

STRATEGIC PLANNING COMMITTEE

Tuesday, 12th September 2023

ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

Agenda Item No. 6

Reference: 23/1082/FUL

Barnet Elizabethan Rigby Club, Byng Road, Barnet, EN5 4NP

Pages: 9-59

Clarification

Page 14 of the Committee report states that: *"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))"*.

To clarify, there are 6 x no existing 15 metres high lighting columns and 12 x no lighting columns proposed. The location of the existing and proposed location of external lighting columns are shown below.

Officers are satisfied that the applicant has demonstrated that the proposed lighting scheme is unlikely to have a detrimental impact on the local bat population. In addition, the applicant has also provided assurance that all proposed LED lighting of 4000K will be substitute for 2700K which provides a warm, less intrusive lighting for bats.

Should Members resolve to grant planning permission, the applicant would be required to submit full details of design for floodlighting, including colour and manufacturer's specification. This is in the interest of preserving biodiversity, and the protection of bat population on adjacent trees, hedgerows and woodlands. In addition, all floodlights can only be used between dusk and 2200 on any day throughout the year. This is in the interest of preserving biodiversity, and the protection of bat population on adjacent trees, hedgerows and woodlands. The full wording of these conditions as set out on page 49 of the Committee report.

Additional objection received following publication of the Committee report

- The committee report incorrectly states that *"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"* on the grounds on gender.
- The Governing body for rugby union in England issued a Gender Participation Policy on 1 August 2022, where transgender women cannot participate in the female category for contact rugby when they reach the age of 12 years old and over. Transgender men may continue to participate in the male category for contact rugby, when they reach 12 years old or over. The National Rugby Union's Gender Participation policy is both transphobic and sexist.
- England Rugby do not list any transgender organisations they have consulted with nor details how and who in the LGBTQ+ community they consulted with.

(Officers comment: In relation to the comments raised in relation to RFU policies ultimately it will be a matter of the courts rather than this committee to decide whether the RFU policy (and similar policies by other sporting bodies) is lawful and in accordance with equalities legislation or otherwise and is therefore of limited material relevance to the determination of this application. It is noted that whether the scheme for Barnet Elizabethan Rugby Club (which should be considered on its own individual planning merits) is approved or refused would not impact upon this aspect in either regard. The scheme will bring other equality benefits such as disabled changing rooms, level access to the clubhouse).

Agenda Item No. 7

21/6801/FUL : The Towers 53 The Bishops Avenue London N2 0BJ - (Garden Suburb)

Pages: 61-122

1. Page 61 – OFFICERS RECOMMENDATION to read (~~strikethrough~~ = deletion; and underline = addition):

Approve subject to a ~~Unilateral Undertaking~~ Section 106 agreement and conditions

2. Page 61 – RECOMMENDATION I to read (~~strikethrough~~ = deletion; and underline = addition):

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation by ~~Unilateral Undertaking~~ Section 106 Agreement and any other legislation which is considered necessary for the purposes of seeking to secure the following:

3. Comments received in response to the application and Officer Recommendation Report:

A comment was received in response to the Officer Recommendation Report noting that the Greater London Archaeological Advisory Service had recommended a planning condition to ensure that archaeology is taken into account on site, however no relevant planning condition was attached to the recommended conditions.

Response: Officers note the comments of the GLAAS and agree with their observations and recommendation. They are both reasonable and necessary to ensure that the archaeology of the site is taken into account. The omission of the condition was an oversight, therefore, a condition and informative, as per GLAAS' response will be included within this addendum to the Officer report.

4. Addition of Archaeological Planning Condition and informative to be added to the recommendation as follows:

Condition 45:

- a) *No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.*

- b) *If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:*

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To ensure that all potential archaeological remains are taken account of and to enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD 2016 and Policy HC1 of the London Plan 2021.

Informative:

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

5. Addition of details of Children's Playspace condition (as per report recommendation):

Condition 46:

a) Notwithstanding the details hereby approved, prior to occupation of the development, final details (including location, specification and specific age group) of the children's play equipment shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved in part (a) of this condition shall be implemented in full prior to the occupation of the building, and be maintained in perpetuity, thereafter.

Reason: To ensure adequate provision of high quality childrens playspace and equipment in accordance with Policy DM02 of Barnet's Local Plan Development Management Policies DPD (2012); and Policy S4 of the Mayor's London Plan (2021).

6. Page 93 – correction of number of units to para 3.1.15 (~~strikethrough~~ = deletion; and underline = addition):

Given that the development is for ~~33~~ 65 residential units, the proposal would require provision of affordable housing under policy DM10 of the of the Development Management Policies 2012.

Agenda Item No. 8

21/6798/FUL: "The Portfolio" 51 The Bishops Avenue London N2 0BJ - (Garden Suburb)

Pages: 123-186

1. Page 123 – OFFICERS RECOMMENDATION to read (~~strikethrough~~ = deletion; and underline = addition):

Approve subject to a ~~Unilateral Undertaking~~ Section 106 agreement and conditions

2. Page 123 – RECOMMENDATION I to read (~~strikethrough~~ = deletion; and underline = addition):

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation by ~~Unilateral Undertaking~~ Section 106 Agreement and any other legislation which is considered necessary for the purposes of seeking to secure the following:

3. Comments received in response to the application and Officer Recommendation Report:

A comment was received in response to the Officer Recommendation Report noting that the Greater London Archaeological Advisory Service had recommended a planning condition to ensure that archaeology is taken into account on site, however no relevant planning condition was attached to the recommended conditions.

Response: Officers note the comments of the GLAAS and agree with their observations and recommendation. They are both reasonable and necessary to ensure that the archaeology of the site is taken into account. The omission of the condition was an oversight, therefore, a condition and informative, as per GLAAS' response will be included within this addendum to the Officer report.

4. Archaeological Planning Condition and informative to be added to the recommendation as follows:

Condition 46:

- a) *No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.*
- b) *If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:*
 - A. *The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
 - B. *Where appropriate, details of a programme for delivering related positive public benefits.*

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To ensure that all potential archaeological remains are taken account of and to are enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD 2016 and Policy HC1 of the London Plan 2021.

Informative:

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
