

Location

Barnet Elizabethans Rugby Football Club
Byng Road
Barnet
EN5 4NP

Reference:

23/1082/FUL

Ward: High Barnet

Received: 17.03.2023

Accepted: 17.03.2023

Expiry 16.06.2023

Applicant:

Barnet Elizabethans Rugby Football
Club

Proposal:

Demolition of existing clubhouse and redevelopment of the site to provide two storey building for Use Class F2(c) floorspace, comprising of changing rooms and equipment store at ground floor level and function room at first floor level; relaying and improvements to existing pitches; new car park, landscaping improvements, new lighting and associated works.

OFFICER'S RECOMMENDATION

Refuse

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)

Reasons for Refusal

1. The cumulative impact of the proposed scale of the Clubhouse; excessive car parking; fencing; twelve x no 15-metre-high columns to provide external lighting; and the extent of additional hard surfacing onsite adds to the visual intrusion and encroachment to the Greenbelt, introducing an urbanised form of development in a semi-rural location, causing a substantial harm on the sense of openness and visual amenities of the Greenbelt contrary to NPPF; policies GG2 & G2 of the London Plan (2021); policy CS7 of Barnet's Core Strategy (2012); DM15 of the Development Management Policies Document (2012) and paragraphs 131-151 of the National Planning Policy Framework (2021).

2. The proposal development would have harmful impact on the health and setting of two x no trees, which form part of a row of 9 x no oak trees Protected by Tree Preservation Orders, and health of 2 x no of these trees located at the northern edge of the playing fields of Christ Church CE Primary School & Nursery (as shown as Tree no's T1 & T8 on drawing no number 002 Rev C - in appendix within the Arboricultural Impact Assessment), contrary to Chapter 15 of the National Planning Policy Framework (2021); policies G2, G7 of the London Plan (2021) and policies DM01 and DM15 of the Local Plan which seeks to protect established trees which provides significant visual amenity and value to the Greenbelt.

3. The proposed external lighting to the pitches, including twelve x no 15 metre high thorn lighting champion columns to provide sport pitch flood lights, would result in extensive light spill, to the detriment of the existing and continued presence of bat pollution on nearby trees and woodland, particularly during roosting reason contrary to the NPPS (2021); policies G6 of the London Plan; DM01 and DM18 of the Local Plan (2012) which seek to conserve and protect priority species and habitats.

Informatives

1. The plans accompanying this application are:
 - Block Plan BERFC-CPW-XX-00-DR-L-00621 Rev P05
 - Existing elevation: BERFC-CPW-00-ZZ- DR-A 006101 DR-L-00621 Rev P01
 - Existing layout plan BERFC-CPW-00-ZZ- DR-A 006101 DR-L-00622 Rev P01
 - Existing roof plan BERFC-CPW-00-ZZ- DR-A 006101 DR-L-00620 Rev P01
 - Existing Section BERFC-CPW-00-ZZ- DR-A 006101 DR-L-00617 Rev P01
 - Below ground pitch drainage layout plan: L2736-PJCE-XX-DR-C-700
 - Existing and proposed comparison drawing
 - Landscape GA BERFC-HLM-ZZ-OO-DR-L-00622 Rev P06
 - Proposed external lighting (pre curfew) BERFC-CPW-XX-00-DR-E-22101 Rev P05
 - Proposed external lighting (post curfew ground floor) BERFC-CPW-XX-00-DR-E-22103 Rev P05
 - Proposed external lighting 1st floor (pre curfew) BERFC-CPW-XX-00-DR-E-22102 Rev P05
 - Proposed external lighting 1st floor (post curfew) BERFC-CPW-XX-00-DR-E-22104 Rev P05
 - Access Arrangements BERFC-CPW-XX-00-DR-L-00625 Rev P05
 - Proposed elevations: BERFC-HLM-ZZ-00-DR-A-A-00614 Rev P02
 - Vehicle swept path analysis proposed access arrangements: TR005 (6 plans)
 - Biodiversity Net Gain Assessment by Ecology Solutions Limited dated February 2023
 - Air Quality Assessment by Miller Goodall Acoustics and Air Consultants dated 08 March 2023
 - Drainage Strategy by PJCE dated February 2023

- Ecological Assessment by Ecology Solutions dated February 2023
- Energy Statement for Planning by cmp dated March 2023
- Fire Safety Statement dated 16th February 2023 by Jensen Hughes
- Flood Risk Assessment by PJCE dated 3 February 2023
- Greenbelt Visual Openness Assessment by Scarp 08.03.2023
- External Lighting report by cpwp dated 19/03/2023
- Needs and benefits case by February 2023
- Noise Impact Assessment by cpw dated 06.03.2023
- Transport Assessment by Careparo Associates dated March 2023
- Framework Travel Plan by Caneparo Associates dated March 2023
- Statement of Community Involvement Comm Comm by dated March 2023 by
- Site Location Plan BERFC-CPW-00-ZZ- DR-A 006101 DR-L-00620 Rev P01
- Cover letter by Montagu Evans dated 10th March 2023
- Design and Access Statement by HLM Architects dated March 2023

2. In accordance with paragraphs 38-57 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.

3. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

4. Your attention is drawn to Part 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 3/25, Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days

of receipt of this decision. For further information, see the advice at <https://www.gov.uk/appeal-decision-about-tree-order>

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

OFFICERS ASSESSMENT

The planning application was considered at Planning Committee A meeting on 10th July. The item was referred to by considered by the Strategic Development Committee because of the potential strategic consequences on the interpretation of the Greenbelt policy.

1. Site Description

The site is located at the northern end of Byng Road, within the High Barnet ward. It comprises a plot of approx. 5 hectares in use as a rugby club with associated pitched and facilities.

The existing site contains four formal sports pitches and a single-storey club house. It is bounded by the playing field relating to Christ Church C of E Infant School to the south-east, allotments to the west, and open space to the north.

The site is located at the northern end of Byng Road, within the High Barnet ward, and contains four formal sports pitches and a single-storey club house. It is bounded by the playing field relating to Christ Church C of E Infant School to the south-east, allotments to the west, and open space to the north.

The applicant has advised that the existing structure of the clubhouse is falling rapidly into a state of disrepair, now built over 60 years ago falls short of acceptable contemporary standards.

The proposed site is located approximately 500m west of the A1081 St Albans Road which forms part of the Strategic Road Network. The site is located within a Greenbelt and has a PTAL rating of 1, which means it has extremely poor access to public transport. The existing car parking which lies adjacent to the site is Council owned and makes provision for approximately 35 car parking spaces.

The site is not located within a Conservation Area, nor does it contain any listed buildings onsite.

2. Site History

Reference: N10827B/01

Description: New club house with additional car parking.

Decision: Approved subject to conditions
Decision date: 24 April 2002

Reference: N10827C/07

Description: New club house with additional car parking. (Renewal of planning permission

N10827B/01 dated 24-04-2002).

Decision: Approved subject to conditions

Decision date: 14 May 2007

3. Proposal

The proposal is for demolition of existing clubhouse and redevelopment of the site to provide two storey building for Use Class F2(c) floorspace, comprising of changing rooms and equipment store at ground floor level and function room at first floor level. Creation of three full size pitches. Relaying of existing pitches. New car park, landscaping improvements, new lighting and associated works.

The proposal includes the following facilities at ground level:

- WC Provision (including accessible WC) and baby changing room
- Physio room
- 8 new team changing rooms, Official's changing (x2) and an accessible changing that is suitable for all age groups;
- Ancillary spaces, such as the storage room, plant room and circulation

At first floor level, the proposal includes the following facilities:

- Ancillary function space to hold 100+ people with a folding screen to divide the space
- A new kitchen and servery
- A new bar counter and cellar
- WC Provision (including accessible WC)
- Storage
- Terrace spaces

The proposal makes provision for the following car parking onsite:

- An "Overflow" car park to provide 98 x no car parking spaces treaded by grasscrete
- An additional 10 car parking spaces and provision for 3 bus coach spaces (concrete surfacing)

The proposal includes the erection of the following fencing arrangements:

- 1.2m high timber post and rail with hedge around the car park;
- 1.2m high spectator barrier in front of Club House;

- Replacement new fencing on the southern boundary of the site where there is an existing perimeter security fencing between the primary school and the Rugby Club;
- 2.4m high and 3 metre weld mesh fencing;
- Timber fencing around the bin storage area;
- A 1.5m wide single leaf gate and a 3m wide double leaf gate;

To the south of the site (close to entrance) the proposal makes provision for:

- Bin store with 2 x 1 , 100l; external plant area eurobins and substation
- 18 x no Sheffield cycle storage
- Eternal plant area
- Training Pitch

The proposal includes the following green "soft landscaping" and "hard" surfacing onsite:

- Meadow planting
- Native amenity planting
- Hedgerow planting
- Reinforced grass "grasscrete" for car parking (98 x car parking spaces)
- Upstand kerb to prevent vehicles entry to the playing fields.
- Breedon gravel- pedestrian footpath path
- Block paving- pedestrian entrance
- Proposed resin bonded gravel to the smaller car park (10 car parking spaces)
- Concrete surfacing to the entrance of the primary entrance to the site

The proposal also includes a 15-metre-high lighting column post to provide directional flood lighting to the pitches. The main pitch would be fully flood lit full size rugby pitch measures 106m x 68m inc. 6m in goal areas. The two smaller pitches measure (96m x 68m inc. 6m in goal areas, of which one is fully flood lit (Pitch).

The original planning proposal included a Multi-Use Games Area ('MUGA') which was removed from the proposal, and therefore does not form part of the assessment of this subject planning application. The revised and subject proposal includes an equivalent sized area (to the previously proposed MUGA) of grass which would be used for mini-rugby training and other informal sporting activities.

4. Public Consultation

Consultation letters were sent to 607 neighbouring properties on 24 March 2023, and advertised onsite on 23.03.2023, and in the Barnet Times on 21.03.2023 and 16.05.2023.

There were approximately 355 letters in support, and approximately 107 letters in objection received by the Local Planning Authority.

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objection and supporting comments received by the LPA have been considered within the evaluation of the application and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

Summary of comment in support of the proposed development

- The proposed clubhouse would provide a much needed and valuable community facility. The proposed development of the club would be highly beneficial of a sport (not just rugby) at all ages; abilities; and genders across the borough and be a major asset to the wider community.
- The proposed fencing would replace the existing fence to the rear of the clubhouse, and areas very close to it. This would reduce instances of anti-social behaviour.
- The proposed increased car parking on site would remove the requirement to park on street outside the site which would mean parking on the neighbouring fields would not be required.
- The proposed new clubhouse would encourage the community (including families with children) to watch rugby games, particularly at weekends.

Summary of comment objection to the proposed development

- The proposal appears to imply that the playing fields are privately owned, which is not the case as they are publicly owned land.
- The Barnet Medieval Festival event onsite would no longer be able to operate onsite for its annual event, as a consequence of this proposed redevelopment onsite.
- The applicant has not engaged with Barnet Medieval Festival Committee or Barnet and Barnet Residents Association by way of public consultation events and meetings to consider their input, prior to the submission of a full planning application to the Local Planning Authority.
- The proposal would significantly reduce the area of open space that can be enjoyed by all the community.
- The proposal would result in the loss of public access to an existing and valuable public open space onsite. The erection of the secure boundary fencing would prohibit public access in the future and would be harmful to the appearance of the Greenbelt. Vehicular access to the allotments would be removed under the proposals, which is unacceptable.
- The proposed Clubhouse building would be used for social function events in the evenings and night serving alcohol which would increase undue noise disturbance to residents within the vicinity of the site and could increase instances of anti-social behaviour.
- The cumulative impact of car use associated with the nearby schools; a hospice, the environmental centre; and the proposed clubhouse; pitches and associated park would compromise highway safety and would exacerbate problems associated with congestion.

Statutory Consultee Comments

Sports England

Sport England welcomes the Rugby Clubs intentions to improve the pitches. The extent of the playing field upgrading works appears to be indicative at this stage. It is, therefore, difficult for Sport England to assess whether the works proposed would improve the quality and capacity to the site thereby achieving what the club are seeking to achieve.

Sports England requested the applicant to prepare and submit Sports Agronomist Report from the applicant to that assesses the site, specification and schedule of works that indicates what work is needed and would be undertaken and how this would improve the amount and/or quality of play on the pitches. This would allow Sport England to understand the benefits of any work proposed. Whilst the applicant provided some additional information which Sports England have reviewed, they have now provided a Sports Agronomist or equivalent level of detail. As such Sports England state that "This application could therefore be considered premature as an agronomist assessment and specification may arrive at a different solution than that shown on the drawings". That said, given that the club's clear intention is to improve the site to address the ground conditions and increase the site's capacity, Sport England are "content" with the proposal subject to the submission of a layout, specification and schedule works developed by a competent sports agronomist before the commencement of development to ensure that any improvement works to the site would be sufficient to increase the amount of play at the site.

Transport for London

The overall proposed for car parking and 3 minibus spaces is satisfactory on highway safety grounds. The proposed provision for 18 x no of cycle spaces is also supported.

With regards to pedestrian safety and the expected increase in vehicle traffic the development would generate, a detailed Car Parking Management Plan should be required and should outline any traffic management proposed such as use of car parking marshals when frequency of vehicular activity is expected to be greater, for instance when the rugby festival is being held. The applicant has not submitted A Car Parking Management Plan.

Metropolitan Police- Secure by Design

The proposed 'prairie planting' around the building would act as "defensive planting" to help to protect the building against potential climbing opportunities. This could deter persons from potentially criminally damaging (graffiti) the more blank walls of the building.

The proposed 15-metre-high column lighting would provide sufficient uniformity of light for the site, over and above methods such as bollard lighting.

The proposed fencing measures proposed are satisfactory from a Secure by Design perspective as they would prevent people climbing over, anti-social behaviour onsite which the club house and sports pitches are not in use.

London Metropolitan Police do not raise any formal objections, subject to conditions. It recommended to incorporate crime prevention measures and police-preferred, tested and certified physical security products into the development. This could be achieved through the adoption and compliance with the Secured by Design (SBD) accreditation process.

Affinity Water

Affinity Water have neither confirmed their support or opposition to the proposed development. Rather, their comments relate to the level of information required for them to make a comprehensive assessment, which haven't been submitted to the Local Planning Authority. The following observations are made:

- The development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (NORM). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
- Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided.
- Being within a water stressed area, the development should include water efficient fixtures and fittings. Measures such as rainwater harvesting, and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Thames Water

With reference to groundwater, the applicant should demonstrate what measures would be undertaken to minimise groundwater discharges into the public sewer. This information has not been submitted for assessment.

With reference to wastewater and sewage treatment works infrastructure capacity, Thames Water do not object based on the information provided.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water Or other local water undertaker) would use a tiered, risk-based approach to regulate activities that may impact groundwater resources.

LBB Ecology Officer

LBB Ecology team do not support the proposal based on the information submitted to the Local Planning Authority. The predicted pre-curfew lux spill plan and lighting

mitigation measures outlined with submitted External Lighting report (CPW, May 2023) are inappropriate due to the negative impact on bats.

LBB Ecology detailed comments are provided within the assessment of this application.

LBB Arboricultural/Tree Officer

There are 9 x no oak trees protected by Tree Preservation Orders located at the northern edge of the playing fields of Christ Church CE Primary School & Nursery. These are shown as Tree no's T1-T9 on drawing no number 002 Rev C - in appendix of the Arboricultural Impact Assessment.

The proposed development would have a harmful impact on the setting and health of 9 x no oak trees Protected by Tree Preservation Orders.

LBB Arboricultural Officer objects to the proposed development and recommend refusal on the grounds that there is a high risk of unacceptable harm to trees growing close to the development. These trees made a significant contribution to the visual amenity, character and appearance of the Greenbelt as they provide an excellent back drop to the school grounds and screen the school from views within and without the Green Belt

This matter is discussed further within the Officers Assessment of this report.

LBB Environment Health

The noise impacts as a result of the proposed increase in activity and the operation of the site, particularly from the bar and outside terrace area on evenings could cause nuisance and disturbance to local residents "most likely to cause annoyance" to nearby residents. Amplified music outside on site would need to be limited.

The proposal external artificial light (flood lighting) would result in unwanted light pollution to the Greenbelt.

LBB Highways Team

LBB Highways team have expressed concerns regarding the proposed intensification of use and its impact pedestrian and vehicle safety both onsite and to the local highway. However, LBB Highways do not raise any fundamental objection, subject to the following conditions and Planning Obligations

LBB Street Scene

The waste plan for this application is acceptable to the Street Scene collections team.

Local Lead Flooding Authority

Insufficient information has been submitted to demonstrate that the proposed Drainage Strategy would ensure that the surface water runoff is managed effectively to mitigate flood risk and to ensure that Sustainable Urban Drainage Strategy are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development.

5. Planning Considerations

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 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.

London Plan (2021)

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan (2021) policies are as follows

- D1 London's form, character and capacity for growth
- D2 Infrastructure Requirements for sustainable densities
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive design
- D11 Safety, security, resilience to emergency
- D12 Tree Safety
- D13 Agent of Change
- D14 Noise
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- G1 Green Infrastructure
- G2 London's Greenbelt

G4 Open Space
G5 Urban Greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI 1 Improving Air Quality
SI 2 Minimising Greenhouse Gas Emissions
SI 3 Energy Infrastructure
SI 4 Managing heat risk
S12 Flood Risk Management
SI 13 Sustainable Drainage
T3 Transport Capacity , connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
DF 1 Delivery of the Plan and Planning Obligations
M1 Monitoring

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.

Core Strategy (2012)

Polices CS NPPF Presumption in favour of sustainable development
CS5 Protecting and enhancing Barnet's character to create high quality places
CS6 Enhancing and protecting Barnet's Open Spaces
CS9 Providing safe, effective and efficient travel
CS10 Enabling inclusive integrated community facilities and uses
CS11 Improving health and wellbeing in Barnet

Development Management Document (2012)

DM01 Protecting Barnet's character and amenity
DM02 Development Standards
DM04 Environmental considerations for development
DM15 Greenbelt and Open Spaces
DM17 Travel impacts and parking standards

Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the proposed land uses is acceptable onsite.
- Whether harm would be caused to the sense of openness and visual amenities of the Green Belt
- Whether harm would be caused to trees of special amenity value.
- Whether harm would be cause to ecology and protected species onsite
- Highway matters, including whether the proposed car parking is acceptable on highway safety grounds.
- Energy and Sustainability matters

The principle of the proposed land uses onsite

The NPPF encourages promoting healthy and safe communities through the delivery of community facilities such as sports venues and other local services to enhance the sustainability of communities and residential environments.

Policy S5 of the London Plan (2021) stipulates that developments should ensure there is sufficient supply of good quality sports and recreation facilities. The needs should be assessed at the local and subregional level. Needs assessments should include an audit of existing facilities.

Policy CS7 of the Local Plan (2012) stipulates that in order to maximise the benefits that open spaces can deliver and create a greener Barnet, the LPA will work with our partners to improve Barnet's Green Infrastructure. The LPA will create a greener Barnet by: protecting open spaces, including Green Belt ; enhancing open spaces, ensuring positive management of Green Belt to provide improvements in overall quality and accessibility; ensuring that the character of green spaces of historic significance is protected; meeting increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through:

Policy DM11 of the Local Plan (2012) stipulates that new community facilities should be at least equivalent quality or quantity, provided on the site or at an alternative location more accessible to users. There is an excess of community facilities in the area, and a particular development will not create a shortage of provision. New community facilities should be located in town centres, edge of centre or in a location that is accessible to the local community by public transport, walking and cycling. Impact from new community uses on neighbouring properties will be a particular consideration in residential areas. Mitigation may be acceptable in certain circumstances.

Development proposals for sports and recreation facilities should increase or enhance the provision of facilities in accessible locations, well-connected to public transport and link to networks for walking and cycling; maximise the multiple use of facilities, and encourage the co-location of services between sports providers, schools, colleges, universities and other community facilities; and support the provision of sports lighting within reasonable hours, where there is an identified need for sports facilities, and lighting is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.

Where facilities are proposed on existing open space, boroughs should consider these in light of policies on protecting open space (Policy G2 London's Green Belt, Policy G3 Metropolitan Open Land and Policy G4 Open space) and the borough's own assessment of needs and opportunities for sports facilities, and the potential impact arising from the development.

The site is an established sporting facility as a rugby club. It comprises 4 playing pitches and an associated clubhouse, providing opportunities for the local community to take part in sporting activities. The principle of the demolition of the existing single

clubhouse building is acceptable as it is of limited design merit and does not contribute to the visual amenities of the Greenbelt.

The provision of sports and recreational facilities are supported by Policy S5 (Sports and Recreation Facilities) within the London Plan. The policy further states that proposals should increase or enhance the provision of such facilities in accessible locations. This position is also supported by the Council, as they seek to secure improvements to open spaces including provision for children's play, sports facilities, and better access arrangements, as set out within policy CS7 of the Local Plan (2012).

The applicant asserts that the existing pitches on the BERFC field do not meet the RFU minimum recommended dimensions with one pitch only 2/3 of the minimum width and severely sloping. The pitches are poorly drained and regularly waterlogged and boggy, rendering them generally unusable in the winter months.

The existing pitches at the site have been in use by the Club since over 65 years and some of the pitches appear uneven. The applicant has advised that parts of the pitches are waterlogged at times to inappropriate drainage solutions which causes them to become unplayable for up to 8 weeks out of the season.

The proposed scheme involves the continuation of the existing use and would improve the quality of the pitches and supporting facilities. The applicant has provided a Needs and Benefits Case to support the application, which details the following:

- o The structure of the existing Clubhouse is falling into a state of disrepair. It was constructed approximately 65 years ago and therefore does not meet contemporary standards for sports, player welfare or community use.
- o The existing facilities, including W/C facilities are in extremely poor condition and are inappropriate for women, children, the elderly and/or disabled persons. The existing Club House has no specific changing and showering facilities for women. There are currently 5 changing rooms, whereas 8 dedicated and separate rooms are required to meet peak demand (4 pitches- each pitch requiring two changing facilities (two teams)).
- o The level of income from members, rentals and other sources is currently too low to adequately maintain the clubhouse and pitches, primarily as the clubhouse and facilities are no longer fit for purpose.
- o The proposed clubhouse would provide modern facilities and a viable future for continued investment into the sport. There would also be improved opportunities for other sports and a more diverse membership. 8 modern changing Rooms with ensuite showers, welfare facilities and WCs that can simultaneously accommodate children and adults of all genders on match days.
- o The proposed new clubhouse would create the foundation for the club's next 50 years, providing a place for both club members and the local community to gather, relax and socialise.
- o Daytime community use of the clubhouse would be encouraged and would be a cornerstone of the future model. There would be a high community demand for daytime use / rental of the clubhouse, including for Local 'Day care' provided by the likes of Age UK Barnet, Action for Children or Barnet Together.
- o The existing pitches are undersized, sloping, poorly drained playing pitches in need of both modernisation and expansion.

- o The proposed pitches would preserve and increase the number of children and adults playing or being involved in sport, either directly through the Club or through sharing facilities with other user groups such schools and other sports; and increase the diversity of membership, presenting opportunities for example female teams in a safe and welcoming environment;
- o There is high demand for use of the completed grounds for adult and children's rugby and also from complimentary sports;
- o The Club's existing car park is too small for peak parking times which are typically Sunday mornings when the minis and juniors are training. The car park is uneven and unmarked, meaning that parking is also haphazard and inefficient.

Officers acknowledge that an increased provision of sports facilities would provide public benefits in terms of increasing availability of and participation in sport. The provision of additional facilities for community and other sport uses would also provide a level of public benefit. Officers do not object to the principle of a new clubhouse onsite. However, the sheer scale of the proposal clubhouse and onsite car parking area would result in an over intensification of the site, which would have a harmful impact on Greenbelt as discussed in the following sections of this report. The public benefits associated with the proposal, would not outweigh the substantial harm it would cause to the visual amenities and sense of openness to the Greenbelt.

The proposed development and its' impact on the Greenbelt

In assessing the proposed development and its impact on the Greenbelt, Officers considered:

- a) Whether the proposed impact on the visual amenities and sense of openness of the Greenbelt
- b) Whether the proposal meets the exceptions test for development within the Greenbelt

Whether the proposed impact on the visual amenities and sense of openness of the Greenbelt

Paragraphs 137-151 of the National Planning Policy Framework (NPPF, 2021) establishes the great importance the government attaches to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open. The guidance indicates the essential characteristics of Green Belts are their openness and their permanence and identifies five purposes:

- o To check the uncontrolled sprawl of urban areas
- o To prevent neighbouring towns merging into one another
- o To assist in the safeguarding of countryside from encroachment
- o To preserve the setting and special character of historic towns
- o To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

London Plan policy GG2 seeks to protect and enhance London's open spaces, including the Green Belt. Policy G.2 states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development

will be supported if it is appropriate and meets the purposes and characteristics of the Green Belt as set out in national guidance.

Local Plan Policies CS7, DM01, DM15 would apply to the proposal in particular Policy DM15 of the Development Management Policy DPD which aims to protect the Green Belt. Although the Policy was formulated before the revised NPPF the aims of the policy echo the provisions of the revised guidance. In evaluating the scheme, it is important to consider whether it would constitute inappropriate development in the Green Belt.

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The NPPF identifies five purposes of the GreenBelt:

- To check the uncontrolled sprawl of urban areas
- To prevent neighbouring towns merging into one another
- To assist in the safeguarding of countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 141 states "LPA's should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity".

Openness is not defined within the NPPF, but case law has found open to mean the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. Openness is open textured, and a number of factors are capable of being relevant including spatial and visual considerations. Recent case law confirms that it is a matter of planning judgement as to whether, given the amount of building and development, the proposal would preserve the openness of the green belt and whether it would conflict with the purposes of including land within in it. A key consideration is, whether the level and amount of proposed built form, and its impact on the surrounding Green Belt, would be consistent with openness (as distinct from urban sprawl). The visual impact is not irrelevant and can be considered in determining the impact on openness, with the proviso that it should not be determinative on openness.

Clubhouse

The existing volume of the building onsite is 1550m³. Generally, a 25% increase in volume is acceptable within the Greenbelt, although this is widely understood to relate to residential extensions. Officers acknowledge that the proposed land use, permits flexibility particularly given the public benefits associated with the proposed development. Notwithstanding, the proposed volume of the club house is approximately 3,912m³. This increase in volume is approximately 2362 m³, which is substantial, as it equates to a 52% increase in volume, compared to the existing building onsite. The existing volume of the structures onsite, by comparison, is a material planning consideration, whilst assessing the impacts the proposed development would have on the Green Belt.

It is clear from the proposed drawings; CGIs and details submitted, that the proposed volume increase would be substantial. The overall footprint; scale; bulk; appearance; and roof form are not acceptable, and the massing model submitted demonstrates the extent of the sheer scale of the proposed development and demonstrates how it would have a detrimental impact on the visual amenities and openness of the Greenbelt.

The proposed building, a significantly and materially larger building (in regard to its length, height, scale bulk, volume, footprint, and floor area) would not meet an exemption test. It would have a greater impact on the openness of the Green Belt than the existing development.

The applicant submitted a Green Belt Visual Openness Assessment to assess the impact of the proposal from the following views within the Greenbelt:

- View looking east to south across Christ Church Field;
- Views looking northeast towards site from western part of Byng Road playing Fields;
- View looking east towards site from western part of Byng Road playing fields;
- View looking southeast towards site from western part of Byng Road playing fields;
- View looking south towards Clubhouse from the northern edge of the site;
- View looking east towards car parking entrance;
- Views along north down Byng Road;
- View looking north down Byng Road; and
- View looking west towards site from public footpath east of Christ Church Field

The Clubhouse and flood light would be visible from the above views, and highly visible from some of these views during the summer months.

The scale of the development (including the large outdoor terrace at first floor) is a substantial increase to that of the existing building onsite. The proposed floor area of the clubhouse is 999.16sqm, which just falls short of 1,000sqm which would be the threshold to be referable to the Greater London Area, who would become the decision makers. This reflects the overall large scale of the proposed clubhouse. The height of the Clubhouse would be approximately 7.6m above external ground levels. This compares to an existing building height of approximately 4.2m above external ground levels.

The applicant asserts that the materials (particularly the heavy use of glazing and wood panelling on the upper floor and the proposed green roof) to the clubhouse building, above ground level would blend in with the surrounding trees whilst adding a more contemporary approach to the site. Officers do not consider the appearance of the building would harmoniously blend into its setting. Conversely, the number of different materials proposed, including heavy glazing; timber panelling; green roofs; brickwork and large terrace area and roof form would serve to reinforce its visual prominence and dominance, which would be intrusive to the Greenbelt. The proposed height; scale; bulk; and appearance of the Clubhouse would be out of keeping with the character and appearance of the site and immediate area.

Car park

The proposed "overflow" car parking area to provide 98 x no car parking spaces area would be treated with grasscrete surfacing. Whilst Officers acknowledge that treating the car parking area with grasscrete attempts to reduce the visual impact of the car parking, the large size of the additional car parking onsite is substantial and would cause harm to the sense of openness and visual amenities to the Greenbelt.

The proposal also includes a further car parking to accommodate 10 x no car parking spaces and 3 bus/coaches. This is treated with hard surfacing, which would further encroach on the sense of openness and visual amenities onsite.

The proposed car park would likely be in used on a continuous and regular basis, not just during training and match daytime events, but also for social functions in the evening and night time at the Clubhouse. Moreover, the applicant within the Demand and Needs Report have stated that "there would be a high community demand for daytime use / rental of the clubhouse, including for Local 'Day care' provided by the likes of Age UK Barnet, Action for Children or Barnet Together and Nursery Schools". These additional Clubhouse daytime uses would require car parking spaces. As such, the presence of car parking onsite on a continuous basis would have a harmful impact on the visual amenities of the area and would encroach on the sense of openness to the Green Belt.

Landscaping

Whilst the proposal includes hedges, soft landscaping, and a meadow area , it would not be sufficient to limit the visual impact. The proposal introduces new hard standing (concrete and gravel) which impacts the visual amenities of the site. The proposal would also result in substantial increase in hard surfacing, primarily to accommodate the demand for an increased 10 x no car park spaces, ancillary to the use of both the proposed clubhouse and the playing pitch.

Trees

There are 9 x no oak trees protected by Tree Preservation Orders located at the northern edge of the playing fields of Christ Church CE Primary School & Nursery. These are shown as Tree no's T1-T9 on drawing no number 002 Rev C - in appendix 3 of the Arboricultural Impact Assessment. The proposal development would have

harmful impact on the setting and health of 9 x no oak trees Protected by Tree Preservation Orders

The proposed development would put the health of these trees at an unacceptable risk given the close proximity to the development. These trees made a significant contribution to the visual amenity, character; and appearance of the Greenbelt as they provide an excellent back drop to the school grounds and screen the school from views within and without the Green Belt

The land use either side of the hedgerow and trees is similar, sports fields. This makes these trees very prominent in the landscape. The land slopes downwards from the main school buildings and so views onto the trees are available from the school, neighbouring residential properties, and users of Byng Road.

This oak tree located at the main entrance to the site is a key feature of the entrance and constrains the size of vehicle entering the site. It is therefore at risk from the current proposal. The condition of this tree is not optimal with some upper crown die back and decay fungi present at the base of the tree (possibly *Ganoderma* spp.). However, it is these features that make this tree so valuable and are indicators that the tree has veteran tree status. Veteran trees are considered to be irreplaceable habitat within the NPPF. The remaining eight trees located within the hedgerow on the southern boundary provide significant visual amenity.

Fencing and gates

The proposed fencing includes a 1.2m high timber post and rail with hedge around the car park; 1.2 m high spectator barrier in front of Club House; 2.4 high and 3m weld mesh barriers; and replacement new fencing on the southern boundary of the site where there is an existing perimeter security fencing between the primary school and the Rugby Club. The applicant asserts that fencing is proposed to prohibit unauthorised vehicular access to the car park; limit the ability for anti-social behaviour that currently takes place and keep people from the pitch during games. Whilst Officers accept the need for security measures, the overall provision for fencing creates a hostile and enclosed environment and would be detrimental to the visual amenities and sense of openness to the Greenbelt. The fencing creates a sense of enclosure as opposed to openness of the Greenbelt which is trying to be preserved.

Further, the proposed artificial outdoor lighting which would be highly visible at night time given the height of the flood lighting column is 15m, would not only compromise the sense of openness and visual amenities to the Greenbelt but would also have a serious impact on any roosting bats that are potentially present particularly due to the proposed curfew time (turning off floodlights would be 10pm throughout the year).

Whether the proposal meets the exceptions test for development within the Greenbelt

The NPPF (2021) advocates that inappropriate development should not be approved except in very special circumstances, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt. It is not

considered that very special circumstances have been presented to outweigh the impact on the Green Belt as discussed above.

Policy G2 of the London Plan (2021) reiterates that "The Green Belt should be protected from inappropriate development" and that "development proposals that would harm the Green Belt should be refused except where very special circumstances exist."

Policies CS7, DM01, DM15 would apply to the proposal in particular Policy DM15 of the Development Management Policy DPD which aims to protect the Green Belt.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances.' According to paragraph 144 of the NPPF, when determining applications, LPAs should ensure that substantial weight is given to any harm to the Green Belt; 'very special circumstances' will not exist unless the potential harm to Green Belt/MOL by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

Paragraph 149 of the NPPF further states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include which would be relevant to the scheme are:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and

g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

With reference to exemption part b, it is noted that the proposals are, in large part, providing appropriate facilities for outdoor sport. However, the NPPF is clear that such development within the Green Belt would only be considered an exception if they preserve the openness of the Green Belt. In this instance, the proposals would involve the erection of a much larger building (both in terms of footprint and height) and associated development such as the erection of a large quantum of fencing and the proposed car park. This development would be detrimental to the openness of the Green Belt. As such, it is advised that the proposed development would constitute inappropriate development within the Green Belt.

In terms of exemption part d) of paragraph 149 of the NPPF, this relates to the replacement of building of the same use. As demonstrated above, the proposed new Clubhouse building would result in a significantly larger building (in regard to its length,

height, scale, bulk, volume, footprint, and floor area). As such, the proposal would be significantly larger than what is currently present onsite; the building would be materially larger and not meet the exemption test.

Turning to exemption g) of the NPPF, it is not considered that the site, as it appears to form part of a sporting facilities, would fall within the definition of previously developed land. Even in the case that it would fall within this definition, it would still not meet this exception as it would have a greater impact on the openness of the Green Belt than the existing development.

There is no standard definition of what may constitute very special circumstances. In some cases, the provision of additional sports facilities for which there is an identified need, in addition to other public benefits, may be considered very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

However, it is stressed that the level of harm to the openness of the Green Belt will be a determinative factor in whether the benefits of the scheme can be considered sufficient to constitute very special circumstances.

The applicant has provided a needs and benefits case. This details the state of the existing club house and facilities, which are in need of renovation and improvement. This is acknowledged, although it does not in itself justify a significant expansion of facilities to the extent that is being proposed. The increased provision of sports facilities will provide public benefits in terms of increasing availability of and participation in sport. The provision of additional facilities for community and other sport uses will also provide a level of public benefit.

Officers acknowledge the potential benefits of the proposed development, both in terms of securing the continued operation of the rugby club and providing additional benefits to the local community through an expanded offer. The increased provision of sports facilities would provide public benefits in terms of increasing availability of and participation in sport. In addition, the provision of additional facilities for community and other sport uses would also provide a level of public benefit. Notwithstanding, the proposed redevelopment onsite must outweigh the harm to the openness of the Green Belt that would result from the proposals.

Given the scale and nature of development currently proposed, the proposed redevelopment of this site does not considerate as a "very special circumstance" to deviate from Greenbelt policy - inappropriate development within the Green Belt. The reduction in openness results from the scale of the proposed building, areas of hardstanding, car parking and the impact of new boundary treatments.

Concluding comments on the proposals impact on the Greenbelt

The proposed development does not constitute as a "very special circumstance" to deviate from planning policy on Greenbelt, as discussed above.

Overall, the cumulative impact of the proposed scale of the Clubhouse; excessive car parking; fencing; 15-metre-high column post to provide floodlight; and the extent of

additional hard surfacing onsite adds to the visual intrusion and encroachment to the Greenbelt, introducing an urbanised form of development in a semi-rural location, causing a substantial harm on the sense of openness and visual amenities of the Greenbelt contrary to NPPF; policies GG2 & G2 of the London Plan (2021); policy CS7 of Barnet's Core Strategy (2012); DM15 of the Development Management Policies Document (2012) and paragraphs 131-151 of the National Planning Policy Framework (2021).

Whether the proposed would have adverse impacts on the Highway

Policy T4 of the London Plan (2021) stipulates that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated. Where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

Policy T6 Car parking of the London Plan (2021) should be restricted in line with levels of existing and future public transport accessibility and connectivity. An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.

A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design. Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking.

Policy T6.5 Non-residential disabled persons parking - Disabled persons parking bays should be located on firm and level ground, as close as possible to the building entrance or facility they are associated with.

Car parking

There are no parking standards in the London Plan and Barnet's Local Plan for D2 (Leisure use) and so parking for the site should be determined on first principles. The applicant has submitted a parking technical note which indicates the maximum parking recorded on a typical weekend. The recorded parking demand for vehicles on days when a larger mini rugby fixture was held was about 168 vehicles. It is considered that the new facility will attract more spectators (10%) so the recorded vehicle numbers are likely to be exceeded.

The applicant has swept-path drawings which demonstrate that vehicles are able to access the grounds without the need for physical changes to the entrance.

While it is acknowledged that these large events are likely to be held once a month, Officers continue to be concerned that the parking impact on Byng Road, Wentworth

Road and Cecil Court could be severe. These roads have no restrictions and there is significant on-street parking demand.

The results of parking surveys carried out in the area indicate a high level of parking pressure. It is considered that parking is likely to be a major issue on major event days and it is difficult to predict that number of vehicles and spectators that will attend accurately. The surveys were conducted on the busiest time of the year and on typical weekends to understand the car parking demand this site generates. On the busiest weekends, this site would generate the need for all parking spaces proposed, distributed between existing car park, overspill car park, Byng Road, and other local roads.

Transport for London advice that the Traffic Survey results highlight how the existing development already generates a high frequency of car journeys and puts pressure on surrounding local highway. The redevelopment of the site would generate even more fixtures and therefore even more demand, exacerbating local highways further and encouraging unsustainable forms of transport.

- o Existing 35 x no car parking spaces would remain.
- o Proposed small car park onsite to provide for 10 car parking spaces and 3 bus/coach spaces
- o "Overflow" car park onsite to accommodate 98 x no car parking spaces

LBB Highways do not object to the proposed parking provision subject to the introduction of match-day restrictions to be introduced in the area to protect residents, and subject to conditions and planning obligations as set out under "Statutory Consultee response" section within this report.

Transport for London advice that the disabled parking provision will need to meet minimum London Plan/Sports England Guidance and the provision of 6 disabled spaces is acceptable. From a highway safety perspective, Transport for London do not object to the number of car parking spaces proposed onsite.

Electric Vehicle Charging Points

Electric vehicle charging points should be provided in accordance with London Plan which states that "All operational parking must provide infrastructure for electric or other UltraLow Emission vehicles, including active charging points for all taxis. At least 10% of the spaces on site should be provided with active charging changing points and infrastructure for the electric and low emission vehicles.

The applicant proposes 3 active charging points which equates to about 5% of the 63 spaces that are proposed on a hard standing. LBB Highways team do not object to the proposed provision subject to the provision of 10% active and 10% passive provision which equates to 6 active and 6 passive charging units.

Cycle Parking

Policy T5 "Cycle Parking" of the London Plan (2021) stipulates that development proposals should help remove barriers to cycling and create a healthy environment in

which people choose to cycle. This would be achieved through supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure; and securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

The London Plan specifies 1 long stay cycle parking space per 8 staff and 1 short stay cycle parking space per 100sqm gross external area. One long-stay cycle parking space is proposed internally within the equipment store, ensuring that it is sheltered and secure. There will also be an external sheltered store which will provide 6 Sheffield stands, therefore space for 12 cycles associated with visitors.

The proposed provision for 18 x no Sheffield stands is considered acceptable, although Officers would recommend that this is increased further to promote more sustainable modes of transport to and from the site. The location of the cycle stands is considered to be acceptable. Notwithstanding, full details of cycle storage have not been submitted. As such, Officers are unable to determine whether cycle storage would be secure, lockable, sheltered and enclosed.

Access Layout

The main vehicle and pedestrian route to the site is via Byng Road. There are footways on both sides of Byng Road, but the northern end has a footway on one side only (east side). There are no formal crossing facilities where the footway changes from two sides to one side of the road. Given that the proposed development would substantially increase pedestrian footfall, there is likely to be increased conflicts between pedestrians and vehicles at this change over point which is close to a number of vehicular crossovers. Improvements in the form of waiting restrictions, signage, tactile paving, and buildouts to create an informal crossing point are requested to ensure pedestrian safety.

Events and Car Parking Management Plan

The applicant has not submitted a Car parking management plan which was requested by LBB Highways team. As such, Officers have been unable to access the Traffic Management for events such as road closures, marshalling, crowd control, vehicle, cleansing, emergency and fire procedures, arrangements, publicity, community engagement/liaison, parking restrictions, managing controlling including parking controls and enforcement.

Whether the proposed impact on trees and ecology

Impacts on Trees

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G5, G6 & G7 of the London Plan (2021) and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. In addition, the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

Policy DM01 of the Local Plan advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible, and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development."

National Planning Policy Framework: Section 131. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Policy G7 of the London Plan 2021 Trees and woodlands London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest - the area of London under the canopy of trees. Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.

The application has been considered by the LBB Tree Officers who have concluded that there is a high risk of unacceptable harm to trees growing close to the development. These trees are located at the northern edge of the playing fields of Christ Church CE Primary School & Nursery.

The Council has placed a Tree Preservation Order on 9 oak trees (in June 2023) which are situated on the northern edge of the playing fields of Christ Church CE Primary School & Nursery (Identified as Tree no's T1-T9 of the Tree Impact Assessment on the Tree Constraints Plan). The purpose of a Tree Preservation Order is to provide statutory protection to selected trees which make a significant contribution to public amenity. These subject trees provide an excellent back drop to the school grounds and screen the school from views within and without the Green Belt. The trees are also part of the boundary that separates the land use to the north, The London Shire Golf course which is located within Hertsmere District Council.

In making its assessment and decision to place TPO' s on these selected trees, the LPA was guided by National legislation and policy. The National Planning Practice Guidance provides the following advice in respect of the making of Tree Preservation Orders:

"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, considering the following criteria:

1. Visibility
2. Individual, collective and wider impact

Visibility

The Local Planning Authority considered the extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone would not be sufficient to warrant an Order. The LPA assessed the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- o size and form;
- o future potential as an amenity;
- o rarity, cultural or historic value;
- o contribution to, and relationship with, the landscape; and
- o contribution to the character or appearance of a conservation area."

The subject trees are growing within a hedgerow located between Christ Church CE Primary School & Nursery and the Land surrounding Elizabethans Ruby Club. There is a chain link fence that separates the land, and this indicates that the trees are standing within Christ Church CE Primary School & Nursery. The land use either side of the hedgerow and trees is similar, sports fields. This makes these trees very prominent in the landscape. The land slopes downwards from the main school buildings and so views onto the trees are available from the school, neighbouring residential properties and users of Byng Road. Whilst proposal is not to remove the trees, Officers are particularly concerned that the access arrangement would compromise the health of tree no's T1 given that it is located at the main entrance to the site, and T8, given its' proximity to the proposed Clubhouse and the potential harm the construction and foundation works would have on the Clubhouse.

Tree no T1 is a mature oak tree located at the entrance to sports fields which has veteran qualities and as such is protected by policy within the NFFP which states:-

"When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate." Tree no T1 is a key feature of the entrance and also constrains the size of vehicle entering the site. It is therefore at risk from the current proposal. The proposal has potential to seriously compromise the health of the tree. In addition, the construction foundation works for the proposed Clubhouse, has potential to damage the trees to Tree no T8. The remaining seven trees (protected by Tree Preservation Orders) located within the hedgerow on the southern boundary provide significant visual amenity as they form the backdrop to the sports field.

The supporting ecological survey identifies the hedge as a bat commuting/foraging corridor and these trees play a significant role. Additionally, there are trees have been identified within the supporting ecological surveys to have potential to support roosting bats. The potential bats roosts are at risk from the proposed floodlighting scheme that has failed to adequately reduce light spill to an acceptable level.

The planning application is in part recommended for refusal for the following reason:

- The proposal development would have harmful impact on the health and setting of two x no trees, which form part of a row of 9 x no oak trees Protected by Tree Preservation Orders, located at the northern edge of the playing fields of Christ Church CE Primary School & Nursery (as shown as Tree no's T1 & T8 on drawing no number 002 Rev C - in appendix within the Arboricultural Impact Assessment), contrary to Chapter 15 of the National Planning Policy Framework (2021); policies G2, G7 of the London Plan (2021) and policies DM01 and DM15 of the Local Plan which seeks to protect established trees which provides significant visual amenity and value to the Greenbelt.

Impacts on Ecology

Sites being considered for development must retain valuable, and protected habitats such as bat roosts or badger setts deliver net bio-diversity gains. Guidance is set out within BS 42020 - a code of practice for biodiversity in planning and development.

Biodiversity net gain

Officers do not object Biodiversity Net Gain of the submitted Biodiversity Net Gain Assessment (Ecological Solution, February2023b) as the proposed habitat enhancement and creation onsite will result in an increase in habitat units from approximately 8.81 units to 10.01 units (which equates to a 13.54% increase) and an increase of hedgerow units from approximately 3.94 units to 4.63 hedgerow units (which equates to a 17.31% increase). Overall, the proposed scheme would result in onsite Biodiversity Net Gain in excess of the soon to be mandatory 10% Net Gain as enshrined within the Environment Act 2019.

Bats and artificial lighting

The fundamental ecology concern and objection relates to the proposed external artificial lighting and its impact on roosting bats in trees within close proximity to the floodlights.

The applicant provided a bat survey on the existing building and on a hedgerow to the boundary of the site. It was concluded that there is low level of bat activity. There were 5 trees that were reported to have moderate suitability for bat roosting. However, the Ecological report asserts that because the trees would not be directly impacted upon or removed, no further surveys were undertaken. The applicant is of the opinion that the proposed lighting strategy would sufficiently mitigate against the likely impact on bats. However, LBB Ecology Officer has reviewed the lighting strategy and conclude that the level of mitigation proposed is sufficient and recommends that planning application for refusal on the grounds that the predicted pre-curfew lux spill plan and lighting mitigation measures outlined with submitted External Lighting report (CPW, May 2023) are inappropriate due to the negative impact on bats.

The proposed curfew time for the pitches is 10:00pm throughout the year and particularly in the height of summer would seriously impact on any roosting bats that are potentially present, particularly four trees with moderate suitability for roosting bats (BP1, 3 - 5) and two with low suitability (BP2, 6) that have not been surveyed to confirm the presence or likely absence of for roosting bats. Earlier emerging bat species such as common pipistrelle, soprano pipistrelles and noctules would likely be impacted by light spill during twilight in the height of summer when sunset is after 10:00pm while later emerging species would be impacted by light spill due spring and autumn prior when the sunset is prior to 10:00. For reference, the twilight times on the longest day of summer is 03:54 - 04:42 and 21:22 - 22:10, while the twilight period on April 1st when bats are become active is 05:22 - 06:02 and 20:07 - 20:48).

The applicant has not provided confirmation on the absence of bats within nearby trees due to the extensive light spill into the north tree line and eastern block of deciduous woodland caused by the 15m high thorn lighting champion columns which provide sport pitch lights. There is a serious risk that such bats would become intombed within their roost resulting in an offence under section 43 of the Conservation of Habitat and Species Regulation 2017 and Section 9 of the Wildlife and Countryside Act 1981 (as amended).

Moreover, the applicant has not provided appropriate measures to install effective physical screening to maintain a dark corridor along the boundary hedgerows, adjacent woodland and Site of Nature Conservation Interest were included within the submitted lighting plans and External Lighting Report (CPW, May 2023). Therefore, strict adherence to the mitigation hierarchy to safeguard the dark corridors and core foraging habitat of bats has not been demonstrated.

The predicted post-curfew light spill indicates that a light spill of between 2 and 0.5 lux at its farthest point would negatively impact the south hedgerow (H1) which specifically noted as being a dark corridor for commuting bats (see below). Guidance Note 08/18 Bats and artificial lighting in the UK quotes research that states, "Significant impacts

have been recorded from as low as 3.6 lux" (Stone, E.L., Jones, G., Harris, S. (2009). External lighting disturbs commuting bats. *Curr. Biol.* 19, 1123-1127.

The External Lighting Report (CPW, May 2023) does not consider the presence of those trees with moderate to low suitability for roosting bats. Further, the applicant has not demonstrated that the proposed light spill would not have a negative and detrimental impact on potential roosting bats.

The colour temperature of the flood lighting (EX6 Thorn Lighting Champion) is over 4000K which is significantly higher than the temperature colour recommendation of 2700k with Guidance Note 08/18 Bats and artificial lighting in the UK, Bats and the Built Environment series (Institution of Lighting Professionals, 2018, page 18 - 19).

The submitted lux spill plans (FC-CPW-XX-00-DR-E-22101_S3 P05 and BERFC-CPW-XX-01-DR-E-22102_S3 P05 for pre-curfew and BERFC-CPW-XX-00-DR-E-22103_S3 P05 and BERFC-CPW-XX-01-DR-E-22104_S3 P05) do not display predicted light spill following the installation of all mitigation measures as opposed to "worst-case scenario".

In summary, the predicted pre-curfew lux spill plan and lighting mitigation measures outlined with submitted External Lighting report (CPW, May 2023) are inappropriate due to the negative impact on bats.

The planning application is in part recommended for refusal for the following reason:

- The proposed external lighting to the pitches, including the 15 metre high thorn lighting champion column mounted sport pitch flood lights, would result in extensive light spill, to the detriment of the existing and continued presence of bats on nearby trees and woodland, particularly during bat roosting season contrary to the NPPS (2021); policies G6 of the London Plan; DM01 and DM18 of the Local Plan (2012) which seek to conserve and protect priority species and habitats.

Energy and Sustainability

Policies D6 & SI 4 of the London Plan (2021), and DM03 of the Development Management Document (2012) seek to ensure that development would minimise instances of overheating and would not have an adverse impacts on the urban heat island through design, layout, orientation, materials and incorporate of green infrastructure.

The development site ref. 23/1082/FUL covers a "clubhouse building, associated sporting pitches, car parking, storage and ancillary spaces, as identified on the submitted Site Location Plan and extends to an area of 43,550 sq m (4.35 ha)" (as described in the Design and Access Statement).

The applicant stated within their Design and Access Statement document, which accompanying the full planning application that: "in order to prevent the development being referred to the Greater London Authority (GLA) the internal footprint (GIA) of the building must be kept under 1000m². The revised configuration of the building meets

an overall GIA of less than 1000m² . Consequently, certain rooms had to be reduced or omitted. "The clubhouse building has now been redesigned to be 999.13m² in size".

The Energy Statement takes the approach that, due to being less than 1,000m² in size, the development is not referable to the Mayor and therefore does not need to meet the requirements of a Major site. The application being assessed includes, but is not limited to, the clubhouse. The site is 43,550 sq m and therefore should be assessed as a Major site. The Clubhouse is technically just less than 1,000m² however in practical terms and in the intention of the Mayor's London Plan Policy SI2, and Barnet's Local ambitions to reach Net Zero carbon emissions, the clubhouse should be built to the same standards expected of a building of 1,000m² and above.

The proposed pitches are broadly acceptable in Sustainability terms. However, the applicant has not provided information as to how the waterlogged access would be treated and some analysis of potential surface water flooding. The Flood Risk Assessment shows a low risk of river and sea flooding, from which the risk is low. It does not include information about other sources of flooding such as surface water, which would be practical in this case.

Energy efficient design

Appropriate measures taken to reduce energy demand via design, building form and orientation. Thought has gone into balancing solar gain, natural daylight and overheating risk. Passive measures such as enhanced U-values for building materials, air-tightness, thermal bridging, window design and glazing specification, and building orientation have been appropriately considered. Active design measures such as efficient lighting and lighting controls, building zones with mixed-mode ventilation allowing for internal spaces to be appropriately ventilated have been incorporated into the design.

Overheating and cooling - London Plan Policy SI4 and BR Part O

Overheating analysis was performed using the recommended method - utilising CIBSE TM52 guidance. The results demonstrate that the occupied spaces within the building meet the passing criteria set out within Building regulations Part O and the CIBSE TM52 guidance.

Renewable and low carbon technology energy

A range of renewable energy options were assessed. A combination of solar photovoltaic panels (PV) and air source heat pumps (ASHP) were appropriately selected for the design. The proposal is to install 94 PV panels, circa 150m² of PV generating 25,477kWh per annum and offsetting 0.291 Tonnes of CO₂ per annum.

Regulated CO₂ emissions results and rates

- Notional building: 5.761 tonnes CO₂/year
- Actual building: 3.6223 tonnes CO₂/year

The proposed Strategy shows an improvement over Part L (2021) of 37%. The building is BR Part L compliant. The 37% improvement over Part L meets the criteria

from the London Plan. The Energy Statement outlines the Be Lean measures incorporated but does not indicate the energy savings from this. The residual CO2 emissions of 3.6223 tonnes CO2/yr would be required to be offset to reach Net Zero Emissions. The Offset payment calculation would be $3.6223 \times \text{£}95 \times 30 \text{ years} = \text{£}10,323.56$.

Response to Public Consultation

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

Response to key comment in support of the planning application

- The proposed new Clubhouse facilities and improvement works to the pitches would provide a great community assist to all and provide for the need and demand for users of the rugby club.

Officers' response: Officers acknowledge that an increased provision of sports facilities would provide public benefits in terms of increasing availability of and participation in sport. The provision of additional facilities for community and other sport uses would also provide a level of public benefit. Officers do not object to the principle of a new clubhouse onsite. However, the sheer scale of the proposed clubhouse and onsite car parking area would result in an over intensification of the site, which would be harmful to the Greenbelt as discussed in the report. The public benefits associated with the proposal, would not outweigh the substantial harm it would cause to the visual amenities and sense of openness to the Greenbelt; harmful impacts on trees protected with Tree Preservation Orders; and harmful impact on existing bat pollution.

- The proposed fencing onsite would result in anti-social behaviour onsite.

Whilst London Metropolitan Police advise that the proposed fencing measures proposed are satisfactory from a Secure by Design perspective (as they would prevent people climbing over, anti-social behaviour onsite whilst the club house and sports pitches are not in use,) the cumulative impact of the fencing proposed would have a harmful impact on the visual amenities and sense of openness to the Greenbelt, contrary to policy.

Response to key comments opposing the proposed development.

Lack of public consultation, including not engaging with Barnet Medieval Festival (BMF) and Barnet Residents Association at pre application stage.

(Officers comment: The applicant has submitted a Statement of Community Involvement with the full planning application. It advises that a Public Consultation event took place on 10 September 2022 (pre submission of the full planning application). The applicants Statement of Community Involvement states that 2, 044 consultation letters were sent to local residents in advance of the meeting; local politicians; community groups and relevant bodies.

On 21 June 2023, the applicant met with Barnet Medieval Festival Society; Barnet Society; Environment Centre; and BERFC Committee member & Volunteers. The key points discussed were as follows:

- Vehicle access to the fields during setup / takedown of the festival given large/heavy equipment, tents,
- Pedestrian movement through the car park and fields during the event; and
- Barnet Medieval Festival use of the fields during the festival;

The applicant advised that it not in the club's interest to unnecessarily restrict the Barnet Medieval Festival (or any other similar event), as a result of the income it provides the rugby club and awareness of the club for new joiners. Barnet Medieval Festival can use the site on an annual basis to be agreed in a detailed Management Plans addressing issues such as prevailing weather and yearly festival content, in part to prevent damage to pitches.

Barnet Medieval Society expressed concern on the grounds that the proposed car park would prevent vehicle access to the fields and create both a physical and visual barrier across the fields, thus affecting the ability for BMF visitors to understand and access the festival. The applicant advised that this is not the case. The proposed hedge around the car park would be 1.5m in height thus allowing views to continue. The revised drawings submitted to the Council include vehicle access on to the field from the car park, maintaining the status quo.

The proposal does not affect the entrance of the site at Byng Road, with the Council's car park and access to the allotments remaining as per current situation. The applicant has advised that the inclusion within the application "redline" is an administrative point only, as there is a requirement for the application boundary to abut the public highway.

There are three vehicle points open for maintenance, emergency and authorised vehicles to support sporting and formal events that take place on the fields, including Barnet Medieval Festival.

Barnet Residents Association (BRA) object on the grounds that:

- The existing fields offer community leisure opportunities to walkers, dog walkers, joggers, allotment holders, picnickers and so on. It is also the area used by the Barnet Mediaeval Festival Committee for their annual commemoration of the Battle of Barnet. The proposal may prohibit the use of the Fields to the abovementioned users.
- The proposed clubhouse and variations to their operation would introduce significant constraints on other leisure uses of this area.

(Officers comment: Officers agree that the applicant should have engaged with Barnet Residents Association prior to the submission of the full planning application, although there was no statutory requirement for the applicant to do so. The proposal would continue to provide pedestrian access to the site. The Barnet Residents Association have not explained or provided any evidence to suggest their contention that the proposal would introduce “*significant constraints*” on other leisure uses of this area).

- The proposal would restrict access onsite to the general public.

(Officers comment: The proposed fencing includes a 1.2m high timber post and rail with hedge around the car park; 1.2 m high spectator barrier in front of Club House; and replacement new fencing on the southern boundary of the site where there is an existing perimeter security fencing between the primary school and the Rugby Club.

As noted above, the proposed development would not restrict pedestrian access by members of the public to the fields. An enclosure plan submitted to the LPA illustrates how the public would have to access the fields for recreational use.

- Noise and anti social behaviour- the proposed Clubhouse would be used for social events and large gatherings at evening and night time events through the year, which would increase noise disturbance to nearby residents and increase potential anti social behaviour onsite and within the vicinity of the site.

Officers comment: Officers acknowledge that the use of the Clubhouse for evening and night time events would result in additional noise. LBB Environment Health and the Metropolitan Police have reviewed the Planning application and do not raise any formal objections subject to conditions which restrict noise disturbance and reduce the potential for anti-social behaviour.

The applicant has advised that a management plan would be in place for the operation for the clubhouse, which would include measures to reduce noise disturbance arising from the clubhouse. .For example, the hours of operation would be restricted.

- The proposed provision for a large car park onsite would result in increased traffic on the local highway which would compromise highway safety.

Officers comment: Both Transport for London and the Local Highways Authority have considered the highway safety impacts associated with the proposed level of car parking spaces onsite. Whilst a level of concern was expressed, they haven't raised a fundamental objections and a reason for refusal could not be sustained on highway safety grounds. Notwithstanding, the proposed "overflow" car parking area to provide 98 x no car parking spaces car parking area" and the additional car parking area to accommodate 10 x no car parking spaces and 3 bus/coaches onsite would cause harm and encroachment on the Greenbelt, which is a recommended reason for refusal.

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.

Conclusion

Having taken all material considerations into account, it is considered that the proposal would result in a substantial impact on the sense of openness and visual amenities within the Greenbelt; would compromise the health of existing trees protected with Tree Preservation Orders; and have a harmful impact on the existing bat population within the vicinity of the site. The application is therefore recommended for refusal.

Site Location Plan

