

**Location** Middlesex University The Burroughs London NW4 4BT

**Reference:** 17/2701/S73      Received: 26th April 2017  
Accepted: 26th April 2017

Ward: Hendon      Expiry 21st June 2017

Applicant: Middlesex University

Proposal: Variation to condition 4 (Floodlights) pursuant to planning permission H/06131/13 dated 06/03/2014 for `Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.' Amendment to include extension of operating time by one hour on Monday to Thursday, until 10:30pm

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

13001-05-01 - Site Location Plan; 13001-05-0901 Rev P1 - Existing Site Distances & Adjacencies

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the new structures shall match those detailed in the Design and Access Statement.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The use of the floodlights hereby permitted shall cease, and the floodlights be removed within three months of the date of failure to meet requirement (i) as outlined below:-

(i) within three months of implementation, a photometric test certificate showing that illuminated levels outlined within the approved documents have been achieved shall be submitted to and approved in writing by the Local Planning Authority and the floodlights and equipment hereby approved shall be retained on site thereafter in accordance with the approved details.

Reason: To ensure the protection of the amenities of the occupiers of surrounding dwellings in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 5 The floodlights hereby approved shall only be used between the hours of 08:00 and 22.30 on Mondays to Thursdays; 08:00 and 21.30 on Fridays and Saturdays and 08:00 to 19:00 on Sundays and Bank Holidays

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 To minimise the impact to neighbouring residential properties a lighting shield should be applied to the existing floodlights. Details of the lighting shield should be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site relates to Middlesex University, located on the western side of The Burroughs in the Hendon ward.

The area is of mixed character with institutional, commercial and residential uses. This application relates to The Astroturf Sports Pitch located south of Sunnyfields Primary School and west of The Forum (The Burroughs Sports Club). Floodlights are already located in situ along the western perimeter of the sports pitch area and are currently in use.

### **2. Site History**

Reference: H/06131/13

Address: Middlesex University, The Burroughs, London, NW4 4BT

Decision: Approved subject to conditions

Decision Date: 10 March 2014

Description: Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.

The decision including condition 4 which reads as follows:

The floodlights hereby approved shall only be used between the hours of 08.00 and 21.30 on Mondays to Saturdays, and 08.00 to 19.00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

### **3. Proposal**

This application seeks consent for a variation to condition 4 (Floodlights) pursuant to planning permission H/06131/13 dated 06/03/2014 for 'Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.'

The proposed amendment is for an extension of the floodlighting operating time by one hour on Monday to Thursday, until 10:30pm.

### **4. Public Consultation**

24 consultation letters were sent to neighbouring properties.

5 objections have been received

The responses can be summarised as follows;

- Residential area
- Floodlights shine into bedrooms
- Noise disturbance
- University causes anti-social behaviour

Internal / other consultations:

Lighting: No objection  
Environmental Health: No objection.

## 5. Planning Considerations

### 5.1 Policy Context

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM13

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

## Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of extending the hours of use of the floodlights
- Whether harm would be caused to the character and appearance of the existing area, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

Policy DM01 states that development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

This application seeks to extend the hours of use of the existing floodlights on Monday to Thursdays to 1030pm. It is not proposed to alter the existing floodlights which are located on the multipurpose games courts and measure 15 metres in height whilst the floodlights on the football pitches will measure 7 metres in height. The nearest residential property is located approximately 45m away.

The previous planning application (which is now being varied) was supported by technical information relation to lighting and light pollution. It argues that for effective use of sports pitches after dark approximately 200lux is required. The information provided at that time indicates that the floodlights are directional and do not lead to light pollution. Isolux levels were provided which indicate that the light levels reduce to approximately 2 -5 lux 25m distant from the lights. It should be noted that the distance from the lights to the nearest property is 45m and as such, harmful light pollution will not occur.

The previous permission gave consent to replace existing floodlights; the proposed replacements were to have shields and front cowls to the floodlights reduce unwanted light so as not to detrimentally impact on the amenities of neighbouring residential occupiers.

Informal discussions with the Environmental Health department have shown that no complaints have been received in regard to the University and more specifically the floodlighting.

Given the acceptable floodlight levels which have been established not to give rise to residential amenity harm, the additional hour of usage would be acceptable.

However, taking into account the objections raised by neighbouring residential occupiers a condition is suggested requiring details of the lighting shields applied to the existing floodlights to minimise any potential continued loss of amenity to neighbours occupiers.

The proposal is considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. Subject to conditions the development is not considered to have an adverse impact on the amenities of neighbouring occupiers.

The variation to the condition to extend the time of use from 21.30 to 22.30 on Mondays to Thursdays, is considered to be appropriate and would accord with the guidance set out in the National Planning Policy Guidance in respect of the content and purpose.

This application is therefore recommended for approval.

#### **5.4 Response to Public Consultation**

The concerns raised are noted and a condition is suggested requiring lighting shields to be applied to the existing floodlights to minimise any potential continued loss of amenity to neighbours occupiers; details of the shields is required through the condition.

#### **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

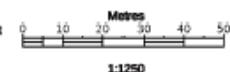
## Site Plan



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