the pitch through amendments to the original condition and to make it clear that schools other than the Streatham and Clapham High School are able to use the pitch at any time.

Officers are recommending approval for the proposed amendment to condition 3 to allow non-school groups and clubs to use the pitch within defined hours. These hours would be:

- Monday to Friday (April to August only): 18:00hrs to 21:00hrs;
- Saturdays: 10:00hrs to 16:30hrs; and
- Sundays: 10:00hrs to 14:30hrs.

Since the original permission there have been two subsequent applications for floodlights at the site – both refused planning permission due to potential ecological impacts. This application does not include proposals for the artificial illumination of the pitch, but a proposed new condition would prevent this. In absence of such a condition, temporary floodlights could be used that have the potential to cause harm to the ecological significance of Tooting Bec Common.

The proposed use of the pitch would not result in a material change of use but the principle of providing wider community access to it and the open space – which is Metropolitan Open Land – for sport is supported by planning policy subject to its impact. This use would provide significant public health benefits for Lambeth and wider London residents.

The main amenity implications of the proposal relate to the potential for noise and disturbance to occupiers of neighbouring dwellings. Officers acknowledge that there is a noise impact that results from the use of the pitch given the nature of the use, but consider that the level of impact is limited by the distance of the pitch to residential properties. The main form of noise mitigation from the use of the pitch by non-school groups is through restrictions placed on the hours of use. The Council's Environmental Health Department have received no complaints regarding noise from its use since it was constructed nine years ago. The proposed hours of use and Pitch Management Plan are considered appropriate to ensure noise from the use of the pitch does not result in an unacceptable impact on surrounding properties. The originally attached condition 1 would be removed and replaced with a new condition requiring the development to be operated in accordance with the Pitch Management Plan that has been submitted under this application. The original condition 1 required the development to be implemented within three years of the date of the original permission. This has been complied with as the pitch has been fully constructed.

The transport and highway implications of the proposed use are considered acceptable, noting its impact is spread evenly across the proposed hours of use by non-school groups. The amount of use by non-school groups is not anticipated to intensify further from the existing situation. Officers consider that the demand for on-street car parking resulting from the proposed use can be met in the streets surrounding the site as has been demonstrated by the applicant's car parking survey. Any potential impact on car parking in the surrounding area at weekends can be mitigated by the availability of the school's on-site car park, accessed from The Spinney.

Condition 3 was originally also applied to protect the character of the nearby conservation area. The Streatham Park and Garrads Road Conservation Area is located immediately to the south of the school, but the school buildings themselves sit in-between the conservation area and the pitch. Therefore, the wider use of the pitch is not considered to harm the character or appearance or the setting of the conservation area.

The proposed use of the all-weather sports pitch in the playing field of the Streatham and Clapham High School would provide improved access to the pitch and open space to the wider community without any unacceptable impacts on the surrounding area. As such, officers recommend approval of the development subject to the proposed amendment to condition 3 and the addition of new conditions requiring the use to operate in accordance with the Pitch Management Plan and to prevent artificial illumination of the pitch.

OFFICER'S REPORT

Reason for referral to PAC: The application is reported to the Planning Applications Committee in accordance with (4) 'any application where a specific written request is made by any Member of the Council for the case to be reported to the Committee, where in the opinion of the Chair (in consultation with the Assistant Director of Planning and Development) there is a material planning reason for doing so.' The reasons given were to provide public scrutiny on the existing non-compliant use of the all-weather sports pitch.

1 THE APPLICATION SITE

- 1.1 The application site (the 'Site') is the all-weather sports pitch ('pitch') which is located in the playing fields of the Streatham and Clapham High School (SCHS), which is located on western side of Abbotswood Road. The pitch is located to the north-west of the main school building. The pitch was granted planning permission in 2008 (ref: 08/02118/RG4) and was described in the description of development as a 'hockey pitch'. Whilst the pitch is primarily used for hockey, it can also be used for other sports. Two games of hockey are able to take place concurrently on the pitch. This area of the Site is designated as Metropolitan Open Land.
- 1.2 To the west of the playing field is a train line with Tooting Bec Common beyond. The school's tennis courts and the Woodfield Recreation Ground Pavilion are located to the north of the playing field. To the east of the playing field, separated by open green space, lies Abbotswood Road, which is a residential street. The area to the east of the Site is predominantly residential in character.
- 1.3 The Site is located on the western border of the borough with the London Borough of Wandsworth. The Site itself is in the ownership of the Council but leased to the school.
- 1.4 The Site is not located within a conservation area and does not contain any statutory or locally listed buildings. However, the Site does border the Streatham Park and Garrads Road Conservation Area at its southern boundary.
- 1.5 The Site has a Public Transport Accessibility Level (PTAL) of 2, which is considered 'poor'. The Site is not located in an area with on-street car parking controls through a Controlled Parking Zone (CPZ). The school has use of a car park at the southern end of the Site, accessed from The Spinney. However, condition 5 of the original planning consent for the pitch stipulates that the gates to this car park must be locked shut between the hours of 19:00hrs and 08:00hrs daily. Coach access to the Site is via the vehicular entrance on Abbotswood Road (which itself is located opposite the junction with Hoadly Road), as stipulated by condition 4 of the original planning consent.



Figure 1: The application site (all-weather sports pitch)

2 PROPOSAL

- 2.1 This application proposes the variation of condition 3 of planning permission 08/02118/RG4 for:

'Formation of an all-weather hockey pitch and associated fencing comprising 4.5m high weldmesh fencing behind the goals and 3m high weldmesh around the remainder of the pitch including formation of three pedestrian gates to replace existing grass football pitch.'

- 2.2 Condition 3 currently states:

'The development herewith approved shall not be used other than as ancillary to and in association with the general school use of the property, without prior permission in writing by the Local Planning Authority.'

(Reason: In order to protect the character of the nearby designated Conservation Area and amenities of neighbouring properties (Policies 7, 9, 33, 38 and 47 Unitary Development Plan (2007) refer).'

- 2.3 The proposed amendment seeks to remove the requirement for the pitch to only be used in conjunction with the general use of the school use of the property, noting that this use has been occurring in breach of the condition for approximately nine years. The proposed amendment would specify the precise times of the week that this use would occur, noting that currently there is no time restriction on the use of the pitch at all for school use. The proposed condition would also clarify that schools other than the Streatham and Clapham High School are allowed to use the pitch at any time, as officers consider that this falls within the 'general school use of the property'. The proposed new condition wording is as follows:

'The development herewith approved shall not be used other than in association with the general use of the Streatham and Clapham High School (including for the avoidance of doubt, other state and private schools), apart from between the hours of 18:00 to 21:00 Monday to Friday (in April to August only); and 10:00 to 16:30 on Saturdays; and 10:00 to 14:30 on Sundays; when it can be used by groups and associations other than the Streatham and Clapham High School.'

2.3.1 The applicant maintains the hours of use by non-school groups has remained consistent over the last nine years. The approximate numbers of people using the pitch for sport across these times, provided by the applicant, are as follows:

- Monday – Friday (between the 18:00hrs and 21:00hrs – April to August only):
 - o Children and adults across two sessions – average of 30 per session
- Saturdays (between 11:00hrs and 17:30hrs):
 - o Adults across four sessions – average of 30 per session
- Sundays (between 09:00hrs and 13:30hrs):
 - o Children across three sessions – average of 50 per session

Amendments

2.4 Minor amendments were agreed with the applicant to the proposed condition wording during the consideration of the application and additional documentation was received, as follows:

- The use of the terminology ‘ancillary use’ in the condition was removed, as the pitch was given a separate planning consent to the school and has a different use class to the school. The change in the proposed condition wording confirms that the use of the pitch is restricted to the general school use of the property, which officers consider to include its use by other schools, apart from the hours set out in the condition, when it can be used by non-school groups. The applicant has explained in the addendum to the Planning Statement that other schools use the pitch on occasions, but during school hours, and this is always in association with children and/or staff from the Streatham and Clapham High School.
- Following public consultation and internal consultation with the Noise Consultants, the hours of use of the pitch by non-school groups on weekends were amended from that which was originally proposed. The total hours of use on weekends were not changed but on Saturdays the use of the pitch by non-school groups would commence and finish one hour earlier than originally proposed and on Sundays the use of the pitch by non-school groups would commence and finish one hour later than originally proposed.
- The weekday use has been amended to allow for an additional 30 minutes of use at the beginning of its period from 18:30hrs as originally proposed to 18:00hrs as now proposed. This is to allow for greater flexibility in-between the two sessions that can take place during the weekday evenings.
- The applicant originally proposed to use the wording ‘on a managed basis’ when describing the hours of use of the pitch by non-school groups. This was removed as it was not considered appropriate to include this terminology in the condition, as it was not necessary, enforceable, precise or reasonable.
- Car parking survey information was provided.

- A Pitch Management Plan was provided for the use of the pitch by non-school groups. The operation of the development in accordance with this document would be secured through a new condition 1. This would replace the current condition 1, which requires the original permission to be implemented within three years of the date of that decision, which has been complied with.
- Finally, it is proposed to include a new condition stipulating that the pitch cannot be artificially lit at any time.

2.5 These amendments were made in response to public, internal and other external consultation. A 14 day re-consultation was carried out, specifically in relation to the submission of car parking survey information, the Pitch Management Plan, and on amendments to the proposed wording of condition 3.

Further Amendments

2.6 Following the re-consultation period it was noted that there were errors in the applicant's parking assessment that had been submitted. The weekend assessment was carried out at times that the pitch was being used, but whereas the original parking assessment set out that at the times of the assessment the pitch was used for 4 x 1:30hr sessions on the Saturday and 3 x 1:30hr sessions on the Sunday, it was in fact only used for 2 x 1:30hr sessions on the Saturday and 1 x 1:30hr session on the Sunday at the times of the assessment. Furthermore, the questionnaire survey data on how non-school users of the pitch travelled to the Site included respondents in the Saturday survey who were at the school for an event that was not in association with the non-school use of the pitch, and was therefore not relevant for the purposes of this application. The parking assessment was subsequently updated in response to this and this is what has informed officers' assessment in this report. A further re-consultation period was not considered to be necessary.

3 RELEVANT PLANNING HISTORY

3.1 **08/02118/RG4:** Formation of an all-weather hockey pitch and associated fencing comprising 4.5m high weldmesh fencing behind the goals and 3m high weldmesh around the remainder of the pitch including formation of three pedestrian gates to replace existing grass football pitch.

3.1.1 This application was permitted on 28.07.2008.

3.2 **09/02516/FUL:** Installation of 8 floodlights to the all-weather sports pitch.

3.2.1 This application was refused on 11.09.2009 for the following reasons:

1. It has not been demonstrated that the proposal would not damage the biodiversity and the environment to an unacceptable degree, by harming a site of importance for nature conservation and a habitat which supports protected bats which are a priority species for protection in Lambeth's Biodiversity Action Plan. The proposal is therefore contrary to policies 50 and 52 of the Unitary Development Plan and London Plan policies 3D.8 and 3D.14.
2. It has not been demonstrated that the proposal, by reason of its siting, scale, height and design would not result in a visually intrusive and incongruous form development, whereby it neither respects the character of host site, the natural character of Tooting Bec Common or the established street scene. The proposal is therefore contrary to policies 26, 31 and 33 of the Unitary Development Plan and London Plan policies 4B.1 and 4B.8.
3. It has not been demonstrated that the proposed hours of use would not give rise to unacceptable noise and general disturbance which would be detrimental to the amenity of surrounding residential properties. As such, the proposal is contrary to Policies 7 and 54 of the Unitary Development Plan.

3.3 **10/02395/RG4:** Installation of 8 floodlights to the all weather sports pitch.

3.3.1 This application was refused on 09.11.2010 for the following reasons:

1. It had not been demonstrated that the proposal, by reason of its siting, scale, height and design would not result in a visually intrusive and incongruous form of development whereby it neither respects the character of the host site, the natural character and ecological importance of Tooting Bec Common or the established street scene. The proposal is therefore contrary to policies 26, 31, and 33 of the Unitary Development Plan Policies Saved Beyond 5th August 2010 and London Plan policies 4B.1 and 4B.8.
2. It had not been demonstrated that the proposed hours of use would not give rise to unacceptable noise and general disturbance which would be detrimental to the amenity of the surrounding residential properties. As such the proposal is contrary to Policies 7 and 54 of the Unitary Development Plan Policies Saved Beyond 5th August 2010.

4 CONSULTATIONS

4.1 Statutory External Consultees and Internal Consultees

Biodiversity Officer – Originally objected to the proposals due to the potential use of artificial illumination, which could impact unacceptably on the local ecology. However, this objection was withdrawn following the proposal to include a condition to confirm that no artificial illumination of the pitch would be allowed.

Noted that use of the pitch at dusk could represent a health and safety issue.

Officer Comment: The health and safety risks of the use of the pitch are covered under separate legislation and is a matter for the school.

Environmental Health – Both the internal and external Noise Consultants commented on the application due the public scrutiny given on the application. The internal consultant considered the originally proposed hours of use by non-school groups to be appropriate, noting the distance of surrounding properties to the pitch. The external consultant acknowledged that the use of the pitch for sport purposes does have a noise impact and this has to be mitigated with appropriate management and through the proposed restriction of hours of use. A management plan was suggested to set out how complaints would be logged and addressed, including how repeat offenders would be dealt with, and how the pitch would be secured. The originally proposed hours were generally considered acceptable but suggested that the start and finish times on Saturdays be brought forward by one hour. On Sundays it was suggested that the start and finish times be put back by one hour so on both days of the weekend the use of the pitch by non-school groups would not commence before 10:00hrs.

Officer Comment: The new proposed wording for condition 3 was subsequently amended to reflect these hours of use. Officers consider the existing arrangements deployed by the school have been successful in managing the use of the pitch by non-school groups. Therefore, the existing management procedures are proposed to be secured in the Pitch Management Plan. The Council's Environmental Health Department can be contacted should any future noise complaints arise from the use of the pitch by non-school groups, but no complaints have been received to date.

LB Wandsworth – No comments received to date, however Wandsworth's Biodiversity Officer has stated that the proposed hours of use could require floodlighting, which would have a damaging effect on ecological receptors.

Officer Comment: A condition is proposed to be attached to the consent to prevent artificial illumination of the pitch, and this would also prevent temporary floodlighting. Natural daylighting conditions would determine whether the pitch could be used for the full extent of the hours proposed.

Sport England – Support expressed for the proposals, in consultation with England Hockey. Both parties noting that the additional use of the pitch would provide the opportunity for the wider local community to take part in sport on the pitch. Suggested a condition be added requiring a management plan setting out pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review.

Officer Comment: Details on pricing policy are not a planning consideration for this application, noting the use of the pitch by non-school groups has been demonstrated to be benefitting the wider community and it is envisaged that this would continue. The management responsibilities are a matter for the school and officers consider the procedures used by the school have been successful in managing the use of the pitch by non-school groups. As such, these measures would be secured through the Pitch Management Plan.

Transport and Highways – No objections to the proposals, noting that the use would regularise an (albeit unauthorised) ongoing use, which appears to have been taking place without an unacceptable impact on the surrounding highway. In making this assessment it was noted that the school have recorded only three complaints regarding parking from use of the pitch – two of which were found to be unrelated to letting the pitch to non-school groups.

An assessment of car parking impacts in the streets surrounding the Site was provided during the course of the application. This demonstrates that there is sufficient capacity on local roads and parking stress at times of use of the pitch by non-school groups is within acceptable limits. Further details are provided in the 'Transport' section of the report.

The potential for an expanded Travel Plan or standalone Travel Plan was considered to be inappropriate in this instance given the travel habits of non-school users of the pitch can be difficult to determine and manage. It was also identified that the existing use itself does not have an unacceptable impact on the surrounding highways without a Travel Plan in place.

Air Quality Officer – No objections.

4.2 Other Consultees

The Tooting Commons Management Advisory Committee (TCMAC) – Object to the application if artificial illumination of the pitch is required due to its potential impact on biodiversity. Also noted that use of the pitch in hours of darkness (as may be possible under the hours of use proposed) would represent a health and safety risk. Finally, objected on the lack of clarity of the proposed condition wording, which could allow anyone to use the pitch outside of the defined hours of operation.

Officer Comments: As discussed above, the health and wellbeing of pupils are a matter for the school. With regard to the point on floodlighting, it is proposed to add a new condition that would prevent artificial illumination of the pitch. With regard to the point on the condition wording, it is officers' view that the existing condition allows unrestricted use of the pitch for general school use, and this extends to other schools using the pitch. The existing condition wording is not clear on this and officers are seeking to provide greater clarity with the proposed condition wording. The proposed amended condition should not attach greater restrictions on the original consent, hence why this has not been proposed or suggested by officers.

Friends of Tooting Common – Object to the application if artificial illumination of the pitch is required due to its potential impact on biodiversity. However, would welcome a condition to prevent this, as long as it would be enforceable

Officer Comment: It is proposed to add a new condition that would prevent artificial illumination of the pitch.

4.3 Adjoining owners/occupiers

- 4.3.1 Site notices were displayed from 16.10.2018 to 06.11.2018 and letters were sent to 67 properties. The formal original consultation period ended on 06.11.2018.
- 4.3.2 439 representations received during the original consultation period. 358 were in support and 79 were in objection. A summary of the concerns raised is set out below:

Summary of objections	Response
Amenity	
<p>Noise levels from the proposed use of the pitch and from traffic – including the sound of the hockey puck hitting the wooden boards, which could be mitigated with cushioning – will cause an unacceptable disturbance to the general amenity of local residents.</p>	<p>Refer to the ‘Amenity for Neighbouring Properties’ section of the report.</p> <p>Whilst the use of cushioning behind the goals could reduce the noise impact of pucks hitting the wooden boards, this is not considered to be necessary to make the development acceptable. The existing noise impact has been assessed and the control that would be put on the hours of use by non-school groups is considered sufficient to ensure that the development would not result in an unacceptable noise impact on surrounding residential properties.</p>
<p>The finishing hours proposed during the week are later than the nearby La Retraite pitch, and also are proposed to be earlier on Sundays – it is not clear why longer hours at the SCHS might be considered acceptable, including why its use on Public Holidays is not proposed to be restricted.</p>	<p>The proposed hours of operation of the pitch by non-school groups would be similar to other pitches in the area, such as La Retraite Catholic School for Girls. This has a more intensive all-year round use than that proposed at SCHS given it has floodlights and the pitch is located much closer to residential development than that found at SCHS. The start times for use of the pitch by non-school groups on weekends was moved to 10:00hrs, which reflects other pitches in the area such as La Retraite. Restricting the pitch’s use further on Public Holidays is not considered to be necessary as the general controls placed on the hours of use by non-school groups is sufficient to manage any impact.</p>
<p>It is not clear why a noise report hasn’t been provided or why officers are relying on an old assessment from a previous planning application.</p>	<p>The noise report provided in the previously refused application has been reviewed as this assessed the noise impact from the use of the pitch. Whilst the applicant has not relied on this, officers considered it to be useful to help determine the noise impact that results from the use of the pitch and how its use should be managed. Details of this assessment is provided in the ‘Amenity for Neighbouring Properties’ section of the report and in particular, paragraphs 6.3.5-6.3.7.</p>

<p>At weekends, the application is for Saturday use from 11:00hrs to 17:30hrs. The pitch is already in use from 09:00hrs. Can it be confirmed whether this use is now to be only from 11:00hrs or whether the current 09:00hrs use will continue. On Sundays, the use should cease at 12 noon to allow for peace and quiet.</p>	<p>The use of the pitch by the school is permitted under the original application without any limitation on the hours of operation and this would be maintained. The application itself expands the user base to those other than the school. Therefore, it will continue to be possible for the school to use the pitch outside the prescribed times for non-school groups.</p> <p>Officers consider the proposed hours of use by non-school groups to be acceptable in managing its noise impact. This is due to the distance of the pitch to surrounding properties and the findings of the previous noise report. It should also be noted that the hours of use by non-school groups reflects other pitches in the borough that have been granted planning permission. Refer below to the 'Amenity for Neighbouring Properties' section of the report.</p>
<p>Two previous applications for floodlights on the pitch and an intensified use were refused on noise grounds. It is not clear what has changed since those decisions.</p>	<p>Refer to the 'Amenity for Neighbouring Properties' section of the report – but note these applications were for floodlighting and a more intensive use of the pitch than is currently proposed. This application does not include floodlighting and indeed goes further by preventing floodlighting.</p>
<p>This is a residential road and we already have considerable disruption created by having a large school with all the activity and traffic that produces. The proposal to rent out these facilities in the evenings and almost all of the weekend is excessive and further reduces the amenity for residents.</p>	<p>It is noted that the presence of the school itself does have an impact on the surrounding area. However, the impact resulting from the proposed use of the pitch by non-school groups is considered acceptable with regard to amenity and transport, noting that the proposed use is for out of school hours. It has also been ongoing for some years without any complaint to the Council's Environmental Health Department.</p>

<p>This attempt to regularise something that has been happening for some time without proper permission should be refused. When planning permission was granted in 2008 conditions were put in place to protect this residential area from intrusive over use of the sports facility. That protection is needed more now as pressure on the residents has increased and is increasing due to the use of the school buildings after normal school hours and at weekends.</p>	<p>It is acknowledged that the use of the pitch by non-school groups has been taking place for several years, contrary to condition 3 of the planning consent. This application seeks to regularise that situation. It should be noted that to date, the school and the Council's Environmental Health Department have received no noise complaints regarding the use of the pitch.</p>
<p>Artificial lighting is not included within this application but may be applied for given the hours of use proposed, which for part of the year would be at times of poor daylighting. The use of floodlights could impact on neighbouring properties due to light pollution.</p>	<p>Planning permission would be required for any permanent artificial illumination of the pitch, noting that this has not been applied for under this application and no permission for this exists. Furthermore, a new condition is proposed to restrict any artificial illumination of the pitch for ecological reasons. Daylight conditions will determine to a certain extent the hours used.</p>
<p>When assessing the hours of operation of the pitch, the set-up and set-down times also need to be considered.</p>	<p>Refer to paragraph 6.3.7 of the 'Amenity for Neighbouring Properties' section of the report.</p>
<p>The noise generated from groups of hockey players walking along the residential roads to and from bus stops would be unacceptable.</p>	<p>There is likely to be a minimal noise impact in this respect, and noting the school is located on a public road, the local planning authority cannot control who uses this and the other public roads in the vicinity.</p>

<p>The updated condition wording states that no artificial illumination could be used at any time, but given some of the times of use proposed are outside of daylight hours, and given planning conditions can only restrict operations, uses and activities which constitute 'development' under planning law, there is a potential for temporary floodlights to be used. This could only be secured through a Section 106 Agreement.</p>	<p>The proposed new condition would prevent any artificial illumination of the pitch, temporary or permanent and this would be enforceable. The planning basis for this restriction is to manage potential ecological issues.</p>
<p>Transport</p>	
<p>Combined with the other evening events held at the school, the proposed use would result in an unacceptable transport impact and congestion. This impact is increased due to the poor transport accessibility of the school and given many of those using the pitch may travel from LB Wandsworth or further afield. No transport data or information has been provided to support the applicant's assertion that there would not be an unacceptable impact in this respect.</p>	<p>Whilst there are some other evening events held at the school, given the proposals relates to the use of the pitch only, it is not predicted by officers that the use of the pitch by non-school groups outside of school hours for managed periods would result in a substantial increase in traffic, particularly as such use is ongoing.</p> <p>The applicant has subsequently provided a car parking assessment to ascertain the impact of the proposed use on car parking within the surrounding streets. This demonstrates that the use would not result in an unacceptable impact on the operation of the local highway network and officers consider that the demand from the proposed use for on-street car parking can be met. Refer to the 'Transport' section of the report for more information.</p>
<p>It is relevant that In the Planning Committee Report for the school's Sixth Form extension (Ref: 14/01361/FUL) the Highways Officer said "With such poor level of accessibility, this location is not considered appropriate for any expansion". In consequence, pupil numbers were capped by Condition 33 at 505 pupils.</p>	<p>The proposed use of the pitch by non-school groups is for out of school hours. During these times there will be significantly less people on site than during normal school hours.</p>

<p>The Travel Plan which the school has produced is inadequate and inaccurate for the use proposed.</p>	<p>Refer to paragraph 6.4.14 of the 'Transport' section of the report.</p>
<p>The application is unclear on the likely numbers of people that would be on site as a result of allowing use by non-school groups. It is not clear if it would be greater than the current unauthorised use, what that impact would be, and if the use in the hours proposed would be solely for non-school groups.</p>	<p>Refer to paragraph 6.4.3 of the 'Transport' section of the report.</p> <p>The applicant has confirmed that the intensity of use for non-school groups would be the same as is currently ongoing. The numbers of people using the pitch for sport is self-limiting because of the size of the pitch and the hours of operation.</p> <p>The use in the hours proposed would likely be mostly for non-school groups, but does allow the school to also use the pitch in these times, as it is currently able to, including at any time of the week or weekend.</p>
<p>Land Use</p>	
<p>The proposed use of the pitch by non-school groups may represent a change in use from D1 (school) to D2 (pitch). In this instance the proposals may represent a fundamental alteration to the original permission. This would require a new consent rather than an application to vary a condition of a planning permission under Section 73 of the Act.</p>	<p>Refer to paragraph 6.2.1 of the 'Land Use' section of the report.</p>

<p>If the pitch is to be let out for commercial use it should be time limited and Lambeth schools and community groups should have priority for access to play on that field and free access should be secured.</p> <p>The three hockey clubs listed in the Planning Statement as regular users of the pitch are all from outside the borough – from Wandsworth and even further afield, according to their websites. There is no use offered to Lambeth residents and very little to other Lambeth schools and as such this not really local "community" use.</p>	<p>The main non-school group that currently uses the pitch (90% of total use of the pitch by non-school groups) is London Wayfarers Hockey Club, who are a non-profit community sports organisation with a mission to promote participation in hockey and the main users of the pitch by this club are residents of either Lambeth or Wandsworth. More detail is provided in the 'Land Use' section of the report.</p> <p>On the basis of the information available, officers conclude that the proposed use of the pitch by non-school groups has been benefitting the wider community and this would continue through the proposed regularisation of the use.</p> <p>As part of the general school use of the pitch (which is not restricted as existing or proposed), the Council arranges free access to Lambeth schools, as set out in the addendum to the Planning Statement.</p>
<p>This is an inappropriate use of Metropolitan Open Land.</p>	<p>Refer to the 'Land Use' section of the report.</p> <p>The use by the wider community would not be an inappropriate use of Metropolitan Open Land (MOL), but would instead provide wider access to MOL for recreational purposes, something which is supported by national and local policy.</p>
<p>Other</p>	
<p>The increased transport impact would result in a worsening of the air quality in the area.</p>	<p>With regard to air quality, the Site is not located in an Air Quality Focus Area, and it is not considered that the pollution resulting from vehicles travelling to and from the Site would be unacceptable given the scale of development proposed.</p>

<p>The Planning Statement refers to the Playing Pitch Strategy Assessment Report (2014) in support of the application. How up to date is this report?</p>	<p>This report is now over four years old and since the date of its publication other all-weather sports pitches have been permitted and constructed in Lambeth, such as at La Retraite Catholic School for Girls. However, it is apparent that there is a demand for the use of the pitch by local non-school groups given its ongoing use by hockey clubs. This demand remains.</p>
<p>There has been inadequate public consultation with the roads in the LB Wandsworth.</p>	<p>The Council cannot send letters to properties in adjoining boroughs regarding planning applications in Lambeth. However, LB Wandsworth have been consulted and site notices were erected in the roads on the western side of the railway line in Wandsworth. Officers consider that sufficient public consultation has taken place and the statutory procedures have been correctly followed.</p>
<p>The Lambeth Local Plan emphasises the importance of green infrastructure as 'delivering a wide range of environmental and quality of life benefits' including 'space and habitat for wildlife and improvements to health and wellbeing.' The additional use of the pitch and any artificial lighting of the pitch could have a negative impact in this respect.</p>	<p>Artificial illumination is not proposed, but a new proposed condition would prevent this.</p>
<p>Why did the Council, as landlords of the site, not raise the point of use of the pitch that has been contrary to condition 3 of the consent with the school? Will the Council be confiscating the illegal earnings made by the school? The Council should also enforce the requirements of the lease they granted.</p>	<p>Because such a breach was not reported to the planning department until now.</p> <p>Confiscation provisions cannot be implemented until an offence is committed. Non-compliance with a condition is not an offence.</p> <p>The monitoring of the lease is a matter for Valuation and Strategic Property Services.</p>

<p>There are other all-weather sports pitches available for community use that do not charge as much as SCHS, so why is the fee so high if it is supposed to be for community use?</p>	<p>The rates charged by the school is not a matter for the local planning authority, noting that the current use of the pitch by non-school groups has been available for residents of Lambeth and would continue to be available for Lambeth residents if this application is permitted.</p>
<p>The Planning Statement incorrectly describes the buffer of trees along Abbotswood Road and there are some other factual inaccuracies, such as the proximity of the pitch to the conservation area.</p>	<p>Officers have been aware of the site conditions when making their assessment. Please see the 'Application Site' section of the report for details regarding the conservation area. Officers have noted the tree positioning along the boundary of the playing field to Abbotswood Road when making their assessment.</p>
<p>There is a temporary toilet block on the playing field. This utilitarian and unattractive portacabin structure was approved in 2014. It was due for removal by 29 April 2017, so is unauthorised. The Planning Statement does not explain what changing and WC facilities are available to hockey club members using the pitch.</p>	<p>The temporary toilet block has now been removed. Changing facilities are available within the school buildings.</p>
<p>How does the Council propose to ensure compliance with the planning conditions in the future?</p>	<p>The Council's enforcement team via the Lambeth planning website should be contacted if further breaches of planning control occur in the future.</p>
<p>There are a large number of those in support and whilst there are less objecting, there are a significant number and they should be listened to.</p>	<p>The local planning authority makes decisions based on planning policy and material considerations - not the number of comments made for or against a proposal.</p>

<p>There is limited information as to how this intensified use will be managed and the school currently provides virtually no active management of its out-of-hours activities or method of making complaints.</p>	<p>The school always has staff on site during out-of-hours activity at the school (the actual number of personnel may vary according to the expected use). The school also operates a 24 hour mobile duty officer phone arrangement which is advised to all local residents in half termly updates of forthcoming events and termly newsletters. This is secured by the submitted Pitch Management Plan, which forms a planning application document.</p>
<p>Many residents consider the school as an inconsiderate neighbour.</p>	<p>Noted.</p>
<p>The school have circulated a letter to local residents stating they intended to introduce portable sports floodlighting to the pitch, claiming it did not need planning permission from the Council.</p>	<p>The wording of the new condition would not allow any form of artificial illumination of the pitch.</p>
<p>Some residents have had their cars damaged, others have had burglaries, cars stolen and their houses defaced.</p>	<p>There is no evidence that this is a result of the use of the pitch by non-school groups.</p>

<p>If permission is granted, it should include a condition or Section 106 Agreement obligation requiring a Community Use Management Plan to set out what is meant by 'managed community use', what changing and toilet facilities are available, to clarify what access to the pitch is available before and after the set hours of use that are proposed, and how any clashes with other out of hours uses of the school will be managed.</p>	<p>For the reasons set out in the assessment section of this report it is demonstrated that the use of the pitch by non-school groups for defined hours has, and would continue, to benefit the wider community. The impact of this use is best managed through the control on hours of use, as would be provided by the amended condition. The submitted Pitch Management Plan for the non-school use of the pitch, together with the control on hours of use, is considered appropriate to manage this use. It should also be noted that the use has been occurring for the previous nine years without any known issues.</p> <p>Officers do not considered it necessary for the Pitch Management Plan or a legal agreement to set out the other matters referred to, noting changing facilities are available within the school buildings and the transport assessment demonstrates the impact of the use on the local highway network as being minimal.</p> <p>Please see below the 'Amenity for Neighbouring Properties', 'Transport' and 'Land Use' sections of the report for more detail.</p>
<p>The use of The Spinney car park by non-school groups at weekends would result in disturbance and a security risk and would constitute a change of use.</p>	<p>The use of The Spinney car park by non-school groups is not required to make this development acceptable in planning terms but it can be used at weekends to further reduce the amount of on-street car parking that results from the use of the pitch by non-school groups at weekends. The Spinney car park does not form a part of this application and therefore the potential for a change of use cannot be considered under this application.</p>

4.3.3 A summary of the letters of support is set out below:

Summary of support
Amenity
Given the distance of the pitch to the nearest residential occupiers, it is difficult to believe that its use could result in an unacceptable noise impact.
The use of floodlights would make very little difference to residents given the distance of the pitch from the road. <i>Officer's comment: Floodlights are not proposed and a new condition would not allow for any artificial illumination of the pitch.</i>
Transport
Generally the pitch is used by at most 30 people at a time. This in itself does not create much vehicular traffic and car parking issues. <i>Officer Comment: Noted, but as stated by the applicant, the Sunday use attracts up to 50 children per session.</i>
Land Use
Planning policy supports the community use of school facilities, as is the case with this application.
Other
Sport has a proven benefit to physical and mental health, the pitch should be allowed to be used by the public, and its use benefits the wider community.
The use brings a whole new lease of life to the area and can help reduce crime.
Restricting access at weekends would effectively end the hockey experience for most of the children, as there are no other pitches within a 5-6 mile radius with spare capacity for hockey. There is a shortage of hockey pitches in the area.

4.3.4 A re-consultation was carried out as noted at paragraphs 2.5 and 2.6. Site notices were displayed from 26.03.2019 to 09.04.2019 and letters were sent to 515 properties. The formal re-consultation period ended on 09.04.2019.

4.3.5 23 representations received during the re-consultation period, which were all in objection to the application. An anonymous (unsigned) petition objecting to the application has also been received from a total of 34 households (77 people). A summary of the additional concerns raised is set out below:

Summary of objections	Response
Amenity	
<p>The revised hours of use by non-school groups is onerous and would be a detriment to local amenity.</p>	<p>An additional 30 minutes of use has been proposed at the beginning of the midweek evening use (between April and August). This is to allow for greater flexibility between the two sessions that occur. Officers consider the proposed hours of use of the pitch by non-school groups would not result an unacceptable impact on neighbour amenity or the local transport network.</p> <p>Refer to the 'Amenity for Neighbouring Occupiers' and 'Transport' sections of the report.</p>
Transport	
<p>The parking assessment carried out by the applicant is flawed. It has accounted for a greater number of available parking spaces than the previous Lambeth survey.</p> <p>The parking assessment shouldn't have been undertaken on a weekday when the pitch was not being used, and the surveys undertaken at the weekend were not at times when the pitch was being used as much as has been stated in the parking assessment. The application has to consider the full extent of use for the hours that are proposed.</p>	<p>The parking assessment does not simply present the existing conditions, it also assesses the impacts of the additional cars associated with the non-school use, and assesses a worst case in terms of baseline conditions (using the smaller amount of total available parking spaces as per Lambeth's previous 2016 survey), and numbers of attendees. It is acknowledged that the midweek assessment was not at times when the pitch was used, and the weekend assessment was not at times of full use of the pitch, but officers have allowed for this in their assessment and have considered the application on the basis of full use of the pitch for the hours that are proposed. The applicant has also updated their assessment to reflect this. Officers consider the assessment is robust and demonstrates sufficient capacity for car parking in the surrounding streets at the times of use of the pitch by non-school groups.</p> <p>Refer to the 'Transport' section of the report.</p>

<p>The Pitch Management Plan and car parking assessment does not explain how vehicular traffic will be managed at busy periods to prevent inappropriate dropping-off, picking-up, especially coach and minibus pick-up and drop-off points, safe parking and the potential conflict of additional car parking at bottle-neck areas and with the status of Abbotswood Road as a designated cycle route.</p> <p>A parking management plan should be required by condition.</p>	<p>Further management of vehicular traffic is not considered to be necessary given the findings of the car parking assessment, noting the use of the pitch by non-school groups does not require the use of coaches and minibuses. Condition 4 of the original consent requires coaches and minibuses to enter the Site at the Abbotswood Road vehicular access where necessary. This condition would be re-attached via this consent.</p>
<p>The parking assessment should take account for the school's proposed increase in pupil numbers.</p>	<p>The proposed use of the pitch by non-school groups is during out of school hours and therefore the potential for the school to increase its pupil numbers is not relevant to this application.</p>
<p>The parking assessment should take account for the planned opening of Woodfield Pavilion in the summer.</p>	<p>This is an existing pavilion but a change of use was granted on appeal under 15/04529/FUL. The applicant's midweek and weekend surveys would have been at a time when the pavilion and associated pitch was not being used. However, the applicant's midweek and weekend surveys shows low parking stress levels on Abbotswood Road and Drewstead Road, which is closest to the pavilion site. Furthermore, the Inspector found that the use that was proposed would not have a significant impact on car parking locally. Therefore it is not likely that the concurrent use of the pitch at the application site and the pitch at Woodfield Pavilion would result in a significant impact on car parking conditions locally.</p>
<p>The parking assessment should take account for the planned opening of floodlit football pitches on The Triangle site.</p>	<p>This site is located close to roads within the LB Wandsworth, which would more likely be used for car parking by users of The Triangle than the roads that would be used by non-school group users accessing the application site.</p>

<p>The parking assessment should take account for the effect of car displacement from other local areas arising from the introduction from resident parking zones.</p>	<p>The Streatham Hill West CPZ is closest to the application site but is not in operation at the times that the pitch would be used by non-school groups.</p>
<p>The parking assessment should take account for the proposed increase in pupil numbers at Broomwood School.</p>	<p>No planning application has been made for this and therefore it cannot be considered. However, the proposed use of the pitch is during out of school hours, when the impact from the school use of surrounding schools and that at the application site itself is less.</p>
<p>The parking assessment should take account for other clubs that operate in the area.</p>	<p>The applicant's car parking assessment is considered to be thorough and robust and shows significant car parking capacity in the roads surrounding the application site to accommodate the demand from the proposed use.</p>
<p>The application should limit the total traffic units to provide a balance between the school's activities and the amenity of local residents.</p>	<p>This is neither necessary nor enforceable.</p>
<p>Non-school groups are not permitted to use The Spinney car park and it is not practicable to use this.</p>	<p>There is no such restriction attached to any planning consent that prevents this and officers do not consider it necessary to apply such a restriction. Whilst this car park is available for the non-school users of the pitch on weekends, the parking surveys have demonstrated that its use is not required to make the car parking impact from this development acceptable in planning terms.</p>
<p>The school need to demonstrate that they can meet the targets of their Travel Plan before they can take on more out of hours activities.</p>	<p>The school's Travel Plan is not relevant to this application.</p>

<p>The car parking assessment covers too wide an area.</p>	<p>The car parking assessment was carried out in accordance with the Council's agreed methodology, noting the focus of the assessment was on the two roads closest to the pitch – Abbotswood Road and Hoadly Road.</p>
<p>The Pitch Management Plan does not set out how sustainable modes of transport would be encouraged.</p>	<p>The purpose of the Pitch Management Plan is to manage the use of the pitch by non-school groups. Similar to resident's request for a Travel Plan, to set this out in the Pitch Management Plan would not be appropriate because the out of hours use relates to external users (i.e. users of the pitch), whose travel choices are generally less predictable and harder to manage than those based at the school (staff and students for example). Furthermore, it has been demonstrated that this use does not impact unacceptably on the local highway network. However, on-site cycle parking is available for non-school users of the pitch.</p>
<p>There are factual errors in the parking assessment in relation to availability of The Spinney car park and the distance to Streatham Hill railway station.</p>	<p>Officers are aware of the conditions of the application site in terms of public transport accessibility and the availability of The Spinney car park.</p>
<p>The parking assessment does not account for vehicles dropping off and picking up users of the pitch.</p>	<p>The parking assessment shows sufficient capacity in the streets surrounding the application site for non-school users of the pitch, whether they are parking or dropping off and picking up.</p>
<p>The assertion in the parking assessment for the midweek use that 31% of non-school users travel by car is inconsistent with the modal split assessment, which has 70% of non-school users as travelling by car.</p>	<p>The applicant and officers have used the modal split data to estimate the impact of the use of the pitch by non-school groups.</p> <p>See the 'Transport' section of the report.</p>

<p>The parking assessment references the parents' code of conduct – which is not relevant – and a survey as part of the school's Travel Plan, which apparently shows a decrease in drivers to the school, but in fact there has been an increase.</p>	<p>The school's Travel Plan and parents' code of conduct are not relevant to this application.</p>
<p>Land Use</p>	
<p>The applicant's parking assessment shows that non-school users of the pitch do not come from the local area, which is not in accordance with Lambeth Local Plan policies S2 and S3 and is not in accordance with the lease that the Council granted to the school to use the land that the pitch sits on. Instead at least 50% of local community use should be at no charge.</p>	<p>The lease itself is not a planning document. However, the Council's property team have advised that the pitch has been operating in accordance with the requirements of the lease. Officers consider that its use provides significant public health benefits for the local area, in accordance with policy.</p> <p>It should be noted that the lease set out that the pitch should be used more intensively by non-school groups than is currently proposed.</p> <p>Refer to the 'Land Use' section of the report.</p>
<p>Other</p>	
<p>The change of the condition wording would allow for other schools to use the pitch with unrestricted access.</p>	<p>Officers consider that the current condition allows other school to use the pitch at any time. However, the condition is proposed to be rephrased to spell out what is intended in terms of the identity of the school use of the pitch, as the current condition is not clear on this.</p>
<p>The change to the condition wording would allow for a greater scale of use of the pitch by non-school groups during the week between April and August.</p>	<p>The additional 30 minutes at the start of the weekday sessions is to allow greater flexibility of use between the two sessions that can take place on weekdays.</p>

<p>The Pitch Management Plan does not explain how the use of the pitch will be maximised by Lambeth community groups and associations i.e. in accordance with the lease that the Council issued.</p>	<p>This is not considered necessary or reasonable, as this already provided for by other means i.e. the lease itself. The Council's property team have confirmed that the current and proposed use of the pitch accords with the requirements of the lease – it has been benefitting residents of Lambeth and the wider area and this would continue if this application is permitted.</p>
<p>The school previously applied to convert the old changing rooms in to a clubhouse with bar for visiting teams, as part of an initial attempt to commercialise the playing field. It is likely that the school is attempting to break down their original proposal into separate smaller parts.</p>	<p>This is not relevant to this application.</p>
<p>The school cannot enforce its code of conduct on non-school users of the pitch.</p>	<p>The Pitch Management Plan would ensure that all non-school users have to agree to the terms of the code of conduct when taking out a booking of the pitch. The school can terminate the booking if non-school users act inappropriately, as set out in the code of conduct.</p>
<p>The level of correspondence between the Council and residents is confusing.</p>	<p>Noted, but the Council has a duty to consult with residents, which it has complied with.</p>
<p>There is nothing to stop a further planning application to remove the additional condition that would otherwise prevent floodlighting.</p>	<p>Officers cannot prejudge such a hypothetical scenario and would have to consider such a planning application on its merits if received.</p>
<p>The school should commit to providing an on-site management presence whenever the pitch is in use.</p>	<p>The Pitch Management Plan ensures that this is the case when the pitch is used by non-school groups, with this currently occurring.</p>

5 POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in Lambeth is the London Plan (2016, consolidated with alterations since 2011) and the Lambeth Local Plan (September 2015).
- 5.2 The new Draft London Plan was published on 1 December 2017 (updated August 2018) for consultation and will eventually supersede the current 2016 consolidated London Plan once the final version is published (anticipated Autumn 2019). The Draft London Plan is a material consideration in planning decisions. Officers consider that this should be afforded very limited weight at this stage. The Lambeth Local Plan is currently under partial review to ensure it complies with amendments to changes in the NPPF and London Plan. The Local Plan review is timetabled to follow the programme for the Draft London Plan. Consultation for the Draft Revised Local Plan commenced on 22nd October 2017. At this time the proposed amendments to the Local Plan do not carry any weight.
- 5.3 The latest National Planning Policy Framework was published in 2019. This document sets out the Government's planning policies for England including the presumption in favour of sustainable development and is a material consideration in the determination of all applications.
- 5.4 The current planning application has been considered against all relevant national, regional and local planning policies as well as any relevant guidance. A full list of relevant policies and guidance has been set out in Appendix 3 to this report. The original consent was considered under planning policy documents that have now been superseded by the current development plan. Whilst there has been a change in policy, the content of the new policies remains similar to the old policies.

6 ASSESSMENT

6.1 Principle of Development

- 6.1.1 This application is made under section 73 of the Town and Country Planning Act 1990 ('the Act'). This allows conditions associated with a planning permission to be varied or removed. A function of section 73 applications is to seek a 'minor material amendment', where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' but the Planning Practice Guidance (PPG) explains that this is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The approach that should be taken to section 73 applications is not to reassess the merits of the approved development but instead to consider the merits of the condition or conditions that are proposed to be varied or removed. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unaltered.
- 6.1.2 This application seeks to amend condition 3 of planning permission ref. 08/02118/RG4, which was for the formation of an all-weather hockey pitch and associated fencing comprising 4.5m high weldmesh fencing behind the goals and 3m high weldmesh around the remainder of the pitch including formation of three pedestrian gates to replace existing grass football pitch. The original permission referred to the pitch as a 'hockey pitch'. This is its primary use but the pitch is also available to be used for other sports and therefore this application refers to the pitch more generally as a 'sports pitch' but it is not proposed to change the proposal description of the original application. This is not materially different from what was originally permitted.
- 6.1.3 Officers consider that the amendments, by virtue of their scale and nature, would not result in a development that is materially different from the development approved under planning permission ref. 08/02118/RG4. The principle of the proposed development therefore remains acceptable.

6.2 Land Use

- 6.2.1 The land use of the Site has already been established as a sports pitch which in general will fall within Use Class D2. It was granted a separate planning permission on land adjacent to the school buildings, known as Abbotswood Playing Fields. The description of development in the original planning permission was simply that of a “hockey pitch” together with installation of the associated fencing. The grant of a free-standing planning permission is treated as the opening of a ‘new chapter’ in the planning history of the relevant parcel of land and the grant of a planning permission in this way has the effect of creating a separate planning unit that corresponds to the ‘red line’ site associated with the application. Condition 3 of the original permission in this case referred to the use of the pitch being ‘ancillary’ to the ‘general school use of the property’ unless the local planning authority agreed otherwise. The effect of the condition was to restrict the users of the pitch in the way described. As a matter of general principle, the use of land of planning unit A is not be able to be ancillary to the use of land of planning unit B. The House of Lords in the case of *Westminster Council v British Waterways Board* (1985) held that the use of a particular planning unit could not be ancillary to activities that were carried on outside that unit. On this basis, officers do not consider that the pitch would be classed as a D1 use (school use). The pitch was consented by way of a free-standing, separate planning permission for the required operational development. Officers are also of the view that the planning issues to be resolved are the same irrespective of the view that is taken of the land use classification of the ‘red line’ area associated with the application. What is being considered in this case is an application under section 73 Town and Country Planning Act 1990, which is an application for the grant of planning permission for the development of land without one or more of the conditions attaching to the previous permission. The development in question is the pitch and the associated fencing, which will remain as previously built out. Officers are recommending the grant of planning permission subject to conditions, including the removal of the current condition 3 and its replacement with a different condition that would broaden the permitted classes of user of the existing development.
- 6.2.2 If, contrary to officers’ view, the pitch were to be treated as say a D1 rather than a D2 land use, the issue for Members remains whether they are willing to resolve to grant planning permission that would allow the previously consented development (which is the pitch and the associated fencing) to operate on the terms set out in the proposed conditions. Members would either be satisfied that permitting via condition a specified amount of use of the pitch by non-school users is acceptable in planning terms, or they would not. The relevant policy and other considerations that need to be taken into account in arriving at an assessment of the acceptability of what is proposed are set out in the next sections of this report.

- 6.2.3 The pitch is on Metropolitan Open Land (MOL) and the proposals would provide greater public access to this part of MOL than is currently permitted through allowing non-school groups and clubs to use the pitch. The use of Green Belt land for outdoor sport is defined as not being inappropriate as per paragraph 146 of the NPPF. This is adopted in to London Plan Policy 7.17 (Metropolitan Open Land) which explains that MOL should be given the same level of protection as Green Belt. Improved access to public open space such as this is encouraged under Policy EN1 (Open space and biodiversity) of the Lambeth Local Plan (LLP) and therefore officers consider that the use of MOL that is proposed would continue to be an appropriate use. The proposed wider public use of the pitch by non-school groups than is currently permitted is therefore considered to be in accordance with these policies.
- 6.2.4 LLP Policy S2 (New or improved community premises) states that new or improved premises for sports will be supported where the site is appropriate for their intended use and accessible to the community; where the location, nature and scale of the proposal, including hours of operation, do not unacceptably harm the amenities of the area through noise, disturbance, traffic generation, congestion, local parking or negative impacts on road safety; and the facilities are designed to be flexible, adaptable and sited to maximise shared community use of premises where practical. LLP Policy S3 (Schools) states that proposals for the shared use of schools for wider community use will be supported provided that the nature and scale of the proposal does not unacceptably harm the amenity of the area. The above mentioned matters are discussed throughout this report.
- 6.2.5 Given the pitch already exists, the proposal represents an opportunity to make it more accessible for use by the local community than is currently permitted, as this is restricted to an ancillary use of the school. This has already been ongoing for several years – and this application seeks to regularise the situation. A number of objections have been received during the public consultation period regarding whether the pitch would be accessible to the ‘local community’, and in particular, Lambeth residents. The Site is located on the borough boundary with LB Wandsworth. Therefore, it is sensible to include both Lambeth and Wandsworth residents when considering what constitutes ‘community’ or ‘wider community’ – the terms referred to in LLP Policies S2 and S3.

6.2.6 The main non-school group that currently uses the pitch (90% of total use of the pitch by non-school groups) is London Wayfarers Hockey Club, who are a non-profit community sports organisation with a mission to promote participation in hockey. The applicants have confirmed that:

- More than 67% of Wayfarers hockey players are children and 61% of its players are female;
- At least 80% of Wayfarers juniors (the main users of the pitch) are residents of either Lambeth or adjoining Wandsworth; and
- The school pitch contributes approximately 15% of all available hockey pitch access for Wayfarers' community players that could not be absorbed elsewhere in Lambeth.

6.2.7 Other users of the pitch currently include London Edwardians Hockey Club and the Battersea Wanderers Hockey Club.

6.2.8 Section 8 of the NPPF 2019 also promotes development that plan positively for the provision of use of open space for sport and physical activity, as this is important for the health and well-being of communities.

6.2.9 Lambeth's Playing Pitch Strategy (2014) states that there is a demand for the use of all-weather hockey pitches in the borough and at the time of writing it stated that at least two further all-weather pitches were required to meet this demand. The Playing Pitch Strategy included the SCHS pitch as an existing available pitch even though its use by non-school groups is not yet regularised. Since the strategy was published, some new all-weather sports pitches have been permitted, the most relevant is at La Retraite Catholic School for Girls in Atkins Road, located approximately 1.4 kilometres from the Site. It is also clear that there is still a demand for the use of hockey pitches in the borough by non-school groups given the existing use by London Wayfarers Hockey Club.

6.2.10 Officers conclude that the continued use of the pitch by non-school groups for the last nine years has benefitted the health and wellbeing of the wider community, including Lambeth residents. This would continue through the proposed regularisation of its current use. As such officers consider the proposed amendment to condition 3 would accord with the relevant land use policies.

6.3 Amenity for Neighbouring Occupiers

6.3.1 As the pitch has already been permitted and constructed, the proposed amendment to condition 3 would not result in a material change to the surrounding residential properties in terms of natural light, outlook or privacy. The main point of contention is whether the proposed use of the pitch by non-school groups would result in an unacceptable noise impact on the occupiers of neighbouring properties.

- 6.3.2 There have been two previous applications for the floodlighting of the pitch and these were both refused on potential noise impacts.
- 6.3.3 The first application that was refused sought use of the pitch up until 22:00hrs on week nights and 19:00hrs on weekends throughout the year. The second application that was refused sought use of the pitch up until 21:00hrs on week nights throughout the year and the same hours on weekends as the first application, and noted weekend use would commence at 09:00hrs. The current application seeks use of the pitch by non-school groups between 18:00hrs and 21:00hrs on week nights between April and August only, between 10:00hrs and 16:30hrs on Saturdays, and between 10:00hrs and 14:30hrs on Sundays. There have never been any time restrictions placed on the use of the pitch by the school itself and that remains the case with this proposal.
- 6.3.4 Whilst this application has not been accompanied with a noise report, such a report was submitted in the previous application for floodlights (planning reference 10/02395/RG4). The application was refused on noise grounds despite support of the proposals from officers, including the Council's Environmental Health Department. The proposed use of the pitch is much less intensive than that proposed under the previously refused applications and is therefore considered to be far less disruptive than what would have occurred under the two previous applications.
- 6.3.5 The context of the Site needs to be appreciated when making an assessment on noise impacts from the development. In this regard, the closest residential property to the pitch is No. 38 Abbotswood Road, whose side boundary is located approximately 47 metres to the north of the pitch with further properties located beyond to the north. The properties located opposite the school on Abbotswood Road are approximately 75-85 metres from the pitch to their front boundaries.
- 6.3.6 The Council's internal and external (EH Solutions) environmental health advisors have reviewed the application submission, including the noise report submitted in the previous application. Whilst the applicant has not relied on this document, its findings were reviewed. The internal advisors consider that the application as originally proposed (which proposed a later start and finish time on Saturdays and earlier start and finish time on Sundays than is now proposed) to be acceptable given the distance of the pitch to surrounding noise sensitive receptors and the restrictions that would be placed on the hours of use of the pitch by non-school groups. EH Solutions acknowledged that recreational sport noise can be inherently disturbing and the noise report previously provided suggests a noticeable increase in noise impacts from teams playing on the facility. However, the report shows that generally, voices from those using the pitch are within guidelines. On the basis of these findings they suggested that the impact is addressed through the hours of operation and the management of the facility.

- 6.3.7 In terms of the proposed hours of operation, EH Solutions generally considers the originally proposed hours to be appropriate to mitigate the noise impact from the use of the pitch by non-school groups. However, it has been requested that the start and finish times of the use of the pitch by non-school groups on Saturdays are brought forward by one hour. The start and finish times of the use of the pitch by non-school groups on Sundays has also been requested to be put back by one hour. The consultant does not consider the set-up and set-down element of the use of the pitch to be an issue with regard to noise and therefore suggests that this is clarified through the condition. Officers agree with the findings of the consultants and subsequently agreed the proposed amended hours at weekends with the applicants. This is to allow for a greater quieter time on Sunday mornings from use of the pitch by non-school groups, whilst maintaining quiet afternoon and evening times over the weekends from use of the pitch by non-school groups. However, the set-up and set-down of the pitch by non-school groups would need to occur during the hours of use given under condition 3, as that would constitute use of the pitch.
- 6.3.8 Officers consider that the school has been effectively managing the use of the pitch since its construction noting no noise complaints have been received from the Council's Environmental Health Department. Should its future use result in any noise nuisance issues, details of this would be logged and attended to by this department. The school currently manages the use of the pitch by non-school groups through its code of conduct. A Pitch Management Plan has been provided which would ensure that non-school groups who book the pitch must agree to the school's terms of the code of conduct. The Pitch Management Plan also requires that the school has a member of staff present on site at all times when the pitch is in use and can attend to any issues which might arise. The telephone number of the on-duty member of staff is available to residents through the school's website and the Pitch Management Plan will ensure that this continues.
- 6.3.9 Officers note the above assessment regarding the noise impact from its existing use, distance to surrounding properties and the existing management procedures of the pitch that take place. Officers and the Council's environmental health advisors consider the restrictions that would be placed on the hours of use of the pitch by non-school groups are appropriate. These restrictions, together with the Pitch Management Plan, would ensure that the proposed use of the pitch by non-school groups would not cause undue noise and disturbance and would be appropriately managed in accordance with LLP Policy Q2 (Amenity).

6.4 Transport

- 6.4.1 The Site is located in area that is generally described as having poor access to public transport. Therefore, driving to and from the Site is likely to be more common than in areas with good access to public transport. Existing car parking in the surrounding area is not restricted through a CPZ, however public consultation on the implementation of a CPZ in St. Leonard's Ward is due to take place during 2019. A decision on whether a CPZ should be implemented is due in early 2020. However, the hours of operation of a CPZ may not include the hours when the pitch is to be used by non-school groups. The car parking impacts resulting from the proposals have been considered in its current context, i.e. with no car parking restrictions in place.
- 6.4.2 Users of the pitch are able to park on the surrounding streets if they drive to the Site. The applicant has confirmed that The Spinney car park is available for parking when the pitch is used on weekends, if required. This car park has 20 no. spaces and has a restriction in place under condition 5 of the consented scheme which requires that the gates be locked after 19:00hrs until the morning. Therefore, the car park is not available for the proposed weekday evening users of the pitch in the summer months. It is considered appropriate to re-apply this condition as there is no obvious reason to remove it.
- 6.4.3 The applicant has confirmed that the proposed use of the pitch reflects what has been taking place for several years (albeit in breach of the condition) and it is not anticipated that its use by non-school groups will intensify as a result of the proposals. The approximate numbers of people using the pitch for sport across the proposed times of use by non-school groups are as follows:
- Monday – Friday (between the 18:00hrs and 21:00hrs – April to August only):
 - o Children and adults across two sessions – average of 30 per session
 - Saturdays (between 10:00hrs and 16:30hrs):
 - o Adults across four sessions – average of 30 per session
 - Sundays (between 10:00hrs and 14:30hrs):
 - o Children across three sessions – average of 50 per session
- 6.4.4 The impact of those attending the Site for non-school use of the pitch is spread across the hours of use that are proposed. The applicant has also confirmed that in the last nine years of use of the pitch by non-school groups, the school has only received three complaints regarding car parking, and it is apparent that two of these complaints were not as a result of non-school groups using the pitch.

- 6.4.5 An assessment was carried out by the applicant on car parking within the streets surrounding the Site as a result of the use of the pitch by non-school groups. This assessment was undertaken on a Saturday, Sunday and a midweek day. The weekend assessment captured some of the actual impact of the use of the pitch by non-school groups, whereas the weekday assessment was not carried out at a time when the pitch was being used due to the time of year, but this has provided the baseline data. The proposed hours of use at weekends is given at paragraph 6.4.3 above, noting that its current unauthorised use occurs for the same amount of total hours as the proposed use, but with an hour later start and finish time on Saturdays and an hour earlier start and finish time on Sundays. Usually, the Saturday use continues until 17:00hrs currently, with 4 x 1:30hr sessions commencing at 11:00hrs, but at the time of the parking assessment (Saturday 2nd March 2019), only the first two of the four sessions took place, and play ceased at 14:00hrs instead of 17:00hrs. Usually, the Sunday use continues until 13:30hrs currently, with 3 x 1:30hr sessions commencing at 09:00hrs, but at the time of the parking assessment (Sunday 3rd March 2019), only the first of the three sessions took place, and play ceased at 10:30hrs instead of 13:30hrs. It should be noted that The Spinney car park was not used by non-school group users of the pitch at any of the times of the car parking assessment.
- 6.4.6 The assessment presents the parking capacities measured by both the applicant's March 2019 survey and the Council's own assessment in December 2016. The Council's 2016 survey counted fewer total car parking spaces on the streets than the applicant's survey did. Taking the capacity measured in the 2016 survey is considered to be the most representative, and presents the worst case scenario and these are the figures officers have used in their assessment. The applicant has referred to an allowance of a reduction of these figures by 17% due to inefficient parking practices, but officers do not consider this to be necessary in this instance. The layout of the surveyed roads do not tend to allow for inefficient car parking practices due to the many vehicular accesses to properties that exist, which has created informal individual parking spaces in the most part.
- 6.4.7 Information on modal splits was gathered from questionnaire surveys conducted at the Site on the Saturday and Sunday, to understand how people travelled to the Site. The results found that an average of 70% of people drove to the Site. Details of this survey are given below.

Day	Number of Respondents	Mode of Travel, %						
		Walk	Cycle	Car	Taxi	Bus	Train/tube	Other
Saturday	29	6.9%	3.4%	65.5%	0.0%	10.3%	13.8%	0.0%
Sunday	40	17.5%	10.0%	72.5%	0.0%	0.0%	0.0%	0.0%
Total / Average	69	13.0%	7.2%	69.6%	0.0%	4.3%	5.8%	0.0%

Figure 2: The survey carried out to inform modal splits

- 6.4.8 For the Saturday use, it is understood that there are up to 30 attendees for each of the four sessions. Assuming 70% of these drive to the Site, this would generate 21 parked cars per session. As noted above, only two sessions were held on Saturday 2nd March 2019 when the parking assessment was undertaken, these being from 11:00hrs to 12:30hrs and 12:30hrs to 14:00hrs. During those times parking stress ranged from 37-38% on Abbotswood Road and 48-52% on Hoadly Road. After the sessions ended at 14:00hrs, parking stress on Abbotswood Road fell to 26-29%, while on Hoadly Road it increased to 52-58%. Assuming all the cars generated by the two additional Saturday afternoon sessions that usually occur had parked on Abbotswood Road and Hoadly Road, this would result in car parking stress levels of 55% at 14:00hrs down to 47% at 17:00hrs. This shows that there is sufficient car parking capacity in the surrounding streets for the Saturday use of the pitch by non-school groups.
- 6.4.9 For the Sunday use, this is seen as the worst case in terms of existing parking stress and attendee numbers (understood to be up to 50 children per session, over three sessions), where up to 35 cars could be generated per session. As noted above, only one session was held on the Sunday 3rd March 2019 when the parking assessment was undertaken, this being from 09:00hrs to 10:30hrs. During this time parking stress ranged from 46-49% on Abbotswood Road and 70-75% on Hoadly Road. After the session ended at 10:30hrs, parking stress on Abbotswood Road fell to 43%, and on Hoadly Road this fell to 50%. Assuming all the cars generated by the two additional Sunday sessions that usually occur had parked on Abbotswood Road and Hoadly Road, this would result in car parking stress levels of 64% at 11:00hrs down to 59% at 13:00hrs. This shows that there is sufficient car parking capacity in the surrounding streets for the Sunday use of the pitch by non-school groups.
- 6.4.10 With regard to the weekday use, a maximum of 30 attendees has been assumed per session during weekday evenings. This is understood to be a worst case, and that typically 20-25 attend each session. The worst case in terms of local parking impacts will occur when two sessions overlap, which is stated by the applicant to only occur during early May due an early dusk preventing activity continuing any later than 20:30hrs. Assuming 70% of a maximum of 60 attendees have driven to the school, 42 cars would require parking between 19:00hrs and 19:30hrs. Since The Spinney car park is not available in the evenings, all 42 of these would need to be accommodated on surrounding streets. Assuming these all choose to park on Abbotswood Road and Hoadly Road, the survey results demonstrate that there would be sufficient capacity to accommodate all these cars. This would increase parking stress on these roads to 79%, but it's important to note that this is a scenario that only occurs briefly when two sessions overlap in early May. Ordinarily only 21 cars at a time would park on these roads, which would increase parking stress to 65%, which the Council's transport officer has confirmed is within acceptable limits.

- 6.4.11 The applicant's assessment demonstrates that there is sufficient capacity on local roads and parking stress at times of use of the pitch by non-school groups is within acceptable limits. It should also be noted that all of the properties on Abbotswood Road and Hoadly Road have access to at least one off-street car parking space.
- 6.4.12 Whilst there are some other evening events held at the school, the proposals only relates to the use of the pitch. Officers do not predict that pitch's use by non-school groups outside of school hours for set periods would result in a substantial increase in traffic, particularly as this use is already taking place and also noting the findings from the car parking assessment.
- 6.4.13 The provision of sustainable methods of transport are available to non-school groups using the pitch. A total of 106 cycle spaces are available for users of the pitch. The No. 315 bus service operates along Bedford Hill, which stops approximately 200 metres outside the school. Streatham and Streatham Hill railway stations are located 1km and 1.3km from the Site respectively.
- 6.4.14 An updated or separate Travel Plan for the non-school use of the pitch has been requested by some of the objectors. The Council's transport and travel plan officers have advised that this is not appropriate because the out of hours use relates to external users (i.e. users of the pitch), whose travel choices are generally less predictable and harder to manage than those based at the school (staff and students for example). Officers consider the transport impact that arises from the use of the pitch by non-school groups does not necessitate a Travel Plan which is generally sought for larger developments.
- 6.4.15 With regard to air quality, the Site is not located in an Air Quality Focus Area and any pollution resulting from vehicles travelling to and from the Site would not be unacceptable given the nature of the proposals. The Council's air quality officer is in agreement with this assessment.
- 6.4.16 In light of the above assessment, officers consider that the transport and highway impacts from the proposed development are acceptable.

6.5 Ecology

- 6.5.1 The Site is located adjacent to Tooting Bec Common, which is a Site of Importance for Nature Conservation (SINC). LLP Policy EN1 (Open space and biodiversity) requires development to not result in a loss, reduction in area or significant harm to the nature conservation or biodiversity value of open spaces, including SINC's. Similar protection is afforded to biodiversity and SINC's by London Plan Policy 7.19 (Biodiversity and access to nature).

- 6.5.2 The Council's biodiversity officer originally objected to the proposals as it was anticipated that the proposed hours of operation would inevitably require artificial illumination of the pitch. Tooting Commons Management Advisory Committee (TCMAC) also objected on this basis. Both consultees considered that this could have long term adverse ecological impacts on protected species and the adjacent SINC. However, it was later agreed that the amended condition 3 would confirm that no artificial illumination of the pitch would be permitted. The biodiversity officer subsequently removed his objection to the proposals and confirmed that LB Wandsworth's biodiversity officer also did not object to the proposals on this basis.
- 6.5.3 Officers therefore consider that the development would not impact on the nature conservation or biodiversity value of the open space and adjacent SINC, noting it would not result in any increase in hardstanding of the pitch, in accordance with LLP Policy EN1.

6.6 Impact on the Conservation Area

- 6.6.1 The school is located immediately to the north of the Streatham Park and Garrads Road Conservation Area. This is characterised by its sedate and leafy suburban qualities and is centred on the attractive semi-wooded Tooting Bec Common. Part of the reason for restricting the use of the pitch under condition 3 was stated to be to protect the character of the nearby conservation area. Officers assume that the Streatham Park and Garrads Road Conservation Area is the relevant conservation area referred to in the condition but note no discussion was made in the delegated report of the parent application as to why it was considered necessary to include this as a reason for the restriction. Given the school buildings themselves are located between the conservation area boundary and the pitch, a wider use of the pitch is not considered to not result in any harm on the character or appearance of the conservation area. For this reason its setting would also not be harmed.

7 CONCLUSION

- 7.1 The proposed development would result in the existing all-weather sports pitch being used by non-school groups for clearly defined periods. This is currently not permitted under condition 3 – the reasons given for this was to protect the amenities of the surrounding area with regard to impact on neighbouring properties, operation of the surrounding highways and impact on the adjacent conservation area.
- 7.2 The use of the pitch by non-school groups has been taking place (albeit in breach of the condition) for the last nine years. This application seeks to regularise the situation, noting that it is not anticipated that the use of the pitch by non-school groups would intensify further when compared to the ongoing use.
- 7.3 The majority of the existing use of the pitch by non-school groups is by a local non-profit hockey club that primarily serves residents of Lambeth and Wandsworth, noting the pitch is located on the boundary between the two boroughs. It is expected that this club would seek to continue using the pitch. The provision of improved access to open space for recreation is supported by planning policy. Improving the accessibility of school facilities to the wider community is also supported by planning policy subject to its impact on the surrounding area being appropriately mitigated and managed.
- 7.4 In terms of amenity, there is a noise impact that results from the existing use of the pitch given the nature of the use. However, officers consider that this is partly mitigated by the distance of the nearest residential properties to the pitch (approximately 47-85 metres). It should also be noted that no noise complaints from use of the pitch have been received by the Council's Environmental Health Department since its construction. Further noise mitigation measures are provided through the restriction on hours of use. The hours of use reflect other pitches in the borough, albeit each pitch has different circumstances that have determined their permitted hours of use. The restrictive hours of use of the pitch by non-school groups is considered to provide an appropriate balance between ensuring periods of non-use of the pitch by non-school groups (and therefore quieter periods) and the benefits of providing greater community access to the Metropolitan Open Land for recreational purposes. The Pitch Management Plan would ensure that non-school group users of the pitch have to agree to the school's code of conduct prior to making a booking. This also requires the school to have a member of staff on-site at all times when the pitch is in use by non-school groups, and to provide contact details of this person to residents. These measures are considered appropriate to ensure that the proposed use does not result in an unacceptable noise impact on surrounding properties.

- 7.5 The main transport considerations arising from the proposed use relates to car parking in the surrounding streets. The applicant has undertaken a car parking assessment in the streets surrounding the Site. Officers consider that the demand for car parking resulting from the proposed non-school use of the pitch can be accommodated on street. Any potential impact would be mitigated by the restrictions placed on hours of use referred to above and the nature of the use. This would ensure that the impact is evenly spread across the hours of use.
- 7.6 The original condition was also placed to protect the character of the nearby conservation area, presumably the Streatham Park and Garrads Road Conservation Area, which is located immediately to the south of the school. The school buildings themselves are located between the pitch and conservation area. As such, a wider use of the pitch is considered to result in no harm on the character or appearance of the conservation area or the setting of the conservation area.
- 7.7 In summary, the proposed use of the all-weather pitch in the playing field of the Streatham and Clapham High School by non-school groups is considered acceptable. The impacts on the amenity of surrounding residential properties and on the local transport network would be appropriately mitigated through the hours of use that would be allowed and the existing management procedures adopted by the school. Any impact that does result will be suitably offset by the improved wider community access to the Metropolitan Open Land and the school's facilities and the public health benefits that this use brings.

8 EQUALITY DUTY AND HUMAN RIGHTS

- 8.1 In line with the Public Sector Equality Duty the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- 8.2 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 8.3 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the Council's adopted and emerging policies and is not outweighed by any engaged rights.

9 RECOMMENDATIONS

1. Resolve to grant conditional planning permission.
2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to finalise the recommended conditions as set out in this report, addendums and/or PAC minutes.

APPENDICES

Appendix 1: Draft Decision Notice

Your Ref:
Our Ref: 18/04221/VOC



Girls Day School Trust
c/o Ms Amy Stone
Nexus Planning Ltd
1 Poultry
London
EC2R 8EJ

DRAFT DECISION NOTICE

Dear Girls Day School Trust

DETERMINATION OF APPLICATION UNDER SECTION 73. TOWN AND COUNTRY PLANNING ACT 1990

The London Borough of Lambeth hereby approves the following application for the variation of condition as set out below under the above mentioned Act.

In accordance with the statutory provisions your attention is drawn to the statement of Applicant's Rights and General Information attached.

Application Number: 18/04221/VOC **Date of Application:** 02.10.2018 **Date of Decision:**

Development At: Streatham Hill And Clapham High School 42 Abbotswood Road London SW16 1AW

For: Variation of Condition 3 (School Use) of planning permission 08/02118/RG4 (Formation of an all-weather hockey pitch and associated fencing comprising 4.5m high weldmesh fencing behind the goals and 3m high weldmesh around the remainder of the pitch including formation of three pedestrian gates to replace existing grass football pitch) granted 28.07.2008.

Original condition 3 states:

The development herewith approved shall not be used other than as ancillary to and in association with the general school use of the property, without prior permission in writing by the Local Planning Authority.

Amendment sought states:

3. The development herewith approved shall not be used other than in association with the general use of the Streatham and Clapham High School (including for the avoidance of doubt, other state and private schools), apart from between the hours of 18:00 to 21:00 Monday to Friday (in April to August only); and 10:00 to 16:30 on Saturdays; and 10:00 to 14:30 on Sundays; when it can be used by groups and associations other than the Streatham and Clapham High School.

Lambeth Planning
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SO23 5DG

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Approved Plans

CLS/08/19495/02A; 208475_LP; Planning Statement dated September 2018; Parking Assessment dated 10 April 2019; Pitch Management Plan; Addendum to Planning Statement dated March 2019.

Conditions

1 The development hereby permitted shall be managed in accordance with the Pitch Management Plan.

Reason: To protect the amenities of neighbouring properties and to ensure the impact on the surrounding highways is appropriately managed (Policies T6 and Q2 of the Lambeth Local Plan 2015).

2 The development hereby permitted shall be retained in accordance with the approved plans and documents listed in this notice, other than where those details are altered pursuant to the requirements of the conditions of this planning permission.

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

3 The development herewith approved shall not be used other than in association with the general use of the Streatham and Clapham High School (including for the avoidance of doubt, other state and private schools), apart from between the hours of 18:00 to 21:00 Monday to Friday (in April to August only); and 10:00 to 16:30 on Saturdays; and 10:00 to 14:30 on Sundays; when it can be used by groups and associations other than the Streatham and Clapham High School.

Reason: To protect the amenities of neighbouring properties and to ensure the impact on the surrounding highways is appropriately managed (Policies T6 and Q2 of the Lambeth Local Plan 2015).

4 Vehicular access to the development herewith approved shall not be other than directly from Abbotswood Road for coaches.

Reason: In order to protect the character of the nearby designated Conservation Area and the amenities of neighbouring properties (Policies T6, Q2 and Q22 of the Lambeth Local Plan 2015).

5 The car park gates at the end of The Spinney shall not be other than locked shut between the hours of 7pm and 8am daily.

Reason: In order to protect the character of the nearby designated Conservation Area and the amenities of neighbouring properties (Policies T6, Q2 and Q22 of the Lambeth Local Plan 2015).

6 There shall be no artificial illumination of the pitch at any time.

Reason: To ensure the ecological importance of Tooting Bec Common is protected (Policy EN1 of the Lambeth Local Plan 2015).

Notes to Applicants:

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework (2012) to work with the applicant in a positive and proactive manner. The council has made available on its website the policies and guidance provided by Lambeth Local Plan (2015) and its supplementary planning documents. We also offer a full pre-application advice service in order to ensure that the applicant has every opportunity to submit an application that's likely to be considered acceptable.

Yours sincerely

Rob Bristow

Assistant Director Planning, Transport & Development
Growth, Planning and Employment Directorate

INFORMATION FOR APPLICANTS GRANTED PLANNING PERMISSION SUBJECT TO CONDITIONS, OR WHERE PERMISSION HAS BEEN REFUSED.

General Information

This permission is subject to due compliance with any local Acts, regulations, building by-laws and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your attention is drawn to the provisions of the Building Regulations 1985 and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer, Phoenix House, 10 Wandsworth Road, SW8.

The Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any person entitled to the benefits thereof.

STATEMENT OF APPLICANT'S RIGHTS ARISING FROM THE REFUSAL OF PLANNING PERMISSION OR FROM THE GRANT OF PERMISSION SUBJECT TO CONDITIONS.

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months from the date of this notice. Appeals must be made on a form which is obtainable from Room 3/13 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively an Appeal form can be downloaded from their website at www.gov.uk/government/organisations/planning-inspectorate. The Secretary of State has power to allow longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and not to any directions given under the order.

Purchase Notice

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Lambeth a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990.

Compensation

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 and related provision of the Town and Country Planning Act 1990.

Appendix 2: List of consultees (statutory and Other Consultees)

- Network Rail
- Education Estate Team
- Parks and Open Spaces
- Sports (Internal)
- Sport England
- London Borough of Wandsworth
- Streatham Society
- Highways Team
- Environmental Health
- Abbotswood Road Residents Association
- Ward Councillors

Appendix 3: List of relevant policies in London Plan, Lambeth Local Plan. Reference to SPGs, SPD and other relevant guidance

London Plan (Consolidated with alterations since 2011)

- 3.19 Sports facilities
- 7.17 Metropolitan open land
- 7.19 Biodiversity and access to nature

Lambeth Local Plan (2015)

- S2 New or improved community premises
- S3 Schools
- T1 Sustainable travel
- T2 Walking
- T3 Cycling
- T6 Assessing impacts of development on transport capacity
- T7 Parking
- EN1 Open space and biodiversity
- Q2 Amenity
- Q22 Conservation areas

Guidance

- Streatham Park and Garrads Road Conservation Area Statement (draft 2016)