

**Location**                      **St Vincents Catholic Primary School The Ridgeway London NW7 1EJ**

**Reference:**                      **18/1518/FUL**

Received: 9th March 2018

Accepted: 16th March 2018

Ward:                              Mill Hill

Expiry 11th May 2018

Applicant:                      Mr Mark Devon

Proposal:                      Improvements to school grounds to create level areas to be used for outdoor sports, horticultural activities, informal recreation and general outdoor education and play

**Recommendation:** Refuse

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The changes to the levels of the land and associated development would be out of character with the natural setting of the site and would erode the landscape character of the area to an unacceptable degree contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

**Informative(s):**

- 1     The plans accompanying this application are: 0063 005A; 0063 008; 0063 009A; 0063 010A; 0063 011-A; 0063 0011A; 0063 012A; JEC/383/100; flood risk assessment and drainage strategy; preliminary risk assessment; transport assessment.
- 2     In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused

on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **Officer's Assessment**

The application has been called in to committee by Councillor John Hart for the following reason:

That the proposed changes for which planning permission is sought would enhance the school's ability to provide a full range of facilities for its pupils and the wider public outweighing the harm that officers have identified.

### **1. Site Description**

The application site relates to part of the St Vincent's Catholic Primary School grounds. The site adjoins the end of Woodcote Avenue and is also bounded by the Millespit Hill Cemetery, the Mount School in Mllespit Hill and The Ridgeway to the north. The area is currently open space within the school curtilage which is accessed via the school site. The land rises significantly from the south to its northern boundary with The Ridgeway. The site falls within the Drivers Hill site of Importance for Nature Conservation (SINC). The site is also located in a conservation area and falls within the green belt.

### **2. Site History**

Reference: 16/3776/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Withdrawn

Decision Date: 29 September 2016

Description: Alterations to existing car park including repositioning of netball courts. Provision of 20 no. parking spaces, cycle and refuse storage, new vehicle gate and new vehicular access

Reference: TCF/0365/16

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Application Received

Decision Date: No Decision Made.

Description: Please see drawing BA/P16-217/103, , Removal of trees and hedgerow to enable suitable, safeguarding and access for pedestrians to the school.

Reference: 17/1204/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Refused

Decision Date: 2 May 2017

Description: Improvements to the school grounds to create level areas to be used for outdoor sports, growing fruit and vegetables, informal recreation and general outdoor education and play

Reference: 17/1222/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 16 June 2017

Description: Enlargement of the car park using existing hard surfaces. Installation of new pedestrian gates within school grounds. Relocation of bike/ scooter store to pedestrian access side. Relocation of bin store. Resurfacing of footpaths

Reference: 17/4339/CON

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved

Decision Date: 9 August 2017

Description: Submission of details of conditions 3 (Materials) 5 (Vehicle Charging Points) 6 (Car Parking) pursuant to planning permission 17/1222/FUL dated 16/06/17

Reference: 18/3201/FUL

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Replacement of the existing fencing with 2100m close board timber panels.  
Replacement of existing emergency vehicular gates

Reference: H/05420/14

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 23 December 2014

Description: Single storey extension.

Reference: H/02976/11

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 4 October 2011

Description: Erection of a new bike shed.

Reference: W02529L/03

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 16 April 2003

Description: Installation of new netball / tennis court and vehicular crossover.

Reference: H/02094/09

Address: St Vincents Catholic Primary School, The Ridgeway, London, NW7 1EJ

Decision: Approved subject to conditions

Decision Date: 17 August 2009

Description: Erection of a polytunnel on school playing fields.

This application (18/1518/FUL) is a resubmission of planning application 17/1204/FUL which was refused for the following three reasons:

- 1 In the absence of up to date protected species surveys and relevant steps of protection and with no analysis of cross soil contamination, it is not considered the sufficient information has been submitted to demonstrate that existing biodiversity will be protected and as a result there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The scheme would be contrary to policy DM16 and policy 7.19 of the London Plan.
- 2 The changes to the levels of the land and associated development would be out of character with the natural setting of the site and would erode the landscape character of the area to an unacceptable degree contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development

Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

- 3 Insufficient information has been provided in relation to the proposed drainage of the site and in the absence of sufficient detail the drainage strategy is considered to be inappropriate and contrary to Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

### **3. Proposal**

The proposed application relates to alterations to school grounds to create level areas to be used for outdoor sports, horticultural activities, informal recreation and general outdoor education and play.

Across the site, land levels will be changed with a building-up of the existing land levels to create areas of level ground. Within these areas, the application proposes the creation of an irrigation pond, produce growing areas and outdoor teaching spaces to the west and a multi use sports field to the east.

A new gravel pathway will link the main school site with the sports pitch and a new grass pathway will be sited around the perimeter of the site and will link the various uses together. Access will be retained from the existing main school site. It is noted that there is an existing access point, however, this area is not currently used other than for occasional classes to support the schools education in horticulture and the natural environment.

### **4. Public Consultation**

Consultation letters were sent to 51 neighbouring properties.

385 responses have been received, comprising 189 letters of objection, 193 letters of support and 1 letter of comment.

The objections received can be summarised as follows:

- Increased floodrisk, changes to drainage, existing drainage system will not be able to cope. Existing known problems with flooding.
- Increased risk of subsidence
- Impact on natural beauty of the area
- Negative impact on Conservation Area
- Impact on wildlife, trees, flora and fauna, will result in harm to natural habitat, will result in loss of planting
- Overshadowing to neighbouring residents.
- Sports facilities already available at Copthall and Powerleague - unnecessary development.
- Increased traffic and parking stress on surrounding streets
- Landfill will never be acceptable even if for a short duration.
- Impact on greenbelt, will be a repeat of Hasmonian
- School should do more safety and security checks on people entering the education system.
- The proposal should be located closer to the main school building particularly if there is an emergency
- Concerned about the amount of landfill required and the number of lorries delivering this which would cause major disruption. Works will go on for months. Unsustainable amount of traffic, dumping of toxic waste

- Flood lights and noise would impact on residents of Woodcote Avenue.
- Two existing ponds within 10 minutes of the site and therefore no need to provide new pond in the school site.
- Increased noise and disturbance
- Too much development already in the area. Area has changed dramatically
- Increased traffic on Salcombe Gardens and Woodcote Avenue
- Eyesore, raised pitch will be a blight on natural landscape
- Landfill is damaging to the environment
- Footpath is shown from Woodcote Avenue in the floodrisk assessment.
- National grid pipeline should be notified
- Old people are not considered in the proposal

The support received can be summarised as follows:

- Enhanced learning for children, enhanced school facilities.
- Increased sports facilities.
- Benefits to local community and school children.
- Improvements to ecology and horticulture
- Children will be closer to nature, better physical fitness
- Area is currently unused and as such this will bring a suitable use to the site.
- Will make a nice change from technology focussed proposals.
- Little impact on the surrounding area.
- Will prevent housing proposal like others in the immediate area coming forward for this land.
- New revenue stream for the school.
- Help with children's mental health
- Temporary disruption will be minor in comparison to the benefits

It should be noted that a number of support letters received are from children/teachers attending the school.

National grid - no objections

Sport England - no objections

Ecology consultant - no objections

Drainage consultant - no objections

It should be noted that additional consultation was carried out to address the concerns of the public that the consultation on the application was not sufficient. An additional site notice was erected on the nearest lamppost to the site on Woodcote Avenue to notify residents of Woodcote Avenue of the application. The consultation undertaken for the application included a press notice advertised in the local paper; a site notice on The Ridgeway outside the school entrance and notice on Woodcote Avenue. Consultation letters were sent out on a 75m radius, the radius was taken from the perimeter of the site to capture those most closely located to the site. In the interests of clarity it should be noted that when taking the radius for consultation this is taken from the site edge and not from the actual school building accordingly the consultation radius captured a substantial number of properties on Woodcote Avenue in addition to properties on The Ridgeway and Miles pit Hill.

## **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 2016

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 2050. 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

#### 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, DM04, DM15.

The Council's approach to development as set out in Policy DM01 is to minimise the 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 October 2016)

- 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:

- Whether harm would be caused to the ecology of the site.
- Whether harm would be caused to the drainage of the site
- Whether harm would be caused to the character and appearance of the site, the Mill Hill Conservation Area and the Greenbelt;
- Whether harm would be caused to the living conditions of neighbouring residents.

## 5.3 Assessment of proposals

### Background of application

Planning permission has previously been sought and refused under planning application 17/1204/FUL. The application was refused for the following reasons:

*In the absence of up to date protected species surveys and relevant steps of protection and with no analysis of cross soil contamination, it is not considered the sufficient information has been submitted to demonstrate that existing biodiversity will be protected and as a result there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The scheme would be contrary to policy DM16 and policy 7.19 of the London Plan.*

*The changes to the levels of the land and associated development would be out of character with the natural setting of the site and would erode the landscape character of the area to an unacceptable degree contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).*

*Insufficient information has been provided in relation to the proposed drainage of the site and in the absence of sufficient detail the drainage strategy is considered to be inappropriate and contrary to Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).*

Following the previous application, further works have been undertaken to examine the ecology and drainage matters, these are detailed below.

### Ecology

The site falls within the Drivers Hill site of Importance for Nature Conservation (SINC) - Borough Importance Grade 2. The citation for the Drivers Hill SINC was notified in January 1997, last edited in January 2006 and last updated in March 2006. The following extracts relate to the landscape characteristics of the SINC.

"The site consist of several fields, some of which are intermittently grazed, and two small areas of Woodland. The grassland contains a fair diversity of grasses and wildflowers, including species typical of old pasture... Wetter areas contain tufted hairgrass... Scrub of hawthorn and elder and bramble is invading the ungrazed fields."

The NPPF includes reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 109) and ensuring that Local Authorities place appropriate weight to statutory and non-statutory nature conservation, and the recovery of priority species.



Paragraph 118 of the NPPF sets out the principles which the Local Authority should apply, including encouraging opportunities to incorporate biodiversity in and around developments, provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for, and the provision for the refusal for developments resulting in the loss or deterioration of 'irreplaceable' habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. National policy therefore implicitly recognises the importance of biodiversity.

The proposed scheme has been reviewed by Capita's ecology consultant and on the basis of the information submitted are satisfied with the proposal and consider that the application can be supported on ecology grounds. The application has been supported by a phase 1 ecology assessment and with a condition to adhere that the measures recommended in this report are adhered to this proposal is considered to be acceptable. On the basis that additional information has been submitted the proposal is considered to have adequately addressed the previous reasons for refusal. The Adonis phase 1 ecology report should be complied with in particular sections 5.5 and 5.5.1, this requires that a badger survey and assessment to establish their status following clearance of the bramble, this will be carried out in line with the recommendations within the report to reduce the risk of impact on reptiles and other species. The proposal will also ensure adequate mitigation strategies are put in place to protect the slow worm, toads and hedgehog and harvest mice population. In addition impact avoidance measures, ongoing management plan, enhancement suggestions will be implemented and details of these measures can be secured by way of condition.

To prevent any risk of soil contamination on the site, any soil brought to the site will be responsibly sourced to ensure there is no risk of invasive plant species or soil contaminants being brought to the site. The imported soil will be monitored as vegetation develops to ensure any invasive species are spotted early on and are treated to prevent their growth on site. Any soil imported to the site will also be similar in composition to the soil on the existing site and will not be high in nutrients so as to prevent grasses from outcompeting wildflowers.

It is considered that given the support of the consultant ecologist that the application can now be supported on ecology grounds.

### Drainage

During the life of the application concerns have been raised by members of the public that the proposal would exacerbate existing drainage problems across the site. Concerns have been raised that the change in levels and the change in use of the land that the site and existing drains currently serving the site will not be able to cope with providing adequate drainage. Video evidence of flooding on the site has been providing to demonstrate the existing situation with concerns that the levelling off of the land would lead to increase surface water runoff into the neighbouring drains on Woodcote Avenue.

The drainage consultants have reviewed the information submitted with the application and have reviewed the concerns raised by members of the public including the video footage and have sought additional information. The additional information included the provision of pre and post-development drainage calculations as per Policy S2 and S4 of the Non-statutory technical standards for sustainable drainage systems (2015). Such calculations should detail how much water is to be retained within the proposed attenuation features (i.e. the proposed pond and swales) and demonstrate a reduction in the peak flow and volume discharging through the culvert towards the south east of the development site. The calculation provided demonstrate that the proposed drainage strategy will actually help to

potentially alleviate existing surface water flooding within the vicinity due to increased attenuation at St Vincent's school field. The incorporation of SUDs to provide additional attenuation within the school site is such that the risk of increased flooding and the harm to the drainage system on Woodcote Avenue will not be impacted by the proposed development.

#### Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, DM06 CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The site falls within the Mill Hill conservation area and as such any proposal should preserve or enhance the character of the area.

The site is publically visible from Woodcote Avenue, a residential road that bounds on to the site. The site can be described as having an open verdant character with a natural gradient in the levels of the land with the site sloping down from The Ridgeway and significantly falling towards Woodcote Avenue. This contributes to the natural appearance, which allows views through the MRC from Woodcote Avenue. The site contributes to the identity of this part of Mill Hill Conservation area and the green belt as an area of open space with rich vegetation. The site contributes to the open character of this part of Mill Hill with limited visibility of the school buildings. The proposal will artificially build up the levels of the land and create an area of vegetation, pond and sports pitch. The proposal will result in a form of development that detracts from the existing appearance and character of the area. The proposal is considered to result in harm to the established character of the area. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal would breach Policy DM01 to the extent that it would erode the well-established character of a vegetated open space. The proposal will introduce a form of use that will result in a change in the character of the area that is incompatible with the existing character.

All weather sports pitches are inappropriate in a SINC. Its creation will result in a significant area of a protected site that will be permanently unvegetated and would change the character and appearance of the site from an area which makes reference to its historic use as grazing land to an artificially built up area for sporting and recreational use.

This proposal would modify the site contours providing a more evenly rising slope away from the south leading abruptly to a steep embankment which would appear both artificial and incongruous, contrasting harmfully with the surrounding gently rolling landscape. That most of the land filling would be beyond the brow of the hill as viewed from Woodcote Avenue would not overcome the impacts of the development which would be visible from other points.

The levels across the site vary substantially and as such the levelling off of the land to facilitate a new level multi-sports pitch will at its maximum increase the level of the land by 5m. This will require a significant level of soil to be imported and built up and will give an artificial appearance and will result in the loss of the natural topography of the site.

## Greenbelt

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 80 that the Green belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF requires a determination to be made as to whether development is appropriate within the greenbelt. In cases where development is considered to be inappropriate development (by definition), then 'very special circumstances' would need to be demonstrated. In this case, no very special circumstances have been demonstrated to justify the proposed development. It is not considered that the proposed development result in benefits that would outweigh the identified harm.

There are exceptions to inappropriate development in the greenbelt where the scheme is for the provision of appropriate facilities for outdoor recreation (noting that the proposals are for community use) if these facilities do not conflict with the purposes of including land within it and preserves the openness of the green belt.

There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from or the absence of development. The importing of a significant amount of inert material would result in an overall increase in the land levels and this would clearly reduce the openness of the Green Belt. The proposal would be contrary to the purpose of the Green Belt to assist in safeguarding the countryside from encroachment which the addition of the inert waste soil would amount to.

Consequently the proposal would be inappropriate development within the Green Belt which would, through paragraph 87 of the Framework, by definition result in harm. The harm caused both through the inappropriateness of the development and the loss of openness to the Green Belt would be significant and to which substantial weight must be given. As such the exceptions given in paragraph 89 do not qualify.

In addition, the proposed works to level the land is considered to be an engineering operation and as such Paragraph 90 of the NPPF would also be relevant. Again, these 'developments' must also preserve the openness of the green belt and it is considered that the works proposed would not be taken to be acceptable in this regard.

The use of the site will be compatible with the purposes of including land in the greenbelt, in addition, it is not considered that the proposal will result in loss of the openness of the greenbelt. Notwithstanding, concerns in regards to the character of the area it is not considered that the application would be harmful in terms of greenbelt.

### Impact on the amenities of neighbours

The proposed development will not result in any new buildings, the proposals relate to alterations to the existing landscaping, altering the contours of the land and provision of sports facilities and growing patches. As a result of the type of development the proposal is

not considered to result in harm to surrounding residential occupiers in regards to loss of outlook, light or privacy. The proposals are a sufficient distance from the nearest residential units that the scheme would not prejudice their amenity.

Particular public concern has been raised in relation to the potential for increased traffic and parking congestion on Woodcote Avenue a residential cul-de-sac that adjoins the site. Objections received have raised the point that the site being developed actually relates more closely to Woodcote Avenue than the main school building. It is not proposed that there would be an access point from Woodcote Avenue, with access to the growing area and multi-sports pitch being maintained from the school entrance off The Ridgeway. The facilities will be accessed via a footpath leading from the existing developed part of the school site. It is noted that there will be a maintenance drive which is also to be accessed from the existing school site. On the basis that there is no proposed access point from Woodcote Avenue it is not considered that the use as a sports pitch which will be open to sports clubs on the weekends will increase parking and traffic stress on Woodcote Avenue.

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

All planning related matters are considered to be covered in the above appraisal.

#### **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 supports the Council in meeting its statutory equality responsibilities.

#### **7. Conclusion**

The proposal is considered to fail to accord with the requirements of the Development Plan and the National Planning Policy Framework and is therefore recommended for refusal.

