

Location **Old Stationers Recreation Ground Barnet Lane Barnet EN5 2UA**

Reference: **16/0807/S73** Received: 8th February 2016
Accepted: 12th February 2016

Ward: Underhill Expiry 13th May 2016

Applicant: Mr Aron Sharpe

Proposal: Variation of condition 1 (approved plans) of planning permission 15/01129/S73 (Construction of new pavilion with refuse store to replace existing. Formation of 2 grass pitches and an artificial turf pitch with 8 associated flood lights and mesh fencing. New perimeter security fence, all in connection with use of site as a football training ground). Variation include alterations to pitch levels and position. Submission of materials, refuse store details, tree protection details and pavilion hours of use pursuant to conditions 4, 5, 9 and 13 of planning permission 15/01129/S73

Recommendation: Approve subject to conditions

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

Design and Access Statement, and Consultation Document (received 26 May 2009)

Supporting Planning Statement (received 28 May 2009)

Floodlighting Specification (received 11 June 2009)

Email from agent (received 18 November 2009)

Email from agent (received 23 November 2009)

Flood Risk Assessment 880414R1(0) and WYG Daytime Bat Assessment A080982 dated 21 March 2013 (received 26 March 2013)

MUK1154-12, 13, 14, 16, 18 (received 23 February 2015)

MUK1154-05 Rev B, 07 Rev C, 11 Rev A, 17 Rev B (received 2 June 2015)

MUK1154-01F, 02K, 06E, 08F and 22A (received 8 February 2016)

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of planning permission B/04218/12 (17 June 2013).

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

- 3 The development hereby permitted shall be constructed in accordance with the levels details on drawing MUK1154-02K and shall be retained as such thereafter.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5 and 7.21 of the London Plan 2011.

- 4 The pavilion and storage building shall be finished in RAL7043 Traffic Grey.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed 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) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 The timber refuse container screen as detailed in the applicant's email dated 10 March 2016 shall be provided at the site in accordance with the approved details before the development is first occupied and maintained as such thereafter.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 All existing trees to be retained as outlined on Drawing MUK1154-08 Rev F shall be retained.

Reason: In order to protect the character and appearance of the locality in accordance with Policy DM01.

- 8 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in Table 2.19 of the adopted Sustainable Design and Construction Supplementary Planning Document (April 2013). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (April 2013) and policies 5.2 and 5.3 of the London Plan (2011).

- 9 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as detailed on submitted drawing "Hadley Wood Tree Protection Fencing Details" dated 12/11/2015 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 10 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 11 Notwithstanding the information already submitted, details of the proposed floodlights including measures to prevent light shining in the trees surrounding the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the installation of the floodlights. The floodlights shall be implemented and permanently maintained in accordance with the details as approved.

Reason: To ensure that the proposal protects local biodiversity and the character and appearance of the area, in accordance with Policies DM01 and DM16 of the Development Management Policies DPD.

- 12 The floodlights hereby approved shall only be used between the hours of 4:00pm to 9:30pm Monday to Saturday, and 4:00pm to 7:00pm Sundays. The floodlights shall not be used at any time on Bank or Public Holidays.

Reason:

To ensure the floodlights are operating appropriately and to minimise light pollution, in order protect the character of the area in accordance with Policy DM01 of the Development Management Policies DPD.

- 13 The pavilion hereby approved shall only be used between the hours of 08:00 and 22:00 Monday to Sunday.

Reason: To ensure that the amenities of neighbouring properties are protected from the development in accordance with Policy DM01 of the Development Management Policies DPD.

- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated March 2013 (880414 R1(0)) and the following mitigation measures detailed within:

Section 6 - Surface water drainage techniques.

Section 8.1 - Floor level set at approximately 300mm above the highest 1 in 100 year plus climate change flood level (76.08mAOD)(above Ordnance Datum).

Section 8.2 - A flood plan detailing action to take in a flood event shall be drawn up.

Section 8.3 - The development shall be constructed using the latest best practice flood resistant construction techniques.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- 15 Any site clearance works, including the demolition of the pavilion building, shall be carried out outside of the bird nesting season (which lasts from March to September inclusive).

Reason: To ensure birds are not disturbed during the nesting season, in accordance with Policy DM16 of the Development Management Policies DPD.

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.
- 2 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 3 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Barnet Lane, and is part of a larger complex of playing fields which extend from former Barnet Football Club site to the north, down to South Herts Golf Course to the south. The site is between Barnet Lane and Grasvenor Avenue.

The site contains a disused single storey pavilion, and grass football pitches. The boundary treatment fronting Barnet Lane is a wire fence. A concrete slab from a previous pavilion still remains on the site.

2. Site History

B/01802/09: Construction of new pavilion with refuse store to replace existing. Formation of 2 grass pitches and an artificial turf pitch with 8 associated flood lights and mesh fencing. New perimeter security fence, all in connection with use of site as a football training ground. Approved 2010

B/04218/12: Extension of time limit to implement previously approved application Ref: B/01802/09 dated: 09/12/2009 for "Construction of new pavilion with refuse store to replace existing. Formation of 2 grass pitches and an artificial turf pitch with 8 associated flood lights and mesh fencing. New perimeter security fence, all in connection with use of site as a football training ground." Approved July 2013.

B/00513/14: Variation to condition 14 (Floodlights - details) pursuant to planning permission B/04218/12 dated 17/06/13 to allow the details of the floodlights to be submitted prior to their installation. Approved May 2014.

15/01129/S73: Variation to condition 1 (Plans) pursuant to planning permission B/04218/12 dated 08/11/2012 for "Extension of time limit to implement previously approved application Ref: B/01802/09 dated: 09/12/2009 for "Construction of new pavilion with refuse store to replace existing. Formation of 2 grass pitches and an artificial turf pitch with 8 associated flood lights and mesh fencing. New perimeter security fence, all in connection with use of site as a football training ground.". Variation include replacing the approved pavilion, bin store and hardstanding with a smaller modular pavilion and bin storage area. Reduce number of floodlights from 8 floodlight to 6 columns. Adjust fence height on synthetic pitch from 3m and 5m to 4.5m all round. Approved July 2015.

3. Proposal

This application seeks to vary condition 1 attached to the most recent grant of planning permission at this site, in order to substitute drawings which propose amendments to the approved scheme.

Planning permission was granted (originally in 2010, and renewed in 2013) for the construction of a new pavilion and refuse store to replace existing, the formation of two grass pitches and an artificial turf pitch with eight flood lights and mesh fencing, a new perimeter security fence, all in connection with use of site as a football training ground

That planning permission was amended in July 2015, to alter the height of the fence around the artificial pitch, reduce the size of the pavilion, reduce the number of floodlight columns and propose a new storage unit.

The current scheme seeks the following amendments to the most recently approved planning application:

- Alter the levels of the pitch, and alter its position from that most recently approved to be approximately 1m further to the west and 1m further north than the previously approved scheme.

In addition, the applicant has submitted details which were previously required to be submitted by condition. Those details relate to the proposed materials, the refuse store, tree protection, and the proposed hours of use of the pavilion.

It should be noted that the perimeter fence has been constructed.

4. Public Consultation

Consultation letters were sent to 220 neighbouring properties. One letter of objection has been received, in addition to the consultation responses listed below. The objections received can be summarised as follows:

- Concerned that the changes to the floodlighting increase the level and extent of light falling into trees and the brook. The applicant's ecologist has stated this is acceptable and no more than street light levels, however the area is not illuminated by street lights at present.
- The area is known to be a popular feeding and commuting area for bats and has potential to contain roosts. Levels of between 2-5 lux are unacceptable in such an area.

Environment Agency: Providing that the proposed amendments to the scheme will not impact upon the developer's ability to meet the requirements of the surface water drainage condition requested, we do not have any objections to the variation of these plans.

Environmental Health: No objection.

Natural England: No comment.

Sport England: Planning application B/04218/12 (as amended under reference 15/01129/S73) was originally considered to meet exception E2 and E5 which state:

- E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Sport England provided comment on previous amendments to the conditions on 30th March 2015. It is understood that the proposed amendments made under this application are not significant and I confirm that the amended scheme is still considered acceptable in the context of the two exceptions above. This being the case, Sport England does not wish to raise an objection to this application.

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 Government's 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 and CS7.
- Relevant Development Management Policies: DM01, DM03, DM13, DM15, DM16 and DM17.

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 issue for consideration is whether the proposed alterations since the previously approved scheme (the repositioning of the pitch 1m further north and west) would be detrimental to the openness of the Green Belt, to the character of the area, to the amenities of neighbours or to the protection of biodiversity.

5.3 Assessment of proposals

Repositioning of the artificial pitch, and new levels

Since the previous application, the pitch has been repositioned approximately 1m further north and 1m further west. The application has advised that the reason for this is to move the pitch further from the trees and the flood zone from the brook.

The proposed levels changes are designed to reduce the amount of cut and fill required to construct the pitch. They on average result in a height increase of 0.5 metres. This is not considered to be significant or substantially change the appearance of the approved pitch.

The applicant's ecologist has advised that it is likely the trees are subject to similar or higher light spill from the existing street lamps (there are lamps along Barnet Lane and along the footpath adjacent to the eastern boundary of the site). The ecologist has also

advised that the existing lighting is likely to already be discouraging light averse species of bat from using the section of the brook that may be impacted by floodlights. In addition, the ecologist notes that the floodlights are less likely to be in use during the period when bats are most vulnerable (Mid-May to July) as bats forage around dusk (30-60 minutes after sunset) onwards. At this time of year the earliest that bats (in particular the species which are averse to lights) will be out is around 10 pm. It is noted that a condition attached to this report restricts the use of the floodlights to not be used after 21:30 during weekdays or 19:00 on Sundays.

Therefore, the alterations to the lighting locations are not considered to adversely affect biodiversity in the area and are not considered to harm the character of the area. It is not anticipated that any increased impact on bats will occur.

Details of materials

Condition 4 attached to the previous planning application states:

Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

The applicant has advised that the proposed pavilion and storage unit will be finished in RAL7043 (Traffic Grey). Given the small size and functional appearance, no objections are raised to the use of this colour which is not considered to be detrimental to the character and appearance of the locality.

Refuse store

Condition 5 attached to the previous planning permission states:

Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

The refuse bins will be contained within a timber enclosure approximately 1.8m high. The enclosure would be varnished to ensure its longevity.

Tree Protection

Condition 9 attached to the previous planning permission required details of tree protection measures to be submitted to and approved in writing by the local planning authority. The applicant has confirmed that protective fencing in accordance with BS5837 will be installed around the root protection areas of adjacent trees to protect them from construction activities. The submitted details are suitable pursuant to this condition.

Proposed hours of use

The applicant has put forward that the proposed pavilion would be open from 08:00 to 22:00, to accommodate time to lock up/tidy up etc after the floodlights are switched off. The approved planning permission allows the floodlights to be in use until 21:30 Monday to Saturday and until 19:00 on Sundays. Given the distance between the pavilion and the nearest neighbouring residential properties it is considered that the proposed hours of use are acceptable and would not be detrimental to the amenities of the occupants of any neighbouring property.

5.4 Response to Public Consultation

The objections raised are on the whole addressed in the report above. It is noted that planning permission has previously been granted at this site for a development which is capable of implementation. The current application seeks to reposition the synthetic pitch. The current scheme does not change the principle of the proposed development which includes fencing around the site and the formation of a floodlit synthetic sports pitch.

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

In accordance with the requirements of the NPPF and Local Policy DM15, the proposal is considered to constitute an essential facility for outdoor sport. The proposal would be consistent with Green Belt policies and the purposes of including land within the Green Belt. It is not considered to have an adverse effect on the character and appearance of the locality or on the amenities of the occupants of nearby residential properties. The variation of the conditions to enable the abovementioned changes would only result in minor changes to the approved scheme, and therefore, subject to planning conditions, the proposal is recommended for approval.

SITE LOCATION PLAN: Old Stationers Playing Fields, Barnet Lane, Barnet, Herts EN5 2DN

