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ROYAL BOROUGH OF GREENWICH

c/o Mr. Chris Leong,
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Our Ref: 484
6th May 2025

RE: 25/0793/F | CREATION OF A PADEL TENNIS FACILITY WITH THE ERECTION OF A NEW CLUBHOUSE; ASSOCIATED WORKS INCLUDING PARKING AND LANDSCAPING. | FORMER TENNIS CLUB, BLACKHEATH PARK, BLACKHEATH, SE3 0HB

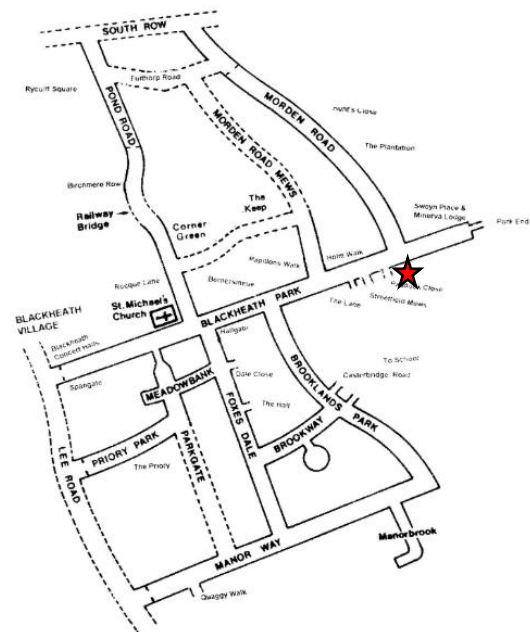
Dear Mr Leong,

Thank you for notifying the Blackheath Cator Estate Residents Ltd. (BCER) of a consultation stage taking place in relation to the planning application submitted at the Former Tennis Courts & Clubhouse, Blackheath Park, Blackheath SE3 0HB (25/0793/F).

NTA Planning act on behalf of BCER and have been asked to make an objective assessment of the revised planning application proposals. BCER were not consulted in respect of this application prior to this submission being made, however a post-submission meeting with the VFund took place in the week commencing 28th April 2025.

When considering all planning applications within the Cator Estate, BCER's priority is to protect the amenities of the existing residents while also to conserve and enhance the high quality of the Blackheath Park Conservation Area, in particular the Cator Estate itself.

Whilst the application site falls outside of the Blackheath Park Conservation Area, it falls within the Cator Estate (see image right). Blackheath Park is a private road owned and maintained by BCER. Illegal parking by non-residents is strictly enforced on these private roads.



**CATOR ESTATE PRIVATE ROAD NETWORK
(APPLICATION SITE INDICATED WITH RED STAR)**

Having reviewed this planning application in full, BCER wish to register their **OBJECTIONS** to this application, for the reasons set out below. Firstly however, we would wish to raise some concerns with the level of detail within the submitted application before the substance of the application is commented upon.

This letter should be considered alongside the Legal Opinion prepared by Richard Turney KC and the Acoustic Peer Review, prepared by Archo Consulting, both of which are submitted alongside this objection letter.

SUBMITTED INFORMATION

Having reviewed the planning application submission, we have identified several errors and inconsistencies within the planning application which we want to raise with officers and the applicant. Regardless of the

objections provided later within this letter, these issues should be addressed to allow officers to make a fully informed assessment.

1. *Floorspace Proposed*

The Application Form submitted with the application indicates that the total floorspace proposed amount to 450sqm, which covers solely the floorspace for the new clubhouse, but excludes the walled and covered padel courts.

Total	Existing gross internal floorspace (square metres)	Gross internal floor area lost (including by change of use) (square metres)	Gross internal floor area gained (including change of use) (square metres)
	0	0	450

EXTRACT FROM APPLICATION FORM FOR BLACKHEATH PARK APPLICATION

The covered/enclosed courts amount to over 2,000sqm of additional footprint and area. As this is an area which is both walled and covered with a permanent roof, this should also be included in the floorspace calculations.

RICS Code of Measuring Practice states that Gross Internal Area should include “Atria and entrance halls, with clear height above, measured at base level only”. This would fall within this distinction. The Measuring Practice does exclude canopies, however this assumes that canopies are open sided within this exclusion.

For precedent, we note that the application for Padium’s site in Tower Hamlets (ref PA/22/01528/NC), they *included* their covered courts within their GIA floorspace (see extract below), with 2,701.22sqm of gross internal floorspace proposed. See the extract from this application form below.

Total	Existing gross internal floorspace (square metres)	Gross internal floor area lost (including by change of use) (square metres)	Gross internal floor area gained (including change of use) (square metres)
	0	0	2701.22

EXTRACT FROM APPLICATION FORM FOR PADIUM CANARY WHARF APPLICATION

The applicant is being disingenuous in their claim that the covered courts do not amount to floorspace or even a building within the application form. It is our view that if it is enclosed and covered, it is indoor, and thus floorspace. As a result, this development should constitute a major planning application (1,000sqm+ floorspace). This should be corrected.

In light of the above, we would remind officers that major applications are referable to the Mayor of London in accordance with The Town and Country Planning (Mayor of London) Order 2008, as category 3D Development, being more than 1,000sqm of floorspace within designated MOL land.

2. *Corrupted information*

Several issues have been identified when reviewing the planning package in the form of corrupted information:

- The Biodiversity Impact Assessment prepared by Brindle & Green has been entirely redacted except for images. This is an unacceptable document, and we are surprised that Greenwich accepted this when validating the application.

The submitted Tree Survey and Arboricultural Impact Assessment prepared by Chartwell Tree Consultants Ltd was originally corrupted, but a rectified version of these reports was uploaded on 28th April 2025. As a result, we have commented upon tree impact/loss within this letter of objection.

3. *Inadequate information*

When reviewing the reports within the application package which were not corrupted, we also noted some inadequacies within the report, indicating a lack of co-ordination or proper review of the information being submitted:

- The Preliminary Ecological Appraisal states that If the boundary vegetation is to be cleared “*Further transect activity surveys required to establish any significant commuting routes on site.*” As 7no trees along the southern boundary are to be removed, the requirement for this additional surveys should have been triggered. This report clearly states in Section 7.3 that “*All survey work if required*

is to be undertaken prior to the determination of this application.” No such report accompanies the application submission.

- The Preliminary Ecological Appraisal also states that *“Post-development lighting proposals should consider potential impacts of an increase in artificial lighting on foraging and commuting bat species. Site lighting design should follow the principles set out in ‘Bats and artificial lighting in the UK’ (ILP & BCT, 2018). This should include avoidance of artificial lighting of the northern and eastern boundaries of the site.”* Whilst an External Lighting Assessment has been submitted with the application, this does not make any reference to ‘Bats and artificial lighting in the UK’ and the lux plans submitted clearly shows lighting columns along these boundaries at a height of 5m emitting toward existing trees and beyond these boundaries.
- The Covering Letter/Planning Statement from Savills indicates that three trees will be removed, when in actual fact, seven trees will be removed from the site and parts of three groups of trees, of which three individual trees are Grade B.

4. Missing information

Based on a review of the Council’s Local Validation Checklist, we consider the following information missing from the planning application package:

- Delivery and Servicing Management Plan - Draft
- Daylight/Sunlight Assessment
- Air Quality Assessment
- Demolition and/or Construction Logistics Plan – Draft
- Planning Gateway One Fire Statement
- Parking Design and Management Plan

Should the application be considered a “major” proposal if including the covered courts within the floorspace calculations, then the following additional information should be submitted in addition to those listed above:

- Fire Statement
- BREEAM Pre-Assessment
- Designing out Crime Statement
- Health Impact Assessment
- Statement of Community Involvement

We would request that the above issues are presented to the applicant for them to reconsider the content of the application submission.

OBJECTIONS

Notwithstanding the above inaccuracies/omissions with the submitted application package, having reviewed the substance of the planning application, BCER wish to register our **OBJECTIONS** to this application, for the reasons set out below:

1. Impact on Metropolitan Open Land

The site is designated Metropolitan Open Land (MOL).

Policy

Planning Policy G3 of the London Plan (2021) states that *“Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt: 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt”*.

Paragraph 153 of the National Planning Policy Framework (NPPF) states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

Paragraph 154 of the NPPF lists several exceptions which are permissible in the green belt/MOL, one of which is *“the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for **outdoor sport, outdoor recreation**, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within*

it;”

At a local level, Policy OS2 of the Core Strategy states that *“All Metropolitan Open Land as defined on the proposals map will be maintained and its open character protected from inappropriate development. The following uses are considered generally appropriate within Metropolitan Open Land unless they would result in an adverse change to the character of the land:*

- *Public and private open space*
- ***Open air recreational uses, sports grounds and playing fields;***
- *Agriculture and woodlands;*
- *Open water features;*
- *Golf courses;*
- *Allotments;*
- *Large grounds attached to educational facilities and institutions;*
- *Cemeteries and associated crematoria; and*
- *Nature conservation.”*

Policy OS(a) of the Core Strategy sets out criteria for development within MOL, on the proviso that it qualifies for development under Policy OS2. It states that *“Small scale-built development which has a primary function for a purpose ancillary and essential to an appropriate use as stated in Policy OS2 may be permitted providing the following criteria are met.*

- i. The design, scale, massing, siting and landscaping of the proposal should relate sensitively to other buildings on the site, to those on adjoining sites and to the character of the surrounding open land. The proposal should not be visually intrusive and should have minimal impact upon the nature of the area;*
- ii. The proposal is not within a defined site of nature conservation importance nor will it prejudice the ecological or amenity significance of the area;*
- iii. The proposal must not result in the enlargement or creation of an area of public open space deficiency; and*
- iv. The proposal shall not result in a significant increase in vehicular traffic to the site and any provision for parking shall not dominate or fragment the site.”*

Assessment - Outdoor Sport

Firstly, when considering the development against the NPPF, we note that a brief argument has been presented within the covering letter in respect of the MOL designations. It is asserted that as the site has a lawful use for sport and that the proposed use is also for a type of sport, therefore it should be acceptable in principle within MOL. See extract from the cover letter below:

“Although the Site is designated as MOL, as set out above, it has an established and lawful use for sport and recreation use. It is not therefore a new use on previously undeveloped land designated as MOL. Furthermore, Policies OS2 and GS3 confirm that sports, recreation and leisure uses are appropriate uses within MOL.”

This argument is flawed. Policy OS2 of the Core Strategy and G3 of the London Plan do not confirm that all sports, recreation and leisure uses are appropriate uses within MOL; they confirm that **open-air recreational uses, sports ground and playing fields are appropriate**. This application comprising a series of covered internal padel courts would not fall within this definition and thus not qualify as appropriate development on MOL when measured against the NPPF or Core strategy Policy OS2. Whilst the Use Class may be similar to that as a tennis court, this does not qualify any development to be delivered on a designated MOL site.

Similarly, whilst the applicant has made no reference to the NPPF, we would also state that only “outdoor sports” are listed as an exceptional development within the green belt. As the development comprises 8x covered and enclosed padel courts, this would also not fall within the definition of “outdoor sports”. The site will not offer any outdoor sport offering whatsoever.

This is demonstrated within p33 of the Design and Access Statement where the project architect explains the various benefits derived from the presence of a canopy creating an indoor environment, such as protection from the weather and shade from direct sunlight. Such benefits are not typically enjoyed for outdoor sports.

Assessment - Openness

Even in the unlikely event that officers consider the development to somehow fall within the definition of outdoor sport, both Policy OS(a) of the Core Strategy and Para 154 of the NPPF still require developments to be “small scale built development” and “preserve openness”. In respect of “small scale built development” the site which is currently occupied by 0% built form, would have built form on 60% of the site footprint, in structures measuring from 3.9m up to 10m in height. Such works could not be considered to be “small scale” by any reasonable metric.

The applicant has not once referred to the issue of openness within their submission.

Openness is not specifically defined within the NPPF. Typically, in Green Belt/MOL cases, the concept of openness can be expressed as a ‘lack of built form’. The High Court (Timmins v Gedling Borough Council, 2014) found that ‘any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities’ but that ‘there is a clear conceptual distinction between openness and visual impact’ and that ‘it is wrong in principle to arrive at a specific conclusion as to openness by reference to its visual impact’.

The Court of Appeal in *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466 has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.

The Supreme Court in *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3 endorsed paragraph 14 of Turner to the effect that the word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. However, how to take account of the visual effects is a matter of planning judgement rather than one of legal principle. The Supreme Court also highlighted that openness is the counterpart of urban sprawl and that it does not imply freedom from *any* form of development.

Returning to the application site, this is a clubhouse of some 450sqm and an enclosed and covered court area of over 2,000sqm with a canopy reaching up to 10m in height on a site which currently contains no built form. From a spatial impact alone, there will be a severe impact on openness with a substantial increase in both floorspace, footprint and volume across the site. We see no possible way in which officers could possibly conclude that openness on MOL is preserved as result of this development. Harm to openness is clearly being caused as a result of this development, and therefore this proposal is disqualified as exceptional development on MOL in accordance with the NPPF. No Very Special Circumstances have been offered, and we do not consider a case for VSC to be possible at this location which could outweigh the harm being caused.

In terms of precedent, we would refer officers to Guildford Borough Council application 23/P/02127 (determined in May 2024) which sought planning permission for 4 uncovered padel courts in the green belt. Despite qualifying as outdoor sport (being uncovered), officers still concluded that these courts with mesh walls of just 4m height would still constitute inappropriate development in the green belt through harm caused on openness, and no VSC was provided. By comparison, this development at Blackheath is more than double in height and footprint and is entirely covered.

Conclusion

In conclusion, the proposed development is not for an outdoor sport, and it is not open air recreation. Whilst the application submitted indicates that officers were in support of the proposal in principle, it is suspected that this relates to the use of the site as a padel facility, rather than permitting a series of covered padel courts which is an indoor facility. Therefore, the proposed development is considered to be an inappropriate use with MOL, conflicting with the requirement of the NPPF and adopted policy and London Plan and Greenwich level.

In respect of openness, the sheer scale of development across the site causes substantial harm to openness. No consideration of openness impact has been provided within the application submission and no VSC case has been presented, and we feel no compelling case could be made given the level of harm caused.

2. Design/Impact on Conservation Area

Policy

Policy DH3 and DH(h) of the Core Strategy requires developments to pay special attention to preserving or enhancing the character or appearance of the Conservation Area. Greenwich Policy DH1 requires development

to have a positive relationship, which takes account of “*scale, height, bulk and massing of the adjacent townscape*”

Assessment

The application site sits outside of the Blackheath Park Conservation Area, however the site does adjoin the conservation area on its western and northern sides and the site is visible from positions within the conservation area. No's 101 and 103 Blackheath Park are Grade II listed buildings and are both visible from the proposed entrance to the padel club site. No 99 Blackheath Park is also locally listed.

It is the sheer scale of the canopied structure over the courts which severely departs from the scale, height, bulk and massing of the adjacent townscape and adjacent heritage assets. No longer would the area function as a tree lined residential suburb, but instead would instead function as a bustling and constantly artificially lit commercial destination.

The submitted Cover Letter states that the canopy will not be visible from Blackheath Park Road, citing CGI views on p32 and p41 (we believe that they meant p45) of the Design and Access Statement, however a) the image on p45 shows that the canopy will in fact be visible from this CGI position b) the fullness of the trees within the image on p45 has been adjusted to helpfully screen the massing when in actual fact there is a significant level of tree removal within Group 2 which would make the site more visible if anything c) no views from directly outside the application site have been provided and crucially d) no image showing the site during winter or night time periods has been provided.

Efforts to address MOL designations by covering the canopies and walls in a white/translucent canvas fabric will only exacerbate the prominence of the height and volume, scale and bulk of the covered court proposals, especially at night and during winter periods when artificial lighting will be constantly required, and any screening will be diminished.

The Heritage Assessment concludes that the proposed development would “preserve” the suburban setting of the Blackheath Park Conservation Area, however it does not make any reference whatsoever to the presence of a canopied structure of up to 10m in height. Such a significant feature should merit some commentary and be given due consideration within a robust Heritage Statement. The canopy would certainly alter and, in our view, harm the setting of the area, including the conservation area. The site has historically supported outdoor sports such as tennis, and planning permission has permitted the establishment of a bowling club in 2018. This scale of development within this proposal has not been accurately presented or assessed within the submitted documents and we do not agree with the conclusion that the setting of heritage assets is preserved through this development.

The incongruous scale of the built form and its appearance being delivered on site would harm the setting of the conservation area and other nearby heritage assets, in conflict with Policies DH1, DH3 and DH(h) of the Core Strategy in addition to London Plan Policy D1

3. Parking/Pressure on private and public highway network

Policy

Policy T4 of the London Plan sets out that developments should not increase road danger. Policy IM4 of the Core strategy supports the development of an integrated and sustainable transport system that is extensive in coverage and meets the needs of residents, businesses, workers and visitors in Royal Greenwich. It requires all development in Royal Greenwich to contribute to improved accessibility and safety and to reduce the use of the private car and the need to travel. Whilst the principles of encouraging sustainable travel modes, the provision of parking for developments must be realistic.

Policy OS(a) of the Core Strategy states that development proposals specifically on MOL shall not “*result in a significant increase in vehicular traffic to the site and any provision for parking shall not dominate or fragment the site.*”

Assessment - Parking

The proposed development comprises 17 parking spaces including 1 disabled bay. The arguments for this are put forward within the submitted Transport Statement, where it has been calculated that the maximum demand for spaces would be 10 on any day. They have cited TRICS data of 2x Tennis Clubs for comparison. Firstly, the survey dates of these two tennis clubs appear to have taken place solely on midweek days, when demand would understandably be reduced. Secondly, the two tennis clubs referred to do not provide artificial lighting to all of

their courts (3 of 7 and 4 of 7 courts artificially lit for each of these clubs). This would limit demand/useability in the evening and early morning times. These tennis clubs are also not open before 9am and do not remain open beyond 9/9:30pm. They are not helpful or realistic comparisons in relation to these proposals.

More broadly, there are flaws with the approach of using the TRICS movement data for a tennis club. A tennis club and a Padel Club operate in an entirely different manner. Tennis is commonly played for longer periods and played in groups of two for the most part over a larger area of space. Therefore, there would be less movements to and from the venue with less people.

Padel on the other hand, generally operates typically for an hour, and is mostly played in groups of four on a smaller court. On the basis of five staff on site at any one time (as suggested by the applicant), and all padel courts being in use, this would amount to 37 people on site at any one time with this figure doubling during changeover periods. Each hour, there will be further demand, with new arrivals/departures with an overlap to allow for getting changed beforehand and using the café/bar in the clubhouse afterwards. The suggestion that there will be a max demand of 10 parking spaces at peak times for an 8x padel court facility is, frankly, unrealistic.

Reports online indicate that there were over 5,000 users in the first six months of operation at Padium Canary Wharf by comparison - <https://www.thebandeja.com/padium-padel-club/>. Whilst this level of interest in a sport is welcomed, it should not come at the detriment of the communities living adjacent to it. It should also be highlighted that Padium Canary Wharf has only seven courts, whilst this proposal has eight courts, indicating that the number of players on any given day could be even higher.

The application site has a PTAL of 0, meaning that it has the worst possible connectivity to public transport in London. There is no bus stop within 1km of the site. The Transport Statement indicates that the nearest railway station (Kidbrooke) is 900m away to the south-east. I suspect that this measurement has been provided as-the-crow-flies; the actual walking distance is 1.5km via a convoluted route through the Cator Estate (see image right).



WALKING DISTANCE TO KIDBROOKE STATION

With such poor accessibility to public transport, access to the site from players coming from anywhere outside of the Cator Estate will be almost entirely by car and suggestions of increased movement via sustainable transport modes due to a good footway network on the Estate are unjustified in our view.

For a realistic comparison, we would invite officers to view Rocket Padel, Ilford. This facility has 12 indoor padel courts, has a PTAL of 3 (i.e. is more accessible than the application site), but has more than 100 parking spaces available. This further demonstrates that a likely demand of 10 parking spaces for this facility would be inappropriate.

Blackheath Park and the surrounding road network are not public roads; it is owned and maintained by BCER with parking wardens issuing fines for illegally parked cars. BCER has made it clear that they will not permit any new non-residential parking on their road network, nor have any such discussions taken place with the applicant. Legal advice has confirmed this position. This will result in severe pressures on the private and public network and undoubtedly unlawful and illegal parking both within and surrounding this site.

The suggestion that the level of parking will be sufficient is in our view, disingenuous. Surely a business plan would assume that there is a need for 8 courts to be in use at periods. At this point, the level of parking would become insufficient based on very simple arithmetic. Reliance of TRICS data relating to another sport does not give a realistic picture of what would occur should this development succeed. BCER will be commissioning their own parking surveys of Padel Clubs in operation during peak hours and will share their data with officers upon receipt.

It is considered that the level of parking provided is inadequate and will lead to highways safety concerns for the locality. The likely level of parking and car movement to and from this site will significantly alter the character

of this MOL site and wider area.

4. Residential Amenity - Hours of Use

Policy

Policy DH1 of the Core Strategy requires development to achieve a high quality of design, whereby all developments are expected to provide a positive relationship between the proposed and existing urban context and take into account “*Patterns of activity, movement and circulation particularly for pedestrians and cyclists*” and “*Acceptable noise insulation and attenuation*”.

Policy E(a) of the Core Strategy states that “*Planning permission will not normally be granted where a proposed development or change of use would generally have a significant adverse effect on the amenities of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of noise, light, vibrations, odours, fumes, dust, water and soil pollutants or grit.*”

Assessment

The hours of operation proposed are 6am to 11pm, 7 days a week. Such hours of operation could be considered appropriate for a town centre location, however this is entirely inappropriate for this suburban residential location.

With 5 members of staff on site at any one time and up to 32 players on the courts and more within the clubhouse, this will vastly alter the character of the area and generate disturbances for residents in and around the Cator Estate. Very little commentary is included within the acoustic report over the noise and movements from the car park, which is expected to have higher levels of usage compared to what has been presented (as set out earlier in this letter).

The nature of the courts proposed with all hard internal surfaces save for the perforated mid-section of the court walls will reflect and exacerbate noise levels driven by gameplay, impact, players themselves, spectators, music not to mention mechanical plant for internal environmental controls. Use of external parking, terrace and dining areas by players, spectators and staff will add to unsociable noise levels. In addition to this, increased traffic levels will also generate dramatically increased levels of noise.

The Cator Estate is almost entirely suburban residential in character. The roads are quiet in the early morning, evening and night. The only comparable facility within the Cator Estate is the Blackheath and Greenwich Bowling Club, which is open 2pm-6pm daily. By introducing a commercial activity which is in operation from 6am to 11pm, 7 days-a-week into this suburban residential area would seriously reduce the level of amenity enjoyed by residents adjoining the site and beyond, through noise pollution, light pollution and a significant increase in comings and goings in and around the site. The pattern of activity within the local context would be fundamentally harmed, conflicting with Policy DH1 and E(a) of the Core Strategy.

5. Residential Amenity - Lighting

Policy

Policy D3 of the London Plan requires in part that development must “*deliver appropriate outlook, privacy and amenity.*” Policy DH1 of the Core Strategy require high quality design whilst policy DH(b) protects residential amenity. Policy E(a) of the Core Strategy also protects existing residents from pollution, which includes light pollution.

The application is supplemented with an External Lighting Assessment, which shows notable light spillage to the east, north and west boundaries, all of which are adjoining residential uses. Such light spillage is due to the translucent nature of the walling and canopied structures around the indoor courts, with 5m lighting columns surrounding the courts. The increase to lux levels spills beyond the site as demonstrated within the plans and visuals on p15 of the Assessment. This will both alter the character of the area (being operational until 11pm every day) and would likely harm residential amenity.

Within the Lighting Assessment, light intrusion has not been commented upon with regard the impact to surrounding residential houses, as the plans submitted do not include these neighbours. However, with the application site surrounded on three sides by established residential plots, it is unclear why such a fundamental part of the assessment has not been addressed.

By proposing a walled and canopied structure which is translucent in their efforts to address MOL designations and to allow some natural light to reach the courts, this will have an opposite and harmful impact on residential

amenity in the evening, night and early morning periods, with light spillage seeping out of the court building onto the surrounding area.

In the absence of information regarding impact to residential amenity, the application should be refused for this additional reason.

6. Residential Amenity - Noise

Policy E(a) of the Core Strategy states that *“Planning permission will not normally be granted where a proposed development or change of use would generally have a significant adverse effect on the amenities of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of noise, light, vibrations, odours, fumes, dust, water and soil pollutants or grit.”*

BCER has appointed an Archo Consulting to independently review the noise impacts of the proposals. This response is provided as an Appendix to this letter. These professional views have found significant flaws within the data and arguments presented within the acoustic report which accompanies the application, with a fundamental misinterpretation of the acoustic impact of padel and the reliance upon unorthodox criteria to assess the development.

The conclusion of this professional opinion is that the noise assessment has not been undertaken using robust or well-established methodology. In the absence of such an assessment, it can only be concluded that the amenities of neighbouring sites have not been fully considered, and significant adverse effects have not been ruled out. Therefore, we consider this to result in a conflict with Policy E(a) of the Core Strategy.

Please consider the *Peer Review of Submitted Noise Impact Assessment Report* by Archo Consulting for more detailed findings on the matter. Further acoustic findings will be provided to officers at a later date once additional acoustic surveys are completed.

7. Impact to Ecology and Trees

Policy

Policy OS(f) of the Core Strategy states in part that development proposals should *“take into account ecological factors, in particular paying attention to the need for: i. Consideration of the biodiversity and geological features of the site and the surrounding area, including protected species (Refer to Policy OS4). These features should be respected and the area’s natural character enhanced; and iv. The retention of trees and the protection and enhancement of natural and ecological features, tree ridge lines, green corridors, wildlife habitats, boundary walls, surface materials, hedges and other features where these will contribute to the biodiversity”*

Assessment - Bats

A Preliminary Ecological Assessment accompanies this application; however, Section 1.4 and 7.3 of this report recommends further survey work before a full ecological assessment can be carried out.

The report recommends that additional Transect Surveys are required to establish any significant commuting routes on site. This report makes it clear that *“all survey work, if required, is required prior to planning determination”*. As the proposal involves the removal of seven southern boundary trees, such reports should be provided within the application and in the absence of this report, the applicant has failed to have due regard for biodiversity, which is in breach of Policy OS(f).

The External Lighting Assessment also makes no reference regarding compliance with the principles set out in *‘Bats and artificial lighting in the UK’ (ILP & BCT, 2018)*, which is fundamental in respect of protecting ecology.

This guidance states in part that only luminaires with an upward light ratio of 0% and with good optical control should be used and that lighting on key habitats should be avoided altogether. From our non-technical review of the proposals, there would be an increase in the upward light ratio and lighting would demonstrably spill out towards the existing tree lined boundaries.

The recommendations provided within the ecology report have not been followed or incorporated into the proposals which results in clear harm to existing biodiversity.

Assessment - BNG

Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

The applicant has submitted a Biodiversity report which shows a **net loss of 0.42 habitat units which is -35.46%**. The applicant indicates that this will be mitigated through off-site habitat improvements, however this would not address the clear harm which will be caused to this particular site in terms of biodiversity.

Core Strategy Policy OS(a) relating specifically to development on MOL, states that small-scale built development will be permitted only if "*The proposal is not within a defined site of nature conservation importance, nor will it prejudice the ecological or amenity significance of the area*".

This proposals therefore conflicts with Policies OS(f) and OS(a) of the Core Strategy and should be refused for the reasons set out above.

Assessment – Tree Loss

Policy OS(f) of the Core Strategy requires development to pay special attention to the need for "*The retention of trees and the protection and enhancement of natural and ecological features, tree ridge lines, green corridors, wildlife habitats, boundary walls, surface materials, hedges and other features where these will contribute to the biodiversity*"

The proposed development includes the removal of several trees, both individual and groups: G1 (within site) G2 (within site), G3 (within site) and T29, T30, T31, T32, T33, T34, G3 and T37. The Impact Assessment submitted also requires the removal of T11 which a) is Grade C and b) not within the site.

This amounts to 8 trees and significant portions of 3 partial groups of trees. The removal of Groups 1 and 2 will only serve to reduce the screening of the site from Blackheath Park, making the volume of building even more prominent and stark.

The cover letter indicates that the tree loss will be only 3 trees, which is far from correct or accurate. Notwithstanding this, the letter goes on to state that this will be offset through new tree planting on the eastern and western boundaries of the site. This is not indicated on the plans, and secondly, such tree planting will not offset the level of tree loss, given that the BNG report submitted shows that the site will clearly result in a net loss in habitat units throughout the site which cannot be addressed on site.

BCER are aware that some level of tree loss was permitted via application ref 18/0677/F when an application for a new bowling club was considered, however that application and level of tree works was to facilitate a new outdoor and grassed bowling club, where the overall area of soft landscaping across the site was actually increasing.

By contrast, the level of soft landscaping on this site will be vastly reduced and it is considered that this level of tree loss to support a covered indoor sporting facility is unjustifiable within this context as the protection and enhancement of natural and ecological features has not been given due consideration, in conflict with Core Strategy Policy OS(f).

CONCLUSION

To conclude, BCER would encourage efforts to bring this site back into use in a manner which is appropriate for its Metropolitan Open Land status. This development drastically fails to meet this expected standard.

The proposed development clearly conflicts with various aspects of the Development Plan across a myriad of topics. We would encourage the applicant to withdraw this application and reconsider their proposals, having more regard for the setting and characteristics of the application site. Should this application be determined, we would strongly urge officers to refuse the application for the reasons clearly set out above.

The application is missing fundamental aspects to allow officers and the public to fully consider this application. Notwithstanding these errors and omission, BCER have considered the application proposals and have strong objections to this development, relating to:

- Inappropriate development on MOL and harm to openness.
- Poor design and harm to heritage assets.

- Inadequate parking proposals, significant harm to the road network and local highway safety.
- Harmful impact to residential amenity in terms of hours of use and noise.
- Harmful impact to residential amenity in terms of light pollution.
- Harm to existing trees and ecology.

This letter should be considered alongside the Legal Opinion prepared by Richard Turney KC and the Acoustic Peer Review, prepared by Archo Consulting, both of which are submitted alongside this objection letter. In addition, BCER aim to submit further additional information in relation to parking and acoustic impacts once further data has been sourced.

Section 70(2) of the Town and Country Planning Act 2000 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. In our view, there are no material considerations which would allow officers to deviate from any decision other than a refusal.

Should you wish to discuss any aspect of this letter, please do not hesitate to contact me on bk@ntaplanning.co.uk or 07596896216.

Yours sincerely,



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PARTNER
NTA PLANNING LLP

ON BEHALF OF Blackheath Cator Estate Residents Limited