

Location **Jewish Community Secondary School Castlewood Road Barnet
EN4 9GE**

Reference: **21/1717/FUL** Received: 26th March 2021
Accepted: 29th March 2021

Ward: East Barnet Expiry 24th May 2021

Case Officer: **Zakera Matin**

Applicant: Mrs Sarah Wood

Proposal: Installation of floodlights on the Multi Use Games Area

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. JCoSS Travel Plan Heads of Terms should include:

-S106 contribution of £5k towards travel plan monitoring.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

UKS15341/5,
UKS15341/6,
HIL33018L,
3237/P03 Rev J,
Site Location Plan,
Technical Specification for Floodlighting,
Technical Report,
Bat Survey Report,
E-mail from agent dated 13, 14, 18 th May 2021, 23 of June 2021.

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 proposal hereby approved shall be implemented accordind to approved Bat Survey Report.

A lighting strategy must be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and

Construction SPD (adopted October 2016).

- 4 The maximum number of people on the site at any one time, outside school hours, in connection with the development hereby approved shall be 150.

Reason: To ensure that traffic impacts on the surrounding highway network are managed in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 5 Lighting levels emitted from the floodlighting columns shall be in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Cowling to be fitted on all lights and tilt angles are kept as per approved design.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

- 6 The floodlighting hereby approved shall not be used after 9pm on Mondays to Fridays or after 6pm on Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD 2012.

- 7 A three-year post-construction bat monitoring plan should be submitted to the LPA for approval.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 a) No site works or works in connection with the development hereby approved shall be commenced until details of Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

- 9 a) Before the development hereby permitted is first occupied or brought into use, a School Travel Plan and Event Management Plan incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 3 years.

The School Travel Plan shall include SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

- b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 0 That if an agreement has not been completed by 01/08/2023 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 21/1717/FUL under delegated powers for the following reasons:

The development fails to provide a legal undertaking to provide travel plan and contribution towards the associated monitoring costs, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD

Informative(s):

- 1 In accordance with paragraphs 38-57 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

The application is forwarded to committee because of number of objections received.

1. Site Description

The site relates to Jewish Community Secondary School. The site as a whole extends to a total area of approximately 7 hectares (17.3 acres). It is designated as Metropolitan Open Land (MOL). To the north of the site lies the Monken Hadley Common/Hadley Woods which are designated as a Site of Borough Importance for Nature Conservation (Grade I) and fall within the Green Belt. To the west, the site is bounded by the GNER mainline railway line and to the east by Pymmes Brook and Livingstone Primary School. Pymmes Brook is identified within the Local Development Framework (2012) as a Site of Borough Importance (Grade II) and an important Green Chain. To the south the site is bounded by properties in Hertford Road, Hertford Close, Westbrook Square and Westbrook Crescent. The properties form part of the Bevan Estate which was built in the 1950's and are predominantly two storey semi-detached houses.

The site is not within a conservation area.

The Multi Use Games Area is sited to the east of the school building. Residential properties are located on the south of Multi Use Games Area and separated by existing car park area.

2. Site History

Reference: 21/1721/FUL

Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE

Decision: Approved subject to conditions

Decision Date: 21.06.2021

Description: Construction of 1no. temporary mobile building for use as classrooms

Reference: 19/6855/FUL

Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Pending Decision
Decision Date: 13.07.2020 (Committee approved subject to S016 agreement on Travel Plan)
Description: Erection of a north wing to provide new educational space (use Class D1) comprising a multi-functional hall, classrooms, circulation, break-out and administration areas with associated landscaping and ancillary infrastructure.

Reference: 16/3884/FUL
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 14.09.2016
Description: Erection of 2no single storey portacabin to provide a total of 4 additional classrooms for a period of 2 years.

Reference: 16/3500/S73
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 1 August 2016
Description: Variation of condition 2 (Plan numbers) of planning permission B/02762/13 dated 02/09/13 for `Erection of changing rooms to the northwest corner of the playing fields` variation to include removal of canopy and covered deck area, replacement of curved roof with composite panel mono pitched roof structure, replace brickwork with vertically hung cedar planks

Reference: B/05671/14
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 10 December 2014
Description: Extension to wing D at second floor above the Sports Hall, to provide 5 new classrooms and associated circulation and storage areas.

Reference: B/02762/13
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 2 September 2013
Description: Erection of changing rooms to the north west corner of the playing fields.

Reference: B/04472/13
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 16 October 2013
Description: Non-material amendment to planning permission B/01549/13 dated 13/06/2013. Amendments include flat aluminium panels in place of louvres to glazed facade of south elevation.

Reference: B/01549/13
Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE
Decision: Approved subject to conditions
Decision Date: 12 June 2013
Description: Single storey extension to south east elevation

Reference: B/02893/11

Address: Jewish Community Secondary School, Castlewood Road, Barnet, EN4 9GE

Decision: Approved

Decision Date: 15 July 2011

Description: Submission of details of Condition 41 (Environmental Standard-BREEAM) pursuant to planning permission B/02385/09 dated 17/03/10

3. Proposal

The application relates to installation of floodlights on the Multi Use Games Area.

4. Public Consultation

Consultation letters were sent to 218 neighbouring properties.

23 objections have been received as below;

-where the lighting would be sited is not clear

-It is not mentioned the operation of lighting hours

- The windows of two of 40 Hertford Road Barnet, bedrooms look towards the school playground, so an artificial light will disturb normal life.

- The flood light would have detrimental impact on the amenity of 2 Westbrook Square.

- Floodlights have remained on all night including weekends meaning we have light intrusion to the back of 20 Westbrook Crescent and into the conservation area within Hadley Woods.

- Neighbour of 28 Westbrook Crescent mentioned they do not want additional floodlights to be shining directly behind their living room at 10pm at night.

- The lights will be an intrusion to the privacy of neighbouring residents , and will therefore be a Nuisance

-Probable increase in noise from the Multi Use Games Area

- The Flood lights will be located far too near to public property whose gardens and back rooms will receive a lot of the light pollution.

- The school is near to Hadley Woods which is one of the last few wildlife refuges in North London and having ultra powerful lighting so close will inevitably effect this in some way.

- The increase in noise is getting unbearable, now to find out they are planning to use floodlit football pitches until 10pm we can hear the shouting during the day at the moment when we sit in our lounge and when its bad we have to close our windows !! the thought of floodlights and noise after school hours is totally unacceptable.

- The fact that the area is to be used late during the evenings, on weekends and bank holidays will mean that we will have no break away from the lights or noise level. Not only will this have a negative impact on our community, but it will have a detrimental effect on the wildlife that inhabit our local area.

- object to floodlights being used until 10pm. I think 7 pm is a reasonable cut off point. Surely if sports are to continue into later hours this can be facilitated indoors.

- Any lighting added at night will spoil the peace in the evenings when sport activity would potentially take place until 10pm. Lighting within school hours or until 6pm would be acceptable.

-Probable impact on Bats

- Curator of Monken Hadley Common objected and mentioned that, as the floodlights could be in use up to 10pm there is the potential for a significant increase in light pollution and noise and disturbance which could adversely affect the wellbeing of animals such as muntjac deer and bats that live in the woods.

5. Planning Considerations

Environmental Health-No Objection
Highways-No objection subject to Condition
Street Lighting-No objection subject to Condition

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 revised National Planning Policy Framework (NPPF) was published in July 2021. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development 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, CS7.
- Relevant Development Management Policies: DM01, DM02, DM04, DM15, DM17.

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.

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning)

(England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

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 character and appearance of the existing building, Metropolitan Open Land and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on Highways
- Impact on Ecology

5.3 Assessment of proposals

Impact on the character of the area

Policy CS7 of the Barnet Core Strategy states that the Council will "meet increased demand for access to open space and opportunities for physical activity... securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements".

The proposal will enhance the existing arrangement and provide improvements in overall quality whilst meeting the demand for access to playing fields. The facility will not only be used by school, local community will also use the facility after school hours and on weekends.

The site falls within designated Metropolitan Open Land (MOL).

London Plan Policy G3 Metropolitan Open Land states that, Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:

- 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt
- 2) boroughs should work with partners to enhance the quality and range of uses of MOL.

The policy guidance of NPPF on Green Belts applies equally to Metropolitan Open Land (MOL). MOL has an important role to play as part of London's multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility. Such improvements are likely to help human health, biodiversity and quality of life. Development that involves the loss of MOL in return for the creation of new open space elsewhere will not be considered appropriate. Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact

on the openness of MOL. Green chains are important to London's open space network, recreation and biodiversity. They consist of footpaths and the open spaces that they link, which are accessible to the public. The open spaces and links within a Green Chain should be designated as MOL due to their London wide importance.

The proposed floodlights would be sited on the east and west side of the existing Multi Use Games Area not to the south near the residential dwellings. There would be 8 floodlights, which would be 18 m high. The applicant has submitted details which shows the location, height, specification of the proposed floodlights. The floodlights would facilitate the extended use of Multi Use Games Area both for the school and the local community.

Because of the slender structure, they will not appear as obtrusive structure along the periphery to the Multi Use Games Area. The proposal is considered to comply with policy DM15 and would not harm the openness of the MOL.

Though the proposal would be 18m height, the height is technically required to provide adequate lighting for the existing large Multi Use Games Area. This type of floodlight is typical to Multi Use Game Areas. It is noted that the Multi Use Games Area is enclosed by low height brick wall and high wire fence. It is separated by existing parking from the residential dwelling at south. To the east there is playing field of Livingstone Primary School and to the north lies the Monken Hadley Common/Hadley Woods. Therefore, the proposed floodlighting would not be directly visible from the residential area at south.

The proposal is not considered to have any detrimental on the character of the area.

Impact on the amenities of neighbours

The proposed flood lights would be sited sufficiently away from the nearest residential properties on Westbrook Square and Hertford Close which lie 50m south of the Multi Use Game Area. The distance is far enough to ensure that there will be no harm to the residential amenities. Furthermore the proposed flood lights would not be directly visible from the residential area at south as it would be separated by existing car park and access road at south.

To the east there is playing field of Livingstone Primary School and to the north lies the Monken Hadley Common/Hadley Woods and there is no residential area to north and east of the proposal. To the west lies the Jewish Community Secondary School building.

Councils Street Lighting was consulted on the proposal. The officer requested further detail on light levels, light angle, light spillage, mitigation measure for any unwanted light spill and glare for nearby residents, duration of the use. The officer suggested tilt angles to be introduced to achieve lighting on surface area.

The applicant subsequently provided further details, which show that there would be no overspilling into nearby properties. The officer further requested intrusive light calculations to nearby properties and tilt angles of lanterns.

The applicant provided further details. The officer assessed the details and informed that, cowling to be fitted on all lights and provided that tilt angles are kept as per design and lighting curfew to be introduced, it is not going to have any detrimental impact on any nearby residential amenity.

Whilst there may be an element of sky glow, it is considered to be acceptable subject to the hours of use being restricted by the suggested condition. Given the distance between the proposed lights and the houses and the calculated light spill outside the pitch area, the illumination proposed is not considered detrimental to the enjoyment of dwellings adjacent and thus residential amenity of neighbouring occupiers.

The officer is satisfied with the measures taken to mitigate for any detrimental impact on neighbouring residents. Conditions area attached for lighting levels and lighting curfew.

Overall, the proposed floodlighting is to enhance the facilities of an existing sports area which is a use defined as appropriate within the subject site without compromising residential amenity.

Neighbouring properties have voiced their concern regarding noise, disturbance and probable light spillage from the proposal. It should be noted that this is an existing site of Multi Use Games Area which is used from 7am - 7pm Monday to Friday and 8am - 6pm on Saturday and Sunday. The proposed extended hours till 9m on weekdays subject to condition is not considered to have significant detrimental impact on residential amenity.

Subject to attached conditions, the development is not considered to result in unacceptable levels of harm to the residential amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

5.4 Impact on Highways

The proposal does not include additional on-site parking. The parking will continue as existing 170 spaces in the existing car park
Councils Highway officer was consulted on the proposal. The officer inquired about change in proposed opening hours and additional users.

The facility is currently open from 7am - 7pm Monday to Friday and 8am - 6pm on Saturday and Sunday.

A condition is attached restricting the operation of floodlighting not be used after 9pm on Mondays to Fridays or after 6pm on Saturdays, Sundays and Bank and Public Holidays.

A condition is attached to restrict out of hours users to maximum 150 at changeover times who will use existing parking facility. It is acknowledged that there will be additional coming and goings from the site as a result of the football pitch, however it is not considered that the additional people will detrimentally impact the neighbouring properties given the existing uses of the site.

Highway officers requested S106 contribution of £5k towards travel plan monitoring. The applicant is informed regarding the S106 agreement for travel plan monitoring contribution.

The proposal is considered acceptable subject to S106 agreement and attached conditions.

5.4 Impact on Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

Councils Ecologist assessed the proposal and informed that, due to the location of the nearby SINCS - Monken Hadley Common and Pymmes Brook, a sensitive lighting plan would be required to mitigate any potential Impacts that could arise as a result of the construction and operation phases of the proposed development. Lighting can cause disturbance to commuting and foraging bats and potential abandonment of a roost due to lighting disturbance could constitute an offence both to a population and to individuals.

The National Planning Policy Framework 2019 makes reference to lighting with regard to the control of obtrusive light and states in section 180 c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

In addition, Barnet Local Plan Section 2.7.3 Proposals should seek to minimise any adverse impact of lighting schemes through design or technological solutions or by controlling the hours of use. Solutions may include lighting that controls the distribution of light and minimises glare. Design solutions could include screening, shielding, reducing lantern mounting heights and minimising glare and Policy DMO1: Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

The officer informed that, lighting strategy must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2018) advice is at <http://www.bats.org.uk/> and a lighting plan should be submitted to the council pre-determination. Lighting condition is attached to address this issue.

The submitted report states that 'the habitat available on site and the known roosts and the known roosts in the surrounding landscape indicates that the assemblage of bats using the site are of local importance'. Therefore, to determine whether the proposed floodlighting scheme could affect the bat assemblage a three -year post construction bat monitoring plan should be undertaken. A condition is attached to address this issue.

Due to the close proximity to Monken Hadley Common SINC, a Construction Environmental Management Plan (CEMP) is recommended to prevent adverse effects from the installation activities. A condition is attached to address this issue.

The proposal is considered to have acceptable impact on Ecology subject to attached conditions.

5.5 Response to Public Consultation

Addressed in the report.

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 accord with the requirements of the Development Plan and is therefore recommended for approval.

