



## RECOMMENDATION

### Approve subject to following conditions:

1. Approved Plans

This development hereby permitted shall be carried out in accordance with the following approved plans and documents:

CQA-A-0-100 PL1; GAP-006 PL1; GAP-007 PL1; 11373/E/004;  
Sports Pitch Flood Lighting Assessment Report prepared by CPW (ref 11373) dated 03/05/12.

Reason:

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

2. Time Limit

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. Light Shield Details

Prior to the installation of the floodlights hereby approved, details of measures to protect the light escape from the two floodlights nearest to the residential properties in 5-8 Spalding Close shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented and permanently maintained thereafter and in accordance with the approved plans.

Reason:

To ensure that flood lighting does not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

4. Hours of use

The floodlighting hereby approved shall only be operated during the hours of 9.00am to 9.00pm on any day, and these hours shall be controlled by a time switch.

Reason:

To ensure that flood lighting does not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

5. Photometric Test Certificate

The floodlights hereby permitted shall cease, and 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 in accordance with the approved details.

(ii) A time switch shall be installed and maintained to control the hours of use of the floodlights and ensure they operate within the restriction of condition 3.

Reason:

To ensure the protection of the amenities of the occupiers of surrounding dwellings.

## INFORMATIVES:

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

- (i) The proposed development accords generally and taken as a whole with strategic planning guidance and policies as set out in the London Plan (2011), the Adopted Barnet Unitary Development Plan (UDP) Saved Policies (May 2009) and the London Borough of Barnet Core Strategy Submission Draft. In particular the following policies are relevant:

Barnet Unitary Development Plan (2006) Saved Policies:

GBEnv1, GBEnv2, D2, ENV6, L19 and L20

Core Strategy (EIP version) 2012:

CS5

Development Management Policies (Examination draft) 2012:

DM01, DM02, DM04 and DM15.

- ii) The proposal is acceptable for the following reason(s):  
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed floodlighting would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area or the amenities of neighbouring properties.

# **1. MATERIAL CONSIDERATIONS**

## **1.1 Key Relevant Planning Policy**

### Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan published July 2011 and the saved policies of the London Borough of Barnet Unitary Development Plan (UDP), which was adopted May 2006. These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including the emerging Core Strategy and Development Management Policies Development Plan Documents, supplementary planning guidance and national planning guidance are also material to the determination of the application.

### Barnet Unitary Development Plan Saved Policies

Relevant UDP policies: GBEnv1, GBEnv2, D2, ENV6, L19 and L20

### The Emerging Local Development Framework/Local Plan

The Planning & Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and the Localism Act 2011) reformed the development plan system by replacing the UDP with the Local Development Framework (LDF). The LDF will be made up of a suite of documents, including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF documents are adopted the relevant saved policies within the adopted UDP still constitute part of the development plan.

The Council published its Core Strategy – Submission Stage Development Plan Document (DPD) in May 2011. The document has been subject to four rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

The Council published its Development Management Policies – Submission Draft DPD in May 2011. The document has been subject to two rounds of public consultation and therefore weight can be given to it as a material consideration in the determination of planning applications. The Development Management policies document sits beneath the Core Strategy in the hierarchy of the Local Plan.

Following the publication of the above two documents two further rounds of consultation have been carried out on them. The first (commenced in January 2012) reflected proposed changes to the documents following the Joint Examination in Public of them. The second consultation (commenced in April 2012) reflects changes to the documents following the publication of the National Planning Policy Framework (see below). The changes under this round include the renaming Local Development Frameworks as Local Plans.

Relevant Core Strategy (EIP version) 2012 policies are: CS5

Relevant Development Management Policies (Examination draft) 2012 policies are: DM01, DM02, DM04 and DM15.

### National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF).

This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

## **1.2 Relevant Planning History**

### **W02665**

Mill Hill Sports Ground, Bunns Lane, London NW7

Erection of new pavilion

Approved 23/09/1970

### **W02665A**

Mill Hill Sports Ground, Bunns Lane, London NW7

Two squash courts, changing rooms, clubrooms, steward's flat and car parking

Approved 23/12/1971

### **W02665C**

Mill Hill Cricket Hockey Squash Club, Grahame Park Way, London NW7

Two storey side extension.

Approved 05/08/1987

### **W02665E**

Mill Hill Cricket Hockey Squash Club, Grahame Park Way, London NW7

Two storey side extension to provide squash court and viewing gallery and construction of external staircase and an additional 22 car parking spaces.

Approved 12/07/1989

### **W02665G**

Mill Hill Cricket Hockey Squash Club, Grahame Park Way, London NW7

Erection of sports hall building (OUTLINE APPLICATION).

Approved 23/09/1992

## **1.3 Pre-Application Public Consultation**

A Statement of Community Involvement has been submitted with the associated planning application for the new school. This sets out the process and outcomes of pre-application public consultation that has been undertaken in the preparation of the plans for the new school. This includes the proposals for sports pitches and floodlighting.

Three public exhibitions which were held at the Orion School on Lanacre Avenue on 16th November 2011, 17th January 2012 and the 22nd February 2012.

Residents were notified by letter in advance of each of the exhibitions.

A total of 127 people attended the three exhibitions and a total of 108 completed questionnaires were returned. Of the questionnaires returned at the first exhibition, 89% of

the respondents agreed with the principle of providing a primary school on the site. At the January exhibition 86% of respondents agreed with the proposed design for the school and the layout of the site.

The Statement of Community Involvement sets out the issues that were raised by local residents, some of which were concerns, but the vast majority of which were positive comments on the proposal.

The comments were taken on board and led to amendments to the proposal in a number of instances, as summarised below:

- The building has been orientated to reduce its visual impact on neighbouring houses and gardens
- The soft landscaping strategy has been carefully reviewed, particularly at the boundary to adjacent residential properties, to ensure that hard landscaped surfaces are “buffered” from neighbouring gardens.
- Pedestrian access points have been incorporated into the scheme to improve access for foot traffic for parent drop-off and collection.
- Community use facilities reflect the aspirations of the local community for sports use, performances and community social and educational courses – eg. cookery.
- Soft landscaping and natural habitats to the perimeter of the site will encourage local wildlife.
- On site storm water storage and attenuation will reduce the risk of flooding to neighbouring gardens.

#### **1.4 Public Consultation and Views Expressed**

A total of 1271 local properties were consulted by letters dated the 22<sup>nd</sup> May 2012. A site notice was displayed from the 31<sup>st</sup> May 2012 and a notice was placed in the local press. Statutory bodies were also consulted.

Neighbours Consulted:	1271	Replies:	0
Neighbours Wishing To Speak	0		

#### **1.5 Description of Site and Surrounding Area**

The site comprises the grounds of the former Mill Hill Sports Club located on Grahame Park Way in Colindale. The site is approximately 2.83 hectares in area. The part of the site to which the application relates is the north-west corner which adjoins Woodcroft Park to the north and houses in Spalding Close and Blundell Road to the west.

The majority of the site is made up of an open grass playing pitch which was used as a cricket pitch in the summer and for football in the winter. On the site there is a large, (approx. 750 sq.m.) brick built sports pavilion which is about 30 years old. It comprises 3 squash courts, changing rooms, a small gym, a large meeting area with a small bar and kitchen off, and a 2 bedroom manager’s maisonette. Externally there are several garages.

Vehicular access is provided from Grahame Park Way with a driveway leading along the northern boundary of the site to a two storey sports club building and associated car park at the western end of the site.

The use of the site as a sports club ceased at the end of September 2011.

The periphery of the site is screened with trees and hedge planting. A row of cypress and aspen trees separate the sports club building from the main open sports field.

The site is relatively level with a fall of approximately 2.5m from NE to SW. An earth bund is present on the western boundary providing screening to the residential properties beyond.

The former Mill Hill Sports Club site falls within the red line boundary of the Colindale Area Action Plan. It is located to the north of the Grahame Park Way Corridor of Change however it is not identified as a site for specific development.

The site is wholly owned by Barnet Council.

## **1.6 Description of Proposed Development**

The application seeks full planning permission for the installation of 27 floodlights mounted on twelve 10m high columns. The floodlights are proposed around the synthetic grass all weather pitch and the three porous tarmac games courts that are proposed as part of the separate application for the new 4FE primary school. 12 floodlights are proposed on 6 columns around the all weather pitch and 15 floodlights are proposed on 6 columns around the hard court. The floodlights will enable community use of the sports facilities outside of school hours.

A separate application (ref H/01731/12) has been submitted for the construction of a new 2 storey 4 Form Entry primary school on the former Mill Hill Sports Club site with 52 place nursery, 21 place specialist Autistic Spectrum Condition Unit and associated landscape works including staff parking, hard play and sports games areas. Please refer to the separate committee report, also on this agenda, for a full appraisal of the proposed new school and sports facilities.

## **2. PLANNING APPRAISAL**

### **2.1 Policy Context**

Paragraph 6.3.4.7 of the UDP states that "The hours during which sports pitches and courts can be used can be greatly increased by the use of floodlighting. This is an efficient use of existing resources, and can help to meet the increasing demand for such facilities in the borough. The use of floodlights, however, can cause significant light and noise pollution at night and be visually intrusive by day. Floodlights have a detrimental effect on wildlife, such as the breeding habitats of certain species of birds. Therefore, the council will only permit proposals for the floodlighting of sports facilities where the use of floodlights will not cause unacceptable night-time nuisance in residential areas, will not adversely affect wildlife habitats or be visually intrusive by day. The type of lighting used and the design of the lighting can help to reduce the impact of floodlighting on the surrounding area, and the council will have regard to this when considering such proposals. The council may also seek to control the hours during which floodlighting is used through the use of planning conditions. Further information on light pollution is contained in the "Environmental Resources" chapter.

UDP Policy ENV6 on Light Pollution states: 'Proposals for lighting schemes will be permitted provided that they do not have a demonstrably harmful impact on residential amenity, on wildlife interests and on the environment generally. Where necessary the council will require developers to take measures to control the level of illumination and spillage of light and may restrict hours of usage.

UDP Policy L19 on Sports Grounds states: 'Development proposals to provide new or improved sports grounds and playing fields will be acceptable provided that they ... do not have a demonstrably harmful impact on the amenity of nearby residential properties and other uses.'

UDP Policy L20 on Floodlighting for Sports Facilities states that 'proposals for the floodlighting of sports facilities will be permitted where this would not cause significant nuisance to nearby residents and to users of other properties, and where wildlife interests would not be significantly affected. The council may restrict hours of use'.

## **2.2 Planning Considerations**

The principle of the proposed school development, proposed school building and play areas is dealt with under the separate application H/01731/12. Please refer to the accompanying committee report for the full planning appraisal of the school development.

The main planning considerations associated with this application for floodlights are considered to be the impact on residential amenities of neighbouring residential occupiers in terms of disturbance from light, noise impact from the use of the sports courts, and visual impact from the light columns.

### Proposed location of the floodlighting

The layout of the new school has had to respond to a combination of site constraints, statutory requirements for new primary schools and consultation feedback. This includes position of the school building and its relationship to neighbouring properties, the need to position the school in such a way as to screen the playground and classrooms from noise from the M1 and railway lines, the position of the vehicular access, the need to provide surface water attenuation pond etc.

The floodlighting and location for sports pitches has been considered in the context of these constraints. As a result the floodlit areas of the site are located to the north west, against the boundary with neighbouring Woodcroft Park, away from the main residential areas to the south. This location has the least impact on residential properties.

### Impact from light

The nearest residential properties to the proposed floodlighting are in Spalding Close and Blundell Road. Properties in Spalding Close will be 20m from the nearest floodlight column and properties in Blundell Road will be 45m from the nearest column.

The sports facilities are required to meet "County" standards for the external all weather pitches. Based on the categories in BS EN 12193:1999, this equates to class II "Regional" which requires the following performance levels:

#### *Football (Synthetic pitches)*

Average Illumination - 200 lux

Uniformity - 0.6

Glare rating - 50

Colour Rendering Index - 60

#### *Tennis/Hockey (Tarmac games court)*

Average Illumination - 300 lux

Uniformity - 0.7

Glare rating - 50

Colour Rendering Index - 60



The proposed floodlights will be 1kW HQI-T Sport 7 medium beam floodlights (or similar) with 65° hoods, mounted on 10m high columns. The lighting has been designed to minimise glare and external light spillage and only illuminate the courts.

A Sports Pitch Flood Lighting Assessment Report prepared by CPW has been submitted with the application. The purpose of the lighting calculation and report is to demonstrate that the proposed floodlighting is in accordance with relevant British Standards.

The report demonstrates that spillage lighting from the pitches reduces to 1 lux at the perimeter of the houses in Spalding Close which complies with the Institute of Lighting Engineers Guidance for the reduction of obstructive light. Houses in Blundell Road are further away from the pitches and therefore also comply. Any spill that does occur is towards Woodcroft Park or into the school grounds.

The Council's Street Lighting Section has reviewed the submitted documentation and confirmed that the lighting assessment is thorough and provides all necessary data. They have no objections to the proposals.

It should also be noted that the existing club house building is located within 40m of the properties in Spalding Close and Blundell Road. This building and any associated external lighting will be demolished as part of the school proposals.

In addition to the results of the lighting study, the houses in Spalding Close and Blundell Road to the west of the site are screened from the site by an existing raised mound and shrubs. This will minimise glare and light spillage across the boundary. Additional tree planting is proposed as part of the school application to reinforce this boundary.

All of the lighting will have separate photocell control with time clock override to enable them to be switched off outside normal working hours, in compliance with the sustainability criteria outlined in BREEAM.

#### Impact from noise from sports pitches

The principle of the new school and associated sports pitches is dealt with under separate application H/01731/12.

The previous use of the site as a sports ground would have generated a degree of noise from sport and other activities, whilst the site was not floodlit, it is noted that the same amount of noise would be created in the summer months when the lighting would not be required.

The existing clubhouse building is positioned to the rear of the properties in Spalding Close and Blundell Road. The access road and car park associated with the club house is located to the rear of the gardens of these houses. A degree of noise associated with vehicle movements and sports activity would have been generated when the site was in use as a sports club. Noise would also be generated from use of the sports grounds and club house for functions and events at the weekends and evenings.

The use of the sports pitches late at night, whether they are floodlit or not, has the potential to cause disturbance to neighbouring residential properties. Therefore a condition is recommended on the associated school application (H/01731/12) requiring the submission of an Activities Management Plan to control the hours of use of the sports pitches and other facilities within the school such as the theatre and sports hall, out of school hours. This will

ensure that the use of these facilities is kept within reasonable hours and any events at the school will be managed appropriately.

In addition to the AMP condition, a condition is recommended on this application restricting the hours that the floodlights can be used.

### Visual impact

The lights will be installed on 10m high columns. The majority of the columns will be positioned well within the school grounds. Only 3 of the 27 columns would be positioned on the western edged of the all weather pitch. An existing earth bund will help screen the sports pitch from these houses. The proposed light columns are not considered to detrimentally impact on the visual amenity of the neighbouring residential properties.

The site is well screened with existing mature trees. The proposed floodlights would not be out of keeping with the scale of the proposed new school and are not considered to affect the character or appearance of the area.

### Conclusion

The proposed floodlights will facilitate the use of new sports facilities to be provided as part of the new Orion School. The proposals are considered to be in accordance with the requirements of UDP policies ENV6, L19 and L20.

## **3. EQUALITIES AND DIVERSITY ISSUES**

The Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011 imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to:

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in the preparation of this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

## Consultation

The Council undertook pre-application consultation with residents and the public over a four month period prior to the submission of this planning application. Three public exhibitions which were held at the Orion School on Lanacre Avenue on 16th November 2011, 17th January 2012 and the 22nd February 2012. Residents were notified by letter in advance of each of the exhibitions.

A total of 127 people attended the three exhibitions and a total of 108 completed questionnaires were returned. Of the questionnaires returned at the first exhibition, 89% of the respondents agreed with the principle of providing a primary school on the site. At the January exhibition 86% of respondents agreed with the proposed design for the school and the layout of the site.

Letters were sent to over 1271 local residents upon registration of the planning application, inviting them to view the application details and make comments within a 4 week period.

## New community facilities

The proposal will provide facilities that will be available for the public to use outside school hours including the following:

- 2 small football pitches
- 1 netball court
- Multi Use Games Area (MUGA) (capacity 22 persons)
- 180sqm hall for badminton and sports
- Changing rooms with shower facilities
- 120 seat theatre
- Recording studio
- Dance studio (86sqm)
- Learning Resource Centre
- 2 specialist food/science/design technology and language rooms

This application for floodlighting will increase the amount of use that could be made of the sports pitches, particularly during out of school hours. The application will therefore have a benefit to the wider community. Impacts on residential amenity through noise will be controlled through condition restricting the hours of use of the sports pitches.

## **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed floodlighting would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area or the amenities of neighbouring properties. The proposal is considered acceptable and the application is accordingly recommended for **APPROVAL**.

**SITE LOCATION PLAN: Former Mill Hill Sports Club, Grahame Park Way, London, NW7 2AL**

**REFERENCE: H/01781/12**

