

**LOCATION:** Clitterhouse Playing Fields, Claremont Road, London

**REFERENCE:** 22/5617/FUL **Received:** 21/11/2022  
**Validated:** 25/11/2022

**WARD:** Cricklewood **Expiry:** 24/02/2023

**Agreed**  
**Extension Date:** 13/10/2023

**Final Revisions:** 20/04/2023

**APPLICANT:** BXS Limited Partnership (acting by its General Partners BXS GP Limited)

**PROPOSAL:** Improvement works to the existing Clitterhouse Playing Fields which will include earthworks; provision of sports and play facilities, informal recreation areas, a pavilion building (with café, public toilets and sports changing rooms), and maintenance and storage buildings; car and cycle parking; pedestrian and cycle paths; vehicle access; boundary treatment; lighting; landscaping and street furniture; and the change of use of 75sqm of floorspace within the Clitterhouse Farm Buildings for the provision of maintenance staff welfare facilities (Sui Generis Use).

## 1. RECOMMENDATION(S)

### RECOMMENDATION 1:

The application is for development of playing fields where Sport England has objected and therefore shall be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009. Any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Secretary of State.

### RECOMMENDATION 2:

The applicant and any other person having a requisite interest in the site shall enter into a satisfactory Deed of Variation to make the necessary amendments to the existing Section 106 Agreement dated 22nd July 2014 attached to planning permission F/04687/13 to amend the definitions of Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2) as well as varying Schedule 23 (the Schedule of Mitigation Measures) and Schedule 28 (Phase 1B (South) Park improvements – Specification of Outline Design Principles) to reflect the revised Clitterhouse Playing Fields scheme set out in this application. Strategic Planning Committee grants delegated authority to the Service Director for Planning and Building Control or the Head of Development Management to agree the final form of the Deed of Variation.

### **RECOMMENDATION 3:**

**Subject to Recommendation 1 and the LPA receiving no direction to call in or refuse the application from the Secretary of State, and upon completion of the deed of variation specified in Recommendation 2, the Service Director for Planning and Building Control or Head of Development Management shall APPROVE planning application 22/5617/FUL under delegated powers, subject to the recommended conditions listed in Appendix A of this report.**

**The Strategic Planning Committee also grants delegated authority to the Service Director for Planning and Building Control or the Head of Development Management to make any minor alterations, additions or deletions to the recommended conditions and their attached reasons set out in Appendix A to this report and any associated Addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Strategic Planning Committee (who may request that such alterations, additions or deletions be first approved by the Strategic Planning Committee).**

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## **APPENDICES**

<b>APPENDIX A</b>	Draft Conditions
<b>APPENDIX B</b>	Extract of the Public Realm and Buildings Frontage Components Schedule relating to Clitterhouse Playing Fields (from BXC03 Revised Design Guidelines)
<b>APPENDIX C</b>	Tables referred to in the report
<b>APPENDIX D</b>	Summary of Public Representations
<b>APPENDIX E</b>	Submission Documents, revised documentation and further Environmental information submitted to the Local Planning Authority for application 22/5617/FUL

## 2. APPLICATION SUMMARY

- 2.1 The Local Planning Authority ('LPA') has received a planning application (the 'Application') seeking full planning permission for the following proposed development ('Proposed Development'):

*Improvement works to Clitterhouse Playing Fields including the provision of sports and play facilities, informal recreation areas, a pavilion building (with café, public toilets and sports changing rooms), and maintenance and storage buildings; car and cycle parking; pedestrian and cycle paths; vehicle access; boundary treatment; lighting; landscaping and street furniture; with the addition of a change of use of 75sqm of floorspace within the Clitterhouse Farm Buildings for the provision of maintenance staff welfare facilities.*

- 2.2 Following the submission of the planning application on the 21<sup>st</sup> November 2022, statutory consultation was undertaken by the LPA for a period of 6 weeks from November 2022 to January 2023. As part of this consultation 2,450 properties within the vicinity of the Site were notified as well as site notices and a press notice. As part of the assessment of the detailed information submitted with the application the LPA reviewed its EIA screening opinion for the Proposed Development and subsequently updated and re-issued their screening opinion (ref. 23/1280/ESR) on the 30<sup>th</sup> March 2023. A revised planning submission was made by the Applicant on 17<sup>th</sup> April 2023 which included various amendments to the Proposed Development as well as information and clarifications in response to the updated screening opinion and the comments raised by consultees during the first round of consultation on the Application. The Applicant submitted a Supplementary Environmental Statement ("SES") as part of the revised submission to present the findings of the environmental impact assessment that has been undertaken of the Proposed Development. The LPA then carried out a second period of consultation from 20<sup>th</sup> April 2023 to 20<sup>th</sup> May 2023 giving members of the public 30 days to review the submitted and updated information. A table list of submission documents is provided at Appendix E including those documents that have been updated during the application period.
- 2.3 The Applicant has undertaken extensive public engagement over a 12 month period leading up to the Application. There has been very significant positive feedback as part of that process as reported in the submitted Statement of Community Involvement and, where concerns were raised, the Applicant made adjustments to the scheme prior to submitting the Application including for example, adjustments to the locations of the pitches to maximise the distance from the boundaries with houses, the re-location of the accessible parking, lowering fencing around parts of the sports pitches and shortening the proposed opening hours of the pitches from 10pm to 9pm. In addition to the two rounds of public consultation by the LPA, Officers have undertaken a comprehensive review and assessment of the Application and have engaged with the relevant statutory and technical consultees. In response, further amendments were made to the scheme, including for example, additional tree planting along the southern boundary to create a linear woodland, additional noise attenuation barriers to the sports pitches, additional technical assessments in respect of noise, lighting, flooding and biodiversity as well as information on commitments for community access and charging for the sports facilities.

- 2.4 The principle of development and improvement works to Clitterhouse Playing Fields is established both within development plan policy and the S73 Permission as part of the comprehensive regeneration of BXC. It is identified on a number of the S73 Permission Parameter Plans and detailed consent is in place for the majority of the playing fields.
- 2.5 The Proposed Development will significantly enhance and upgrade the existing Clitterhouse Playing Fields to provide an improved green landscaped open space, as well as inclusive facilities for outdoor recreation, sport, activity and enjoyment, serving both new and existing residents of all ages in Barnet.
- 2.6 Officers consider that the Proposed Development will bring significant benefits as a result of:
- Extensive tree planting and landscaping that will visually enhance the playing fields as well as provide ecological benefits with a resulting Biodiversity Net Gain at the Site.
  - Improved and additional entrances to the playing fields, network of pathways through the Site and the refurbishment of the A41 underpass will enhance access and connectivity to and through Clitterhouse Playing Fields for all members of the local community.
  - Provision of an inclusive range of facilities to serve the existing and new communities comprising children's play and sport facilities to cater for a broad range of ages and interests. These facilities will provide a valuable resource for the neighbouring schools.
  - An increased and maximised range of facilities for recreation, play, leisure, exercise and sport for individual and group activities that will create new opportunities for children, young people and people of all ages to play and be active, promoting physical and mental health. The design of the park will also enhance the experience of people of all ages who use the fields as a place to relax, socialise or walk their dogs.
  - The provision of a well-designed, sustainable and energy efficient Pavilion that will provide changing rooms, a café and public toilets that are accessible to all and act as a social hub for users of the playing fields, as well as supporting the sports facilities.
  - The inclusion of all-weather artificial grass pitches that contribute towards a need for sports facilities within the Borough, supporting local clubs (including football and hockey clubs), whilst consolidating and rationalising the area dedicated to formal sport into a smaller area (when compared to the approved RMA scheme for Clitterhouse Playing Fields) which allows more space for other uses, landscaping and space for enjoyment of the public space.
  - Significant improvements to surface water drainage across the Site with the use of sustainable drainage features that are integrated into the landscape design as well as provision for future flood storage capacity in the south-east of the playing fields, if required as part of a wider scheme to address flooding caused by the wider catchment of Clitterhouse Stream.

- Enhancement works to Clitterhouse Stream and the creation of a small nature park within that area will provide ecological benefits as well as visual and environmental improvements creating further space for the peaceful enjoyment of nature.
  - The improved footpaths and layout of the scheme, as well as the introduction of lighting, defensive planting, CCTV, wayfinding signage, and appropriate management and maintenance arrangements will contribute to the creation of a safe and secure environment.
- 2.7 The Proposed Development will support and contribute to the comprehensive redevelopment of BXC and is considered to be an important element of the BXC development. There are therefore compelling reasons to justify the grant of planning permission. The application is therefore recommended for approval subject to the inclusion of conditions set out in Appendix A of this report.
- 2.8 The Application is a 'Drop-in Application'. If granted, the development authorised by the Application will supersede specific parts of the development authorised by outline planning permission F/04687/13 dated 23 July 2014 (the 'S73 Permission') for the Brent Cross Cricklewood ('BXC') regeneration scheme.

### **Why are improvements proposed to Clitterhouse Playing Fields?**

- 2.9 Improvements to Clitterhouse Playing Fields are already established in the outline planning permission for the Brent Cross Cricklewood regeneration that was first granted in 2010 and amended in 2014. The intention has always been to significantly enhance and upgrade Clitterhouse Playing Fields and enable it to become a community asset catering for all ages and groups and provide place for both new and existing residents for outdoor casual recreation, as well as sport.
- 2.10 The improvement works to Clitterhouse Playing Fields to develop an extensive community park to provide formal sports pitches and facilities (including all weather synthetic pitches and pavilion/changing facilities), civic spaces, play areas and nature parks (including improvement to the Clitterhouse Stream environment) are items of critical infrastructure and are secured through the Section 106 Agreement for the outline planning permission. This means that the developer (in this case the joint venture between Barnet Council and Related Argent) are required to deliver the changes and improvements to Clitterhouse Playing Fields. There is also an existing detailed planning permission ('Reserved Matters Approval' (RMA)) for most of the playing fields that was granted in 2015. The 2015 plans include new sports pitches, a new pavilion building and changing rooms, a play area and use of part of the Clitterhouse Farm buildings to provide maintenance facilities. The Council's Playing Pitch Strategy also recognises that Clitterhouse Playing Fields has not been used for formal sport for over 10 years and will be redeveloped as part of the planning permission for the Brent Cross Cricklewood Development.
- 2.11 The submitted application represents a refinement of the previous approved 2015 scheme and it also includes the two artificial grass hockey pitches as well as the improvement works to Clitterhouse Stream that were not covered by the 2015 RMA.

The revised scheme has been submitted as a full planning application because the dates for the submission of reserved matters for Phase 3A within the S73 Permission have passed and because the revised scheme differs from some of the specific parameter plans of the S73 Permission.

### **Why are artificial sports pitches proposed as part of the application?**

- 2.12 The specific sports facilities proposed at Clitterhouse Playing Fields have been informed by extensive pre-application engagement by the Applicant with the relevant services of Barnet Council in respect of delivering appropriate sports facilities to address the needs of Barnet. This has included discussions with other key stakeholders such as Sport England and national governing bodies for sport including the Football Foundation/The FA, and England Hockey, county sports associations, local sports clubs and the local community including local schools. The sports facilities mix for Clitterhouse Playing Fields has also been informed by Barnet's 2017 Playing Pitch Strategy and the 2023 Playing Pitch Strategy Review. These documents review the existing outdoor playing pitches in the borough and assess current and future demand for playing pitches taking projected population growth into account. The 2023 Playing Pitch Strategy Review identifies that two 3G Artificial Grass Pitches at Clitterhouse Playing Fields would help cater for identified demand from within the borough for such facilities, as well as latent demand arising from neighbouring boroughs. The two proposed hockey pitches will replace the pitches currently located adjacent to Whitefield School which are required to be replaced at Clitterhouse Playing Fields as part of the outline planning permission for the Bent Cross Cricklewood regeneration.

### **Why have Sport England objected to the application?**

- 2.13 Sport England have been consulted on the Application because the proposals involve the redevelopment of land that has been used as a playing field.
- 2.14 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of all or any part of a playing field unless in their view, the development would meet one or more of their five specific exceptions which are set out in their Playing Fields Policy. It is important to note that whilst Sport England's Playing Fields Policy and Guidance is capable of comprising a material consideration, it does not form part of the development plan against which the LPA are required to assess this Application.

Despite acknowledging the sporting benefits of the proposed Artificial Grass Pitches for football and hockey, Parkour/Bouldering Zone, MUGAs, basketball court, Teqball tables and All Wheel Park, and confirming that informal facilities and infrastructure such as playgrounds, footpaths, planting and SUDs could be complementary to formal sports facilities at the site and provide opportunity for wider physical activity, in Sport England's view they do not consider the benefits to be sufficient to outweigh the area of natural turf playing field at the Site as a result of the proposed improvements. For this reason, Sport England have taken the decision to object to the Application.



- 2.15 Officers have undertaken their own assessment of the application against the exception tests in Sport England's Playing Field Policy and, considering the poor condition of the existing playing field and the fact that it has only provided a maximum of 4 football pitches for summer football since 2007 (2 adult and 2 junior) conclude that the sporting benefit the wide range of sports that will be catered for at the Site will deliver, as well as wider recreational benefits that the proposed development will deliver, is more than sufficient to outweigh the detriment caused by the loss of the area of playing field at the Site. This is further supplemented by the new playing fields being delivered by the Council at the National Institute for Medical Research site which further justifies any loss of playing field at Clitterhouse Playing Fields.
- 2.16 Officers have also assessed the development proposals against the requirements of NPPF Paragraph 99 and consider that the Application would meet the exception at NPPF paragraph 99 b) whereby the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, as well as the exception at NPPF paragraph 99 c) whereby the wide range of benefits in respect of sport and recreational provision as a result of the proposed development clearly outweigh the loss of the current area of playing field at the Site. Notwithstanding the objection that Sport England have raised, the application accords with the requirements and tests of the NPPF and is considered to be acceptable and capable of approval.

#### **How much space will be taken up by the artificial pitches?**

- 2.17 Out of the total area of 18.08 hectares:
- 75% (13.61 hectares) of the playing fields will be free and accessible open space (for active and passive recreational activities such as yoga, kite flying, dog walking, ball games and picnics) as well as existing and improved wildlife habitats such as Clitterhouse Stream and boundary hedgerows;
  - 17% (3.58 hectares) of the space will include permanent sports courts and pitches;
  - 5.6% (1.01 hectares) of the space will be dedicated to play areas and challenger sports facilities, such as bouldering;
  - 0.9% (0.17 hectares) of the space covers the existing farm buildings and its internal courtyard; and
  - The remaining 1.1% (0.20 hectares) will be dedicated to new structures (including pavilion), maintenance yard areas and car parking which will support the use of Clitterhouse Playing Fields.
- 2.18 The location of the sports pitches have been moved closer to the centre of the playing fields and further away from the neighbouring residential areas of Golders Green Estate and Prayle Grove. The location of the pitches is also dependent on the flatness of the ground – locations have been chosen which would require less soil movements to achieve a level playing surface. The landform around the pitches has been carefully formed to provide some screening of the fences, with more hedges and trees being

planted along the southern and northern boundaries to further reduce any visual impact that the pitches might have.

### **Why are sports facilities being charged for and what does the money get used for?**

- 2.19 The money generated from the paid-for facilities will be reinvested into the maintenance and management of the playing fields. This will ensure that the facilities can be maintained to a high standard, and will also cover maintenance costs, staffing, and CCTV coverage in all areas of the playing fields. Pay to use sports facilities can be found in playing fields and parks across Barnet and wider London. For example, the cricket, football and rugby pitches at Gladstone Park, the tennis courts at New Barnet Leisure Centre and Golders Hill Park, and bowls in Lyttelton Playing Fields.

### **How will Clitterhouse Playing Fields be managed and by who?**

- 2.20 Clitterhouse Playing Fields are, and will remain, public playing fields owned by Barnet Council. The governance of the playing fields will be overseen by a board of directors who will oversee the maintenance and management of the playing fields. The day-to-day upkeep of the playing fields will be undertaken by a dedicated team of park guardians.
- 2.21 A community consultative forum will also be established which will be made up of representatives from the local community (both sporting and non-sporting) and other key local partners. This forum will elect a representative to sit on the Clitterhouse Playing Fields board of directors, providing the local community with a voice that can inform and make decisions on the management of the playing fields.
- 2.22 The Clitterhouse Playing Fields board of directors will also include a local representative (position offered to local councillors first), Barnet Council officers, an officer from the Brent Cross Town estate management company, and an independent chairperson.

### **What plans are there for the entrance from Purbeck Drive?**

- 2.23 Enhancements to the section of Purbeck Drive at the southern entrance to Clitterhouse Playing Fields will be developed in detail and through engagement with local residents given the importance of this entrance for the Golders Green Estate residents. A condition is proposed to be attached to the planning permission, should it be granted, which will secure the Purbeck Drive improvements and make sure they are delivered alongside the wider playing fields scheme. It is proposed that these works would be completed at the same time, if not before, the first phase of works to the playing fields.

### **What will happen to Clitterhouse Farm?**

- 2.24 The Clitterhouse Farm buildings are being retained as part of the wider BXC development and Our Yard will continue to use the space as a café and workspace

with the associated community garden. A small part of the farm buildings (not the part occupied by Our Yard) will be dedicated to provide welfare facilities for the park maintenance staff (toilets, lockers etc), the detail of which will be worked through with Our Yard.

- 2.25 There are no proposals for the remainder of the farm building as part of this application, but the Brent Cross joint venture team will continue to work alongside Our Yard to establish a future plan for the buildings.

### **How will you manage parking and transport?**

- 2.26 The only proposed parking on Clitterhouse Playing Fields is for blue badge holders for whom on-site parking is essential. Public transport will be promoted first for all other visitors including bus, national rail and underground options. Improvements to the public transport networks are being brought forward as part of the wider development, including bus routes along Claremont Road and active travel routes around Brent Cross Town designed to reduce reliance on car travel.
- 2.27 Pedestrian and cycling routes are being enhanced including a pedestrian crossing over Claremont Road to connect with the new development and routes to the new Brent Cross West station. The A41 pedestrian underpass will be enhanced, 76 new cycle stands (152 spaces) will be provided and the entrances to the playing fields will be improved.
- 2.28 Town centre car parking will be included within the Brent Cross Town development to reduce pressure on local parking. Before each phase of the proposed improvements to Clitterhouse Playing Fields opens, a review of car parking will be completed and demand will be monitored, to ensure appropriate levels of car parking are available.

### **How will the plans address antisocial behaviour?**

- 2.29 The playing fields have been designed to reduce the likelihood of anti-social behaviour. The plans have been developed with input from the Metropolitan Police Designing Out Crime Officer. CCTV will be used and pathways will be dimly lit at night-time to discourage loitering. As part of the management of the park, a guardian team will be on site through the day and into the evening. Fundamentally, the proposed improvements and new facilities will encourage greater use of the playing fields and activity which, alongside CCTV and lighting, will help to reduce and deter anti-social behaviour.

### **3. DESCRIPTION OF THE SITE AND SURROUNDINGS**

- 3.1 The application site lies entirely within the London Borough of Barnet ('the Site') and constitutes an existing large open green space known as Clitterhouse Playing Fields, plus part of Claremont Road, the existing A41 Hendon Way underpass and Clitterhouse Stream and its immediate riparian environs up to Amber Grove. In total, the Application red line covers an area of 18.15 hectares. The Site is enclosed by residential land uses to the north, south and west; with Golders Green allotments adjacent to the eastern extent of the Site. The Site has six pedestrian access points around its perimeter including via the A41 Hendon Way to the east, via Cotswold Gardens and Purbeck Drive to the south, two accesses off Claremont Road to the northwest and southwest of the Site, and via Prayle Grove and Wallcote Avenue to the north.
- 3.2 The Site is predominantly an extensive area of undulating grassland, with a small, fenced playground and a concrete path around part of the perimeter of the Site which continues through each of the six pedestrian access points around the Site. In terms of topography, the Site crowns at its mid-point and slopes northward down toward Claremont Road and south eastward toward Clitterhouse Stream. Clitterhouse Stream flows and traverses through the eastern edge of the green space. All boundaries of the Site are fenced.
- 3.3 The Council's Proposals Map designates the Site as Metropolitan Open Land – which has the same protection as Green Belt; a Site of Local Importance for Nature Conservation (SLINC); and an Area of Special Archaeological Significance (Childs Hill).
- 3.4 The nearest statutory and non-statutory designated sites include the following:
- Brent Reservoir Site of Special Scientific Interest (SSSI) and Welsh Harp Local Nature Reserve (LNR) – approximately 1.1 kilometres west of the Site with the Junction 1 of the M1 Motorway and A406 North Circular (Staples Corner) situated in between;
  - Railway Terraces Cricklewood Conservation Area – approximately 615 metres to the south-southwest of the Site; and
  - Locally Listed Building at Clitterhouse Farm House, 60 Claremont Road located just outside the south west corner of the site.
- 3.5 The Site lies entirely within Flood Zone 1 and is considered to be land that has a less than 1 in 1,000 annual probability of fluvial or tidal flooding. Part of the Site suffers from surface water flooding and, as identified in flood mapping, that part of the Site is identified as falling within Flood Zone 3a (surface water).
- 3.6 The nearest sensitive receptors include residential properties immediately adjacent to the Site, including those at Prayle Grove to the north, Quantock Gardens, Cotswold Gardens and Grampian Gardens to the south, and Swannell Way and Claremont Road

to the west. Whitefield Secondary School and Mapledown School are located approximately 130 metres and 190 metres (respectively) to the north of the Site and Claremont Primary School is located 30 metres to the southwest of the Site on the opposite side of Claremont Road.

- 3.7 The consideration of any sensitive receptors should also take account of committed development schemes within the vicinity of the Site, including BXC regeneration scheme (see Section 4 below for further information). The nearest of these future sensitive receptors would include future residential land uses delivered to the north of the Site.

#### **4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME**

- 4.1 The Site lies entirely within the BXC regeneration area and the Cricklewood Brent Cross Opportunity Area identified by the Council's *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (2005)* and the *London Plan (2016)* respectively. Outline planning permission for the comprehensive redevelopment of Brent Cross Cricklewood (as described below) was originally granted in 2010 and subsequently varied through a Section 73 application in July 2014 (the 'S73 Permission'). The description of the approved development is:

*Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 – A5, offices, industrial and other business uses within Use Classes B1 – B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).*

*The application is accompanied by an Environmental Statement.'*

- 4.2 An agreement pursuant to section 106 of the Town and Country Planning Act 1990 dated 22 July 2014 (which has been subject to a number of deeds of variation) was entered into in order for the S73 permission to be granted (the 'S106 Agreement').
- 4.3 Both the 2010 Permission and S73 Permission were subject to an EIA as a Schedule 2 development. In the case of the S73 Permission, the EIA was undertaken in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and EU Directive 85/337/EEC (as amended). An Environmental Statement dated October 2013 (document reference BXC02) was submitted with the application.

#### **The BXC S73 Permission**

- 4.4 The S73 Permission for the BXC regeneration scheme includes development of an extensive community park at the existing Clitterhouse Playing Fields to provide formal sports pitches and facilities (including all weather synthetic pitches and pavilion/changing facilities), civic spaces, play areas and nature parks (including improvement to the Clitterhouse Stream environment). Under the terms of the S73 Permission, development of Clitterhouse Playing Fields is identified as an item of Critical Infrastructure which is necessary to support the regeneration. In the S73 Permission the delivery of Clitterhouse Playing Fields is divided into two parts with

Clitterhouse Playing Fields Improvements (Part 1) being in Phase 1B (South) and Clitterhouse Playing Fields Improvements (Part 2) in Phase 3A.

- 4.5 The S73 Permission also permits delivery of improvements to the part of Clitterhouse Stream that runs to the east of Clitterhouse Playing Fields and its immediate environs ('Clitterhouse Stream Nature Park'), as well as the provision of community facilities within Clitterhouse Playing Fields to provide a pavilion and changing facilities. These components are defined in the S73 Permission and S106 Agreement, as follows:

*“**Clitterhouse Stream Nature Park**” means new nature park within Clitterhouse Playing Fields Improvements (Part 2) in the general vicinity of the location marked “NP1” on Parameter Plan 003 accordance with Table 4 of appendix 2 of the DSF and the principles and parameters set out within Section B3.2, with an illustrative space typology shown in Section B3.2.3, of the Design Guidelines.’*

*“**Community Facilities (Clitterhouse Playing Fields Zone)**” means the changing facilities and pavilion comprising 325 m<sup>2</sup> gross external floorspace (in the Clitterhouse Playing Fields Zone) to be provided (as part of Phase 1B (South) and the Clitterhouse Playing Fields Improvements (Part 1) in accordance with the specification in Part 1 of Schedule 28 (unless otherwise agreed in writing in accordance with **clauses 4.7 – 4.9** of the S106 Agreement between the developer of the Southern Development and the LPA) and shown for indicative purposes as Item K15 on Plan 8 in **Schedule 8** to the S106 Agreement) as illustratively shown within the vicinity of Plot 51 and 82 (which in respect of the latter is for a maintenance store and office facilities as described in Part 1 of Schedule 28 of the S106 Agreement) on Parameter Plan 12 and the Indicative Phasing Parameter Plan (and referred to in Table 8a of Appendix 2 of the DSF) to be provided in accordance with paragraphs 2.35 to 2.36 and 5.69 and Table 11 of the DSF and to be used for the purpose of providing community facilities.’*

*“**Critical Infrastructure (Pre-Phase (South))**” means key Southern Development infrastructure components to be delivered as part of the Southern Development and the relevant Details of which are to be approved in accordance with **Conditions 13.2, 14.1, 14.2, 14.3, 15.1, 16.1, 17.1, 18.1 and 19.1** of this Permission or the RFF Drop-In Permission or the WTS Drop-In Permission (as the case maybe) in accordance with the Primary Development Delivery Programme or the Detailed Delivery (Non-PDP) Programme pursuant to the relevant Overarching Delivery Obligations (to the extent that they may be relevant to the Phase or part of Phase in question), comprising the following infrastructure insofar as it is within the Southern Development:*

- a) *Strategic Access Points, namely the A5/Geron Way (Waste Transfer Station) Junction and the A41/Whitefield Avenue Junction;*
- b) *Bridge Structures, namely Bridge Structure B2 (A5 Link Bridge), Bridge Structure, Bridge Structure B4 (Pedestrian Bridge over the A406) and Bridge Structure B5 (A41 Pedestrian Bridge);*
- c) *Engineering works comprising works to utilities sewers and Site Engineering and Preparation Works and the Rail Freight Facility;*
- d) *Primary and secondary roads, cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003; and*
- e) *Principal Open Spaces including the Claremont Park Improvements, Clitterhouse Playing Fields Improvements (Part 1), Clitterhouse Playing*

*Fields Improvements (Part 2), Clarefield Park Temporary Replacement, School Green Corridor, Market Square, Eastern Lands Green Corridor Part 1, Eastern Lands Green Corridor Part 2, Eastern Park (Part 1), Eastern Park (Part 2) School Square, Gas Governor Square, Millennium Green, Brent Terrace Park (Part 1), Brent Terrace Park (Part 2), Railway Lands Nature Park, Station Square, Northern Nature Park, North Circular Green Corridor, Office District Park and Community Square;*

- f) *Interim Transport Interchange T1;*
- g) *Whitefield Estate Replacement Units (Part 2);*
- h) *NOT USED*
- i) *Claremont Road Junction North;*
- j) *High Street South (East Works);*
- k) *NOT USED*
- l) *New Train Station; and*
- m) *Transport Interchange T1;'*

**“Clitterhouse Playing Fields Improvements (Part 1)”** means that part of the improvement works to the existing Clitterhouse Playing Fields (the whole of which the existing and improved area comprises 18.02 ha) to be carried out as part of Phase 1B (South) in accordance with the relevant Phase 1B (South) Details and the relevant parameters and principles contained in (a) Parameter Plan 012 and paragraphs 5.67 to 5.70 and Table 5 (page 43) of the DSF and the explanatory notes to Parameter Plan 12 in Appendix 2 to the DSF (b) the description and principles at pages 111 - 112 of the PROSS and (c) in accordance with Section 3.2, with an illustrative space typology shown in Section 3.2.1, of the Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 26 shows how such works could be carried out as part of the Clitterhouse Playing Fields Zone in accordance with the parameters and principles approved under this Permission) and the works specifically comprised in the Clitterhouse Playing Fields Improvements (Part 1) shall accord with the design principles and specification contained in **Part 1 of Schedule 28** to the S106 Agreement (unless otherwise agreed in writing in accordance with **clauses 4.7 – 4.9** of the S106 Agreement between the developer of the Southern Development and the LPA);’

**“Clitterhouse Playing Fields Improvements (Part 2)”** means that part of the improvement works to the existing Clitterhouse Playing Fields (the whole of (which in total (existing and improved) comprise 18.02 ha to be carried out as part of Phase 3A in accordance with (a) Parameter Plan 012, paragraphs 5.67 to 5.70 and Table 5 (page 43) of the DSF and the explanatory notes to that Plan in Appendix 2 to the DSF (b) the description and principles at pages 111 - 112 of the PROSS and (c) Section 3.2 of the Revised Design Guidelines, with an illustrative space typology shown in Section 3.2.1 of the Revised Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 26 shows how such works could be carried out in accordance with the parameters and principles approved as part of the Clitterhouse Playing Fields Zone under this Permission) and the works specifically comprised in the Clitterhouse Playing Fields Improvements (Part 2) shall accord with the design principles and specification contained in **Part 1 of Schedule 28** to the Section 106 Agreement (unless otherwise agreed in writing in accordance with **clauses 4.7 – 4.9** of the



*S106 Agreement between the developer of the Southern Development and the LPA);'*

- 4.6 As set out in the above definitions, the extent of improvement works to be delivered within Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2) are defined by the S73 Permission and S106 Agreement. Further detail is prescribed by the principles and parameters set out in the relevant control documents including:
- BXC01 Revised Development Specification Framework ('RDSF'),
  - BXC03 Revised Design and Access Statement ('RDAS'),
  - BXC03 Revised Design Guidelines ('RDG'), and
  - BXC07 Public Realm and Open Space Strategy ('PROSS').

BXC01 Revised Development Specification Framework (RDSF) (October 2013):

- 4.7 The RDSF contains a series of principles and parameters that govern delivery of the BXC regeneration scheme, ensuring it remains consistent with the Environmental Impact Assessment. The BXC regeneration scheme is divided into a number of development zones reflecting the differing characters and land uses within the regeneration area. As illustrated on Parameter Plan 001: Development Zones (contained in Appendix 2 to the RDSF), Clitterhouse Playing Fields constitutes its own development zone – the Clitterhouse Playing Fields Development Zone – which is identified to deliver improvement and enhancements to the existing open space, providing uses/facilities for both education and the community. This would form a key component of the public realm and open space network within the regeneration area, as illustrated on Parameter Plan 003: Public Realm and Urban Structure. Table 4 associated with Parameter Plan 003 identifies the delivery of Clitterhouse Playing Fields as the only Community Park within the scheme and is required to provide a minimum 18.02 hectares of park space<sup>1</sup>.
- 4.8 In the broader context, the S73 Permission secures delivery of 34.22ha of public open space across the entire regeneration area, which represents an increase of 8.97 hectares compared to the 25.46ha of public open space within the S73 Permission boundary. Table 5 within RDSF contains a schedule of existing and new spaces to be provided, and in respect of Clitterhouse Playing Fields (including Clitterhouse Stream Nature Park), the BXC scheme would result in a net gain of 0.39ha based on the current playing fields covering and area of 17.63ha.
- 4.9 Parameter Plan 012: Clitterhouse Playing Fields sets out the general location for the different uses within the Site, including location for the new all-weather pitches; Multi-use Games Areas ('MUGAs'); car parking; community play space; a zone for park facilities including café/kiosk and changing facilities; a zone for maintenance, storage and park administration; cycling and pedestrian networks and improved access points (including upgrade works to the A41 pedestrian underpass (U4)); and proposed new ground levels with a 1 metre limit of deviation. However, the detailed arrangement of the Site and its facilities is to be defined at the detailed design stage. The explanatory notes associated with Parameter Plan 012 acknowledge the current poor quality of

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<sup>1</sup> As amended by 18/6469/NMA and 18/6454/BXE.

existing sports pitches and the need for these to be improved to maximise their playability, along with the retention of an area as predominantly amenity grassland with habitat improvements and planting. It also sets out the expectation that the all-weather pitches positioned in the northern portion of the site would comprise synthetic pitches with lighting columns at a maximum height of 15 metres. An extract of Parameter Plan 0012 is shown below in Figure 1a).



**Figure 1a):** Extract from Parameter Plan 012: Clitterhouse Playing Fields

4.10 Parameter Plan 026: Indicative Zonal Layout Plan\_Clitterhouse Playing Fields identifies a potential layout for enhancement works to the site which would accord with the parameters of the S73 Permission and Parameter Plan 012. This is illustrated below in Figure 1b):



**Figure 2b):** Extract from Parameter Plan 026: Indicative Zonal Layout\_Clitterhouse Playing Fields (Rev. P07) appended to the RDSF.

4.11 Paragraphs 2.34a and 2.34b of the RDSF state that development of Clitterhouse Playing Fields would provide additional play and sports facilities (including sports pitches) for use by the nearby Claremont Primary School and Whitefield Secondary School. Paragraph 5.45 describes development within the Eastern Lands Development Zone, stating that the existing synthetic pitches adjacent to Hendon Leisure Centre are to be relocated toward the north of Clitterhouse Playing Fields in a location close to the new Education Campus E1 with a view to complementing the sport academy status of Whitefield Secondary School.

- 4.12 Paragraphs 5.67–5.70 of the RDSF provides a summary of development to be delivered within the Clitterhouse Playing Fields Development Zone, noting the current under-utilised status of the existing playing fields and the ambition to enhance the area whilst respecting its Metropolitan Open Land designation. This section reiterates the intentions to improve connectivity with existing and new residential communities as well as throughout the BXC site for pedestrians and cyclists; to provide synthetic sports pitches replacing those adjacent to Hendon Leisure Centre; to improve playing pitches with enhanced topography and drainage to encourage increased usage alongside a changing facility/pavilion; and to provide amenity grassland for general recreation purposes elsewhere.

BXC03 Revised Design and Access Statement (RDAS) (October 2013):

- 4.13 The RDAS approved as part of the S73 Permission sets out the rationale and design principles for the BXC regeneration scheme. Section A2.62 – A2.63 of the RDAS (Landscape and Public Realm – A green city) sets out an Open Space Hierarchy for the development, noting Clitterhouse Playing Fields as providing the largest open space within the regeneration area, delivering a community park of between 15-20 hectares in size inclusive of sport, play, community facilities, habitats, gardens and parking. In respect of the Play Space Strategy, Clitterhouse Playing Fields is envisaged to include a destination play area with both formal and informal play activities containing play equipment, sports facilities, social spaces as well as water and adventure play areas. This is with the intention of serving a population within a 1000 metre walking radius of the space.
- 4.14 Section A3.8 of the RDAS further describes Clitterhouse Playing Fields as providing ‘the green heart’ to the regeneration area, being the most significant existing open space and the focus of recreational activities for new and existing communities. The site is envisaged to become more structured with routes for pedestrians and cyclists into and through the park; provide various surfacing, planting and lighting; include a pavilion building at the highest point of the park (the centre) housing changing facilities and potentially a kiosk or grandstand; and a car parking area and maintenance facilities at the southwest corner adjacent to Claremont Road.

BXC03 Revised Design Guidelines (RDG) (October 2013):

- 4.15 The design principles relating to Clitterhouse Playing Fields are set out in Section B3.2 (as referenced in the above definitions), which provides illustrative typologies for various public realm and open spaces throughout the regeneration area. Clitterhouse Playing Fields is to be designed as a Community Park serving as a destination for new and existing communities within the area. A range of facilities are expected to be provided offering recreational opportunities for a variety of user groups and extensive sports provision. These should be set within a simple landscape framework of open grass spaces and avenue planting, enriched with areas of woodland planting, flower beds and meadow grassland.
- 4.16 Section B4.1 also provides a component palette for the public realm, including suggestions for planting, surfaces and street furniture and facilities. The relevant extract of the overall schedule relating to Clitterhouse Playing Fields is replicated in

Appendix B to this report. However, the exemplar design components are not intended to be prescriptive but to instead prompt an appropriate design response to each during the preparation of detailed proposals based on individual site circumstances.

BXC07 Public Realm and Open Space Strategy (PROSS) (October 2013):

- 4.17 The PROSS sets out an integrated and holistic strategy for the provision of public realm and open spaces within the BXC development, of which Clitterhouse Playing Fields forms the largest (existing and proposed) green space within the regeneration area. In an audit of playing pitch and outdoor sport provision within Barnet, the PROSS describes the existing Clitterhouse Playing Fields as 'poor' quality requiring improvement with a lack of changing facilities contributing to them being underused (Section 2.6.5). Whilst the playing fields' easy accessibility via a number of entrances is noted, so too is the issue of personal safety by virtue of the low levels of use and position of the existing play area at the furthest distance from any access point (Section 3.6.2).
- 4.18 Clitterhouse Playing Fields sits at the heart of the BXC development, with a view to providing a Community Park as the largest open space for a series of residential and mixed used neighbourhoods (noting an optimum size of between 15-20 hectares). The facilities suggested for this Community Park include sport, play, community facilities, events space, habitats, gardens and visitor parking (Table 5.0) with a view to meeting the GLA's District Park equivalent requirements (Section 5.6.1). Pages 111-112 of the PROSS (as referenced by the S73 Permission and S106 Agreement definitions of Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2)) provide a more detailed overview of the components to be included within the proposals, much of which was ultimately reflected within Schedule 28 to the S106 Agreement (see below).

Conditions of the S73 Permission:

- 4.19 Outline planning permission F/4687/13 for the BXC regeneration scheme was granted on 23 July 2014 subject to a number of conditions, some of which relate to the delivery of improvement works to Clitterhouse Playing Fields in particular. These include:
- Condition 2.2 (Clitterhouse Mobility Scheme),
  - Condition 13.2 (Pre-Phase 1 Commencement Submissions and Approvals),
  - Condition 15.1 (Pre-Phase 3 Commencement Submissions and Approvals),
  - Condition 20.20 (Temporary Open Space),
  - Condition 20.24 (Clitterhouse Playing Fields Improvements (Part 1)), and
  - Condition 20.35 (Claremont Avenue/Clitterhouse Playing Fields Pedestrian Crossing).



## BXC S106 Agreement

4.20 The BXC S106 Agreement contains planning obligations. The relevant obligations relating to the delivery of Clitterhouse Playing Fields are set out in the following Schedules:

- Schedule 2 (Obligations of Brent Cross Partners & CRL to LPA)<sup>2</sup>
- Schedule 23 (Schedule of Mitigation Measures)
- Schedule 28 (Phase 1B (South) Park Improvements – Specification of Outline Design Principles)<sup>3</sup>.

4.21 Schedule 2 of the BXC S106 Agreement contains the following obligations at Paragraph 10.2:

*‘10.2 Subject to paragraph 2.3.1 of this Schedule 2 CRL shall construct the following Southern Principal Open Spaces in accordance with the relevant Phase Details and Overarching Delivery Obligations:*

...

*10.2.2 Clitterhouse Playing Fields Improvements (Part 2) (including Clitterhouse Stream Nature Park) (which obligation shall bind the land for Phase 3A);*

...

*10.2.19 Clitterhouse Playing Fields Improvements (Part 1) (which obligation shall bind the land for Phase 1 (South));*

*unless and to the extent that either (a) the LPA shall agree otherwise in accordance with clauses 4.7 to 4.9 above or (b) there is a Force Majeure resulting in delay.’*

4.22 As a consequence of the Environmental Impact Assessment (‘EIA’) carried out at the outline planning stages (document BXC02, October 2013), various components of the BXC regeneration scheme and associated items of Critical Infrastructure were considered necessary to mitigate the impact of the development. Those mitigation measures are enshrined into the BXC S106 Agreement and set out in Schedule 23. The agreed S73 Permission and BXC S106 Agreement definition of the ‘Schedule of Mitigation Measures’ is as follows:

*“**Schedule of Mitigation Measures**” means the mitigation measures as set out within Table 22.1 of the Environmental Statement a copy of which is appended hereto as **Schedule 23** to this Agreement or any variation to such measures submitted to and approved under **Condition 3.2** of the S73 Permission and/or in (or in accordance with) any Additional Planning Permission and/or Alternative Energy Permission or any Further Section 73 Permission and for the avoidance of doubt variations approved in accordance with **Condition 3.2** of the S73 Permission shall not require a Deed or Variation to this Agreement to amend Table*

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<sup>2</sup> As amended by Deeds of Variation dated: 22 January 2016, 23 October 2017, 24 October 2017, 19 July 2019, 19 November 2019, 28 September 2020, 6 January 2021, 1 March 2022, 4 July 2022, and 17 November 2022.

<sup>3</sup> As amended by Deed of Variation dated 23 October 2017 with the revised Schedule 28 set out in Schedule 8 to that Deed.

*22.1 in **Schedule 23** (save and except insofar as a Deed of Modification may be required by the LPA in accordance with **clause 15** of this **Agreement**);'*

- 4.23 Part 1 of Schedule 28 relates specifically to the delivery of improvement works to Clitterhouse Playing Fields and prescribes an outline specification including the provision of green corridors; pathways; park facilities; dog exercise area; a minimum of 6.23ha of sports pitches catering for senior, junior and minis football and 6no. tennis courts and/or MUGAs; play provision for children aged 5 and under, 5 to 11 years old, and 12+ years old; public gardens; informal recreation facilities; and maintenance store and office to be delivered across both Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2).
- 4.24 Plan 015 within Schedule 8 (Drawings) to the BXC S106 Agreement defines the elements of Clitterhouse Playing Fields that constitute Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2). This Plan 015 was inserted into the BXC S106 Agreement through Deed of Variation dated 1 March 2022.

## 5. DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 The development for which planning consent is sought is described as follows:

*'Improvement works to the existing Clitterhouse Playing Fields which will include earthworks; provision of sports and play facilities, informal recreation areas, a pavilion building (with café, public toilets and sports changing rooms), and maintenance and storage buildings; car and cycle parking; pedestrian and cycle paths; vehicle access; boundary treatment; lighting; landscaping and street furniture; and the change of use of 75sqm of floorspace within the Clitterhouse Farm Buildings for the provision of maintenance staff welfare facilities (Sui Generis Use).'*

5.2 Specifically, the proposed development would consist of the following components to be delivered across the entirety of the Clitterhouse Playing Fields site:

- Construction of a **new pavilion building (CPF Pavilion)**: 725.6 square metres (sqm) (gross external area / GEA) in size and approximately 4.45 metres (m) in height, to include public toilets, changing rooms for sporting facilities with associated storage lockers, and a café;
- **New sports and play facilities** including:
  - 4 no. all weather artificial grass pitches (with associated fencing and lighting which will operate until 9pm at night)
  - 1 no. parkour/bouldering zone
  - 1 no. all wheel park
  - 2 no. children's playground areas
  - 2 no. Multi Use Games Areas (MUGA) (with associated fencing and lighting which will operate until 9pm at night)
  - 2 no. teqball tables
  - 1 no. basketball court
  - 1 no. outdoor gym
  - 1 no. mini golf area
  - 1 no. swings zone
  - 1 no. boules court
  - areas of incidental play
  - a children's cycle track
- Construction of a new **sports storage building** (20.4 sqm GEA) for storage of pitch equipment;
- Construction of a new **maintenance storage facility** comprising internal storage for maintenance equipment (168 sqm GEA) and external storage (340 sqm, including 60 sqm of covered storage) for bulk storage of material (compost, fertiliser, sand), waste bins, fuel storage, vehicle circulation/washdown area;
- Informal recreation space throughout Clitterhouse Playing Fields to include grass areas, picnic areas, new seating, drinking fountains and provision for litter bins, signage, CCTV and lighting. Most of the primary pedestrian routes through



Clitterhouse Playing Fields will be lit, along with the play and challenger sports areas and terrace around the CPF Pavilion;

- Change of use of 75 sqm of existing floorspace within the Clitterhouse Farm Buildings to provide maintenance staff welfare facilities;
- A new car park providing a minimum of 15 blue badge parking spaces;
- A coach drop and mini bus drop off layby to be located on Claremont Road;
- Cycle parking comprising a minimum of 76 Sheffield cycle stands;
- A network of new pedestrian and cycle pathways throughout the park which can be used for running routes. The main pedestrian routes will be lit 24 hours a day using low lux level lighting for wayfinding purposes;
- An integrated dry stream for the Sustainable Urban Drainage System (SUDS);
- Enhancement works to A41 underpass; and
- Landscape works including earthworks to adjust the site topography and levels, works to existing trees, tree planting, improved boundary planting treatments, provision of green corridors along the majority of the site boundary and enhancement works to Clitterhouse Stream.

5.3 The Applicant proposes to deliver the development in a phased sequence ensuring parts of Clitterhouse Playing Fields remain open and accessible to the public during the construction period. This approach aligns with the existing control imposed by Condition 20.24 of the S73 Permission for the BXC development, which requires Clitterhouse Playing Fields Improvements (Part 1) to be undertaken in no more than three broad phases with any phase needing to be substantially complete and open to the public prior to beginning the next phase. The Applicant also notes other benefits to a phased delivery being the ability to undertake any necessary earthworks in a sequential and sustainable manner.

5.4 The proposed phased sequence of implementation is illustrated in the Figure below and summarised as follows. The Applicant hopes to commence Part 1 in 2024 (completing 2025), Part 2 Phase 1 in 2025/2026 and Part 2 Phase 2 in 2027/2028:

- **Part 1:**
  - Northern entrance (Claremont Road),
  - Car park,
  - Multi-purpose lawn,
  - Amphitheatre,
  - Segregated north-south pedestrian and cycle pathway to Purbeck Drive,
  - Tree planting along the southern boundary,
  - 2no. MUGAs,
  - basketball court,

- teqball tables,
  - All-wheel park,
  - Parkour,
  - Bouldering zone,
  - Swing area,
  - Children's playground,
  - 4no. new and improved entrances at Claremont Road (north), Claremont Road (west), Purbeck Drive and A41/Hendon Way, and
  - Associated infrastructure including seating, cycle stands, wayfinding signage, lighting, pathways, and soft landscaping.
- **Part 2 Phase 1:**
    - A41 underpass improvements,
    - Pavilion building,
    - Mini golf,
    - Boules court,
    - SuDS dry stream (part),
    - 2no. 3G all-weather/artificial grass pitches,
    - Sports Storage building, and
    - Associated infrastructure including seating, cycle stands, wayfinding signage, lighting, pathways, and soft landscaping.
- **Part 2 Phase 2:**
    - 2no. sand-dressed artificial turf pitches,
    - Clitterhouse Stream improvements and nature park,
    - Remaining section of the SuDS dry stream,
    - Areas of incidental play,
    - Maintenance Storage Facility (including associated maintenance staff welfare facilities within the existing Clitterhouse Farm Buildings),
    - Farm playground,
    - Learner's bike track,
    - Community orchard,
    - Improvement to Claremont Road (southwest) entrance, and
    - Associated infrastructure including seating, cycle stands, wayfinding signage, lighting, pathways, and soft landscaping.



**Figure 3:** Phased sequence of delivery of the proposed development (Landscape Design Statement, April 2023)

### **Amendments to the Scheme and Submission of Additional Information**

5.5 As a result of the consultation undertaken by the LPA following validation of the Application in November 2022 and the consultation responses received (summarised above) from statutory and non-statutory consultees, technical advisers and members of the public, the Applicant undertook further assessment of the proposed development which resulted in a number of changes to the proposals. As set out in Section 4.6 of the Applicant's Planning Statement, the proposed amendments are summarised as follows:

- Sports and Play provision:
  - Removal of the proposed youth 11v11 grass football pitch on the multi-use lawn area
  - Submission of a draft Clitterhouse Playing Fields Sports Facilities: Public Accessibility and Affordability Framework.
- Revision to the proposed vehicular access to the proposed car park off Claremont Road with supporting swept path analysis.
- Amendment to the materials palette for the proposed maintenance facility building.

- Lighting, Fencing and Boundary Treatments:
  - Further noise modelling undertaken for the operational phase of the proposed development resulting in additional sound attenuation measures to the southern boundary of the four all-weather pitches;
  - Revised CGIs and three new cross sections to illustrate the proposed development; and
  - Completion of a baseline (existing) lighting survey to inform the assessment of proposed artificial lighting.
- Additional surface flood water attenuation storage proposed through changes to the SUDS dry stream and additional storage basins created adjacent to Clitterhouse Stream (supported by a revised Flood Risk Assessment (FRA) and Drainage Strategy).
- Completion of a FRA Sequential Test.
- Revisions to the proposed planting strategy, including:
  - Additional tree planting (and revised tree species) along the southern boundary of the Site to create a linear woodland feature;
  - Change to a number of tree species;
  - Addition of climbers and native shrub planting to screen sound attenuation barriers to the south of the all-weather pitches and climbers to screen barriers on the east and west edges of the all-weather pitches; and
  - A revised tree survey, arboricultural impact assessment and arboricultural method statement to retain a group of trees to the north of Prayle Grove.
- Ecology and biodiversity:
  - Update to the Biodiversity Net Gain assessment including a River Conditions Assessment and Modular River Physical Survey; and
  - Inclusion of an Outline Bat Mitigation Strategy.
- Update to the phased approach to the proposed development, including earlier delivery of tree planting adjacent to the southern boundary of the Site.

5.6 Further and revised information, including further environmental information submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the 'EIA Regulations') as set out within a Supplementary Environmental Statement, were submitted to the LPA on 20<sup>th</sup> April 2023. The content of that submission is listed in Appendix E to this report.

#### Further Minor Corrections

5.7 Further iterations of the Planning Statement, Transport Assessment and Assessment of Sports Facilities Mix were provided to the LPA following the second round of consultation. However, the amendments to these documents sought only to provide clarification to matters of technicality raised by relevant consultees or to provide minor corrections as follows:

- Clitterhouse Playing Fields 'Drop-In' Full Planning Application – Transport

Assessment (Steer, document ref. 23624026, Revision 1, dated June 2023) received on 19<sup>th</sup> June 2023;

- An amended Clitterhouse Playing Fields 'Drop-In' Full Planning Application – Planning Statement (Carney Sweeney) dated September 2023 which has been updated at paragraphs 4.8.5, 5.13.6 and at table 2 to Appendix E to reflect the figure of 3.6 ha in respect of the total level of sports pitch provision provided by the proposed development. In addition, paragraph 6.2.1 and Appendix F have been updated to refer to the revised Drop-in Protocol approved pursuant to Condition 1.39 by the LPA under reference 23/3392/BXE.
- An amended Assessment of Sports Facilities Mix dated September 2023, which supersedes that submitted in April 2023 and which has been updated at paragraph 6.13 to refer to the 3.6 ha figure for the total level of sports pitch provision provided by the proposed development.
- A letter of clarification and erratum notice dated 11 September 2023 to indicate where the incorrectly reported area of formal sports provision should be replaced within the Supplemental Environmental Statement (SES) and to confirm the revised 3.6 ha figure does not change the findings of the environmental assessment of the proposed development and that the assessment and conclusions of the submitted SES remain valid for the purposes of decision making.

5.8 Drawing BXS-PK005-INF000-L-GPB-DR-90-P005-XX Rev P02 (General Arrangement – Proposed Construction Phasing Plan) was also submitted. Whilst this drawing has previously submitted for information (as it forms Appendix C to the Planning Statement), the applicant provided a copy of the plan as a drawing for approval.

## 6. MATERIAL CONSIDERATIONS

6.1 The following provides an overview of the matters that constitute the material considerations in the determination of this planning application in respect of relevant planning policy, planning history and consultation responses.

### Key Relevant Planning Policy

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the London Plan (2021) and the adopted development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management Policies DPD both adopted September 2012).

6.3 Chapter 12 of Barnet's Unitary Development Plan (2006) was saved at the time of the adoption of the 2012 Core Strategy and the policies contained within it are therefore also material considerations given the location of the application site within the BXC regeneration area. These statutory development plans are therefore the main policy basis for the consideration of this planning application. The planning appraisal also considers the emerging planning policies of the Draft Barnet Local Plan 2021-2036, as well as relevant national planning policies.

6.4 More detail on the policy framework relevant to the determination of this planning application and appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises the London Plan and Barnet Local Plan policies relevant to the determination of this planning application:

*Table 1: Summary of the development plan policies most relevant to the determination of planning application 22/5617/FUL*

<b>The London Plan (2021)</b>	
<b>Good Growth</b>	
Policy GG1	Building Strong and Inclusive Communities
Policy GG2	Making the best use of land
Policy GG3	Creating a Healthy City
Policy GG6	Increasing efficiency and resilience
<b>Spatial Development Patterns</b>	
Policy SD1	Opportunity Areas
Policy SD10	Strategic and Local Regeneration
<b>Design</b>	
Policy D3	Optimising Site Capacity through the Design-led Approach
Policy D4	Delivering Good Design
Policy D5	Inclusive Design
Policy D8	Public Realm
Policy D11	Safety, Security and Resilience to Emergency
Policy D12	Fire Safety
Policy D14	Noise
<b>Social Infrastructure</b>	

Policy S1	Developing London's Social Infrastructure
Policy S4	Play and Informal Recreation
Policy S5	Sports and Recreation Facilities
Policy S6	Public Toilets
<b>Heritage and Culture</b>	
Policy HC1	Heritage conservation and growth
<b>Green Infrastructure and Natural Environment</b>	
Policy G1	Green Infrastructure
Policy G3	Metropolitan Open Land
Policy G4	Open Space
Policy G5	Urban Greening
Policy G6	Biodiversity and Access to Nature
Policy G7	Trees and Woodlands
<b>Sustainable Infrastructure</b>	
Policy SI1	Improving air quality
Policy SI2	Minimising Greenhouse Gas Emissions
Policy SI4	Managing Heat Risk
Policy SI5	Water Infrastructure
Policy SI7	Reducing Waste and Supporting the Circular Economy
Policy SI12	Flood risk management
Policy SI13	Sustainable Drainage
Policy SI17	Protecting and enhancing London's waterways
<b>Transport</b>	
Policy T1	Strategic Approach to Transport
Policy T2	Healthy Streets
Policy T3	Transport Capacity, Connectivity and Safeguarding
Policy T4	Assessing and Mitigating Transport Impacts
Policy T5	Cycling
Policy T6	Parking
Policy T6.5	Non-residential disabled persons parking
Policy T7	Deliveries, servicing and construction
<b>Implementation and Monitoring Review</b>	
Policy DF1	Delivery of the Plan and Planning Obligations
<b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>	
Policy CS NPPF	National Planning Policy Framework – Presumption in favour of sustainable development
Policy CS1	Barnet's Place Shaping Strategy
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and enhancing Barnet's character to create high quality places
Policy CS7	Enhancing and protecting Barnet's open spaces
Policy CS9	Providing safe, effective and efficient travel
Policy CS10	Enabling inclusive and integrated community facilities and uses
Policy CS11	Improving health and wellbeing in Barnet
Policy CS12	Making Barnet a safer place
Policy CS13	Ensuring the efficient use of natural resources
Policy CS14	Dealing with our waste
Policy CS15	Delivering the Core Strategy
<b>Barnet Local Plan – Development Management DPD (September 2012)</b>	
Policy DM01	Protecting Barnet's character and amenity
Policy DM03	Accessibility and inclusive design
Policy DM04	Environmental considerations for development

Policy DM06	Barnet's heritage and conservation
Policy DM13(b)	Community and education uses
Policy DM15	Green Belt and open spaces
Policy DM16	Biodiversity
Policy DM17	Travel impact and parking standards
<b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b>	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C4	Sustainable Design
Policy C7	Transport Improvements
Policy C8	Parking Standards
Policy C9	Housing and Community Development
Policy C11	Implementation

- 6.5 The Council are also working on producing a new Local Plan for Barnet. Consultation on the 'Barnet Draft Local Plan 2021 to 2036' has been carried out in accordance with both Regulation 18 and Regulation 19 of the Town and Country Plan (Local Planning) (England) Regulations 2012 (as amended) in January – March 2020 and then July – August 2021 (respectively).
- 6.6 In accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended), Barnet's Draft Local Plan was submitted on the 26<sup>th</sup> November 2021 to the Planning Inspectorate for independent examination. The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.
- 6.7 An examination in public, in the form of hearing sessions, was conducted by an independent Planning Inspector on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities during September to November 2022 pursuant to Regulation 24 of the Town and Country Plan (Local Planning) (England) Regulations 2012 (as amended). The Council are currently in the process of responding to the Planning Inspector's requests through the publication of a number of further examination documents and updated statements of common ground.
- 6.8 The Barnet Local Plan adopted in 2012 (comprising the Core Strategy DPD and Development Management Policies DPD) remains the statutory development plan for Barnet until the replacement plan is adopted under Regulation 26 of the Town and Country Plan (Local Planning) (England) Regulations 2012 (as amended). As such, planning applications should continue to be determined in accordance with the 2012 Barnet Local Plan, while noting that account needs to be taken of the policies and site proposals in the Draft Barnet Local Plan 2021-2036 and the stage that it has reached.



**Table 2: Barnet Draft Local Plan (Regulation 22) (November 2021) policies relevant to the determination of planning application 22/5617/FUL.**

<b>Barnet Draft Local Plan (Regulation 22) (November 2021)</b>	
<b>Chapter 4: Growth &amp; Spatial Strategy</b>	
Policy GSS01	Delivering Sustainable Growth
Policy GSS02	Brent Cross Growth Area
Policy GSS13	Strategic Parks and Recreation
<b>Chapter 6: Character, Design and Heritage</b>	
Policy CDH01	Promoting High Quality Design
Policy CDH02	Sustainable and Inclusive Design
Policy CDH03	Public Realm
Policy CDH07	Amenity Space and Landscaping
Policy CDH08	Barnet's Heritage
<b>Chapter 8: Community Uses, Health and Wellbeing</b>	
Policy CHW02	Promoting Health and Wellbeing
Policy CHW03	Making Barnet a Safer Place
<b>Chapter 10: Environment and Climate Change</b>	
Policy ECC01	Mitigating Climate Change
Policy ECC02	Environmental Considerations
Policy ECC02A	Water Management Policy
Policy ECC04	Barnet's Parks and Open Spaces
Policy ECC05	Green Belt and Metropolitan Open Land
Policy ECC06	Biodiversity
<b>Chapter 11: Transport and Communications</b>	
Policy TRC01	Sustainable and Active Travel
Policy TRC03	Parking Management

6.9 A number of other documents, including supplementary planning documents, design guidance, technical assessments and national planning policy and guidance, are also material to the determination of the application including:

- National Planning Policy Framework (2023)
- The National Planning Practice Guidance
- Noise Policy Statement for England (DEFRA, 2010)
  
- LB Barnet Green Infrastructure SPD (2017)
- LB Barnet Planning Obligations SPD (2013)
- LB Barnet Sustainable Design and Construction SPD (2016)
  
- Cricklewood, Brent Cross and West Hendon Development Framework (2005)
- Barnet Open Space, Sports and Recreational Facilities Assessment (2009)
- London Borough of Barnet Playing Pitch Strategy Review 2021/22 (April 2023)
  
- Sport England's Accessible Sports Facilities Design Guidance Note (2010)
- Sport England's Artificial Grass Pitch (AGP) Acoustics – Planning Implications Design Guidance Note (2015)

6.10 Other relevant topic specific regional frameworks and guidance documents may also be material to the consideration of this Application including:

- The Mayor's Play and Informal Recreation SPG (2012)
- The Mayor's Social Infrastructure SPG (2015)

- The Mayor's Green Infrastructure and Open Environments: The All London Green Grid SPG (2012)
- The Mayor's London Environment Strategy (2018)
- The Mayor's Shaping Neighbourhoods Accessible London SPG (2014)
- The Mayor's Air Quality Neutral LPG (2023)
- The Mayor's Sustainable Transport, Walking and Cycling LPG (2022)
- The Mayor's The Control of Dust and Emissions During Construction & Demolition SPG (2014)
- The Mayor's MCIL2 Charging Schedule (January 2019)

## **Relevant Planning History**

### BXC S73 Permission

- 6.11 As set out extensively in Section 4 of this report, the Site falls within the BXC regeneration area and the proposed development seeks to deliver an element of the consented BXC development, namely Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2), which is authorised by the S73 Permission.

### Reserved Matters Applications and Approvals

- 6.12 The BXC regeneration scheme consists of 7 phases which are further divided into sub-phases. Reserved Matters Approval pursuant to the S73 Permission has been granted for the following development:
- Phase 1A (North) infrastructure (references: 15/00769/RMA, 15/03312/RMA, 15/03315/RMA, 15/06571/RMA, 15/06572/RMA, 15/06573/RMA, 15/06574/RMA); Phase 1B (North) (reference 17/2963/RMA); Phase 1A (South) (references 15/06518/RMA and 17/8019/RMA); Phase 1B (South) in relation to Plot 12 (reference 17/6662/RMA); Phase 1A (North) (Infrastructure 1) in relation to Plots 53 & 54 delivering the Whitefield Estate Replacement Units (Part 1) (15/00720/RMA); Phase 1C in relation to Plot 11 (reference 18/6409/RMA) and Plot 13 (reference 18/6337/RMA);
  - Phase 2 (South) (Thameslink Station) for the New Train Station (excluding the Eastern Entrance<sup>4</sup>); Phase 2 (South) (Plots) in relation to Plot 14 and Plot 17 including a tertiary street and area of public realm (reference 20/5690/RMA), Plots 15 and Plot 16 (reference 21/0070/RMA), and Claremont Park Road (Part 2) and High Street South items of Critical Infrastructure (reference 20/5534/RMA); Phase 2 (South) (School) in relation to Plot 46 (Replacement Claremont Primary School) and School Green Corridor (GC6) (reference 21/1181/RMA); Phase 2 (South) (Thameslink Station Approach) for the Interim Transport Interchange T1 (reference 21/2289/RMA);
  - Phase 4A in relation to Plot 25 providing student accommodation, ancillary uses and flexible commercial (reference 21/4063/RMA);

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<sup>4</sup> The Eastern Entrance to the New Train Station falls within a different sub-phase of the BXC regeneration scheme.

- Phase 5A in relation to Plot 1 which proposes to provide office; flexible office/educational use including teaching, research and associated ancillary facilities associated with a university such as office, study; and for the development of Plot 19 to provide Office (Use Class B1); and flexible retail/leisure space at ground floor (Use Class A1, A2, A3, A4, A5, D2), as well as cycle and refuse storage space within a building of ground plus up to 9 storeys in height (reference 23/1328/RMA); and
- Phase 3B in relation to Plots 31, 36 and 61 for residential uses within three buildings with heights ranging from 4 to 8 storeys, alongside landscaping, access and car parking provision (reference 22/5238/RMA).

6.13 A Reserved Matters Application relating to Millennium Green Improvements (Existing) item of Critical Infrastructure within Phase 3B is currently under consideration by the LPA (reference 22/5242/RMA).

#### Clitterhouse Playing Fields Improvements (Part 1) Reserved Matters Approval

6.14 As noted above, Reserved Matters Approval has previously been granted for the detailed design of a number of items of Critical Infrastructure within the original Phase 1A (North) sub-phase of the BXC scheme. This includes Reserved Matter Approval (with reference 15/00769/RMA ('CPF (Part 1) RMA')) for the layout, scale, appearance, access and landscaping for Clitterhouse Playing Fields Improvements (Part 1).

6.15 The scheme approved by the CPF (Part 1) RMA includes provision of enhanced open space, playing fields, a sports/park pavilion, maintenance store and office, ground re-profiling works, improved site drainage, Clitterhouse Stream enhancements, revised access arrangements, car parking and associated landscaping works and boundary treatments. More specifically, the main elements of the development were as follows, with the approved layout illustrated in Figure 3 below:

- Re-profiling of Clitterhouse Playing Fields to provide improved sports facilities, play areas, park facilities and recreation areas, including temporary profiling for the part 2 park area;
- Water management and site drainage strategy
- 3 senior and 2 junior pitches;
- 2 mini soccer 5-a-side and 2 mini soccer 7-a-side pitches 10
- 6 tennis courts/Mixed Use Games Areas;
- Informal grass pitches
- Parks Facilities building, including changing and toilet facilities, cafe and outdoor seating area
- Maintenance Store and Office
- Car park provision (total 26 spaces, including 4 accessible spaces);
- Play Area, comprising for different age groups:
  - Swings, springers and see-saw
  - Roundabouts, spinning seats;
  - Play towers, slides and sand pits

- Rope nets
- Multi platform climbing tower unit
- Skate park, parkour area
- Picnic area
- Informal recreation facilities
- Footpath and cyclepath network
- Landscaping and boundary treatment, including tree works, tree planting and new habitat formation;
- Improvements to site ecology
- Primary and secondary gateway provisions
- Vehicular access from Claremont Road to serve the proposed car park.



**Figure 4:** Landscape General Arrangement plan (ref. 1065-08-001 Rev. J) approved by Reserved Matters Approval 15/00769/RMA for Clitterhouse Playing Fields Improvements (Part 1).

6.16 The CPF (Part 1) RMA was accompanied by an application submitted pursuant to Conditions 2.4 and 2.5 of the S73 Permission to make minor changes to the content of the approved BXC control documents, including the Development Specification Framework (incorporating changes to the appended Parameter Plan 012: Clitterhouse Playing Fields), the Design and Access Statement, and Design Guidelines. The changes sought under the associated application reference 15/00664/CON included:

- General location of community play space moved from north of former Hendon

- FC to the east;
- Changes in proposed site levels;
- Retention of Clitterhouse Farm Buildings;
- Repositioning of the car park area to serve the park;
- Increase in the extent of defined multi-use games area; and
- Repositioning of the proposed maintenance store and office (albeit the Section 106 allows for a maintenance store to be built up to a 1000m<sup>2</sup>).

- 6.17 It should be noted that Clitterhouse Playing Fields (Part 2) which is in a separate sub-phase of the S73 Permission was expected to come forward at a later date to comprise the two all-weather pitches and MUGAs (see fig. 1 of this report) the principle of which is approved under the S73 Permission.
- 6.18 Pursuant to Condition 1 of the CPF (Part 1) RMA, minor variations were later permitted to the consented development for Clitterhouse Playing Fields Improvements (Part 1) (LPA reference 19/2134/BXE). These variations responded to changes permitted by Section 96A application 18/6469/NMA, which allowed non-material amendments to the S73 Permission to retain Claremont Road on its existing alignment.

#### Re-Phasing Applications

- 6.19 Condition 2.4 of the S73 Permission provides a mechanism for re-phasing Plots and / or items of Critical Infrastructure. Various re-phasing applications have been made and approved including:
- (i) Pursuant to the application with reference 16/7489/CON<sup>5</sup> Clitterhouse Playing Fields Improvements (Part 1) was re-phased from Phase 1A (North) to Phase 1B (South).
  - (ii) Pursuant to the application with reference 20/0243/CON<sup>6</sup> Clitterhouse Playing Fields Improvements (Part 2) was re-phased from Phase 2 (South) to Phase 3B.
  - (iii) Pursuant to 21/3709/CON Clitterhouse Playing Fields Improvements (Part 2) and Clitterhouse Stream Nature Park were re-phased from Phase 3B to Phase 3A.

#### Other Matters Applications

- 6.20 The S73 Permission requires a number of detailed studies and mitigation strategies to be undertaken and submitted to the LPA for approval prior to, and / or coincident with, the submission of any Reserved Matters Application for any Phase or Sub-Phase; as well as further details to be submitted for the LPA's approval prior to the commencement of any development within a Phase, Sub-Phase, Plot or any other construction site (as applicable). These are collectively referred to as 'Other Matters Applications'.

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<sup>5</sup> Including associated S96A non-material amendment application 16/7574/NMA and letter of agreement to amend existing S73 Permission definitions pursuant to Condition 1.30 of the S73 Permission with reference 17/0608/BXE.

<sup>6</sup> Including associated S96A non-material amendment application 20/0597/NMA and letter of agreement to amend existing S73 Permission definitions pursuant to Condition 1.30 of the S73 Permission with reference 20/0768/BXE.

- 6.21 Details relating to Clitterhouse Playing Fields Improvement (Part 1) have previously been submitted to and approved by the LPA: when it comprised part of Phase 1A (North), which preceded submission of the application for the CPF (Part 1) RMA; and when it comprised part of Phase 1B (South). As these Other Matters Applications pursuant to conditions of the S73 Permission are extensive, they are set out in Table 5 in Appendix C to this report.

#### Non-Material Amendments under Section 96A of the Town and Country Planning Act 1990 (as amended)

- 6.22 To date, 35 Section 96A non-material amendment applications have been approved in respect of the S73 Permission as listed in Table 6 in Appendix C to this report. The amendments made that are pertinent to the development of Clitterhouse Playing Fields are the applications with references 15/01038/NMA, 16/7574/NMA, 18/6469/NMA and 22/4338/NMA.

#### Drop-in Planning Permissions

- 6.23 The S73 Permission incorporates a 'Drop-in Protocol'<sup>7</sup> which relates to development permitted by standalone planning applications superseding specific elements of the BXC development consented by the S73 Permission. The standalone full planning applications are referred to as 'Drop-in Applications'.
- 6.24 This Application is a Drop-in Application and this is considered further in Section 8 of this report.
- 6.25 In respect of the relevant planning history and the Drop-in Applications and Drop-in Planning Permissions granted by the LPA to date, please see Table 7 in Appendix C to this report.

#### Implementation of the S73 Permission

- 6.26 In terms of delivery, the S73 Permission and various subsequent applications (including both Reserved Matters Approvals and Drop-in Permissions) have been implemented with significant progress being made in the construction of development within the following sub-phases of the BXC scheme:
- (i) Phase 1A (North) (Infrastructure 1) comprising: junction improvements at the A407 Cricklewood Lane/ Claremont Road and the A5/A407 Cricklewood Lane junctions which were completed in 2021; and construction of 47 homes on Plots 53 and 54 which will provide replacement housing for the residents in Whitefield Estate (Part 1).
  - (ii) Phase 1B (South) comprising: construction of Plot 12 is well advanced to deliver 292no. residential units and flexible retail space and basement car parking. This

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<sup>7</sup> The Protocol was added to the S73 Permission by virtue of an application pursuant to Section S96A of the Town and Country Planning Act 1990 (as amended) (LPA reference 21/5639/NMA<sup>7</sup>) and resulted in the attachment of Conditions 50.1 and 50.2 to the S73 Permission plus an informative setting out the information that is required to accompany any future Drop-in Application.

includes replacement homes for residents in Whitefield Estate (Part 2); Construction of Claremont Park Improvements (known as 'Claremont Park') to provide a new Neighbourhood Park (known as 'Claremont Park') which was opened in 2022; Construction of Clarefield Park Temporary Open Space (as known as 'The Exploratory') which was opened in 2020.

- (iii) Phase 1C comprising: Plot 13 which is under construction and will deliver 348 residential units, flexible retail, assembly and leisure, a community facility, a nursery, and basement car parking.
- (iv) Phase 2 (South) (Thameslink Station) to deliver the new Brent Cross West train station. The new station will allow rail services with connections into central London in under 15 minutes. The construction of the new station is nearing completion with the station expected to open in 2023.
- (v) Phase 2 (South) (Thameslink Station Eastern Entrance) delivering the eastern entrance to the Brent Cross West station. The new Brent Cross West train station's Eastern Entrance was applied for as a Drop-in application comprising a new eastern entrance to the Brent Cross West train station including vertical circulation, hard and soft landscaping and cycle storage. These works are nearing completion and will tie in with the opening of Brent Cross West station.
- (vi) Phase 2 (South) (Thameslink Station Approach) in delivering the Interim Transport Interchange T1. The Interim Transport Interchange T1 was applied for as a Reserved Matters application comprising bus stops and stands, a taxi rank, cycle parking stands, and dedicated disabled parking spaces. These works have been completed in readiness for the opening of Brent Cross West station.
- (vii) Phase 2 (South) (Plots) in respect of delivering Plots 14 and highway infrastructure. Plot 14 was applied for as a Reserved Matters applied comprising 281no. residential units, 858 sq. m. of flexible retail, basement car parking, cycle parking, refuse storage, plant, and communal amenities. Work is nearing completion of the basement element for Plot 14, with above ground works planned for 2024.
- (viii) Phase 4A to deliver Plot 25. Plot 25 was applied for as a Reserved Matters application comprising 662no. student rooms provided as either self-contained studios or within a shared unit, communal student amenity space, 1921 sq. m. of flexible commercial space, cycle/refuse storage space, public realm and adjacent interim servicing area. This building is under construction with completion expected in 2024.

6.27 The land associated with Phase 1 (South), Phase 2 (South), Phase 4A and Phase 5A has been cleared, remediation and ground reprofiling undertaken, utilities and services installed and the substructure for new roads including Claremont Park Road and High Street South have been installed. A combined basement has been constructed beneath Plots 12, 13 and 14. The Exploratory Park, a temporary park, was opened in August 2020 and Claremont Park was completed and opened in 2022. Construction of the buildings on Plot 12, 13 and 25 is currently underway with the first completions expected in 2024. Replacement rail sidings were completed in 2019 and the new Brent Cross West station will open later in 2023.

#### Other Relevant Planning History Associated with the Application Site

6.28 Table 8 in Appendix C to this report describes a history of other material planning

applications relevant to the Application Site. This includes development of the former Hendon Football Club site which now contains residential development/uses. This list does not include details submitted pursuant to conditions attached to planning permissions.



## 7. CONSULTATION ON THE APPLICATION

### Pre-Application Engagement and Public Consultation

- 7.1 Prior to submission of this Application, the Applicant engaged with the local community who may have an interest in the Site and its development, including local residents, Claremont Primary School, Whitefield Secondary School, the community group at Clitterhouse Farm (known as 'Our Yard') and the BXC Consultative Access Forum who advise the LPA on accessibility issues for the BXC regeneration scheme.
- 7.2 This pre-submission public engagement was carried out over three phases conducted in October 2021, March 2022 and September/October 2022 prior to submission of the planning application to the LPA on 21<sup>st</sup> November 2022.
- 7.3 All events were publicised through local print and social media adverts, posters, press released, flyers, newsletters associated with the wider BXC development and the BXC development's project website (TransformingBX). These events were supplemented by direct meetings with stakeholders (including Ward Councillors), as well as with local community interest groups, religious organisations, neighbourhood groups and women's organisations.
- 7.4 This Application submission includes a Statement of Community Involvement (dated November 2022) which provides an extensive review of the pre-submission engagement conducted by the Applicant. In summary, the Applicant has provided the following overview of their consultation:
- 10 in-person exhibitions
  - 2 online exhibitions, each held over a two-week period
  - 3 school workshops
  - A total of 8 weeks of consultation
  - 2 additional drop-in sessions for the local community
  - 1 webinar
  - A total of 43,315 copies of engagement materials delivered to households, businesses, interest groups, religious groups and schools
  - A total of 693 people engaged the Applicant at in-person events
  - A total of 914 feedback responses received by the Applicant.
- 7.5 Over the three phases of this pre-submission consultation, the Applicant notes the following feedback:
- Phase 1 of the consultation sought to capture people's opinions and current usage of Clitterhouse Playing Fields, as well as their hopes, ambitions and preferences for the space in terms of leisure, sports and community facilities that could be provided. The outcome of this phase of consultation was used as the foundation to inform initial designs for the site and for further discussion.
  - Phase 2 built upon the Applicant's understanding of respondents' views on the initial designs for the site. Most feedback was positive agreeing with many of

the proposed features (including provision of a café and changing rooms within the pavilion, Blue Badge parking, cycle parking and improved accessibility). However, cost, fees and affordability were highlighted as important aspects to the local community ensuring people's ability to participate in the sport and leisure facilities being offered. Safety and security and need for surveillance were also recurring themes across both Phases 1 and 2 of the consultation. Respondents also suggested amendments to the type of courts to be provided, including a full-sized basketball court, cricket facilities and table tennis. This phase also included two days of dedicated school workshops (one for students aged 10-13 years, and a second for female students aged 11-12 years). The responses demonstrated the need to balance more traditional sports with new challenger sporting activities, such as bouldering and parkour. The female students stated the need for well-lit, open pathways as well as CCTV/security to encourage their use of the playing fields in addition to other spaces for those not partaking in competitive sport.

- Phase 3 of the consultation resulted in the Applicant sharing the final designs for the site and demonstrating how changes had been made to respond to previous feedback. The Applicant notes a general welcoming response and positivity toward the overall design; however, some areas of concern were raised, including: the sports pitches operating hours and associated noise, lighting and potential for antisocial behaviour. Parking also frequently raised noting a lack of parking for non-Blue Badge holders, families and visiting teams with sports equipment. Respondents were therefore keen to understand measures to be put in place to ensure visitors do not park on local roads. This phase also included two drop-in sessions for residents of Swannell Way and the Golders Green Estate. Concerns remained amongst residents regarding parking, lighting, noise, antisocial behaviour, and position of the sports pitches and their operating hours.

7.6 The Applicant has also engaged in pre-application discussions with the LPA prior to submitting the Application, including a series of nine pre-application meetings over a period of 18 months between May 2021 to October 2022.

### **Consultation undertaken by the LPA on the Application**

7.7 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2015 (as amended) ('DMPO'), upon validation of the Application, the LPA conducted consultations with relevant statutory and non-statutory bodies, other relevant technical advisers, and consulted local residents on the application.

7.8 An initial 6 week public consultation period was carried out from the 25<sup>th</sup> November 2022 to the 6<sup>th</sup> December 2023 (the "First Round Consultation"). Subsequently, in response to an updated EIA screening opinion issued by the LPA and the comments raised by consultees, a revised planning submission was made on 17<sup>th</sup> April 2023 which included various amendments to the proposed development as well as clarifications (see Section 5 above). The revised submission also included a

Supplementary Environmental Statement (“SES”) with a Non-Technical Summary to present the findings of the environmental impact assessment that has been undertaken of the proposed development (see Section 9 below). Following receipt of the revised submission in April 2023, the LPA conducted a second period of consultation with surrounding properties and statutory bodies allowing a further 30-day period for members of the public to view the submitted information and submit any comments (the “Second Round Consultation”).

### **First Round Consultation Responses**

- 7.9 The responses received following the First Round of Consultation are summarised below with an Officer response provided where necessary for the purpose of clarification.

#### External Consultees

- 7.10 The **Metropolitan Police Design Out Crime Officer** acknowledges the positive pre-application engagement undertaken by the Applicant and discussion of the proposal in respect of crime prevention and security. On review of the planning application, the Metropolitan Police welcomed the inclusion of column lighting to provide sufficient light spill and to allow a person to be fully identified; ongoing maintenance of trees and foliage to prevent obstruction to lighting or CCTV; incorporation of additional hedge planting to the private boundaries adjoining the Site; and provision of cycle stands in areas of activity and natural surveillance.

In accepting the need to balance effective security with accessibility and mobility, the Metropolitan Police recommended the Applicant consider the use of vehicle gates that are designed with retractable or swing height restrictors to help prevent illegitimate vehicle access; and that the concrete blocks to be provided at the park’s entrances do not include any seating element to mitigate against loitering and antisocial behaviour. Additional recommendations are made in relation to the proposed pavilion, public toilets, and lockers. However, ultimately, no objections are raised to the proposed development subject to a condition requiring the Applicant to implement Secured by Design physical security measures (i.e., within the proposed pavilion building) and other SBD principles in respect of other parts of the Site (i.e., lighting and CCTV strategies).

- 7.11 **Historic England’s** Greater London Archaeological Advisory Service have advised that the planning application is not within an area of archaeological interest but is within an Archaeological Priority Area in recognition of recent evaluation trenching undertaken as part of the wider BXC development, which has shown evidence of Roman and later archaeological remains. Owing to the significance of the asset and the potential scale of harm to it, it is considered that any effect can be managed through a planning condition. Therefore, no objections are raised subject to two conditions requiring the submission, approval and implementation of (1) a Written Scheme of Investigation and (2) a programme of public engagement.
- 7.12 The **Environment Agency** consider the proposed development to have a low environmental risk as it is located within (fluvial) Flood Zone 1 and has a low risk of

flooding. It is also noted that the watercourse at the northeast of the Site is not designated as a Main River and, therefore, falls outside of the Environment Agency's remit. As such, the Environment Agency has offered no further comment on the planning application.

- 7.13 **Transport for London (TfL)** have provided comments in respect of (1) anticipated trip generation, (2) swept path analysis for vehicular access points, (3) the submitted Active Travel Zone route assessment, (4) Vision Zero Analysis, and (5) the proposed walking and cycling strategy. As noted below, some further information is requested along with suggested planning conditions relating to the provision of a Delivery and Service Plan, Construction Logistics Plan and Travel Plan.

#### (1) Trip Generation

TfL consider the anticipated trip generation of 83 vehicular trips during the weekday peak hour (15:30-16:30) and 87 vehicular trips during the Saturday peak hour (08:30-09:30) to be a negligible impact in respect of Transport for London Road Network (TLRN) proximal to the Site, which is managed by TfL as the relevant highway authority.

The trip generation forecast reveals a total of 110 public transport trips in the weekday peak and 116 during the Saturday peak. The mode share assumptions set out in the submitted Transport Assessment are welcomed, however, mode shift targets should align with London Plan Policy T1. However, it is recognised that the coordination and design of public transport measures is an ongoing process in connection with the wider BXC regeneration scheme and that, therefore, those committed measures should be sufficient to support this development.

Travel demand management measures and complimentary offset measures to overcome barriers to active modes and public transport use should be secured in relation to this application. Recognising the particular behaviours that would be associated with sporting events (e.g., group travel and need to bring sports equipment), TfL have noted the anticipated demand for car parking (153 car parking spaces in the Saturday peak and 128 spaces in the weekday peak, which are based on use of nearby West Hendon Playing Fields) and have queried whether the assumed catchment should instead be determined by local growth and nearby schools. Although noting this a worst-case demand that is proposed to be accommodated by town centre parking provisions, TfL states this does not align with supporting mode shift away from private vehicle transport and may not be realistic given people may travel in groups or bring sports equipment with them.

#### (2) Swept Path Analysis

The submitted swept path analysis is considered to be acceptable to TfL.

#### (3) Active Travel Zone Assessment

Of the five routes assessed, TfL highlight additional measures that could be undertaken to improve pedestrian and cyclist movements from key origins/destinations but accepts that some of those measures are to be addressed

under the terms of the BXC S73 Permission and associated BXC S106 Agreement and, therefore, beyond the scope of this planning application.

TfL also note the inclusion of works to Ridge Hill subway beneath the A41 to the east of the Site within this planning application but remark on the lack of details of the measures proposed to be undertaken.

#### (4) Vision Zero Analysis

TfL request that the collision and serious injury analysis provided within the submitted Transport Assessment be mapped in relation to the above active travel routes. In respect of Active Travel Zone Route 1 (to/from Brent Cross London Underground Station), photographs, site notes, and full details on contribution collision and serious injury data since 2014 are also requested.

#### (5) Walking and Cycling Strategy

The proposed pedestrian and cycle network is considered to be acceptable with the segregated pedestrian and cycle paths along the main 5-metre wide routes through the Site welcomed. However, clarification is requested as to how the segregation of traffic would be achieved.

TfL accept the proposed 76no. cycle stands (Sheffield stands) but requests clarification as to whether this provision accounts for both local users as well as those who have booked the sports facilities.

The proposed lighting strategy is considered to be generally acceptable, although it is noted that less lighting is proposed along the 2-metre wide footpaths through the Site, and none is to be provided on the pathway adjacent to Clitterhouse Stream. Further clarification is requested in respect of the proposed lighting strategy.

- 7.14 The **London Fire Brigade's** Commissioner is satisfied with the proposals which include the provision of a new hydrant as set out in the submitted Fire Safety Strategy and considers the proposals to otherwise be as per Approved Document B B5 relating to access and facilities for the fire service.
- 7.15 **Natural England** did not wish to make any specific comment on the proposed development and refers to the non-governing body's general advice in determining this planning application.
- 7.16 **Sport England** have been in contact with the LPA and the Council throughout the application and in respect of the Council's review of its Playing Pitch Strategy which has in part overlapped with the application period. Initial correspondence was provided in April 2023 where Sport England advised that although some elements of the proposal could be considered to align with Sport England's Playing Fields Policy, there are other elements of the proposal that do not meet any of the five exception tests. Their correspondence did acknowledge that the artificial grass football pitches, sand dressed hockey pitches, MUGAs and Basketball court, Parkour/bouldering zone, Teqball tables and all wheel park would be considered to provide sporting benefit under

Sport England Policy Exception 5 and treated towards outweighing the loss of the area of playing field. They also acknowledged that informal facilities and infrastructure such as playgrounds, footpaths, planting and SUDs, could be complementary to formal sports facilities at the site and provide opportunity for wider physical activity. However, overall their view was that these sporting and informal facility benefits are not sufficient to offset the quantitative loss of playing fields arising from the scheme as a whole. Whilst reaching this conclusion, they also state that Sport England appreciates the work that has been undertaken to develop the proposal that aims to achieve a multi-use park that seeks to balance sport and physical activity provision for a range of potential users to encourage increased usage of Clitterhouse Playing Fields, which would align with some aspects of Sport England's Uniting the Movement Strategy. Notwithstanding this, Sport England's view is that the protection of natural turf playing fields is more important and, while the potential benefits to sport and physical activity locally are acknowledged, the proposed development does not, as a whole, meet Sport England's Playing Fields Policy.

- 7.17 In this first response Sport England stated that it would be prepared to review this position should further/amended details be provided to address the policy issues raised above, including a completed Playing Pitch Review that had been fully endorsed by Sport England. It should be noted that on the next working day after receiving Sport England's comments, a revised draft of the Council's Playing Pitch Review document was received by Sport England for their consideration. On the basis of their suggestion that Sport England would be prepared to review their position should an updated PPR be received, the LPA held the view that Sport England's comments would be updated following the review of that document. Sport England's position is set out below in Section 8.5 of this report.
- 7.18 During this initial consultation period, the following external consultees did not provide any comments. (\*) However, it should be noted that comments from the Football Association and England Hockey are expected to come forward as part of Sport England's response.
- (i) London Ambulance Service
  - (ii) Barnet Sports Council
  - (iii) Football Association\*
  - (iv) England Hockey\*
  - (v) BXC Consultative Access Forum

#### Internal Consultees

- 7.19 The Council's **Scientific Officer (Environmental Health)** provided comments in relation to (1) air quality, (2) noise and (3) contaminated land, as follows:

##### (1) Air Quality

The Officer agrees with the Applicant's assessed level of risk of dust emissions during the construction phase, which are likely to be high, and also agrees that the proposed mitigation is appropriate for this level of risk. In terms of the operational phase once the development is completed, it is considered there is no need for any further assessment or modelling as the use of the Site would remain unchanged,

and any change in traffic flows would not be significant.

(2) Noise

The Officer has raised matters of detail that should be addressed within the submitted noise assessment. This includes details of the noise attenuating effects of proposed fencing (including that to be provided around the sports pitches).

In respect of plant associated with the proposed café, changing rooms and other buildings, the Officer suggests the relevant noise assessment for that plant be subject to a condition on any planning permission granted.

(3) Contaminated Land

Contaminated land risk is not considered to be an issue for this case as the proposed end use of the Site would remain unchanged and, therefore, sensitive receptors should not experience any increased risk of exposure when making use of the completed development.

(4) Other Comments

The Officer requests clarification on the use of the café and whether any restaurant cooking is proposed in order to determine if any extraction system/industrial kitchen is required to be installed (if so, a condition and associated informative is recommended). Otherwise, conditions are recommended in respect of non-road mobile machinery, a construction method statement, to restrict noise from plant (including ventilation and extraction systems, if applicable)

7.20 The Council's **Ecologist** reviewed the proposed development in regard to (1) protected species including bats, nesting birds, mammals, and reptiles and amphibians; (2) the approach to construction of the proposed development; (3) Biodiversity Net Gain; (4) soft landscaping; (5) green roofs; (6) restoration of Clitterhouse Stream; and (7) invasive species. The Officer comments are summarised below:

(1) Protected Species

The most notable species identified as having the potential to be impacted by the proposed development are bats. The Site contains two bat roosts (one within the existing Clitterhouse Farm buildings and the second in a mature oak tree on the eastern boundary (denoted as 'T4')), and is considered to be of regional importance to bats by virtue of the presence of suitable commuting, foraging and roosting habitats for bats. On review of the submitted Bat Survey Report, the Officer considered that a bat mitigation strategy would be required. In respect of the proposed external lighting, further information was requested in relation to the lighting strategy for the Site and specifically the position of lighting in proximity to the existing bat roosts.

For nesting birds, the avoidance of vegetation clearance during the bird nesting season is welcomed as the standard recommendation. Otherwise, it is considered that the inclusion of additional suitable foraging and nesting habitats as a result of

the proposed development would greatly enhance the site for common bird species within the wider Brent Cross area.

In respect of mammals and reptiles and amphibians, the Officer is satisfied with the proposed precautionary measures to ensure mammals avoid becoming trapped or injured in any excavated area, and to engage an ecological clerk during removal of any semi-improved grassland or tall ruderal habitats at the Site's boundaries.

## (2) Construction Approach

The phased approach to the proposed development is welcomed as the temporary effect of the works would be reduced and extended across the two phases. Otherwise, any planning permission should be subject to a condition requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP).

## (3) Biodiversity Net Gain

The Officer welcomes the calculated overall Biodiversity Net Gain of 12.05% as a result of the proposed development, which exceeds the target of 10% introduced by the Environment Act 2021<sup>8</sup>. However, further information in the form of a Modular River Physical (MoRPH) survey is required to corroborate the suggested gain of 4.07 biodiversity units (or 50.88%) for linear rivers and stream habitats in relation to Clitterhouse Stream.

## (4) Soft Landscaping

The proposed soft landscaping scheme including wildflower meadows, field margins, hedgerow and tree planting is broadly welcomed by the Officer. However, Great willow herb should not be used as it is not native and a prolific disperser of seeds which outcompete native flora. The use of a native riparian substitute plant species in connection with the proposed enhancements to Clitterhouse Stream is requested. Clarification is also required as to whether the underlying clay soil will permit the establishment of heather in the 'Pine Hillside' area of the Site. Subject to the requested information, any approved planting for the Site would need to be implemented in line with a Landscape Ecological and Management Plan (LEMP) as well as a Biodiversity Net Gain Plan. These can be secured by planning condition.

## (5) Green Roofs

Clarification is requested on the use of a green roof on the pavilion building. If included, the Biodiversity Net Gain calculation and assessment would need to be updated accordingly.

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<sup>8</sup> Under the **Environment Act 2021**, all planning permissions granted in England (with a few exemptions) except for small sites will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date in November 2023. BNG will be required for small sites from April 2024. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years (PAS, May 2023).



## (6) Clitterhouse Stream

The proposed Clitterhouse Stream restoration scheme is considered to be acceptable in principle subject to the abovementioned MoRPH survey and any subsequent revisions to the Biodiversity Impact Assessment. In the event that planning permission is granted, detailed specifications of the proposed works would be required including in relation to removal of the concrete embankment, reprofiling of the embankments, and methods and timing for the implementation planting including management and monitoring of a biodiverse riparian seed mix. These details can be set out within the aforementioned CEMP and LEMP & Biodiversity Net Gain Plan to be secured by planning condition.

## (7) Invasive Species

Due to the confirmed presence of invasive species, a detailed Invasive Species Management Plan is required by way of a planning condition in the event that permission is granted.

- 7.21 The Council's **Energy and Sustainability Officer** raised no objections to the proposed development and noted that the Applicant has taken all necessary steps to minimise greenhouse gas emissions with any shortfall capable of being dealt with by planning conditions in the event that permission is forthcoming, including a carbon offset payment for the pavilion building and the requirement to conduct 'Be Seen' monitoring.
- 7.22 In respect of the potential impact on the setting of the Locally Listed Clitterhouse Farm house which sits outside the application site, the Council's **Urban Design and Heritage Officer** commented on the changes to the playing fields in relation to the setting of the Locally Listed Farm house noting that the existing playing fields are separated from the farm house by the associated farm buildings with a grove of mature trees to the north of those farm buildings. Commented on the proposed Maintenance Storage Facility building, its scale and materials and relationship to the Farm house and suggested that it could be located elsewhere in the park.
- 7.23 The Council's **Greenspaces and Leisure Team** advised that the Council are in the process of reviewing and updating its Playing Pitch Strategy (PPS), which was adopted in 2017. The current PPS refers to Clitterhouse Playing Fields as an unused area of playing field without any formal use or pitch markings. The associated action plan within the PPS references the requirements of the BXC S106 Agreement to provide various junior, youth and minis football pitches along with changing facilities at the Site. The more recent draft Playing Pitch Strategy Review (dated April 2023 at the time of the consultation response) provides an update to the original intelligence including demand data relating to Clitterhouse Playing Fields and which now suggests the latent and future football demand arising from the local area (including the London Boroughs of Barnet and the neighbouring Brent and Camden) can be met through the introduction of 3G artificial pitches at Clitterhouse Playing Fields along with improvements to the quality of existing grass football pitches elsewhere. It is also noted that the two existing astroturf pitches (ATPs) at Whitefield Secondary School are regularly used by the school, community and a hockey club. Noting that the S73 Permission permits future redevelopment of the School site as part of the BXC scheme, it is stated that these ATPs should be protected and replaced at Clitterhouse Playing

Fields in accordance with the BXC S106 Agreement. Overall, the Greenspaces and Leisure Team are supportive of the vision for Clitterhouse Playing Fields with the proposed development creating a range of opportunities and experiences for all residents. A number of suggestions are made regarding the detail of the proposed development relating to management of the facilities, including matters that could be secured by planning condition if permission were forthcoming.

- 7.24 The Council's **Tree Officer** noted that the existing site has little merit in landscape terms and the proposed development would provide significant improvement to the park facilities and its appearance. The increase in trees and diversification of the soft landscaping would also increase the biodiversity of the site. In reference to the submitted plans detailing the soft landscaping, hard landscaping, planting, and tree planting proposals for the Site, the Officer highlighted some matters that require further information or clarification to be submitted for consideration.
- 7.25 The **Barnet Street Tree's Team** are in agreement with the Tree Officer's suggestions to replace some of the proposed tree species and have no objections to the proposed development subject to the Applicant adhering to the London Borough of Barnet's Tree Policy (October 2017) in respect of appropriate plant biosecurity.
- 7.26 The Council's **Street Lighting Team** have provided guidance on the proposed external lighting for the Site, recommending that all lanterns be positioned as close to zero degrees as possible.
- 7.27 On initial review of the planning application, the Council's **Highways Operations Manager for Brent Cross** requested further information and clarification in relation to: inclusion of Brent Cross Town as a destination within the Active Travel Zone assessment; how the trip generation forecast has been predicted; travel planning measures in respect of managing car parking demand; the quantity and distribution of cycle parking spaces to be provided; use of TRICS data to compare car parking requirements; additional signage at entry points for cycle routes; a review of modal split of visitors as well as residents within the BXC development; and provision of swept path analysis for all vehicular movements at both access points off Claremont Road.
- 7.28 The **Lead Local Flood Authority** initially advised that the submitted Flood Risk Assessment demonstrates that parts of the Site are at risk of flooding, although these are noted as being isolated. It is also recognised that the majority of the proposed development would be located outside those areas of flood risk and, given the water compatible and less vulnerable classification of the proposals, the proposed development is considered to be acceptable in respect of baseline flood risk. However, with all surface water drainage proposed to be discharged to Clitterhouse Stream, it is stated that the proposals have the potential to impact the existing flood zones and increase flood risk to third party developments without the inclusion of suitable mitigation. Therefore, further information was requested to enable it to conclude their review of the planning application and be satisfied that the proposed development would not cause an unacceptable increased risk of flooding downstream of Clitterhouse Stream.

### Ward Councillors

7.29 A joint representation from both of the **Cricklewood Ward Councillors** was received noting a number of points for consideration, including:

- (i) The proposed sustainable drainage system is welcomed but further explanation on how this would work is needed,
- (ii) The increase in tree cover, wildflowers and planting is welcome, noting the existing playing fields have very few trees, little biodiversity and few plants other than grass and hedges (although the mature hedges are considered to be important),
- (iii) The new entrances are welcomed although concern is raised at the width of the entrances and pathways that appear to take up a lot of park space,
- (iv) The cleaning of Clitterhouse Stream is welcomed,
- (v) The proposed pavilion seeks to replace toilets and café previously provided at the former Hendon Football Club. The design looks attractive but clarity is needed on opening hours and types of functions envisaged. Any licensing of the pavilion should be carefully scrutinised and the café should not be in direct competition with the Clitterhouse Farm café.
- (vi) In the context of an expected 25,000 new residents plus existing residents, careful consideration must be given to the fact this is the only large green space in the area. The park must reflect the need for open space for those currently living in the area but also those who will be moving in, almost all of whom will live in high rise blocks. Open space is important and the layout of the new park greatly reduces the open space on offer, particularly open space away from the noise of pitches and roads. The proposed design of the Playing Fields cuts apart open spaces and does not make a feature of open space.,
- (vii) The range of sports is generally positive, however, the intensity of pitches is unacceptable in the south of the playing fields,
- (viii) There should be no parking bays on the park, an alternative location should be found for blue badge bays,
- (ix) It is disappointing that earlier conversations around alternative materials to astroturf did not materialise and the application has 4 large astroturf pitches which need to be fenced and lit. The fencing will make these activities noisy and the density of all 4 pitches at the southern end is plainly unacceptable to many local residents,
- (x) Relocating the pitches from Whitefield School will lead to a significant loss of income to the school and concerns have been raised about the distance from the school to the pitches. This impact on the school needs careful consideration,
- (xi) The application needs to include a robust travel plan,

- (xii) A plan to improve safety and appearance of the Purbeck Drive entrance must be agreed with local residents ahead of any work on the park, and
- (xiii) There must be certainty of affordable and reduced price access to all facilities for local residents.

### Resident Associations

- 7.30 **Brent Terrace Residents Association** note that the proposed improvements to Clitterhouse Playing Fields appear attractive and beneficial, however, it is considered that a number of concerns have been raised which have not been addressed in this planning application. Therefore, objections are raised on the grounds of: procedure, approach to the use of the Site in regard to Whitefield Secondary School, errors in submitted documentation, loss of open vistas, commercialisation of a public space, reduction in green space, noise and light pollution, parking issues, use of astroturf, and future management of the Site.
- 7.31 Representatives of the **Golders Green Estate Residents Association** have been in ongoing liaison with the Council's Regeneration Team and the Applicant throughout the LPA's consideration of this Application. No formal representation was received during the first round of consultation. However, their formal response was latterly submitted and is summarised in paragraph 7.56 of this report.
- 7.32 **Prayle Grove Residents Association** were also consulted but provided no formal representation in response to the LPA's consultation.

### Responses from other groups or organisations

- 7.33 **Our Yard**, a social enterprise based in the buildings at Clitterhouse Farm, are working closely with the relevant regeneration team at Barnet Council and Related Argent on a shared vision for the Clitterhouse Farm buildings. They acknowledge that there are many positive elements to the planning application for the Clitterhouse Playing Fields proposals and make the following comments and recommendations:
- (i) Any landscaping of the site should seek to improve the ecology and biodiversity of the site and increase the scale and diversity of uses on-site.
  - (ii) Retaining the existing grassland, albeit with improved drainage, would increase this usage whilst maintaining the open and free to use aspect of the site.
  - (iii) Users such as kite fliers, dog walkers, picnickers, community gatherings, kite riders, and model aircraft fliers will be impeded with the scale of fenced off games pitches.
  - (iv) Suggestion that Metropolitan Open Land should be free to use and councils should protect free public open spaces to ensure that communities have access to green spaces and the natural health and community building benefits they afford.

- (v) Fencing off pitches is unnecessary and could create a feeling of exclusion instead of encourage accessibility, diversity and inclusion, and could contribute to antisocial behaviour.
- (vi) Question the justification for the scale of the multi use games pitches and suggestion that the use of astroturf is an ecologically retrograde step.
- (vii) Unclear what the justification is for the scale and offering of the café in the Pavilion and are concerned that it may undermine the economic viability of both businesses and therefore requires more thought and evaluation.
- (viii) We would therefore ask the council to recommend that the scale, location and materials used for the proposed pitches be reconsidered to mitigate effects on neighbouring homes.
- (ix) We welcome the locating of maintenance staff onsite (i.e. within the Farm Buildings) it will help to connect Our Yard stewardship of the farm buildings with the council and developers wider stewardship of the playing fields.
- (x) Understand that the exact location in the Clitterhouse Farm Buildings for the maintenance staff welfare facilities can't be identified at this stage, they request that the plans also specify the intended end 'community use'.
- (xi) Suggestion to consider how consultations could be done in a more meaningful way, to encourage better understanding and engagement.

7.34 **CPRE London** (Campaign for the Protection of Rural England) a membership based charity concerned with the preservation and enhancement of green spaces in London, as well as the improvement of London's environment object to the application on the following basis:

- Installing artificial grass pitches and enclosing protected Metropolitan Open Land in unsightly cages would ruin the visual amenity and purpose of this precious public open space.
- The proposal to enclose land and charge for its use is in breach a 1927 Deed of Agreement which dedicates the land in perpetuity for public use and recreation. The playing fields are wholly unsuitable for a commercial development.
- Many families and young people in the local community will be unable to afford to use these facilities.
- The Government recently stated in its proposed revisions to the National Planning Policy Framework that "artificial grass has no value for wildlife. Its installation can have negative impacts on both biodiversity, drainage for flood prevention or alleviation, and plastic pollution.

## Public Consultation Responses

7.35 In accordance with Article 15 of the DMPO, upon validation of the planning application, the LPA notified 2,450 properties within the vicinity of the Site, posted three site notices around the Site and advertised the planning application in the local newspaper – the Barnet Borough Times. The total number of public representations received in response to the Application was **172**, noting objections, support and comments neither objecting to or supporting the proposed development, as set out below. The public representations are summarised in Appendix D to this report.

<b>Representation</b>	<b>Number</b>
Object	144
Support	25
Comments neither objecting to or supporting the planning application	3
<b>Consultation 1 Total</b>	<b>172</b>

7.36 In summary, the reasons for objection relate to the following issues:

- Principle of the proposed development;
- Change in character of the area;
- Loss of an existing green, open space;
- Introduction of artificial grass pitches, associated fencing and lighting and resulting loss of open grassed areas;
- Commercialisation of a public space with the provision of pay-to-play sports facilities and local people not being able to afford to use them. Revenue received will not go back to improving the community;
- Fencing off pitches will impede the use of the playing fields by other users;
- Object to children's play areas;
- Impact on the environment and wildlife through introduction of artificial turf pitches and health and safety risk to users;
- Car parking will encroach onto the open space;
- Too much focus on sport and not enough on relaxation;
- Impact and disturbance on neighbours from noise from users of the park and sports facilities in particular;
- Antisocial behaviour at Purbeck Drive entrance and lack of improvements to this area which has been excluded from the application;
- Concern that noise impacts are not properly assessed;
- Impact from lighting, particularly flood lighting to artificial pitches, resulting in light pollution to residents and impact on wildlife;
- Impact on loss of local habitats and biodiversity;
- Concerns in relation to surface water drainage issues, increased risk of flooding due to non-permeable surfaces, increased risk of flooding to neighbouring properties and the A41;
- Parking provision is inadequate and will impact on local streets and resident parking;
- Increased traffic and impacts resulting in congestion on local roads;
- Concern for the Our Yard café as a result of the proposed Pavilion;

- Impact on Our Yard of putting the welfare facilities in the Farm Buildings.
- The application is a breach of a 1927 Deed of Agreement which requires the land to be used for public recreation purposes.
- Breach of Human Rights

7.37 The reasons for support relate to:

- Improved safety within the playing fields through the provision of new pedestrian pathways and security cameras, including a comparison to the benefits seen at Montrose/Silkstream Park in Colindale.
- The plans maintain a lot of green area, improve aesthetic and there is sufficient free space for all to use.
- Although a paid facility, the sports pitches offer safe space to stay active.
- The plans will help increase participation in sport and activity in young women.
- The skatepark/all-wheel park would provide needed facilities for young people. Skateboarding and other wheeled sports have the potential to build communities, mental health support networks and space for intergenerational learning.
- The proposed facilities provide what is needed in this community, particularly to facilitate the expansion of grassroots football for girls and growth of local football clubs.
- Providing benefits for mental and physical health in children and young people through access to outdoor sports.
- European Football Academy would take the opportunity to use these new facilities, who currently run four football sessions a week at Whitefield School, to provide opportunities for more local children to benefit from sport. The current provider (Whitefield School) has limitations and doesn't facilitate matches at weekends.
- There are not enough all-weather pitches in the area and it can be a struggle to find suitable facilities for children at Eagles United Football Club. Plus, grass pitches can become almost unusable in wet weather conditions.
- Provision of accessible play and exercise facilities for all ages, abilities and those with disabilities.
- The Site is not well used, and the proposal would provide useful amenities, jobs and a place for communities to meet and interact.
- The pavilion would create a central hub for the community to gather and socialise.
- These facilities would support the work of Barnet's Fit and Active Board, Health in Schools Board and the Barnet Partnership for School Sport, which covers 110 primary, secondary and special schools across the borough. The facilities proposed would offer the opportunity to deliver more targeted work with schools in the area.

## Second Round Consultation Responses

- 7.38 Upon receipt of the further information in April 2023, the LPA conducted a further consultation exercise notifying all those who had made representations in response to the initial public consultation exercise and by re-consulting all non-statutory and statutory organisations and technical advisers previously consulted.
- 7.39 As a result of the Second Round Consultation, further responses were received from some of the statutory, non-statutory and technical consultees mentioned in Section 6 above. The following paragraphs summarise their responses.

### External Consultees:

- 7.40 The **Environment Agency** continue to have no comments to make on the planning application following their previous response (paragraph 6.36).
- 7.41 In response to the **Metropolitan Police Designing Out Crime Officer's** initial comments (see paragraph 6.34), the Applicant submitted a written response. On review of this and revised information subsequently submitted to the LPA, the Officer confirmed he has nothing further to comment on above and beyond that already recommended (including planning conditions relating to Secured By Design measures as well as lighting details).
- 7.42 **Thames Water** raise no objection to the proposed development and has provided comments in relation to waste, foul water and surface water drainage. This includes the need to fit grease separators in any kitchen in a commercial hot food premises; use of petrol/oil interceptors in all car parking or vehicle wash down/repair facilities; and confirmation that both the foul water sewerage network and water/water treatment infrastructure has sufficient capacity to accommodate the proposed development. In relation to surface water drainage, no objections are raised subject to the developer following the sequential approach to the disposal of surface water set out in Policy SI13 of the London Plan 2021. It is also expected that surface water run-off be reduced in line with greenfield run-off rates and if a discharge rate of less than 5 litres/second/hectare is not feasible, a significant reduction in combined flows during a storm event should be demonstrated. If the developer intends to discharge to a public sewer, prior approval of Thames Water will be required. An informative to this effect can be included on any decision notice if planning permission is granted.
- 7.43 **Transport for London (TfL)** received a written response from the Applicant following their initial review of the planning application (see paragraph 6.37). On review of that response and revised information subsequently submitted to the LPA, **TfL** noted the clarification provided in relation to travel demand management measures and off-site car parking; the intention for improvement works to the Ridge Hill/A41 subway to replicate those previously approved as part of Reserved Matters Approval 15/00769/RMA for Clitterhouse Playing Fields Improvements (Part 1) with a commitment to discussing this further with TfL; the addition of a fatal and serious injury collision data map and photographs for the Active Travel Zone assessment; cycle parking provisions; and approach to the lighting strategy to be satisfactory. It is suggested that details relating to improvement works to the A41 subway be discussed



and agreed with TfL, which can form the subject of a planning condition in the event that planning permission is granted.

- 7.44 The **Brent Cross Cricklewood Consultative Access Forum ('CAF')** are content with the development proposed by this Application following the engagement undertaken at the pre-application stage.
- 7.45 **Natural England** continue to raise no objection to the Application. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Additional standing advice is also provided in respect of protected species.
- 7.46 **Sport England** provided a formal consultation response on the 30th August 2023 following their sign off of the Council's Playing Pitch Strategy Review (PPR) on the 23rd August 2023. Sport England object to the Application as a whole because they do not consider that it fully accords with the exceptions to justify a departure from Sport England's Playing Fields Policy seeking to protect playing fields and does not accord with the sports facility requirements within Paragraph 99 of the NPPF. Based on information provided regarding the use of Clitterhouse Playing Fields, they advise that the consultation with Sport England could be considered a statutory requirement.

Notwithstanding their objection position, Sport England have stated that the need for and benefits of, the proposed Football Artificial Grass Pitches (AGPs) within the scheme would be sufficient to outweigh the loss of natural turf playing field area resulting from their installation. They also confirm that the proposed Hockey AGPs would represent an opportunity to secure long-term community Hockey facility provision which would be beneficial to the sport of Hockey within the borough and beyond and therefore outweigh the impact from the loss of natural turf playing field resulting from their construction. In addition to the AGPs, they confirm that the Parkour/Bouldering Zone, MUGAs, basketball court, Teqball tables and All Wheel Park also would be beneficial to sport and, therefore, accord with Sport England Policy Exception 5. However, overall they consider that the wider development results in a substantial quantity of natural playing field loss by non-sporting facilities such as playground areas, footpaths, mini-golf and engineering works, including drainage (SUDS) which, whilst these infrastructure items can be complementary to playing field sites, the scale of resulting natural playing field loss in this case would not be sufficient in the judgement of Sport England to fully meet Policy Exception 5.

Sport England appreciates the work that has been undertaken to develop the proposal for Clitterhouse Playing Fields that aims to achieve a multi-use park that seeks to balance sport and physical active provision for a range of potential users to encourage increased usage which would support the creation of Active Environments within Sport England's Uniting the Movement Strategy. Sport England also recognise the improvements to sport facilities the Council are undertaking following the recommendations of the previous Playing Pitch Strategy including developing plans for strategic hub sites at Copthall Playing Fields, West Hendon Playing Fields, Barnet Playing Fields and King George V Playing Field. Sport England also welcome that the Council are already seeking to address the deficits highlighted in the PPR by bringing

back into use Bethune Recreation Ground, Edwarebury Park, New Southgate Recreation Ground and Mill Hill Park while recognising that other unused sites identified in the PPR could also be brought back into use, particularly for Football. These actions demonstrate the Council's commitment to address the current deficits and meet future needs and Sport England fully support that this momentum continues in addressing the recommendations and Action Plan of the PPR. However, notwithstanding the good progress that the Council has already achieved in improving sport facility provision within the borough, Sport England do not consider there is any guarantee that the Council will continue to implement the recommendations and Action Plan set out in the PPR in full to address the current or future deficits of playing pitch/field provision as set out in the PPR. Sport England are unable to consider that the loss of playing field areas of the site would not be detrimental to sport within the borough. As a result, Sport England remains unable to conclude that there is a current surplus of playing field provision and, consequently consider that the development would not meet Sport England Policy Exception 1.

Sport England's position is discussed further in Section 8.5 of this report.

#### Internal Consultees

- 7.47 On review of the Applicant's written response and further discussion with Planning Officers, the Council's **Energy and Sustainability Officer** confirms that the planning application does technically constitute a 'major development' in the context of the London Plan requirements by virtue of the total red line area (18.15ha) but advises that the proposed pavilion building can be treated as a 'minor site' in this instance given that it forms a small/minor part of the whole site's proposals. Therefore, it is stated that both the carbon offset payment and Be Seen monitoring requirement can be waived in this instance on the basis that the pavilion itself has been designed to a high standard in terms of energy efficiency, and the wider BXC development would result in the delivery of a number of other energy efficient and carbon reduction initiatives to counterbalance the small offset amount required by the pavilion building.
- 7.48 The Council's **Ecologist** has reviewed the additional information and clarification submitted by the Applicant and is now content that sufficient ecological information and amendments have been provided to address the matters previously raised. As such, no objections are raised subject to appropriately worded planning conditions relating to: the submission, approval and implementation of a CEMP; securing the necessary habitat creation, enhancement, stream restoration and management and monitoring over mandatory 30-year period via a Biodiversity Net Gain Plan, LEMP and Clitterhouse Stream Restoration and Management Plan; a pre-commencement non-native invasive species and biosecurity strategy; a detailed bat mitigation strategy; requirement to carry out bat activity surveys of the habitat corridors prior to the commencement of each phase (or part thereof) of the development to corroborate (and if necessary amend) the approach to the lighting strategy; and to undertake post-development bat monitoring on completion of the development.
- 7.49 Following submission of the Supplemental Environmental Statement and revised FRA and Drainage Strategy Report submitted as appendices 12.1 and 12.2, respectively, the **Lead Local Flood Authority** advised that their initial concerns have been

addressed. This is based on the clarification/further information provided in respect of an updated drainage model, information pertaining to the basis for calculating greenfield run-off rates, justification for the proposed run-off coefficients used, and clarification that Thames Water raise no objection to the proposed connection to the public sewer network from the proposed northern catchment of the Site. On review of this further environmental information, the LLFA raise no objection to the grant of planning permission subject to an Informative advising of the need to seek Ordinary Watercourse Consent prior to the commencement of any works to, or in the vicinity of, Clitterhouse Stream.

7.50 On review of the further information submitted by the Applicant, in addition to clarification provided in respect of the location of temporary off-site car parks, routes forming part of the Active Travel Zone assessment, trip generation forecast method, the use and location of cycle parking, the ability for cars to drop-off/pick-up and provision of a safe pedestrian route from the future Brent Cross town centre car parking to the Site, the Council's **Operations Manager for Brent Cross (Transport)** is satisfied that the Application is suitable to be approved subject to the inclusion of condition(s) on any planning permission granted, including those requiring:

- Details of the vehicular accesses to be created from the public highway to be submitted for approval, including vehicular sight lines,
- Disabled car parking to be laid out in accordance with the relevant standards,
- Details of electric vehicle charging points to be installed to be submitted for approval, including no less than 10% of parking spaces containing active charging provision and a further 10% with passive charging facilities,
- Submission and approval of a car parking management plan,
- Details of cycle parking and cycle storage facilities to be submitted for approval and for such cycle parking/storage to be delivered before occupation of the development,
- Not to occupy the development until the approved pedestrian crossing on Claremont Road (including waiting restrictions) has been provided,
- The stopping up and/or diversion of any public rights of way within the Site shall take place prior to the commencement of the development,
- Submission and approval of a detailed Construction Transport Management Plan, and
- Informatives relating to the need to obtain the necessary highway approvals in relation to any work to the public highway and the stopping up/diversion of any rights of way.

7.51 The Council's **Tree and Landscape Officer** has reviewed the proposed amendments to the scheme, including revisions to the use of particular tree species (removal of all Ginkgo biloba trees) and bolstering of a linear woodland feature adjacent to the

southern boundary of the Site, and raises no objections subject to the inclusion of conditions requiring the implementation of the landscaping scheme proposed, and submission of a Landscape and Ecological Management Plan if planning permission is granted.

- 7.52 The Council's **Street Trees Team** raises no objection on review of the proposed amendments to the scheme.
- 7.53 The Council's **Scientific Officer (Environmental Health)** has reviewed the responses provided by the Applicant in respect of noise and confirmed that noise impacts have clearly been considered by the applicant. They have suggested a condition for a noise management plan, which would be adhered to when the pitches are in use, to prevent noise impact on nearby receptors.
- 7.54 In respect of the potential impact on the setting of the Locally Listed Clitterhouse Farm house which sits outside the application site, the Council's **Urban Design and Heritage Officer** reviewed the responses provided by the Applicant and recognises that the existing playing fields are separated from the farm house by the associated farm buildings with a grove of mature trees to the north of those farm buildings which does help mitigate the impact of the proposed development. Given the deciduous nature of these mature trees, the Officer notes that the CPF Maintenance Storage Facility may be partially visible during winter months, but that this will be read against the backdrop of properties in Swannell Way. Therefore, given this wider existing suburban backdrop, the screening effect of the grove of mature trees and the distance between the CPF Maintenance Storage Facility and Clitterhouse Farm house, the Urban Design and Heritage Officer concludes that there would be no harm to the actual heritage asset itself and raise no objection to the application.
- 7.55 The Council's **Greenspaces & Leisure Team** provided an update to the Playing Pitch Strategy review which, following extensive engagement with each respective National Governing Body of Sport (NGB), the Football Foundation and Sport England to review the updated data and intelligence, was approved by Sport England in August 2023.

The review originally commenced in March 2020 but was paused during the pandemic. The PPS review has taken into account new data which has emerged, considered investment which has been secured and progress that has been made against the status of individual planning applications since the PPS was adopted in 2017. It primarily checks and updates the data and evidence base supporting the PPS.

The PPS Review includes a hybrid assessment that has also been completed specifically for football, in relation to imported demand (at the request of the Football Foundation) to acknowledge the adjacencies to neighbouring Boroughs (Camden and Brent) in the context of CPF. The PPS Review also details scenario modelling based on emerging masterplan schemes elsewhere in the borough that are also proposed to include artificial grass pitches to assess impact. The results of this are included within the PPS Review, which recognises when considering both social and recreational use, the current supply of provision of ATPs falls short of what is required in Barnet.

Demand for recreational football is higher than that for affiliated clubs and teams, and

the proposed football AGPs at CPF would help to meet the projected population and predicted growth in football – both for affiliated teams and social & recreational football. The introduction of these AGPs will also enable greater flexibility to provide a range of senior, junior and mini pitch game types as part of future delivery arrangements. The PPS Review also assess the proposed reduction in natural turf pitches at CPF and identifies the importance of x1 junior 11v11 natural turf pitch, which should be capable of being made available in the future subject to demand. The PPS Review also sets out a plan of how to address the current and identified future deficits for both natural and artificial turf across Barnet.

The PPS Review also outlines the hockey assessment undertaken as part of the evidence base, which also identifies a growth in participation in this sport since 2017 and that the inclusion of the proposed ATPs at CPF represent long term security and support future growth.

Overall, the Greenspaces team continues to support the overall vision for Clitterhouse Playing Fields and how the proposed investment will create a range of opportunities and experiences for all residents. They also referred to the suggestions previously made regarding the detail of the proposed development relating to management of the facilities, including matters that could be secured by planning condition if permission were forthcoming.

#### Resident Associations

7.56 The **Golders Green Estate Residents Association** state that they feel the Golders Green Estate would be the neighbourhood most negatively impacted by the proposed development. The Residents Association acknowledges the revised plans provide some improvement on the initial proposals (i.e., removal of the grass football pitch from the multi-use lawn, inclusion of noise barriers and commitment to 1,000 hours free play for locals each year), but consider these to be minor, temporary and conditional. The cumulative impacts of the scheme continue to be minimised in the submitted documentation and fail to assess worst case scenarios, and do not acknowledge socio-economic changes since the previous proposals for Clitterhouse Playing Fields Improvements (Part 1) were approved in 2015. They consider that the most controversial elements of this application – the proposed all-weather pitches – have not been addressed in the proposed revisions to the scheme. The Golders Green Estate Residents Association therefore **object** to the Application for the following reasons:

- The further loss of Clitterhouse Playing Fields' public protected green open space;
- The drastic reduction of accessible public green space, with the green space per inhabitant already below 'The Six Acre Standard';
- The proposed astroturf pitches go against any net zero or climate emergency claims;
- The proposed use of the all-weather pitches up to 21:00 every day is unneighbourly;

- There would be perpetual noise and light nuisance all year round;
- The sports hub brief is mono-thematic, overdeveloped, unbalanced, utilitarian and discriminatory;
- The justification for the sports hub brief – the Draft Playing Pitch Strategy – has not yet been agreed on among stakeholders nor has it been publicly consulted;
- Heritage, community value and Clitterhouse Playing Fields character are ignored in the proposed plans; and
- Community engagement has been misleading and strictly statutory.

The Golders Green Estate Residents Association have also proposed the following suggestions for amendments to the development of Clitterhouse Playing Fields:

- The scheme should be a nature-based, biodiverse, well-drained public green open space that is community-minded and accessible to all,
- Genuine engagement with local residents that has an impact on decision-making,
- For the rights of immediate neighbours to be respected, including a closing time (of the all-weather pitches) of 19:00 or dusk, whichever is first,
- To create contrasting environments with: a proportional area of well-drained grass for sports and recreation; multiple use area for informal use with no utilitarian use imposed; reinstates the 17<sup>th</sup> century woodland, hedgerows and meadows; leaves an open area; protects the dark sky; creates quieter areas; significantly re-wilds the area leaving enough usable space for people.
- Respects the heritage of Clitterhouse Farm Buildings,
- Explores alternative ways of generating income that do not exclude public accessibility (Regents Park and Hampstead Heath are quoted as examples),
- Includes an overdue area-wide parking strategy that protects existing front gardens and re-greening of ones already lost to parking, and
- A scheme that significantly improves the lives of Clitterhouse Playing Fields' existing and future users and protects its public use for the future.

#### Responses from other groups or organisations

- 7.57 **CPRE London** provided a further response noting that the applicant's revised light report refers to CPRE's skyward radiance mapping to justify the development and assert that this is contrary to the objectives of their campaign to reduce light pollution which affects Londoners' health and wellbeing, wastes energy and has a hugely negative impact on wildlife. The extensive floodlighting proposed in the application will only make matters worse. They reiterate their belief that installing artificial grass pitches and enclosing protected Metropolitan Open Land in unsightly cages would ruin the visual amenity and purpose of this precious public open space.

- 7.58 The Executive Headteacher of **Childs Hill and Claremont Primary Federation** support of the proposal to improve the community facilities on Clitterhouse Playing Fields. They note that the existing playing field is under used and not really a community facility as such.

Recognise that affordable or even free activities are hard to find and parks are an important resource for children and their parents to play, exercise, socialise and educate. Note that many of the parks in the area have not been updated for a very long time and are sadly run down and considers that the development will enhance this large green space and turn it into a vibrant and inviting place for all which could easily become the heartbeat of the wider development.

Pleased to see places where parents of young children can meet and enjoy time together. The zone with swings, smaller pitches and a wheel park would work well as it offers a range of things to do. Children of different ages can enjoy time there safely in one area and this is important. Many older parks are not geared up for this and do not have modern enough facilities to entice parents to make the effort to go to the park. The design for the future of Clitterhouse Fields offers a lot to all ages and still in a huge space that, with clever landscaping and planting, will feel very natural and give that outdoor feeling. Just walking through this park, across it and around it, will feel worthwhile, compared to the current fields.

Football pitches should not be seen as a threat. What is a greater issue is young people having nowhere to go rather than somewhere to exercise. Sport is for all ages and people. The new look fields could be used by community teams, clubs, groups.

The schools of the area will make excellent and extensive use of the opportunities provided (at Clitterhouse Playing Fields). Claremont School is very close to the fields and the school makes very limited use of the space at the moment because it is so exposed and has little to offer. It is ok for a run around or a football match but not somewhere to take the children to read a story, as we would do in the amphitheatre area, or for a reward time treat, something we would do quickly and easily on the Farm Project playground. Teachers and school staff would be encouraged to make use of the park and fields for a wide range of lessons and classes of all ages could experience outdoor learning in everything from art and design to maths and science.

#### Public Responses to Second Round Consultation

- 7.59 Following receipt of revised and further information the LPA conducted a further consultation. Given that further environmental information had been submitted to the LPA in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), which requires the LPA to suspend determination of the Application for a period of 30 days, the LPA allowed members of the public the full 30-day period to provide comments on the proposed amendments to the scheme and further information submitted. The consultation therefore ran from 20th April 2023 – 20<sup>th</sup> May 2023.
- 7.60 In response to this second consultation, a total of **30 additional representations** were received. These representations consisted of either objections, support for the

proposed development or other comments neither objecting to or supporting the planning application, as set out below:

<b>Representation</b>	<b>Number</b>
Object	23
Support	6
Comments neither objecting to or supporting the planning application	1
<b>Consultation 2 Total</b>	<b>30</b>

7.61 When the number of repeat respondents is accounted for the total number of representations received in response to the planning application are as follows:

<b>Representation</b>	<b>Number</b>
Object	154
Support	30
Comments neither objecting to or supporting the planning application	4
<b>Total</b>	<b>188</b>



## **8. PLANNING APPRAISAL**

The following matters are material considerations in the determination of the Application and the proposed development has therefore been assessed against the relevant development plan policies as well as the S73 Permission to inform the Officer's conclusions and recommendations.

### **8.1 Principle of the Proposed Use**

- 8.1.1 As described in Section 4 of this report, the S73 Permission for the comprehensive development of the BXC regeneration area includes planning consent for the development of Clitterhouse Playing Fields to deliver an extensive community park providing formal sports pitches and facilities (including all weather synthetic pitches and pavilion/changing facilities), civic spaces, play areas and nature parks as well as improvements to the Clitterhouse Stream environment. The principle of this use is therefore already established.
- 8.1.2 Current development plan policies continue to support delivery of the BXC regeneration scheme as encouraged by London Plan Policies SD1 and SD10 pertaining to the wider Opportunity Area and strategic and local regeneration; and as also set out in Barnet's Local Plan under Policy CS2 of the Core Strategy DPD and saved Policies Gcrick and C1 of the Unitary Development Plan. Furthermore, the emerging Barnet Draft Local Plan 2021-2036 (November 2022) continues to identify BXC as the largest and most significant area of regeneration within the borough with Policies GSS01 and GSS02 setting out the Council's support for the Brent Cross Growth Area and continued implementation of the S73 Permission.
- 8.1.3 The Application seeks full planning permission to deliver a number of components of the BXC regeneration scheme already authorised by the S73 Permission. This includes Clitterhouse Playing Fields Improvements (Part 1), Clitterhouse Playing Fields Improvements (Part 2), Community Facilities (Clitterhouse Playing Fields Zone), and Clitterhouse Stream Nature Park (NP1) items of Critical Infrastructure, as well as the development of Plots 51 and 82. Development of Clitterhouse Playing Fields (Part 1) and Clitterhouse Playing Fields (Part 2) are identified items of Critical Infrastructure (Pre-Phase (South)) within the S73 Permission necessary to support regeneration of the area; as well as being part of a package of environmental mitigation measures considered necessary through the EIA process to offset the loss of existing open space within the regeneration area (including Clarefield Park) along with an enhancement in the nature conservation status that would be achieved through development of Clitterhouse Playing Fields.
- 8.1.4 The principles and parameters of what is expected to be delivered at Clitterhouse Playing Fields (including Clitterhouse Stream Nature Park ('NP1')) is defined within the S73 Permission, including the RDSF and associated parameter plans, RDAS, RDG and PROSS; and is prescribed as a specific obligation in the associated BXC S106 Agreement which includes an outline specification pertaining to green corridors, pathways, park facilities, sports pitches, play provision, a dog exercise area, public gardens, informal recreation areas and maintenance facility set out in Schedule 28 to

the BXC S106 Agreement.

- 8.1.5 Clitterhouse Playing Fields will be retained in its existing land use as a public, open space. Whilst the proposed development seeks to deliver a different assembly and configuration of sports, recreation and play facilities when compared to what is approved by the S73 Permission and CPF (Part 1) RMA, the proposal would not result in any different land use at the Site. In the event of planning permission being granted, the Site would remain public, recreational space similarly consisting of various community park facilities including a pavilion, car park, maintenance facilities, artificial sports pitches, play areas, informal recreation space and improvements to Clitterhouse Stream – all of which are consented to be delivered pursuant to the S73 Permission. As such, the principle of the proposed development which is embedded in the Development Plan and established by the S73 Permission, is considered to be acceptable.

## **8.2 Overlapping Planning Permissions**

- 8.2.1 The Application is a 'Drop-in Application' which seeks planning consent for the development of the Site, which is within the redline boundary of the S73 permission. The S73 Permission includes a Drop-In Protocol, which sets out how such applications will be dealt with.
- 8.2.2 If implementation of one permission ("A") would render it impossible for development to be carried out in accordance with the terms of another existing permission ("B"), then it may become unlawful to carry out further development pursuant to permission B. The Proposed Development would only be acceptable if it does not undermine or prejudice the overall delivery of the BXC regeneration scheme.
- 8.2.3 The Drop-in Protocol sets out the process required to be followed where a developer wishes to submit a Drop-in Application for development within the S73 Permission red line boundary which seeks to replace or supersede a part or parts of the already authorised BXC development.
- 8.2.4 A Drop-In Statement; Drop-In Plan; and Schedule of Superseded Development have been submitted with the Application. These documents set out how the Proposed Development will be delivered pursuant to the Application, alongside the Development authorised by the S73 Permission. The Applicant has demonstrated that the remainder of the BXC Development could still be delivered and that the Proposed Development would not undermine the principle of comprehensive development of the BXC Scheme. The Applicant has addressed these requirements in Section 6 and Appendix E of the Planning Statement.
- 8.2.5 The implementation of any drop-in permission is subject to Conditions 50.1 and 50.2 of the S73 Permission, which state the following:

*'50.1 Notwithstanding the requirements of any other conditions, no part of the Development shall be carried out pursuant to this planning permission once that part of the Development becomes Superseded Development.'*

*Reason: To ensure there are no incompatible planning permissions within the boundary of the S73 Permission and those authorised by Drop-in Permissions.*

50.2 *An updated version of the Drop-In Plan indicating which Drop-In Permissions have been implemented shall be submitted to the LPA within one month of the implementation of each Sub-Phase and no less frequently than once in each calendar year.*

*Reason: To provide clarity over those parts of the Development authorised by the S73 Permission and those authorised by Drop-In Permissions.'*

8.2.6 Details of the reserved matters for Clitterhouse Playing Field Improvements (Part 1) were approved under LPA application ref. 15/00769/RMA on 10<sup>th</sup> July 2015 remain capable of being implemented in accordance with that Reserved Matters Approval and the Other Matters Approvals already granted pursuant to the conditions of the S73 Permission that relate to Clitterhouse Playing Fields Improvements (Part 1) or the wider Phase 1B (South) sub-phase of the BXC development. Where there are any outstanding Other Matters Applications to be made pursuant to the relevant S73 conditions and in relation to Clitterhouse Playing Fields Improvements (Part 1), these remain open to the Applicant to satisfy. This remains open to the Applicant to pursue in the event that planning permission is either not granted for this Drop-in Application, or the Applicant decides to implement the Reserved Matters Approval instead of any Drop-in Permission granted. However, implementation of any Drop-in Permission, and therefore the superseding of the relevant parts of the BXC development as listed in paragraph 8.3.14 of this report would be governed by Condition 50.1 of the S73 Permission as set out above, meaning that those parts of the BXC Development would not then be capable of being implemented pursuant to the S73 Permission and the aforementioned Reserved Matters Approval.

### **8.3 Compatibility between the Proposed Development and the S73 Permission**

8.3.1 As described in Section 4 of this report, the S73 Permission grants outline planning consent for the comprehensive development of the BXC regeneration area including a community park at the existing Clitterhouse Playing Fields along with delivery of a pavilion/changing room building and improvements to a section of Clitterhouse Stream and its immediate environs, on the same land as that included within this Application. Therefore, the principle of the developing a community park at this Site has already been established in planning terms by virtue of the S73 Permission.

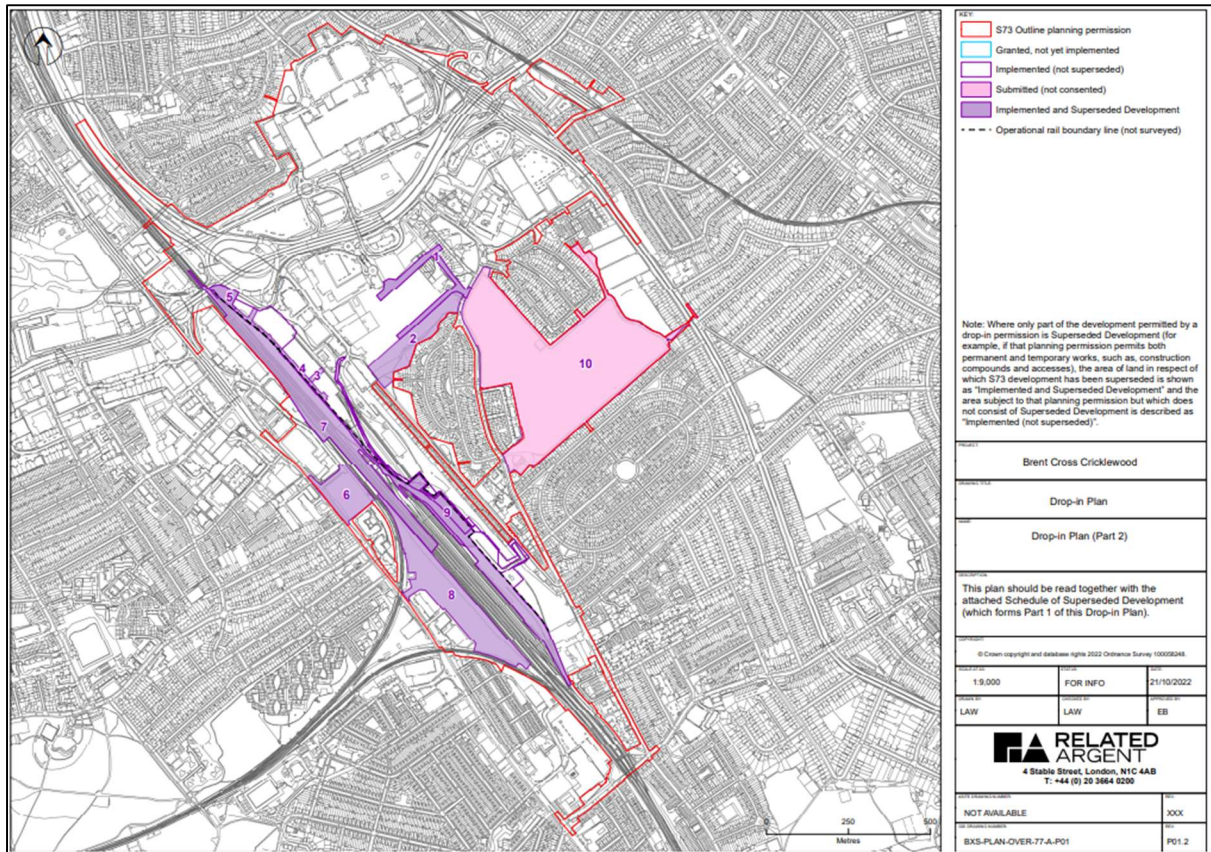
8.3.2 Approval for the detailed design of each component of the BXC regeneration scheme (i.e., Clitterhouse Playing Fields Improvements (Part 1), Clitterhouse Playing Fields Improvements (Part 2), Clitterhouse Stream Nature Park, Community Facilities (Clitterhouse Playing Fields Zone), and Plots 51 & 82) would be ordinarily obtained through Reserved Matters Applications that build upon the principles and parameters of the development established in the S73 Permission. Indeed, this is already the

case in respect of Clitterhouse Playing Fields Improvements (Part 1). However, as described within the Applicant's Planning Statement (Carney Sweeney, April 2023), the design of Clitterhouse Playing Fields has been reviewed since approval of the Clitterhouse Playing Fields Improvements (Part 1) RMA in 2015. The Applicant's intention is to take a holistic approach to the entirety of Clitterhouse Playing Fields (covering both (Part 1) and (Part 2)) with a view to providing an updated mix of facilities that would appeal to all members of the community and respond to the Council's updated needs assessment for sports facilities within the borough; to create a sustainable place with improved biodiversity; and to deliver a revised layout that minimises the amount of earthworks required and, therefore, the amount of waste produced. For these reasons, approval for the proposed development of Clitterhouse Playing Fields is being sought through a drop-in application; the Application.

- 8.3.3 Whilst any drop-in application will need to be assessed on its own merits against relevant policies and standards, as is addressed later in this report, a key consideration relevant to the determination of this planning application is (1) the compatibility of the proposed development with the S73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme and comprehensive development of the regeneration area. This relates to the objectives contained within saved Policies CGrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD, as well as draft Policy GSS02 of the emerging Draft Barnet Local Plan (Reg 19) 2021-2036 in respect of the Brent Cross Growth Area.

1) Compatibility with the BXC 2014 S73 Permission:

- 8.3.4 The proposed development seeks consent to develop the entirety of the existing Clitterhouse Playing Fields in addition to a part of the adjoining Claremont Road for the delivery of a coach parking/drop-off layby, improvements to existing pedestrian access points, land associated with the Ridge Hill subway passing beneath the A41 Hendon Way, and the non-culverted downstream section of Clitterhouse Stream up to Amber Grove. All land identified on submitted Site Location Plan BXS-PK005-INF000-L-GPB-DR-90-P001-XX falls within the redline boundary of the S73 Permission, as demonstrated by the Drop-in Plan provided at Appendix G to the Planning Statement (Figure 3).



**Figure 5:** Drop-in Plan submitted within Appendix G to the Planning Statement (Carney Sweeney, September 2023) to identify the area of the Drop-in Application, which is to be read alongside the Statement of Superseded Development identifying the parts of the S73 Permission to be superseded (Related Argent, 2022).

8.3.5 The Application seeks planning permission to deliver expressly defined development components already authorised by the S73 Permission, notwithstanding that the proposals comprise a different mix and arrangement of specific sport and play facilities (which is addressed elsewhere in this report). The authorised development components of the S73 Permission include the delivery of uses envisaged for Plots 51 (Park Pavilion & Facilities) and 82 (Park Maintenance Depot) along with the abovementioned defined items of Critical Infrastructure. The nature, type and location of proposed land uses accords with those already consented by the S73 Permission. It is however acknowledged that the proposed development would result in the creation of a total of 914 square metres of new floorspace through the provision of a pavilion building, park maintenance and storage facility building and sports equipment storage building. Under the definition of ‘Community Facilities (Clitterhouse Playing Fields Zone)’, the S73 Permission permits the construction of a pavilion type building up to 325 square metres in size. The pavilion building proposed as part of the Application would result in an additional 725.6 square metres of floorspace compared to the S73 Permission and whilst the floorspace proposed as part of the Application is greater than that consented by the S73 Permission, as assessed latterly in this report, the proposed pavilion building is not considered unduly excessive in size and scale, its design is considered to be respectful to the local characteristics of the Site (including the Metropolitan Open Land (MOL) designation), and the sports changing facilities have been set out in response to Sport England’s guidance and based on the advice of the BXC Consultative Access Forum

in respect of accessibility good practice.

- 8.3.6 As a test of compatibility with the S73 Permission, an appraisal of whether the proposed development would be in compliance with the requirements of the S73 Permission, including the conditions attached to it, has been carried out. The S73 Permission requires detailed approvals and any relevant necessary consents for each Phase or Sub-Phase of the BXC development to be obtained in respect of Plots and items of Critical Infrastructure (Pre-Phase) within that Phase or Sub-Phase either prior to the submission of any Reserved Matters Application or prior to commencement of each Plot or item of Critical Infrastructure (Pre-Phase). These obligations are governed by the relevant conditions of the S73 Permission and referred to as 'Other Matters Approvals'. Some of these approvals and necessary consents have previously been satisfied in respect of Clitterhouse Playing Fields Improvements (Part 1). These are summarised in Table 5 in Appendix C to this report. Where any such obligation remains unsatisfied, the LPA consider that the equivalent detail has either been provided as part of this Application or can be provided pursuant to appropriately worded conditions on any drop-in permission granted subject to the conditions being relevant and proportionate to the development proposed by this Application.
- 8.3.7 Compliance with the obligations imposed by the BXC S106 Agreement is also relevant in considering the compatibility of the proposed development to the development consented by the S73 Permission. The BXC S106 Agreement contains a number of obligations relating to Clitterhouse Playing Fields, and in particular the outline specification set out in Schedule 28. This prescribes expectations for both Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2) in relation to green corridors, pathway networks, park facilities, sports pitch provision, play provision and informal recreation facilities, maintenance and storage facilities and reference to a dog exercise area and public gardens. Whilst not conforming to the precise elements specified by Schedule 28, it is recognised that the Applicant has sought to propose a comprehensive scheme for the Site with a view to delivering these key components and expectations of the S73 Permission, albeit in a different arrangement to that envisaged by the S73 Permission. As noted below, the design also takes account of wider Council objectives and the borough's needs.
- 8.3.8 The delivery of Clitterhouse Playing Fields (Part 1) and (Part 2) also forms part of Schedule 23 to the BXC S106 Agreement which sets out the Schedule of Mitigation Measures to be delivered to offset various impacts of the BXC development as assessed by the associated BXC Environmental Statement. The mitigation measures noted in regard to Clitterhouse Playing Fields includes the delivery of additional habitats to offset intensification of use of the SLINC/SINC and provide a mosaic of habitats suitable for a diverse range of invertebrates; provision of appropriate bat roosting opportunities; and for further consideration to be given to drainage and the Clitterhouse Stream during the detailed design process. These matters relate to biodiversity and the water environment which are addressed in Sections 8.11 and 8.16 of this report, respectively.
- 8.3.9 On the basis of the above assessment, the LPA consider the proposed development to be compatible with the S73 Permission.

## 2) Comprehensive Redevelopment of the BXC Regeneration Area

- 8.3.10 The delivery of works to transform and improve Clitterhouse Playing Fields is considered to be integral to achieving the comprehensive redevelopment of the BXC regeneration area as it forms part of the approved Public Realm and Open Space Strategy for the area and constitutes improvements to the largest area of existing open space required to be delivered under the S73 Permission. The Application and the development proposed are therefore considered to be compatible with the objective of comprehensive development.
- 8.3.11 As noted in paragraph 4.7 of this report, Table 4 associated with Parameter Plan 003 within the RDSF identifies the delivery of Clitterhouse Playing Fields as the only Community Park (CP1) within the BXC scheme and which is required to provide a minimum 18.02 hectares (ha) of park space. This is informed by the Public Realm and Open Space Strategy (PROSS) for the BXC regeneration area which identifies Clitterhouse Playing Fields as the largest open space for improvements to be delivered as part of the BXC development (see paragraphs 4.17 – 4.18 of this report). The red line area of this Application covers a total of 18.15ha and this includes ancillary land proposed outside the existing playing fields area to deliver access improvements including the A41 subway and a coach drop-off/pick-up layby on Claremont Road. The Applicant has clarified that the proposed development would result in the provision of 18.08ha of playing fields, which exceeds, and therefore complies with, the minimum requirement set out in the S73 Permission.
- 8.3.12 The Site accords with the extent of the Clitterhouse Playing Fields Zone Development Zone as identified by Parameter Plan 001. This means that it does not have any significant bearing (physically or operationally) nor prevent development within any other Development Zone, the Building Zones within those other Development Zones, nor, on a more granular scale, of any other Plot or item of Critical Infrastructure otherwise authorised to be delivered pursuant to the S73 Permission and BXC S106 Agreement. As such, the LPA are content that the proposed development would not prejudice or impede the remainder of the BXC development, nor fetter the ability to achieve comprehensive redevelopment of the regeneration area. Conversely, the Application proposes development that will deliver significant enhancements to Clitterhouse Playing Fields including an improved green landscaped open space, as well as inclusive facilities for outdoor recreation, sport, activity and enjoyment, serving both new and existing residents of all ages. The proposed development would not, therefore, be contrary to the objectives set out in Policies CGrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD, as well as draft Policy GSS02 of the emerging Draft Barnet Local Plan (Reg 19) 2021-2036 in respect of the Brent Cross Growth Area.

### Development to be superseded

- 8.3.13 In respect of the Drop-in Protocol, section 6.3 of the Applicant's Planning Statement (Carney Sweeney, September 2023) provides the necessary information required by a Drop-in Statement. Appendix G of that document contains a draft Drop-in Plan and associated Schedule of Superseded Development which describes which part of the



development authorised by the S73 Permission would be superseded (and therefore unimplementable under the terms of the S73 Permission) in the event of planning permission being granted for this Application and the subsequent implementation of said planning permission.

8.3.14 The parts of the development authorised by the S73 Permission that are proposed to be superseded by the Application are as follows and correspond to all land forming the Clitterhouse Playing Fields Development Zone, as illustrated by Parameter Plan 001: Development Zones appended to the RDSF:

- Clitterhouse Playing Fields Improvements (Part 1) item of Pre-Phase (South) Critical Infrastructure as defined by the S73 Permission;
- Reserved Matters Approval 15/00769/RMA dated 10th July 2015 relating to the layout, scale, appearance, access and landscaping of Clitterhouse Playing Fields Improvements (Part 1)<sup>9</sup>;
- Clitterhouse Playing Fields Improvements (Part 2) item of Pre-Phase (South) Critical Infrastructure as defined by the S73 Permission;
- Community Facilities (Clitterhouse Playing Fields Zone) item of Non Pre-Phase (South) Critical Infrastructure as defined by the S73 Permission indicated to be delivered on Plot 51 (Park Pavilion & Facilities);
- Plot 82 (Park Maintenance Depot); and
- Clitterhouse Stream Nature Park (NP1) item of Non Pre-Phase (South) Critical Infrastructure as defined by the S73 Permission.

#### Consequential amendments to the S73 Permission

8.3.15 If Members were minded to grant planning permission for the Application, two planning permissions (the drop-in permission and the S73 Permission coupled with the relevant Reserved Matters Approval for Clitterhouse Playing Fields Improvements (Part 1)) would co-exist for a similar development on the same land. As explained in paragraph 8.2.2 above, if those planning permissions were inconsistent with each other, the implementation of the drop-in permission would have the effect of rendering the respective parts of the S73 Permission and Reserved Matters Approval un-implementable. However, provided the implementation of the drop-in permission does not prejudice or fetter the ability to deliver the wider BXC development in accordance with the S73 Permission, the existence of two planning permissions on the same land is acceptable.

8.3.16 In the event that planning permission is granted pursuant to the Application and to ensure both drop-in permission and the S73 Permission can be implemented

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<sup>9</sup> For the avoidance of doubt, any Drop-in Permission granted and implemented as a result of the LPA's approval of this Application would not supersede details approved by Reserved Matters Approval 15/00769/RMA relating to Claremont Park Improvements.



alongside one another without prejudicing delivery of the comprehensive redevelopment of BXC, a number of consequential minor non-material amendments would need to be made to the S73 Permission to reconcile the two planning permissions. There are conditions attached to the S73 Permission relating to the delivery of Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2) that may need to be amended along with any changes to defined terms in the Glossary to S73 Permission. This can be achieved through the mechanism provided for by Section 96A of the Town and Country Planning Act 1990 (as amended) and the ability to make minor non-material amendments to the definitions in the Glossary to the S73 Permission permitted by Condition 1.30. Such applications should be submitted to the LPA for approval prior to the implementation of the planning permission to be granted pursuant to the Application (if granted).

## **8.4 Proposed sports facilities mix**

8.4.1 The consideration of need for the proposed development comprising improvement works to Clitterhouse Playing Fields was made as part of the 2010 BXC outline planning permission and further ratified in the assessment of the S73 Permission. The development proposed by the Application can therefore be assessed against: (1) the requirement to deliver improvement works to Clitterhouse Playing Fields governed by the S73 Permission as well as the obligations set out in the associated BXC S106 Agreement for the BXC development; and (2) the particulars of the proposed scheme including the sports, play, recreation and associated infrastructure facilities proposed by this Application and the impact on the existing Clitterhouse Playing Fields.

### (1) Obligations of the S73 Permission and BXC S106 Agreement

8.4.2 This Application is submitted in response to the conditions and obligations of the S73 Permission and BXC S106 Agreement for the BXC development. The principle of the proposed development has already been dealt with at section 8.1 of this report, noting the obligations set out in the S73 Permission to deliver Clitterhouse Playing Fields Improvements (Part 1), Clitterhouse Playing Fields Improvements (Part 2), Community Facilities (Clitterhouse Playing Fields Zone) and Clitterhouse Stream Nature Park (NP1) as the necessary Critical Infrastructure to support the wider regeneration of the BXC area. The LPA placed an obligation on the Developer to deliver these items of Critical Infrastructure through both the conditions attached to the S73 Permission and the associated S106 Agreement, including the obligations set out in Schedules 2, 23 and 28 (see paragraphs 4.20 – 4.24 of this report for the details of those obligations).

8.4.3 The LPA are content that the proposals contained within this Drop-in Application provide the relevant detailed designs for those items of Critical Infrastructure, including the associated Park Pavilion & Facilities originally envisaged for Plot 51, and Park Maintenance Depot envisaged to be provided on Plot 82, and therefore addresses the Developer's obligations set out in the BXC S73 Permission and (subject to the consideration of the second point (2) below) the BXC S106 Agreement

in responding to the requirement to deliver a community park at Clitterhouse Playing Fields.

(2) Sports and Play Facilities

- 8.4.4 The second consideration in respect of need is in relation to the specific sports, recreation and play provisions proposed by this Application.
- 8.4.5 Notwithstanding the extant planning position, it is recognised that there continues to be policy support for managing and enhancing the borough's parks and open spaces, including those located within Metropolitan Open Land. Relevant policies, including Policy CS7 of the Core Strategy DPD and Policies GSS13 and ECC04 of the emerging Draft Barnet Local Plan (2021-2036), support the provision of improved accessibility and enhancements to parks and open spaces to meet demand for opportunities to engage in physical activity through the provision of sports facilities and children's play; and to promote healthy and active lifestyles and assist in the mental wellbeing of residents.
- 8.4.6 As aforementioned, Schedule 28 of the BXC S106 Agreement sets out an outline specification for the facilities to be delivered as part of the improvement works to Clitterhouse Playing Fields, which was originally agreed in 2014 with the requirements adjusted in 2017 by a Deed of Variation dated 23 October 2017. Figure 5 below provides the relevant extracted information from Schedule 28 listing the sports pitch provision anticipated for Clitterhouse Playing Fields (Parts 1 and 2). The proposals set out in the Application do differ from those outlined in Schedule 28 with a revised mix of facilities proposed.
- 8.4.7 The Applicant has undertaken extensive pre-application engagement with the relevant services of Barnet Council in respect of delivering appropriate sports and play facilities to address the needs of the London Borough of Barnet. This has principally included engagement as part of an iterative process with the Council's Greenspaces and Leisure Team, but also discussions with other key stakeholders such as Sport England and national governing bodies for sport including the Football Foundation/The FA, and England Hockey, county sports associations, local sports

**e) Sports Pitch Provision:** Sports pitch provision should be a minimum of 6.23 hectares. The following sports pitches and sports courts will be provided for a variety of user groups and split between Part 1 and Part 2 as listed below.

In developing the design of both artificial and natural turf pitches, there will be a focus on refining the ground modelling to ensure the new sports provision delivers a solution within the existing parameters that is more robust than the current situation and in accordance with good practice. Pitch layout and associated re-grading should be developed to fully consider the community events, with access on gradients not precluding such uses.

Part 1 will provide the majority of the formal natural grass pitches within Clitterhouse Playing Fields.

The area can accommodate a variety of winter and summer sport as listed below:

- **3 no senior pitches 110x74m**
- **2 junior pitches (9 aside) 80 x 50m**
- **2 mini soccer pitches (7 aside) 60 x 40m**
- **2 mini soccer pitches (5 aside) 40x30m**
- **6 tennis/MUGA 37 x 18.5m each. The courts will be laid out as 2 separately fenced courts and 1 shared MUGA courts. The fencing will be a minimum of 3.0m increasing to 4.5m where the court layout demands.**
- **Informal level grass pitch area to accommodate 3 mini soccer pitches 40 x 30m min.**

The pitch sizes above comply with the relevant Sport England or governing body guidance and will have necessary bespoke pitch drainage. The area will be remodelled to achieve suitable gradients within the existing site parameters. The area will be left open with no specific pitch lighting or fencing.

Part 2 The area is suitable to accommodate a number of separate sports courts. The dimensions and current combination of sports/pitches are listed below:

- **2 all-weather pitches with artificial grass surface – overall size 101.4 x 61m**
- **4 multi use games courts with asphalt surface – overall area 74 x 38m.**

The pitch sizes above comply with the relevant Sport England or governing body guidance and will have necessary bespoke pitch drainage. The area will be remodelled to achieve suitable gradients within the existing site parameters. The fencing will be a minimum of 3.0m increasing to 4.5m where the court layout demands with lighting subject to final design.

**Figure 6:** Summary of Sport Pitch Provision envisaged for Clitterhouse Playing Fields listed within Schedule 28 to the S106 Agreement (as varied by Deed of Variation dated 23<sup>rd</sup> October 2017).

clubs and the local community including local schools. It is as a result of this engagement that the proposed facilities mix for Clitterhouse Playing Fields varies from that specified in Schedule 28 of the S73 Permission as well as the sports and play provisions previously approved under the terms of the CPF (Part 1) RMA approved in 2015.

- 8.4.8 The proposed facilities mix takes account of the updated evidence prepared by the Council as part of the 'London Borough of Barnet Playing Pitch Strategy Review 2021/22' which was adopted in 2023 (the '2023 PPS Review') and the Council's Local Facility Football Plan (2018). The Applicant has also taken account of the Council's other relevant strategies including: the Corporate Plan; the Parks and Open Spaces Strategy (2016-2026); and its Fit and Active Barnet Framework (2022-2026). The proposed facilities mix has also been developed in regard to relevant planning policies and Sport England's Playing Fields Policy and Guidance (2018). Weighed against these, the Applicant has also considered the economic feasibility of the proposed facilities and the spatial fit for facilities within the Site.

#### Barnet Playing Pitch Strategy

- 8.4.9 The purpose of a playing pitch strategy is to assess current and future demand for sports pitches taking projected population growth into account and provide a framework for resource prioritisation and inform planning decisions.
- 8.4.10 The National Planning Policy Framework (NPPF) requires that planning authorities' Local Plans should meet objectively assessed need and positively seek to meet the

development needs of an area. Specifically, planning policies for open spaces and sport and recreation should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

- 8.4.11 The Council adopted a PPS in 2017 (the '2017 PPS') which was prepared in accordance with Sport England guidelines and with the involvement of the National Governing Bodies (NGBs) of the sports to which it relates (Cricket, Football, Hockey, Rugby Union and Tennis) in addition to Sport England themselves. Sports clubs and leagues, together with pitch providers based in the Borough were involved in the development of the strategy ensuring the capture of the views and opinions of the local sports community on the adequacy of provision of playing pitches in Barnet. The 2017 PPS includes a supporting action plan for different sports and sites across the borough to allow the Council to plan for the delivery and playing of outdoor pitch sport into the future as well as informing proposals for the development of new parks and open spaces and improvements to existing sites.
- 8.4.12 Since the adoption of the 2017 PPS, progress has been made by the Council to support improvements across outdoor sports in Barnet. This includes the development of masterplan proposals for identified strategic sports hub sites such as Cophall Playing Fields, West Hendon Playing Fields and Barnet Playing Fields.
- 8.4.13 The 2017 PPS is required to be reviewed and updated as needed to ensure that the supply and demand and assessment information on which it is based is up to date. In 2020, the Council commissioned an update to the evidence base which underpins the 2017 PPS to reflect new data which had emerged, investment that had been secured and progress that had been made against the status of individual planning applications. The pandemic impacted the initial ability to progress the completion of several activities and the assessment was paused as updates to the relevant evidence could not be obtained at that point. Information was subsequently gathered between 2020-2022, with the first available full season for all sports being 2021/22. Updated material was compiled via engagement with NGBs and Sport England, in addition to sports clubs and organisations to clarify any updates to data and information.
- 8.4.14 The Council's review of the 2017 PPS was at an advanced stage when the application for Clitterhouse Playing Fields was submitted in November 2022 and had already included extensive engagement with each respective sport NGB, the Football Foundation and Sport England to review the updated data and intelligence. Whilst there was support from the relevant NGBs for the relevant sports, dialogue with Sport England was still ongoing until they formally signed off the 2023 PPS Review on the 23<sup>rd</sup> August 2023. This includes a hybrid assessment which was completed specifically for football at the request of the Football Foundation in relation to imported demand to acknowledge the adjacencies to neighbouring Boroughs (Camden and Brent). The results of this are included within the 2023 PPS Review and are considered with regards to the proposed installation of artificial turf pitches.
- 8.4.15 The modelling undertaken as part of the 2023 PPS Review highlights a growth in all football formats (adult and junior) since 2017 and a deficit in some formats of natural

turf and artificial turf. Demand for recreational football is higher than that for affiliated clubs and teams. The 2023 PPS Review sets out a range of scenarios and options in how best to cater for existing and future capacities, when considering the emerging masterplan schemes that are also proposed to include artificial grass pitches (AGPs), in order to assess impact. Based on this modelling, the 2023 PPS Review recognises that, when considering both social and recreational use, the current supply of AGPs falls short of what is required in Barnet.

8.4.16 The 2023 PPS Review also assess the proposed reduction in natural turf pitches at CPF and recommends retaining x1 junior 11v11 natural turf pitch to be capable of being made available should future demand require.

8.4.17 The 2023 PPS Review notes that the quality of playing pitches across the Borough in some areas has decreased and highlights future deficits for certain pitch types and limited capacity for other pitch types. It suggests that existing shortfalls are likely to increase in the future, based on population growth. The PPS sets out a plan of how to address the current and identified future deficits for both natural and artificial turf pitches across Barnet including options for reconfiguration, improvements to quality and quantity of pitches.

8.4.18 Relative to the sports facilities proposed by this Application (principally football and hockey with additional provisions for tennis/netball through the MUGAs<sup>10</sup>), the key headlines from the 2023 PPS Review are as follows in respect of what is required for the borough:

- **Football:**

- There will be an increase in the number of teams through latent demand and population growth.
- There is currently sufficient natural turf pitch to accommodate existing and future adult 11v11 play.
- The current pitch demand for youth 11v11, junior 9v9, mini 7v7 and 5v5 and the projected future deficit are identified, including the associated improvements which can be made to increase pitch capacities.
- Demand for recreational football is higher than that for affiliated clubs and teams and the limitations of natural grass pitches in meeting the borough's identified demand.
- The Football Foundation aim is to transfer as much mini soccer provision (training and match play) to AGPs to provide better quality experiences. This is endorsed by most clubs too.
- Based on supply and planned 3G AGP provisions, as well as taking account of social and recreational use, there is a current deficit of 4 full-sized 3G AGPs<sup>11</sup> which rises to a deficit of 9 3G AGPs by 2039.
- Along with Copthall Stadium and West Hendon Playing Fields regeneration schemes, two 3G AGPs at Clitterhouse Playing Fields would cater for both the identified demand from within the borough for such facilities, as well as latent demand arising from neighbouring boroughs.

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<sup>11</sup> Based on 2020-21 football demand data.

- **Hockey:**

- Participation in hockey has increased in Barnet since adoption of the 2017 PPS.
- The existing ATPs at Whitefield Secondary School are used for training and match play by West Hampstead Hockey Club.
- It is recognised that these ATPs would be lost through the BXC regeneration scheme (see further at 8.4.15), and there is a need to protect the ATPs which should be replaced as a secured community use as part of the Clitterhouse Playing Fields development.
- The inclusion of the proposed ATPs at CPF represent long term security and support future growth.

- **Tennis:**

- The Lawn Tennis Association (LTA) are seeking to increase the number of courts that are floodlit and covered.
- Nationally, parks represent the locations for the highest proportion of people playing tennis (32%).
- By 2039, there would be an identified demand of 18 additional tennis courts in Barnet based on its projected population growth.

8.4.19 As set out above, the 2023 PPS Review has been prepared in accordance with Sport England's best practice guidance and with the engagement of all relevant NGBs and the Football Foundation. The document has been signed-off by Sport England and therefore provides up-to-date evidence in respect of the sport pitch and facility needs for the borough and is a relevant material consideration in assessing the Application

#### Assessment of Sports Facilities Mix

8.4.20 An Assessment of Sports Facilities Mix prepared by Strategic Sport Consultancy Ltd has been submitted with the application to justify the proposed quantum and type of sports facilities to be provided at the Site. This provides the case for proposing the sports facilities noted in Section 5 of this report.

8.4.21 As set out in that document, the Applicant considers that the proposals respond to the facilities that are required to support the borough's needs in respect of sport participation and physical activity opportunities, and, through the provision of artificial grass pitches (AGPs) and MUGAs (along with the other facilities listed above), offers greater capacity for weekly usage compared to natural grass pitches.

8.4.22 As part of the evidence to justify the proposed facility mix, the Applicant has undertaken an assessment of the condition of the existing playing fields and submitted an agronomy report evaluating the quality of the Site for use as natural turf pitches and what improvements could be made to bring them back up to a performance quality standard ('Clitterhouse Playing Fields Natural Turf Pitches Quality Assessment', Natural Turf Solutions, dated 20<sup>th</sup> January 2023). That report concludes that the existing playing fields have inconsistent site levels, lack of appropriate drainage and issues with the soil profile noting that considerable work

would be needed to bring the Site up to a reasonable sports surface standard. Any such improvement works would result in a greater need for maintenance to retain an appropriate quality, and the effectiveness of any solution would be limited because of the underlying contracting and expanding clay soils.

- 8.4.23 In addition to the assessment of need and evidence as set out in the 2023 PPS Review, the Applicant undertook extensive consultation with Sport England, the National Governing Bodies of Sport (NGBs), local primary and secondary schools, further, and higher education key stakeholders, community sports clubs, community groups/organisations and several rounds of public consultation with local residents.
- 8.4.24 The 2017 PPS and 2023 PPS Review both recognise the BXC regeneration scheme as a major growth area within the borough, which intends to deliver improvements to Clitterhouse Playing Fields including the provision of additional playing pitches as well as the re-provision of two all-weather (astro turf) pitches (ATPs) following the future demolition and redevelopment of the Whitefield Secondary School site. The 2023 PPS Review notes that Clitterhouse Playing Fields has not provided seasonal football playing pitches for over 10 years and recognises a prevailing justification for the provision of two 3G AGPs at the site to cater for a demand in football, as well as recognising the need to protect and replace the existing ATP asset at Whitefield Secondary School, which is used by the community and hockey clubs and supports play of a range of sports, through the provision of two sand-dressed ATPs.
- 8.4.25 The proposed football AGPs at CPF would help to meet projected population growth and predicted growth in football – both for affiliated teams and social & recreational football. The introduction of these AGPs will also enable greater flexibility to provide a range of senior, junior and mini pitch game types as part of future delivery arrangements.
- 8.4.26 The Greenspaces and Leisure Team are supportive of the proposals for Clitterhouse Playing Fields and how the proposed investment will create a range of opportunities and experiences for all residents noting that there is an appropriate level of demand now and likely to arise in the future to justify the provision of the four all-weather pitches at the Site (two 3G AGPs and two ATPs or sand dressed artificial pitches).
- 8.4.27 The existing Whitefield Secondary School site falls within the Eastern Lands Development Zone of the BXC development, the existing location of which is indicatively illustrated to deliver the Replacement Leisure Centre on Plot 80 of the development (based on Parameter Plan 029 appended to the RDSF). The replacement of the all-weather astro turf pitches currently located at Whitefield Secondary School is an obligation set out within Schedule 28 to the BXC S106 Agreement to be provided as part of the Clitterhouse Playing Fields Improvements (Part 2) item of Critical Infrastructure. As advised by the Greenspaces and Leisure Team, the existing ATPs at Whitefield Secondary School are regularly used by a hockey club outside school hours (as well as by the school itself) and the Council anticipates a predicted increase in the participation of hockey over the coming years. On that basis and noting the importance of ensuring the continued availability of these ATPs as a community asset, it is recommended that a condition be imposed on any planning permission granted ensuring the proposed sand dressed pitches (noted as

being delivered in Part 2 of the proposed scheme) are practically completed and available for use prior to the decommissioning or redevelopment of the existing ATPs at Whitefield Secondary School. This is noted as a key action relating to Clitterhouse Playing Fields in the Action Plan at Appendix 2 of the 2023 PPS Review.

- 8.4.28 Whilst it is acknowledged that the mix of facilities proposed in the Application differs from that set by the S73 Permission, this has been informed by up-to-date evidence in respect of sport pitch and facility needs for the borough and thorough engagement with relevant bodies and groups. The proposed mix will deliver a better level of provision (both in terms of range of sports and facilities and quality) and will enable a greater capacity of weekly usage (games and training) compared to grass pitches, particularly during the winter months. The inclusion of all weather pitches within the scheme enables the areas of the Site dedicated to traditional sport to be consolidated when compared to the CPF (Part 1) RMA. These traditional sports facilities will also be complemented by other facilities delivering a more inclusive mix, including skateboarding/scootering, climbing and bouldering, parkour, children's cycling, running/jogging and mini golf. These facilities along with the other proposed children's play facilities contribute to the total provision for 10,068 sqm for sport and play at CPF bringing significant benefits to both the development of sport, as well as encouraging active and healthy lifestyles and well-being.
- 8.4.29 Taking the above into account, the LPA are satisfied that an appropriate assessment has been carried out demonstrating there is evidential demand to justify the proposed facilities mix at Clitterhouse Playing Fields which seeks to provide an alternative sports and recreational provision, and deliver facilities that would offer a greater capacity for sport participation compared to the current playing fields and formerly used grass pitches at the Site.
- 8.4.30 In respect of other play and recreational facilities proposed by this Application, the submitted Landscape Design Statement (April 2023) includes information setting out the rationale behind the proposed facilities, which diverge from those outlined in Schedule 28 of the BXC S106 Agreement. The BXC S106 Agreement outlines the requirement to provide 5,000 square metres of play provision suitable for three age groups including under 5 year olds, 5-11 year olds and 12+ year olds. The proposed development would result in the provision of a total of 6,968 square metres of other facilities beyond the abovementioned sports facilities, incorporating less traditional 'challenger' sports such as an all-wheel park for skateboards, scooters and BMX bikes, teqball, parkour and bouldering; as well children's play facilities. As described in Section 6.4 of the Landscape Design Statement, each play area or challenger sports provision would be designed to cater for the various age groups noted by the BXC S106 Agreement. The proposed provision is summarised in Figure 5 below, which meets the expectations of the BXC S106 Agreement.



Facility	Under 5s Play	5-11s Play	12+ Play	sub total
<b>Planning Requirement</b>	<b>1,000</b>	<b>2,000</b>	<b>2,000</b>	<b>5,000</b>
<b>Non-Chargeable Play Facilities</b>				
Northern Entrance Children's Playground	160	700		860
All Wheel Park	200	600	800	1600
Bouldering and parkour			800	800
Swings	106	106	106	318
Incidental Play	150	150		300
Teqball			190	190
Boules Court			60	60
Farm Children's Playground	1080	1330	230	2640
Learner's Cycle Track	100	100		200
<b>total non-chargeable</b>	<b>1,796</b>	<b>2,986</b>	<b>2,186</b>	<b>6,968</b>

**Figure 7:** Proposed children's play facilities throughout Clitterhouse Playing Fields to address the planning requirement specified by Schedule 28 to the BXC S106 Agreement (Landscape Design Statement, April 2023).

8.4.31 Overall, it is considered that the proposed development would result in noticeably greater opportunities for a broader spectrum of the existing and future communities local to the Site to participate in sport, recreation and physical activities of varying degrees. This would support the objectives set out in Policy CS11 of the Barnet Local Plan Core Strategy DPD, which promotes increased access to Barnet's green spaces and opportunities for higher levels of physical activity; as well as Policy CHW02 of the emerging Barnet Draft Local Plan, which supports the creation of healthy environments and places that improve physical and mental health. Policy CHW02 also states that the Council will adopt the principles set out in Sport England's Active Design Principles. The proposed development is considered to adhere to the relevant principles contained in that guidance document, including Principle 1 – Activity for All across all age groups, genders and abilities; Principle 5 – Network of multi-functional open spaces; Principle 7 – Providing activity infrastructure for sport, recreation and physical activity; and Principle 10 – Activating spaces. The proposals align with the Council's broader corporate objectives set out within the Fit and Active Barnet Framework (2022-2026) and the Corporate Plan (2023-2026) to enable residents to lead more active lives through increased quality of sports facilities and public spaces.

## 8.5 Assessment of loss of playing fields

8.5.1 The Application seeks to transform Clitterhouse Playing Fields from a natural turf playing field to a destination that has a range of facilities and a wider range of sports to encourage greater use as a park for the existing and emerging population. As a result, of the proposed redevelopment would result in the loss of an area of playing field. The following section therefore provides the LPA's assessment of the proposals in terms of sports pitch provision as well as other planning benefits, against the condition of the existing site and the CPF (Part 1) RMA. It then provides the LPA's planning judgement of the facts against Paragraph 99 of the NPPF and the criteria of Sport England's Playing Fields Policy and Guidance document.

### Condition of the existing Site and scope for grass pitch provision

- 8.5.2 The condition of the existing Clitterhouse Playing Fields and its capacity for use for formal sport is a relevant consideration in assessing the sports facilities proposed by this Application. It is important to note that whilst CPF is a playing field, there are parts of the Site that are unsuitable for match play owing to poor ground conditions and suitability.
- 8.5.3 In 2004 there were 11 football pitches marked at the Site (9 senior football pitches and 2 junior football pitches) and 1 Gaelic football pitch. Some of these were on the sloping parts of the site which would not meet required association standards and there are drainage issues with large parts of the land. It is worth noting that the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework adopted in 2005 notes at that time there were 4 football pitches on Clitterhouse Playing Fields.
- 8.5.4 An agronomy assessment of the existing site was undertaken in 2022 by Natural Turf Solutions and a report of their findings is submitted with the planning application ('Clitterhouse Playing Fields Natural Turf Pitches Quality Assessment', Natural Turf Solutions, dated 20<sup>th</sup> January 2023). The assessment provides an overview of the condition and suitability of Clitterhouse Playing Fields (as it currently exists) to support grass pitches, using the Ground Maintenance Association's Performance Quality Standards (PQS) as a metric. This assessment uses topographical information to check a variety of orientations of pitches across the Site, to determine which areas of the Site would fall within the PQS limits. The assessment shows that there are two zones within the Site which fall within the recommended slope limits (areas bordered in red in image below for illustrative purposes). These zones equate approximately to 2.15ha in area and could accommodate 3 adult football pitches.



**Figure 7:** Indicative locations within the Site that fall within PQS slope limits

- 8.5.5 The agronomy assessment also includes a review of the ground investigation and soil studies undertaken for the site. These studies indicate the ground conditions across the site are unsuitable for heavy foot traffic (as would be the case for sports use), due to the poor infiltration rates. It is also noted that excessive compaction (due to heavy use) of the top layers of soil will further impact the infiltration of the soil and thus concluded by the agronomist that “the soils on the site in their current natural state are not suitable for this [football and hockey] use”.
- 8.5.6 As set out in paragraph 8.5.45 – 8.5.47 below, CPF has not been used for seasonal football (i.e. over the winter) for the last 16 years, reflecting the condition and quality of the playing field. Instead CPF has only been used for summer football since 2007/2008 consisting of four pitches (2 junior, 2 adult 11v11) equating to 1.67ha. These were last booked in 2016 and have not been marked out since 2019.
- 8.5.7 Whilst historically CPF may have accommodated 11 pitches, there is no information on the quality or standard of those pitches and the Site has not provided any of those sports pitches since then. There is only a small proportion of the playing fields as existing that can be considered as suitable for use as grass pitches in their current form (the PQS Applicable Zones) and the use of these areas would be significantly restricted due to ground conditions (i.e. the number of games / usage would have to be limited to prevent further deterioration of the ground). The LPA therefore consider the suggested loss of existing grass pitch capacity to be limited. In reaching a planning judgement on the extent and impact of playing fields lost as a result of the proposed Development, the sports pitches proposed in the Application can be compared to the limited area of usable playing field as per the image above (circa 2.15ha) and to the area of pitches that were provided on the site for summer football (circa 1.67ha).

#### CPF (Part 1) RMA

- 8.5.8 The Reserved Matters approved in 2015 for Clitterhouse Playing Fields (Part 1) (15/00769/RMA) pursuant to the S73 Permission provided 9 football pitches in the following sizes equating to circa 5.34ha in area:
- 3 no senior pitches 110x74m
  - 2 junior pitches (9 aside) 80 x 50m
  - 2 mini soccer pitches (7 aside) 60 x 40m
  - 2 mini soccer pitches (5 aside) 40x30m
  - Informal level grass pitch area to accommodate 3 mini soccer pitches 40 x 30m
- 8.5.9 The CPF (Part 1) RMA also accounted for the area where the two all-weather pitches and additional MUGAs would be delivered in Clitterhouse Playing Fields (Part 2) under the terms of the S73 permission. With this area included, the total pitch and sport facility area is 6.23ha.
- 8.5.10 The CPF (Part 1) RMA approval is a material consideration in the assessment of the Application as it represents an approved planning position. Therefore, the pitch provision proposed under the drop-in application can also be compared to the

approved number of pitches under the CPF (Part 1) RMA consent including the area for the area for the two all-weather pitches and MUGAs.

Playing pitches proposed by this Application

- 8.5.11 The Application includes four all weather artificial grass pitches (AGPs). These will comprise of two 3G pitches and two sand dressed pitches to meet boroughwide demand which is supported by the 2023 PPS Review. As set out in paragraph 4.8.4 of the Planning Statement submitted with the application, the two 3G pitches are suitable for a range of sports and with reference to football can accommodate the following types of pitch:
- 2 no senior pitches;
  - 4 no. youth 9v9 pitches;
  - 4 no. 7v7 pitches; or
  - 8 no. 5v5 pitches;
- 8.5.12 The above list represents the types of pitch provision should both 3G pitches be allocated for the same type of game, noting that a combination of the above could also be accommodated, thus providing even greater flexibility to provide a range of senior, junior and mini pitch game types including those envisaged by the CPF (Part 1) RMA and S73 Permission. The Planning Statement submitted with the application states that the two 3G pitches equate to 1.59ha.
- 8.5.13 When the two hockey AGPs and other sports facilities (MUGA courts, Basketball court, Teqball, bouldering/parkour, and all wheel park) are included the total area is 3.33ha.
- 8.5.14 The 3G football pitches can accommodate the range of pitch sizes for senior and junior games and can be played on throughout the year and multiple times a day. Whilst the proposed pitches take up a smaller area of the overall playing field, the intensity of use and multiple overlays of pitch sizes need to be considered when comparing them to the previous natural turf equivalent. In this regard, the following points are made:
- Sport England's online literature provides guidance on the hours of use which could be sustained by a grass pitch: "Subject to weather conditions, a well-maintained grass pitch would allow some seven hours of use per week" – Sport England, Artificial Surfaces for Outdoor Sport, Rev 3, 2013.
  - The FIFA Football Stadium Guidelines recommend a maximum usage of 40-60 hrs per week (for community use) on an artificial grass turf. (FIFA, FIFA Football Stadium Guidelines, Figure 2.5.2).
  - An artificial turf pitch can therefore sustain greater than 5 times more hours of play per week than a grass pitch and the two 3G pitches proposed have the scope to replicate the playing capacity of >10 grass pitches (although not concurrently).
- 8.5.15 Using the above information, the capacity of the pitches approved under the 2015 RMA scheme would be 63 hours/week (7 hours of use over 9 marked out pitches).

8.5.16 The capacity of the pitches proposed as part of the current CPF application would be a minimum of 80 hours/week (40 hours of use, over 2 pitches).

Comparison of Playing Pitches and Sports Facilities at CPF

8.5.17 Table 3 below draws together the above information for each scenario, comparing the number of pitches, usability, area.

8.5.18 The table shows whilst occupying a smaller footprint within the playing fields, the two 3G pitches provide more playable hours per week compared to the historic configuration of 11 natural turf pitches and the approved 2015 RMA configuration of 9 pitches. The 3G pitches also provide potential for more junior pitches compared to the 2015 RMA approval given the ability to mark out multiple pitches overlaid on one another. The LPA are therefore satisfied that whilst the proposed development would result in the provision of 3.33ha of total sports pitch provision when compared to the 6.23ha requirement specified in the BXC S106 Agreement which included natural turf pitches, the reduced area is offset by the increased level of usability and playability.

*Table 3: Comparison of Playing Pitches and Sports Facilities at CPF*

	<b>Pre-2007 layout at the Site</b>	<b>PQS applicable zones within the Site</b>	<b>CPF (Part 1) RMA scheme</b>	<b>Summer Football (last marked out in 2018)</b>	<b>Application proposals</b>
No. senior football Pitches	9	3	3	2	2
No. junior pitches (9v9, 7v7, 5v5)	2	0*	6	2	8 (assuming 4 no. 9v9 pitches and 4 no. 7v7 pitches) (could be up to 12 if 7v7s replaced with 8 no. 5v5 pitches)
<b>Total pitches</b>	<b>11</b>	<b>3</b>	<b>9</b>	<b>4</b>	<b>10</b> (although not all concurrently)
<b>Usage capacity (hours per week)</b>	<b>77</b>	<b>21</b>	<b>63</b>	<b>28</b>	<b>80</b>
Area (Ha)	8.2**	2.15	5.34	1.67	1.59
Total area including other sports (All weather Hockey pitches, MUGA courts, Basketball court, Teqball, bouldering/parkour, all wheel park)	8.8	2.15	6.23	1.67	3.33

\* Junior pitches could be provided but would have to be marked out at the expense of senior pitches

\*\* Based on the description of the pitches as “9 senior football pitches and 2 junior football pitches”

### Additional Playing Pitches in the borough

- 8.5.19 In addition to the comparison of the proposals within the Application to the current extent of playing pitch area at CPF and the area of playing pitches approved pursuant to the S73 Permission and CPF (Part 1) RMA, it is important to take into account other playing pitches being delivered in the borough.
- 8.5.20 As set out in 8.4.9 – 8.4.16 above, the 2023 PPS Review provides up-to-date evidence in respect of the sport pitch and facility needs for the borough and the associated Action Plan sets out the Council's strategy and commitment to delivery of playing pitches in the borough.
- 8.5.21 The 2023 PPS Review has identified seven secure sites (i.e. sites within the Council's control) which have been unused since 2017 and can be reintroduced for football (subject to demand) which will assist in supporting existing provision in the borough.
- 8.5.22 The Council's Greenspaces team (note dated August 2023) have advised that progress has already been made in bringing four of the seven sites back into use for the forthcoming 2023/24 season. They further highlight that the investment the Council is making in the other sites, including £1.4m investment at King George V Playing Fields to construct 1 Senior Gaelic Football Pitch and 1 Junior Gaelic Football Pitch, with a clubhouse to follow shortly as well as the delivery of a number of football pitches and changing rooms.
- 8.5.23 In addition to the investment in the seven secure sites, the Council has also identified an additional site at the former National Institute of Medical Research (NIMR) where previously private land has been transferred to the Council through a Section 106 agreement for the redevelopment of the site. The NIMR site is not currently considered in the 2023 PPS Review. The site had previously been referenced in the PPS 2017, which outlined the potential transfer of land which could accommodate a playing field for Gaelic Football. This option was discounted and not progressed and in the interim the Gaelic Football Club now have a permanent pitch at King George V Playing Field, which was previously unused.
- 8.5.24 The transfer of the former private NIMR field to the Council was completed in early 2023. This site is now within the Council's ownership, alongside a financial payment of £700k secured through the section 106 agreement to deliver three natural turf pitches in addition to a cricket pitch. These three pitches will be secure pitches in the Council's ownership and can therefore provide additional playing pitch capacity in the borough.

### NPPF

- 8.5.25 Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on save for where one or more of the following exceptions apply:
- (a) an assessment has been undertaken which shows open space, buildings or land to be surplus to requirements; or

- (b) the loss resulting from the development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for an alternative sports and recreational provision, the benefits of which outweigh the loss of the current or former use.

8.5.26 These three exceptions are reflected in some of the tests that Sport England set out in their Playing Fields Policy (principally Test 1, Test 4 and Test 5). The LPA's assessment of the NPPF exceptions is included in the assessment against Sport England's exception tests below. It is important to note that whilst Sport England's Playing Fields Policy and Guidance is capable of comprising a material consideration, it does not form part of the development plan against which the LPA are required to assess this Application.

#### Sport England Playing Fields Policy Exception Tests

8.5.27 The application proposes the comprehensive redevelopment and enhancement of Clitterhouse Playing Fields that would result in the loss of part of the existing natural turf playing field at the site. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of all or any part of a playing field unless "in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions" which are set out in their Playing Fields Policy.

8.5.28 The five tests are set out below along with the LPA's assessment provided in turn.

#### **Exception Test 1**

*'A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.'*

8.5.29 As set out in 8.4.9 – 8.4.19 above, the Council has undertaken a review of the boroughwide Playing Pitch Strategy which is considered an up-to-date assessment of playing pitch provision in the borough. Whilst Barnet is well catered for in terms of football, the 2023 PPS Review highlights future deficits for certain pitch types and limited capacity for other pitch types based on population growth, specifically youth 11 v 11 and 9 v 9 pitches. The recommendations within the action plan that forms part of the PPS therefore highlight options for reconfiguration and improvements to quality and quantity of pitches to help relieve projected deficits.

8.5.30 Notwithstanding the improvements that have already been delivered to date by the Council since the 2017 PPS as set out at 8.5.19 – 8.5.24 above, and the Council's commitment to continue to deliver investment in sports pitches and facilities across the borough as set out in the Action Plan included in the 2023 PPS Review, the current PPS does not demonstrate a current surplus of playing field provision. Therefore, notwithstanding that the Site has not been used for seasonal football since 2007/2008 and has not been booked for summer football since 2016, this test and sub-point a) of Paragraph 99 of the NPPF is not currently met.

- 8.5.31 It is worth noting that Exception 1 refers to an excess of “playing field” however, in considering this exception Sport England have referred to the Council’s PPS. It should be noted that the 2023 PPS Review considers 'pitches' not 'playing fields' and highlights a deficit in 'pitches' (for various sports) across the Borough and sets out a plan of action as to how to meet that deficit. The proposed improvements to CPF forms part of the solution (rather than contributing to the problem).

**Exception Test 2**

*‘The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.’*

- 8.5.32 The proposal is for comprehensive redevelopment and enhancement of Clitterhouse Playing Fields to create a high-quality park and sports facilities. The development proposed in the Application includes a pavilion, car parking and maintenance buildings which support the use of the playing pitches and can be considered to be ancillary to the playing field use in accordance with Exception Test 2. However, the rest of the comprehensive proposal for the Site including footpaths, landscaping, trees, sustainable drainage, artificial grass pitches, children’s playgrounds etc, whilst complementary to formal sports facilities and provide opportunity for wider physical activity, would replace the existing playing fields and cannot therefore be classed as ancillary facilities.

**Exception Test 3**

*‘The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- *reduce the size of any playing pitch.*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any part of a playing field and any of its playing pitches.’*

- 8.5.33 As set out at 8.5.4 and 8.5.5 above, the ‘Natural Turf Pitches Quality Assessment’ submitted with the Application concludes that the majority of Clitterhouse Playing Fields does not currently meet PQS requirements due to a combination of site gradients, drainage, soil profile, maintenance regime and events, with some areas being unsafe for sport, and that only limited area are compliant to PQS limits. It further states that significant re-levelling and reconstruction earthworks and improved drainage would be required delivery pitch standards and retain quality. The current playing field is therefore acknowledged to be in a poor condition for formal sport and significant investment would be required to bring the natural turf playing field to a condition that would adhere to PQS, and to implement a maintenance regime required to ensure that the playing field remained to that quality.

- 8.5.34 No pitches are currently marked out at CPF and no pitches have been marked out since the summer of 2018. Therefore, the proposals will not reduce the size of any



playing pitch or result in the inability to use a playing pitch in accordance with the first and second bullet of this test.

- 8.5.35 In terms of the third and fourth bullets, the sporting and wider benefits of the proposals as set out at 8.5.11 – 8.5.16 above show that the AGPs proposed will have potential for increased playable hours per week compared to the historic and recent summer pitch layout.
- 8.5.36 In respect of the final bullet point of the test, the playing fields have not been used for formal sport since 2007/2008. Officers are of the view that given this length of time that has elapsed since the fields were last used for formal seasonal football, the poor quality of the existing playing field and taking into consideration the fact that the proposed development includes provision of new sports pitches and other sports facilities which will benefit the existing and future communities and increase access to sport, the proposed development does not prejudice the use of a playing field.

#### **Exception Test 4**

*‘The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.’*

- 8.5.37 As set out at 8.5.19 – 8.5.24 above, the Council has already invested in improving existing playing fields and pitches across the borough in accordance with the PPS Action Plan. Furthermore new, secure pitches are being delivered at the NIMR site which will provide additional playing pitch capacity in the borough that hasn’t been accounted for in the 2023 PPS Review. Therefore, noting the poor quality of the existing playing field at the Site as set out above and when taken together with the new sports pitches and facilities proposed as part of this Application, in the planning judgement of the LPA the area of playing field classed as being ‘lost’ can be considered to be replaced by the new playing fields being delivered at the NIMR site. Similarly, in respect of sub-point b) of paragraph 99 of the NPPF, the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

#### **Exception Test 5**

*‘The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.’*

- 8.5.38 The development proposed by the Application includes facilities for a mix of traditional, challenger and social outdoor sports in accordance with the above test. The mix includes four all weather AGPs – two 3G pitches and two sand dressed astro-turf pitches; a Parkour/Bouldering Zone, two Multi Use Games Areas (MUGAs) suitable for tennis and netball; one basketball court; two Teqball tables; and an All Wheel Park. These facilities are all acknowledged by Sport England as providing sporting benefit in accordance with Exception Test 5. The LPA consider that the

pavilion building – which includes changing rooms, toilet facilities and café – as well as the car parking and maintenance buildings which support the use of the playing pitches, and the SUDs stream and drainage which is required to improve the drainage of the fields so that the sports facilities can be useable, should also be included when assessing the Application against this test since they are required in order for the sports facilities to be acceptable.

- 8.5.39 As set out at 8.5.11 – 8.5.16 above the 3G pitches are suitable for a range of sports including training for Rugby Union, Rugby League, American Football and Lacrosse. With reference to football the pitches can accommodate 2 no senior pitches; 4 no. youth 9v9 pitches; 4 no. 7v7 pitches; or 8 no. 5v5 pitches, or a combination of the above to provide flexibility for a range of senior, junior and mini pitch game types throughout the year.
- 8.5.40 The 3G football pitches can accommodate the range of pitch sizes required for senior and junior games and can be played on throughout the year and multiple times a day. Whilst the proposed pitches take up a smaller area of the overall playing field the LPA consider that the multiple pitch sizes, age groups and sports catered for and the usability of the 3G pitches for a minimum of 80 hours/week provide significant sporting benefit.
- 8.5.41 As confirmed by Sport England, the proposed Hockey AGPs would represent an opportunity to secure long-term community Hockey facility provision which would be beneficial to the sport of Hockey within the borough and beyond and therefore outweigh the impact from the loss of natural turf playing field resulting from their construction.
- 8.5.42 When combined with the other sports facilities that the Application will deliver and the wider range of sports that will be catered for at the Site, the LPA consider that the development proposed by the Application would be of significant benefit, and thereby more than sufficient benefit having regard to the wording of the test, to the development of sport so as to outweigh the detriment caused by the loss of the area of playing field at the Site. In reaching this conclusion the poor condition of the existing playing field, as set out at 8.5.4 and 8.5.5 above, has also been taken into consideration.
- 8.5.43 In assessing the Application against NPPF Paragraph 99 c), the LPA consider that the benefits to be considered go wider than just sport facilities. In reference to 'recreational provision' the Application also includes playgrounds, new footpaths and routes through and around the playing fields, landscaping features and areas for incidental play, picnics and informal activities, mini golf, Boules court and learners bike track, all of which will deliver benefits to the local community and users of the playing fields. In the considered planning opinion of the LPA, these benefits combined with the sporting benefits described above, clearly outweigh the loss of the current area of playing field at the Site and are sufficient to meet the requirements of NPPF Paragraph 99 c).

### Referral to Secretary of State

- 8.5.44 The LPA consulted Sport England in line with Schedule 4 to the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) (the 'Order'), which requires consultation with Sport England where development is likely to (i) prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been used as a playing field at any time in the 5 years before making of the application and which remains undeveloped or allocated for use as a playing field in a development plan; or (iii) involves replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.
- 8.5.45 The Council's Greenspaces team have confirmed that Council records show that in 2007/2008 CPF was not used for seasonal football (i.e. formal games during the winter season) and has not been used for seasonal football since then. So the site has not been used for seasonal football for 16 years.
- 8.5.46 Instead CPF has only been used for summer football since 2007/2008. Summer football is generally for the month of August corresponding with the school holiday period and used for odd catch up, pre-season training and friendlies etc.
- 8.5.47 The Greenspaces team have advised that at CPF, summer football consisted of four pitches (2 junior, 2 adult 11v11) which were marked out. These were last booked in 2016. The summer pitches were last marked out in summer 2018 but did not generate any formal bookings. The summer pitches were not marked out in 2019 or since then.
- 8.5.48 If pitches were marked out in Summer 2018, even though they were not booked, the date at which the LPA consulted Sport England on application 22/5617/FUL (25th November 2022) would be within the 5 year period from the last summer pitch being marked out at CPF. Whilst in theory it is the case that the proposed development is on land which has been used as a playing field in the five years before the making of the Application, the site only provided a limited number of playing pitches for summer football which last featured on the site in 2018.
- 8.5.49 Whilst Sport England have acknowledges the benefits of the scheme, they have stated that they still object to the application. As a result, should the Committee resolve to grant planning permission, the application will be referred to the Secretary of State before granting permission, so that the Secretary of State can decide whether to exercise their call-in powers.
- 8.5.50 The Town and Country Planning (Consultation) (England) Direction 2021 (the "2021 Direction") sets out the types of development and circumstances whereby referral to the Secretary of State is required. Of relevance to this application is paragraph 7(a)(i) whereby the application is for playing field development on land of a local authority and 7(b) Sports England has been consulted but objects to the application the basis of one or more of the following grounds:
- i. that there is a deficiency in the provision of playing fields in the area of the local authority concerned;

- ii. that the proposed development would result in such a deficiency; or
- iii. that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

8.5.51 It is important to note that 7(a) and 7(b) must be deemed to be met to trigger referral to the Secretary of State. In relation to the Application, 7(a)(i) is satisfied on the basis that the Site is land that is owned by the Council. The question then is whether limb 7(b) is satisfied, which depends on whether the consultation with Sport England has been statutory and the nature of their objection.

8.5.52 Sport England have simply stated that the application should be referred to the Secretary of State if the LPA intends to grant planning permission contrary to their objection, without explaining which of the grounds in 7(b) they consider apply. They suggest in their comments that notwithstanding the good progress that has already been achieved (*by the Council*) in improving sport facility provision within the borough, there are still currently deficits of playing pitch/field provision as set out in the 2023 PPS Review. Whilst the LPA would note that the PPS Review identifies deficiencies in youth 11 v 11 and 9v9 football pitches and that this is different to a deficiency in playing fields (within which pitches can be provided), it part of the Sport England Objection is taken to be on the grounds of 7(b)(i). They also suggest that there is no guarantee that all of the actions set out in the 2023 PPS Review would be implemented by the Council to address this deficit and therefore Sport England are unable to consider that the loss of areas of the site that could be used for playing pitches would not be detrimental to sport within the borough (i.e. 7b(ii)). Sport England also consider that the Application does not include sufficient proposals for new replacement playing field to offset the area of existing playing field that is deemed to be lost as a result of the development which indicates that limb 7(b)(iii) is not considered to be satisfied.

8.5.53 The 2021 Direction notes that: *“playing fields” has the same meaning as in article 10(2)(l) of the Order*. This is taken to mean that it should be in accordance with the definitions included in the table at Schedule 4 to the Order with “Playing Field” defined as meaning “the whole of a site which encompasses at least one playing pitch”. From the LPA’s assessment of the proposed development as set out above, the proposals would not result in the loss of the whole site. Even if Sport England’s objection can be characterised as satisfying 7b)(i) of the 2021 Direction, Sport England acknowledge in their consultation response that “the PPR sets out a plan of how to address the current and identified future deficits and the Council, Sport Governing Bodies and others will seek to work collaboratively to implement this strategy.” Therefore, whilst there is a deficiency of playing field provision (albeit measured in playing pitches within the 2023 PPS Review) the 2023 PPS Review includes an action plan for addressing this. Furthermore, the proposed sports facilities at CPF are recognised in the 2023 PPS Review as part of the Action Plan and therefore the solution to addressing the deficit in playing pitches in the borough.

## 8.6 Metropolitan Open Land

- 8.6.1 The Site is designated as Metropolitan Open Land ('MOL') which is afforded the same protection as Green Belt. MOL is specific to London and, as identified in the London Plan, should be clearly distinguishable from the built-up area. MOL is defined within the Barnet Core Strategy (2012) as *'areas of major open spaces within urban areas that have more than borough-wide significance for their contribution to recreation, leisure and visual amenity, and which receive the same presumption against development as Green Belt'*. In respect of Green Belt, Chapter 13 of the NPPF (2021) identifies the aim and five purposes of Green Belt which is to keep land permanently open. Generally, the construction of new buildings within the Green Belt is inappropriate development. However, paragraph 149 of the NPPF identifies the exceptions to this, including (b) the provision of appropriate facilities (in connection with the existing use of land or 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. The Site is currently used as recreational open space and the proposed development does not seek to change that use.
- 8.6.2 Policy G3 of the London Plan (2021) reiterates the protection afforded to MOL against inappropriate development in accordance with the tests that apply to Green Belt as laid out in the NPPF.
- 8.6.3 Policy CS7 of the Core Strategy DPD states that open spaces in Barnet, including Green Belt and MOL, will be protected and enhanced to provide improvements in quality and accessibility as well as meeting demand for opportunities for physical activity. This policy also recognises the open space improvements to be delivered as part of the BXC development and the need to secure improvement to open spaces including children's play, sports facilities and better access arrangements. The standards for any new provisions are set out in Policy DM15 of the Development Management Policies DPD. Relevant to this Application, part (a)(ii)(c) of Policy DM15 states that the construction of new buildings within the MOL will be inappropriate except for essential facilities for appropriate uses where they do not have an adverse impact on openness.
- 8.6.4 The protection afforded by Chapter 13 of the NPPF and Policy G3 of the London Plan (2021) is reiterated in Policy ECC05 of the emerging Draft Barnet Local Plan (2021-2036).
- 8.6.5 Based on the above policy context, the designation of Clitterhouse Playing Fields as MOL does not prohibit development. The proposal for the provision of appropriate facilities for outdoor sports and recreational facilities on MOL is supported provided the facilities preserve the openness of the MOL and do not conflict with the purposes of including land within it.
- 8.6.6 In the planning assessment for the grant of the 2010 BXC outline planning permission (LPA ref. C/17559/08), the LPA concluded that the BXC development was in compliance with London Plan (2008) Policy 3D.10 in operation at the time as the proposals respected the MOL designation by ensuring that the open character was

maintained while improving and upgrading facilities part of the regeneration proposals. It was also noted that there would be no reduction in the area which makes up Clitterhouse Playing Fields notwithstanding that part of the grassed area of the park would be replaced with synthetic turf pitches<sup>12</sup>. The 2010 BXC outline planning permission was subsequently varied by the S73 Permission but did not result in any alterations to the previously consented design principles, parameters or zonal layout plan for the Clitterhouse Playing Fields Development Zone. The S73 Permission is the extant (and implemented) planning permission for the BXC development and establishes the planning principle for the development of Clitterhouse Playing Fields to deliver sports, play and recreational facilities, including a pavilion building with changing rooms and a maintenance depot, within the MOL.

- 8.6.7 Notwithstanding that prior assessment and the precedent that exists, it is appropriate to assess this planning application against current development plan policies including those aforementioned in relation to the MOL. As described in Section 5 of this report, the proposed development constitutes the provision of improvements to Clitterhouse Playing Fields to deliver various sports, play and recreational facilities (including four all-weather pitches and two MUGAs) in addition to a pavilion building providing a café, toilets and sports changing rooms, a maintenance depot to serve the playing fields, and smaller sports equipment storage unit associated with the all-weather pitches. Furthermore, the proposals will provide new and enhanced entrances into the Site, paths and routes through it as well as facilities for cyclists and Blue Badge car users, all of which are considered to provide improvements in quality and accessibility of the open space in accordance with Core Strategy Policy CS7. The types of sports, play and recreational facilities proposed for Clitterhouse Playing Fields by the Application reflect the sorts of features and facilities you would expect to see in a park and are comparable to other parks and open spaces within Barnet such as Hendon Park (outdoor gym, tennis and basketball courts, play, parking), Sunny Hill Park (café, tennis and basketball courts), Lyttelton Park (tennis, bowls, play), Friary Park (tennis, bowls, play, skate park) which illustrate how MOL is used. It is considered that the proposed development accords with the principle of the policy exceptions set out within the NPPF, the London Plan and the adopted Barnet Local Plan in the delivery of facilities to serve the existing and proposed use of the Site for outdoor sport and outdoor recreational uses.
- 8.6.8 The policy exceptions as set out in the Core Strategy DPD state that any such facility should preserve openness and not conflict with the purposes of including land within the MOL. There is no definition of 'openness' in planning law. The national Planning Practice Guidance sets out matters that may need to be considered when assessing the impact on openness, which include any visual and spatial aspects of the Site, duration of the development and its remediability, and degree of activity likely to be generated. Ultimately, it is a matter that requires judgement based on the circumstances and facts of the case.
- 8.6.9 By comparison to the current condition of the Site which is a large area of almost entirely undeveloped and empty grass field with the exception of the Clitterhouse

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<sup>12</sup> Page 176 of the report to the Council's Planning and Environment Committee for the meeting on 18<sup>th</sup> and 19<sup>th</sup> November 2009.

Farm buildings at the southwest corner, peripheral pathway around the southern, eastern and northeast edges of the playing fields, and a small playground, any development of the Site (whether in accordance with the S73 Permission or if granted, the planning permission granted pursuant to the Application) would result in a noticeable change to its character. Officers therefore consider that reference to 'open' does not mean that a site must remain empty or devoid of any landscaping and/or appropriate facilities (for outdoor sport, recreation or leisure).

- 8.6.10 The landscape design and planting strategy set out in the Application includes approximately 356 new trees across the Site, selected and located to define and enhance views across the Site and to improve visual amenity, provide definition to spaces, as well as benefits for wayfinding and biodiversity. New tree planting will also enhance the existing boundaries and a new linear woodland will be created along the southern boundary. This landscaping and planting approach will transform the character and appearance of the site, particularly when the trees grow to maturity, from an open grass field to a landscaped and sculpted park with tree lined routes and planting that will define different character areas within the Site. The principle of tree planting and landscaping within MOL is considered to be acceptable and in keeping with other playing fields and park spaces within Barnet. Whilst the proposals would result in a change in the appearance of the site, the changes are not considered to conflict with the principle of openness required by policy. The provision of additional landscaping ensures that the Site remains clearly distinguishable from the surrounding built up areas.
- 8.6.11 The Application includes proposed built structures including a pavilion and maintenance storage facility which are considered to support the use of the MOL in accordance with policy. Utilising the site's topography and existing built features, the Applicant has sought to design buildings and site levels to minimise impacts of the proposed development on the openness of the MOL. The proposed maintenance facility (including the building and associated external yard area) would be positioned at the south-western extent of Clitterhouse Playing Fields between two areas containing existing built development (Swannell Way buildings, the latter of which are partly included within the MOL designation) and alongside the boundary shared with the car park for residents of Swannell Way. Proposals for the maintenance facility also includes landscape planting to soften the visual impacts of this new depot area, which would complement the mature trees to be retained between the Clitterhouse Farm buildings and maintenance facility.
- 8.6.12 The proposed pavilion would assume a central position within the Site, near to the Site's existing northeast boundaries to the rear of residential properties off Prayle Grove. In the proposed site layout, the pavilion would be sited at the confluence of the primary north-south and east-west pathways through the Site and be positioned on a part of the Site which rises away to the west and south into the terraced landscape forming the proposed grassed amphitheatre and toward to the 3G AGPs respectively. In terms of scale and volume, the proposed pavilion would be one storey in height with a flat roof covering the majority of the structure and a featured, geometric roof over the café element of the building that partly protrudes over the external seating area as a canopy on the southwest elevation. The maximum height of the proposed pavilion would be 4.45 metres above (proposed) ground levels at the

café end and up to 3.80 metres above (proposed) ground levels for the remainder of the building. The Applicant has provided elevation drawings and cross sections which demonstrate that the height of the proposed pavilion, taking into account proposed level changes, would remain lower than the pitched roofs of existing residential properties off Prayle Grove.

- 8.6.13 Taking into account the criteria specified by Sport England for the provision of facilities to support playing pitches and the need for the Applicant to satisfy requirements set out in the BXC S106 Agreement, the proposed pavilion is considered to be of a modest and sympathetic design responding to the MOL designation. The building is positioned in one of the lower parts of the Site and would be viewed in the context of the nearby existing residential buildings (Prayle Grove). As such, the openness of the area would be preserved.
- 8.6.14 Other structures proposed by this Application are the four all-weather pitches across the southern half of the Site. In addition to the proposed buildings on the site, these structures are considered appropriate in principle given that they promote the use of the MOL for outdoor sport in accordance with policy. Each pitch would be contained by mesh fencing and have associated floodlighting attached to 15-metre-high columns. The Applicant identifies that such features are necessary to deliver the sports pitches to the standards acceptable to the relevant governing bodies (i.e., Sport England, Football Foundation/The FA and England Hockey). In line with those standards, the pitches are required to be constructed on a level surface and orientated north-south to minimise glare from the sun during competitive games. Whilst the Applicant's design rationale<sup>13</sup> has sought to utilise the flattest and lowest part of the existing Site, earthworks would be required to create the appropriate base for the artificial pitches. The excavated materials would be used to create modest berms around each of the pitches (most ranging from 0.63 to 3.45 metres above proposed ground levels), which would offer informal spectator opportunities as well as embedding the pitches (including associated fencing and lighting columns) in a 'sunken position' within the landscape. This would minimise their visual impact within the MOL. Supported by the Computer Generated Images (CGIs) contained within the Application, it is also noted that the mesh fencing would create a visually semi-permeable element when viewed across the Site and not, therefore, completely obstructing the openness of the Site, although it is noted that where acoustic screening is installed to parts of the pitches, that part of the fencing will not be semi-permeable. Existing and proposed sections across the whole Site have been submitted as part of the Application to illustrate how the earthworks and terracing work alongside and blend into the existing natural topography of the Site. An assessment of townscape and visual impact is provided in section 8.8 below.
- 8.6.15 The scheme includes 3m high sound attenuation barriers to the southern boundaries of the all-weather pitches. The sound attenuation barriers will be placed at the southern ends of the sand dressed all weather pitches and around the south/south eastern boundary of the most southerly 3G all-weather pitch. Whilst the final specification of the sound attenuation barriers will be secured through details to be approved by condition, native shrubs and climbers are proposed to be planted in front

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<sup>13</sup> Section 4.3 of the Landscape Design Statement (April 2023).



of the barriers to integrate them and create a green backdrop when viewed from the surrounding pathways.

- 8.6.16 The proposed development would result in an enhancement to the Clitterhouse Playing Fields for the purpose of providing outdoor sport and recreational opportunities to enable and support healthy lifestyles whilst enhancing the quality and range of uses in the MOL, in line with national, regional and local policy as well as the requirements of the S73 Permission. There would be no reduction in the area which makes up Clitterhouse Playing Fields as a result of the development proposed in the Application, notwithstanding that part of the grassed area of the park would be replaced with synthetic turf. The only buildings and structures within the proposed development are those required to provide appropriate facilities in connection with the use of CPF for outdoor sport and recreation. Furthermore, these have been sited and designed to preserve the openness of the MOL. The proposed uses and buildings are acceptable in principle in policy terms and are not considered to conflict with the purposes of including the Site in the MOL. Whilst the appearance and character of the Site would be changed by virtue of the proposed development compared to its current condition, including through the provision of extensive tree and landscape planting, Officers consider that the openness of the MOL will be preserved and in accordance with the London Plan, Clitterhouse Playing Fields as a green space will continue to be clearly distinguishable from the surrounding built up area ensuring that as MOL it continues its important role in the urban framework.

## **8.7 Protecting Barnet's character and amenity**

### Noise

- 8.7.1 Policy D14 (Noise) of the London Plan states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses; improving and enhancing the acoustic environment and promoting appropriate soundscapes; separating new noise-sensitive development from major noise sources (such as road, rail, air transport, and some types of industrial use) through the use of distance, screening, layout, orientation. Policy D14 also recognises that where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles. Policy CS13 of the Core Strategy DPD seeks to improve noise quality by requiring Noise Impact Assessments in line with the Council's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate. This objective is reflected in Policy ECC02 of the emerging Draft Barnet Local Plan (2021-2036). Saved Policy C3 of the UDP requires

that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents.

- 8.7.2 The Council's Sustainable Design and Construction SPD (2016) highlights the main sources of noise in Barnet are generated by (inter alia) road and rail traffic, commercial and industrial land uses, construction activities, building and air handling plant, as well as people. The SPD then goes on to identify noise risk categories relative to indicative noise levels to be used in informing initial noise impact assessments (negligible, low, medium and high). The SPD sets out 'Noise Design Principles' to be considered by an applicant in the design and construction processes, although most of these relate to residential uses. In respect of noise emissions from plant which may be required for the proposed Pavilion building, the SPD advises noise should be such that it does not contribute to increasing the background noise levels.
- 8.7.3 National planning guidance in relation to noise is set out in the NPPF which states at paragraph 185 that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."* These noise objectives are derived from the 'Noise Policy Statement for England (DEFRA, 2010)' and are generally reflected in all noise-related development plan policies. The consideration of noise impacts is provided by further guidance in the national Planning Practice Guidance. There are also British Standards relating to noise and vibration including: BS 5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites (2009); and BS 4142: Methods for Rating and Assessing Industrial and Commercial Sounds (2014).
- 8.7.4 Sport England have produced Artificial Grass Pitch (AGP) Acoustics – Planning Implications guidance (2015) which provides details around the acoustic implications associated with AGPs and appropriate noise criteria and assessment methods as well as practical measures that can be applied to reduce noise in particularly sensitive areas.
- 8.7.5 In line with the expectations set out above, the Applicant has submitted an assessment of noise impacts which forms part of the EIA contained within the Supplementary Environmental Statement (Arup, April 2023) accompanying the Application. This assessment considers the potential for significant effects and any likely new or different significant noise and vibration effects beyond those previously assessed as part of the BXC Environmental Statement ('BXC ES') taking into account the proposals contained within this Application and relevant updates to baseline information. To understand the existing noise environment at the Site, the baseline information used to inform the noise assessment includes the survey data compiled to inform the 2014 BXC ES and subsequent RMA for Clitterhouse Playing Fields Improvements (Part 1) submitted in 2015; in addition to recent supplementary

surveys carried out during the daytime and evening periods in February 2023 and May 2022, respectively. Representative of the nearest noise sensitive receptors, the locations of these more recent surveys correspond the residential areas adjacent to the Site's boundaries including at Prayle Grove/Wallcote Avenue, two positions proximal to Grampian Gardens and Cotswold Gardens, Swannell Way, and opposite Clitterhouse Crescent. The existing daytime background noise levels range from 56-66dB (LAeq, 16hr), and evening noise levels are between 46-54dB (LAeq, 1hr)<sup>14</sup>.

- 8.7.6 As part of the landscape design for the works to Clitterhouse Playing Fields proposed in this Application, landscape bunds will be created around the sports pitches as part of the cut and fill strategy to minimise disposal of material offsite. As well as adding topographic interest to the playing fields these bunds have also been positioned and orientated to provide a degree of natural enclosure of the sports pitches.
- 8.7.7 Further to the initial consultation exercise carried out between November 2022 to January 2023 in addition to feedback from relevant technical advisers as well as the LPA Officer, the scope of the assessment (and the assumptions used to inform it) was updated to provide a potential reasonable 'worst case scenario' portraying the full and simultaneous peak usage of all four artificial sports pitches (including multiple youth or junior teams playing on the full-sized artificial pitches) along with use of the two MUGAs, basketball court and all-wheel park in the northern part of the Site. This was in addition to the Applicant's initial assessment which was based on existing methodologies for calculating noise emissions from various sports activities<sup>15</sup> and assumed a single match (two teams) and referee using each of the four all-weather pitches ('base case scenario'). Both these scenarios assume football is being played on the two proposed 3G AGPs and hockey played on the sand-dressed ATPs and that there are spectators. The Applicant's assessment utilises sound modelling software to calculate noise emissions at nearby sensitive receptors accounting for the Site's proposed topography and landscaping, as well as the effect of proposed noise mitigation. Those noise emissions have been predicted both during a daytime period (07:00 to 21:00) as well as an evening period (19:00-21:00) to account for the proposed availability of the artificial pitches up to 9:00pm on a daily basis.
- 8.7.8 As predicted at 1 metre from the nearest façade of the surrounding properties/noise sensitive receptors, the results of the Applicant's base case scenario indicate a daytime noise levels of between -2dB to -23dB below the ambient/background noise levels at all 33 sensitive receptors around the Site (i.e., noise from the proposed development would not be perceptible above existing background noise). It should be noted that these receptor locations each represent more than one residential dwelling as listed in Table 9.2 of the SES. During the evening period, noise levels are predicted to increase at 19 of the 33 assessed noise sensitive receptors between +1db to +9dB above ambient noise levels which is assessed as moderate adverse in

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<sup>14</sup> The one-hour average background noise levels have been calculated using the quietest LAeq,5mins measurements to represent a robust and conservative evening baseline of ambient noise levels. The daytime LAeq,5mins ambient noise levels ranged from 52-58dB, and the evening LAeq,5mins ambient noise levels ranged from 45-52dB.

<sup>15</sup> 'Characteristic noise emission values of sound sources: Facilities for sporting and recreational activities' (Verein Deutscher Ingenieure, VDI 3770, 2012); Proceedings of the Institute of Acoustics (Volume 40. Part. 1. 2018) 'Measurements of hockey ball hitting backboards covered by different materials'.

terms of significance. The remaining 14 receptors are predicted to experience no change or noise levels below the prevailing ambient levels.

8.7.9 The Applicant has summarised these noise modelling results in respect of the relevant groupings of residential properties/noise sensitive receptors around the Site, as set out in the Figure 8 below, based on a change to noise levels as a consequence of operation of the proposed development. The receptors likely to experience the most notable impact as a result of noise emissions from activities at the Site are the residential receptors at Swannell Way. The level of impact is assessed as moderate adverse in terms of significance.

Location	Description of impacts
Cotswold Gardens	<p>Noise levels from the sports pitches are predicted to range from 49-52dBA depending on receptor location. When compared to the daytime ambient noise level, this is a difference of between -9 and -6dBA, i.e. the noise contribution from the activities are below the ambient noise level and would not be perceptible.</p> <p>During the evening period, this is between 2-5dBA higher than the ambient noise level, depending on receptor location.</p> <p>This range of impacts is likely to be perceptible and is of minor adverse significance.</p>
Swannell Way	<p>Noise levels from the sports pitches are predicted to range from 42-55dBA depending on receptor location. When compared to the daytime ambient noise level, this is a difference of between -18 and -3dBA, i.e. the noise contribution from the activities are below the ambient noise level.</p> <p>During the evening period, this is a difference of between -9 and +9dBA when compared with the ambient noise level, depending on receptor location.</p> <p>This range of impacts would be of negligible to moderate adverse significance.</p>
Claremont Road	<p>Noise levels from the sports pitches are predicted to range from 43-56dBA depending on receptor location. When compared to the daytime ambient noise level, this is a difference of between -23 and -10dBA, i.e. the noise contribution from the activities are below the ambient noise level.</p> <p>During the evening period, there is a difference of between -11 and +2dBA when compared with the ambient noise level.</p> <p>This range of impacts would be of negligible significance.</p>
Prayle Grove	<p>Noise levels from the sports pitches are predicted to range from 43-52dBA depending on receptor location. When compared to the daytime ambient noise level, this is a difference of between -14 and -4dBA, i.e. the noise contribution from the activities are below the ambient noise level and would not be perceptible.</p> <p>During the evening period, this is a difference of between -8 and +4dBA when compared with the ambient noise level.</p> <p>This range of impacts would be of negligible to minor adverse significance.</p>

**Figure 8:** Summary of noise modelling impacts at nearby sensitive receptors as a result of the 'base case scenario' during of use of the all-weather pitches, MUGAs, all-wheel park and basketball court (Source: Table 9.3 in Chapter 9 of the Supplementary Environmental Statement (Arup, April 2023)).

8.7.10 The Applicant has also assessed noise impacts during a potential worst-case scenario representing a peak usage of the four artificial pitches, inclusive of spectators. These results predict noise generated by the proposed development would be between -21dB to -1dB below ambient daytime noise levels at 32 of the 33 receptors. One receptor (Beuth House, Swannell Way) would experience noise levels +1dB above background levels during the daytime, which is considered a negligible change. During the evening period, noise generated by the proposed development would be between -10dB to 0dB below or equivalent to ambient noise levels at 11 of the 33 receptors. At the remaining 22 receptors, noise levels are predicted to be between +2dB to +11dB above background noise levels. This is assessed as

moderate adverse impact significance.

Location	Description of impacts
Cotswold Gardens	<p>Noise levels from the sports pitches are predicted to range from 52-55dBA during the daytime, and 51-53dBA during the evening, depending on receptor location.</p> <p>When compared to the daytime ambient noise level, this is a difference of between -6 and -3dBA depending on location, i.e. the noise contribution from the activities are below the ambient noise level. During the evening period, there is a difference of between +3 and +7dBA higher than the ambient noise level.</p> <p>This range of impacts would be of minor to moderate adverse significance.</p>
Swannell Way	<p>Noise levels from the sports pitches are predicted to range from 44-59dBA during the daytime, and 43-57dBA during the evening, depending on receptor location.</p> <p>When compared to the daytime ambient noise level, this is a difference of between -16 and 1dBA depending on receptor location, i.e. the noise contribution from the activities are below the ambient noise level. During the evening period, this is a difference of between -8 and +11dBA when compared with the ambient noise level.</p> <p>This range of impacts would be of negligible to moderate adverse significance.</p>
Claremont Road	<p>Noise levels from the sports pitches are predicted to range from 45-56dBA during the daytime, and 44-56dBA during the evening, depending on receptor location.</p> <p>When compared to the daytime ambient noise level, this is a difference of between -21 and -10dBA, i.e. the noise contribution from the activities are below the ambient noise level. During the evening period, this is a difference of between -11 and +2dBA when compared with the ambient noise level.</p> <p>This range of impacts would be of negligible significance.</p>

**Figure 9:** Summary of noise modelling impacts at nearby sensitive receptors as a result of the 'base case scenario' during of use of the all-weather pitches, MUGAs, all-wheel park and basketball court (Source: Table 9.3 in Chapter 9 of the Supplementary Environmental Statement (Arup, April 2023))

- 8.7.11 In summary, the receptors likely to experience the most notable impact as a result of noise emissions from activities at the Site in this worst-case scenario are the residential receptors at Swannell Way. The extent of impacts are considered to range between negligible to moderate adverse significance in respect of a change in noise levels likely to be experienced (see Figure 8). In the figure below, the Applicant has not summarised the impacts relative to properties to the north/northeast of the Site at Prayle Grove. Noise levels from the Site are predicted to range from 45-54dBA during the daytime and 44-53dB during the evening. Compared to ambient noise levels, the difference as a result of the proposed development is between -2dB to -12dB during the daytime (i.e., not perceptible above background noise levels), and -7dB to +6dB above ambient noise levels during the evening. An increase of +6dB is considered to be of up to a moderate adverse impact.
- 8.7.12 The noise impact assessment submitted as part of the SES makes a comparison to the noise assessments previously carried out in relation to the outline S73 Permission for the BXC development as a whole (including delivery of Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2)), as well as the assessment conducted to support the RMA for Clitterhouse Playing Fields Improvements (Part 1) in 2015 as set out in the Environmental Statement: Further Information Report accompanying that RMA ('CPF RMA FIR').
- 8.7.13 As set out in Section 9.1 of the SES, in respect of the impact of noise levels in the open space, the approach taken has been to compare absolute noise levels from

pitch activity resulting from the proposed development of Clitterhouse Playing Fields to the consented noise levels expressed in table 9.17 of the CPF RMA FIR. The assessment undertaken for the SES demonstrates that the proposed development would result in a similar daytime noise levels within the Clitterhouse Playing Fields open space. When the sports pitches are in use, the absolute noise levels identified in the CPF SES are <55dB to 58db  $L_{Aeq}$  at residential properties likely increasing to range from 60db to 63db  $L_{Aeq}$  within the vicinity of the sports pitches. The Applicant concludes that the scheme would not likely result in any new or different impacts on the Clitterhouse Playing Fields open space when assessed using the CPF RMA FIR significance criteria in Table 9.6 and Table 9.7.

- 8.7.14 In terms of noise levels at sensitive receptors, the CPF RMA FIR advises at paragraph 9.4.34 that there is no recognised procedure to determine the noise impact from use of sports pitches and playing fields and provides the significance criteria in Table 9.9 for the assessment of effects of relative noise level from Sports Pitch & Playing Fields at the nearest noise sensitive receptors (for example at the surrounding residential buildings). As set out in Appendix 9.5 in the SES the maximum difference in noise level at sensitive receptors is +8 dB in the base case scenario, and +11dB in the reasonable worst case scenario, and so the greatest likely impact is considered to be of moderate adverse significance.
- 8.7.15 The key objective of noise planning policy guidance is to mitigate, and reduce to a minimum, potential adverse impacts resulting from noise from new development. The CPF RMA FIR predicted that noise from sports activities would likely result in adverse impacts. When considering that these impacts would be temporary and daytime only, no mitigation was proposed in the CPF RMA FIR.
- 8.7.16 The SES has reported the likely significant effects assessed using the CPF RMA FIR significance criteria with updated quantitative noise modelling of operational noise levels at sensitive receptors and considered mitigation to reduce adverse impacts. The proposed mitigation embedded within the SES design is for 3.0m tall imperforate sound attenuation barriers to the eastern and southern sections of the perimeter of the eastern 3G all-weather pitch (suitable for football), and to the south-eastern sections of the perimeters of both sand dressed all-weather pitches (suitable for hockey), with returns of approximately 20m to each side, shown in Figure 12 of SES Volume II. With the application of the suggested noise mitigation measures (sound attenuation barriers around the southeast extents of the four artificial pitches), the proposals set out in this Application would (by comparison) reduce the extent of those impacts as a result of a reduction in the number of residential properties potentially affected.
- 8.7.17 Noise impact arising from the proposed Pavilion, including café use and any associated plant equipment, has also been assessed by the Applicant as part of the Supplementary Environmental Statement. The nearest noise sensitive receptors to the proposed Pavilion would be the residential properties located off Prayle Grove. The nearest of these receptors would be 20 metres away from the northeast elevation of the Pavilion building. The proposed Pavilion would contain a café at the southwest extent of the building which is likely to house extraction and ventilation equipment necessary to support that use and would therefore be at the furthest point away from



these sensitive (residential) receptors. The S73 Permission for the wider BXC development imposes a condition (Condition 29.5) restricting any noise generated by building services, plant or other sources of external noise (i.e., extraction or ventilation equipment) to be installed to a total noise level of 5dB below prevailing background LA90 noise levels. In the event that planning permission is granted for this Application, it would be reasonable to impose a similar noise safeguarding condition to ensure residents would not be adversely affected by any plant and equipment to be installed in association with the proposed café use. The Council's Scientific Officer (Environmental Health) has similarly recommended the inclusion of such a condition, including details of the plant and equipment to be installed and an appropriate assessment of the noise it would be anticipated to generate.

- 8.7.18 The potential for noise arising from road traffic has also been considered. Based on the identified vehicular demand for the proposed development, which would be 83 trips (41.5 in, 41.5 out) during the identified weekday peak period (15:30 to 16:30) and 87 trips (43.5 in, 43.5 out) during the Saturday peak period (08:30 to 09:30), the Applicant considers the demand to equate to less than two movements on the local highway network every minute, and notes that such movements would be likely to fall outside the traditional highway peak hours. The resultant impact in the context of the existing local highway network is not considered to be significant and, therefore, the potential noise impacts arising from vehicle trips is also considered to be negligible.
- 8.7.19 On review of the assessment in relation to the proposals set out in this Application, the impact from construction noise, noise from building services and traffic noise are not considered to be significant and the noise impact on any nearby sensitive receptors from sports activities and games areas are predicted to be negligible to moderate adverse significance. In reference to the guidance set out in the National Planning Practice Guidance and Noise Policy Statement for England, an impact which is not significant but nonetheless perceptible is categorised as being in the 'lowest observed adverse effect level', with that being a level of noise exposure above which adverse effects on health and quality of life could be detected but may only result in small behavioural changes. The recommendation in this respect is to mitigate and minimise the effects of noise whilst also taking into consideration any economic or social benefits being derived from the activity causing the noise<sup>16</sup>.
- 8.7.20 Bringing the playing fields back into beneficial use for a wider population and for a wider range of uses and activities, will inevitably result in a change to the noise environment at the Site. In considering noise impacts, it is important to note that: the Site used to have a football club and stadium next door and historically had football pitches marked out and as a result would have been noisier in the past; the proposed development will derive social benefits through the provision of opportunities to take part in sports and recreational activities, thereby contributing to improving the health and wellbeing of those who choose to visit and use the facilities on offer; and the extant planning permission for the Site and wider BXC regeneration area already allows the development of sports and recreational facilities at Clitterhouse Playing Fields, including artificial pitches, MUGAs and football pitches.

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<sup>16</sup> National Planning Practice Guidance, Paragraph: 005 Reference ID: 30-005-20190722

8.7.21 The Council's Scientific Officer (Environmental Health) has also reviewed the submitted noise impact assessment and is satisfied that the proposed development is acceptable subject to securing the mitigation measures set out within that assessment. In respect of the relevant policy tests, the proposed development is not anticipated to generate any significant adverse impacts as a result of noise arising from the Site. As set out in Appendix 9.5 in the SES the maximum difference in noise level at sensitive receptors is +8 dB in the base case scenario, and +11dB in the reasonable worst case scenario, and so the greatest likely impact is considered to be moderate adverse significance. It is also noted that the degree of noise impacts is predicted to be less in the anticipated 'base case scenario' versus the more infrequent and less likely 'worst case scenario' assessed by the Applicant in respect of changes in noise levels above prevailing background noise levels. In this regard, the proposed development is not considered to be contrary to Policy D14 of the London Plan (2021), Policy CS13 of the Core Strategy DPD and Policy DM04 of the Development Management Policies DPD insofar as it would avoid any unacceptable or significant adverse noise impacts on nearby sensitive receptors.

Local Character, Landscape and Visual Impact:

8.7.22 The Site is located within the BXC regeneration area, to the south of the A406 North Circular, west of the A41 and east of the Midland Main Line railway. The wider landscape/townscape surrounding the Site consists of a gently undulating landform that gradually rises towards Hampstead Heath to the south. The Site falls within the Finchley Ridge Natural Landscape Area<sup>17</sup>, which extends north-west from Dollis Hill to Finchley in East Barnet. This Landscape Area is characterised by a series of hills and ridges separated by streams, including Clitterhouse Stream as a tributary of the River Brent. The topography of the Site itself is undulating which crowns at its mid-point and slopes northward down toward Claremont Road and south-eastward toward Clitterhouse Stream. The Stream flows and traverses through the eastern edge of the green space. The BXC02 Environmental Statement accompanying the S73 Permission for the BXC development describes the existing Site as having a functional layout created by the surrounding residential properties, which is of low quality in terms of landscape interest as it comprises an expanse of grassland with the occasional bench, small play area and peripheral pathways<sup>18</sup>. This is characterised as Townscape Character Area 7 within that assessment.

8.7.23 Policies G1, G4 and G5 of the London Plan set out the objectives relating to London's Green Infrastructure and Urban Greening, respectively, supporting the protection and enhancement of green infrastructure and open spaces to achieve multiple benefits. As addressed at section 8.6 above, the London Plan also addresses the role and protection afforded to MOL. Policies CS5 and CS7 of the Core Strategy DPD requires development to respect and enhance Barnet's distinctive natural landscapes, and ensure a greener Barnet is achieved through enhancing open spaces to improve quality, accessibility and meet increased demand for access to open space and opportunities for physical activity. Policy DM01 of the Development Management Policies DPD more specifically requires development proposals to be based on an

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<sup>17</sup> As defined by Natural England's 'London's Natural Signatures: The London Landscape Framework' (2011).

<sup>18</sup> Paragraph 3.21 of Annex H associated with Chapter 10 of the BXC02 Section 73 Environmental Statement (Volume 1a) (October 2013).



understanding of local characteristics. Both the adopted and emerging Barnet Local Plans, as well as the Green Infrastructure SPD, recognise the improvements to be delivered at Clitterhouse Playing Fields as part of the consented BXC regeneration scheme.

- 8.7.24 The delivery of improvement works to Clitterhouse Playing Fields to provide enhanced sport, play and recreational facilities is established in planning terms under the extant BXC S73 Permission. The EIA accompanying the S73 Permission recognises the requirement to regrade the natural contours of the Site and to create modest retaining structures in order to provide level playing field areas and playgrounds<sup>19</sup>. That assessment considers that the overall scale of change to the regeneration area's topography and landscape is relatively minor and would cause no significant negative impacts. In respect of Clitterhouse Playing Fields, the EIA considers that the character of the Site would be greatly enhanced by the regeneration scheme.
- 8.7.25 The proposed development similarly seeks to deliver comprehensive improvements to Clitterhouse Playing Fields through a coherent landscape strategy that provides sports, play and recreational facilities whilst also recognising the MOL designation of the Site. Whilst the quantum and arrangement of sports, play and recreational facilities might vary from those set out in the S73 Permission and BXC S106 Agreement, the principle aim of the proposal remains unchanged. Additionally, the proposals consented pursuant to the S73 Permission and reserved matters approvals would have required more topographical changes/more earthworks to deliver the consented all weather pitches and MUGAs on the sloped northern part of the fields than the Application. To achieve the proposed design, the Site would be subject to some landform and topographical changes in order to create suitable, level areas for the sports pitches and play areas as well as creating appropriate site drainage and landscape features contributing to four character areas within the Site. Overall, the proposed level changes would correspond to, and utilise, the Site's existing features including: use of the flattest part of the Site to provide the sports pitches therefore minimising the amount of earthworks, change to the landscape, and impacts on openness; arrangement of the sustainable urban drainage (SuDS) channel across the central part of the Site currently subject to drainage issues; and use of the northern part of the Site and its rising topography from Claremont Road to create discrete terraces for the various play areas. Level changes across the Site would be in the range of +/- <1 up to 4 metres, with the most notable changes representing the creation of landscape berms around the proposed artificial pitches that require a level surface.
- 8.7.26 There is a clear policy basis for delivering enhancements to existing open spaces within London and Barnet in order to achieve social and wellbeing benefits for local communities as well as the more obvious biodiversity, landscape, and climate change benefits, subject to respecting existing natural landscapes. Cognisant of this policy support and taking into account the character of the Site and wider landscape character, it is considered that the proposed development would not result in any

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<sup>19</sup> Paragraph 10.7.5 of Chapter 10 to the BXC02 Section 73 Environmental Statement (Volume 1a) (October 2013).

significant change to the Site's existing landform, with proposed topographical changes being relatively subtle; would not cause any detrimental effect on the wider landscape character or its setting; and, along with extensive soft landscaping, the proposed landscape design would enhance the existing open space that currently consists of amenity grassland.

- 8.7.27 As with the scheme consented by the S73 Permission and CPF (Part 1) RMA, the development proposed by the Application has the potential to cause visual impacts as a result of the sports, play, and recreational infrastructure to be constructed at the Site, particularly by comparison to the Site's current character as open amenity grassland. The nearby visually sensitive receptors consist of residential properties surrounding the Site, although it is noted existing fences and established vegetated boundaries are located adjacent to Prayle Grove to the northeast, and Cotswold Gardens and Grampian Gardens to the south. The proposed fencing and floodlighting associated with the four all-weather pitches and two MUGAs would be the most visible elements of the proposed development, with fencing up to 4.5 metres in height, and lighting columns standing at 15 metres above (proposed) ground level for the four all-weather pitches and 8 metres high around the MUGAs. Whilst it is acknowledged that these aspects of the proposed development would be visible surrounding residential receptors, it is also recognised that the proposals include extensive landscape planting to both enhance existing boundary planting and provide new landscaping throughout the Site (including 356 new trees) as well as specific landscaping to screen the noise barriers at the southern extents of the all weather pitches. Furthermore, the Site's existing topography and proposed level changes would assist in setting the all-weather pitches and MUGAs within the landscape. The layout, design and landscaping of the proposed development is considered to enhance the overall landscape character of the Site. Conditions can also be imposed requiring the type and colour of fencing and lighting columns to be submitted for approval in the event of planning permission being granted. The impact of the proposed lighting and potential for light spill is discussed later in this report.
- 8.7.28 In view of the above, and on balance of the extant planning position, the proposed development is considered to be in compliance with Policies G1, G4 and G5 of the London Plan, Policies CS5 and CS7 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD; and would not cause any new or different environmental effects in respect of landscape, townscape and visual impacts beyond those assessed as part of the BXC S73 Permission.

#### Air Quality:

- 8.7.29 The Application Site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy SI1 of the London Plan (2021) states that development proposals should not lead to further deterioration of existing poor air quality; create any new areas that exceed air quality limits; or create unacceptable risk of high levels of exposure to poor air quality. In order to achieve this, the policy states that development proposals must at least be Air Quality Neutral so that they do not lead to further deterioration of existing poor air quality and must be submitted with an Air Quality Assessment.

- 8.7.30 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 8.7.31 As part of the Supplementary Environmental Statement (Chapter 14) submitted with this Application, the Applicant has provided an assessment of air quality for the proposed development. The approach to that assessment includes a review of current baseline air quality levels relative to nearby sensitive receptors compared to those presented, and used to inform, the ES Further Information Report submitted with the RMA for Clitterhouse Playing Fields Improvements (Part 1) – which utilised DEFRA’s 2011 background air pollution dataset. The data provided by the Applicant indicates that background concentrations of air quality at the Site in 2022 (including NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> levels) were lower when compared to both the 2011, as well as the intervening 2018, DEFRA datasets used to inform the aforementioned ES Further Information Report. However, to ensure a robust approach to the assessment, the Applicant has assumed the more conservative (higher) air quality levels as a basis to assess the impact of the development and whether any further mitigation is required beyond that already secured in relation to the wider BXC development.
- 8.7.32 During the construction phase, the proposed development is likely to generate dust as a result of proposed earthworks to augment the Site’s levels and vehicle emissions associated with construction traffic. In consideration of potential dust impacts, the Applicant states that the Site would be managed as a ‘high risk’ site (similarly to the wider BXC development) and implement the recommended mitigation measures set out in the Mayor’s ‘Control of Dust and Emissions During Construction and Demolition’ SPG for such sites. This includes the adoption of a Construction Environmental Management Plan (CEMP). The Applicant had also suggested a site-wide Construction Code of Practice; however, the LPA are satisfied a CEMP for each respective Part or Phase of any Part of the development would be a sufficient control provided those CEMPs accorded with the principles established by the approved BXC development CoCP given that the proposed development is seeking to deliver a component of that scheme. Any such CEMP will also need to have regard to the principles of the circular economy and reducing waste as a result of the proposed earthworks as laid out in Policy SI7 of the London Plan (2021).
- 8.7.33 For construction traffic-related emissions, the Applicant states that the overall number of HGV trips required to complete the proposed development would be similar to those anticipated as part of the BXC development, given the comparable nature of the previously consented and proposed developments. This is considered to be a reasonable assumption, noting that no significant environmental impacts were predicted as a result of construction traffic associated with the wider BXC

development, and particularly taking into account the phased approach to delivery of the proposed development which would minimise and spread the concentration of necessary HGV movements. To manage construction traffic, it is therefore considered appropriate to implement a Construction Transport Management Plan, as well as a scheme for monitoring, assessing and controlling dust and air pollution during the construction phase. Such mitigation measures will need to be secured by condition if planning permission is granted for the proposed development.

- 8.7.34 Operationally, the proposed development has the potential to impact existing air quality as a result of traffic. As noted previously, the anticipated number of vehicular trips associated with the proposed development are not likely to generate any material impact on the local highway network; and the majority of visitors to the Site are expected to arrive by active modes of travel (walking and cycling). Recognising the recent change in PM<sub>2.5</sub> annual mean objective levels (from 25 micrograms/m<sup>3</sup> to 20 micrograms/m<sup>3</sup> in 2021), the number of vehicular trips associated with the proposed development are not considered likely to have any adverse impact on existing air quality levels.
- 8.7.35 The Council's Scientific Officer (Environmental Health) has reviewed the submitted air quality assessment and is in agreement with the conclusions reached in addition to the suggested mitigation measures to address construction and operational impacts on air quality. It is considered that there is no requirement for any further assessment, noting that the proposed development would not result in any change of use of the Site and no significant changes in traffic flows are expected once the Site is fully operational. In regard to the Air Quality Neutral requirement set out in the London Plan, the Applicant states that the buildings forming part of the proposed development would not comprise any combustion plant (i.e., gas boilers) and would not therefore generate any emissions; the end use of the Site would continue to be large area of open space, parkland and public realm; and operational traffic generation (including an anticipated 4 vehicle movements per day) would have a negligible impact on existing local traffic flows. As such, it is considered that the proposed development would not exceed the building emissions or transport emissions benchmarks related to a 'community use' set out in the Mayor's Air Quality Neutral London Plan Guidance (LPG) (2023).
- 8.7.36 Taking the above into account, and subject to conditions requiring the submission and approval of a CEMP, which is expected to conform to the principles approved for the BXC regeneration site-wide Code of Construction Practice (CoCP), the proposed development is considered to be in compliance with Policy SI1 of the London Plan, Policy CS13 of the Core Strategy DPD, Policies DM01 and DM04 of the Development Management Policies DPD and saved Policy C3 of the Unitary Development Plan.

Lighting:

- 8.7.37 The proposed development incorporates external lighting in the form of sport pitch lighting (floodlighting) to support use of the two 3G AGPs, two sand dressed ATPs, two MUGAs and basketball court; as well as 5-6 metre-high column lighting within the proposed car park and pathway column-mounted lighting along the key routes through the Site for the purposes of wayfinding, including at the site entrances. The

minor paths and routes through the Site will remain unlit. The proposed sports pitch lighting around the four artificial all-weather pitches would be placed on 15-metre-high columns offering a light level of 200 lux to the two 3G AGPs and 350 lux to the two sand dressed ATPs. This would include 8no. lighting columns around each of the sand dressed ATPs (16no. in total) and a total of 12no. lighting columns positioned around and between both 3G AGPs. The proposed lighting around the two MUGAs would sit on 8-metre-high columns. Sports pitch and MUGA lighting will only be switched on when the pitches/MUGAs are in use and will be switched off at 9pm every day after which the pitches will not be used. Notwithstanding comments from Sport England which advise that the peak time for community use of artificial pitches is until 10pm, the Applicant has proposed an earlier closing time of 9pm for the artificial sports pitches in response to resident feedback during the pre-application consultation about concerns that noise and lighting could disturb nearby properties. Lighting along pathways and wayfinding lighting will be dimmed daily after 22:00.

- 8.7.38 Lighting is important to ensure the playing fields feel safe, to encourage use during evenings, and to facilitate active travel by providing pedestrian/ cycle paths through CPF. The Applicant's submission explains that consideration has been made of the areas of CPF that will require lighting and how best to encourage access whilst minimising anti-social behaviour and light spill to adjacent residents and ecological corridors.
- 8.7.39 In terms of positioning, the Applicant has sought to arrange this artificial lighting in cognisance of the standards imposed by Sport England and the respective sporting national governing bodies for the proposed sport facilities, to ensure an appropriate level of safety and security of the Site, and to minimise impacts on biodiversity and in particular in respect of bats. A technical note setting out the 'Approach to sensitive lighting and landscape design for bats' prepared by Arup (February 2023) has been provided as an appendix to the SES. This note includes a figure showing important bat features across CPF and describes the evolution of the landscaping and lighting design to avoid impact on bats and other protected species. Consideration of the impact of lighting on bats and other wildlife is considered under section 8.11 of this report. It is noted that the provision of lighting columns to the perimeter of the synthetic pitches within Clitterhouse Playing Fields Improvements (Part 2) consented under the S73 Permission are permitted up to a maximum height of 15 metres. The proposed development does not therefore exceed this maximum parameter.
- 8.7.40 The Applicant has prepared a Lighting Impact Assessment (Design for Lighting Ltd, November 2022, including Addendum dated April 2023) as part of the Supplementary Environmental Statement to assess the potential effects of artificial lighting on nearby sensitive receptors which, in respect of residential amenity, include properties located at Prayle Grove, Claremont Road, Swannell Way, Cotswolds Gardens, Grampian Gardens and Quantock Gardens. The assessment also considers the effect of artificial lighting on transport users, bat roosts and insects, and sky glow/upward lighting. The assessment categorises the Site within an 'E3 Environmental Zone' (suburban, medium district lighting) based on the Institute of Lighting Professionals Guidance Notes, as informed by a recent baseline lighting survey carried out in February 2023. This survey notes that the Site is currently predominantly dark but

subject to light spill from adjacent roadways that penetrate through to parts of the Site, as well from surrounding construction and advertising lighting which causes increased luminance in several locations across the Site.

- 8.7.41 On the basis of this categorisation and relevant thresholds for obtrusive light versus the sensitivity of the various receptors, the assessment initially suggests that, without mitigation, there is the potential for permanent impacts of a moderate adverse significance. The mitigation measures incorporated into the lighting design for the proposed development includes use of optically efficient luminaires that ensure downward illumination and reduces light spill on a vertical plane; use of luminaires with good optical control and the ability to install shields if needed; and ensuring the peak beam angle of light is not more than 70 degrees with a tilt angle of zero degrees. In addition to this, the proposed sports pitch lighting would be controlled via a photocell and time switch to ensure it is switched off at 21:00; and that pathway/wayfinding lighting is dimmed after 22:00. In response to the particular sensitivity of the southern part of the Site, pathway column light fittings 13D, 22D and 40D would be installed with 20% reduced brightness to minimise vertical illuminance and ensure the light they emit falls within the E3 Environmental Zone thresholds. With the application of these mitigating factors, the assessment concludes that the residual effects of the proposed lighting would be neutral and not significant insofar as, whilst noticeable, artificial lighting would not be obtrusive and suitable for the E3 Environmental Zone within which the Site is categorised.
- 8.7.42 Paragraph 85 of the NPPF states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including (c) limiting the impact of light pollution from artificial lighting on local amenity, intrinsically dark landscapes and nature conservation. This needs to be balanced alongside other national planning policy and guidance relating to promoting healthy and safe communities through the provision of (inter alia) safe sports facilities (paragraph 92), through which is important for providing opportunities for physical activity and promoting the health and well-being of communities (paragraph 98). The national Planning Practice Guidance also notes that artificial lighting provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development<sup>20</sup>.
- 8.7.43 Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity (or biodiversity). Saved Policy C3 of the Unitary Development Plan similarly states that development should protect, and wherever possible, enhance the amenities of existing and new residents. The Development Management Policies DPD provides further guidance in the body of its text setting out that proposals should seek to minimise any adverse impacts of lighting through design or technical solutions or by controlling the hours of use. This may include lighting that controls the distribution of light and minimises glare, or measures such as screening, shielding or reducing lantern mounting heights.

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<sup>20</sup> Paragraph: 001 Reference ID: 31-001-20191101

- 8.7.44 Alongside this, and specifically in regard to sports and recreational facilities, Policy S5 of the London Plan recognises the need for sports lighting within reasonable hours where there is an identified need for sports facilities and lighting is required to increase their potential usage, unless such lighting would cause demonstrable harm to the local community or biodiversity.
- 8.7.45 The proposed development would result in a noticeable change in the presence and effect of artificial lighting given that the Site currently does not have any lighting provisions. It could be considered that the lack of existing lighting can contribute to the space feeling less safe during hours of darkness. It is also acknowledged that delivery of improvement works to Clitterhouse Playing Fields as consented under the terms of the S73 Permission does permit the provision of artificial lighting, including floodlighting, to support the use of artificial sports pitches in addition to other sources of external light to improve the safety and security of the Site. As such, notwithstanding that this Application proposes artificial lighting sources arranged differently within the Site compared to that anticipated by the S73 Permission, the Application before the LPA demonstrates that the effect of artificial lighting (inclusive of the suggested mitigation measures) would not have a significant adverse impact on nearby residential receptors in respect of causing obtrusive light in respect of light spill, glare or skyglow/upward light. As part of the planning consideration of the application, there is also a need to take into consideration the advantages of external lighting in supporting the use of sports facilities and making the Site a safe environment for all users, which is recognised by the NPPF and Policy S5 of the London Plan.
- 8.7.46 Guidance has been offered to the LPA from the Council's Street Lighting Engineer, who advises that the submitted lighting impact assessment is comprehensive and adheres to standards the Council would expect. It is suggested that all light fittings are positioned as close to zero degrees as possible to ensure light doesn't spill beyond the predicted extents, which is set out by the Applicant. Therefore, on balance of the relevant material considerations, in the absence of any predicted significant impacts on nearby sensitive (residential) receptors, and on the imposition of relevant conditions controlling the hours of use of artificial lighting, the proposed development is considered to be in compliance with Policy S5 of the London Plan, Policy DM01 of the Development Management Policies DPD and saved Policy C3 of the UDP insofar as there are not likely to be any demonstrably harmful impacts on residential amenity.

## **8.8 Safety and security**

- 8.8.1 Policy D8 of the London Plan (2021) sets out guidance on the provision of new public realm to ensure it is (amongst other requirements) safe and appropriately lit to address any safety and security issues. Policies D11 (Safety, Security and Resilience to Emergency) and D12 (Fire Safety) of the London Plan (2021) address other safety matters that should be considered when determining planning applications, including engagement with the relevant emergency services to maintain a safe and secure environment and reduce the fear of crime. Together, Policy CS12 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD relate to the Council's aim to make Barnet a safer place by tackling anti-social behaviour,

crime and the fear of crime through ensuring development incorporates appropriate Secured By Design and Safer Places design principles and encouraging the use of security measures in buildings and spaces. These policy objectives are also reflected in emerging Policies CDH01 and CHW03 of the Draft Barnet Local Plan.

- 8.8.2 As set out in the submission documents, the proposed development has been designed in consideration of the role and function of Clitterhouse Playing Fields during different times of the day, week and year to ensure an active and well-utilised public open space and, therefore, a greater level of natural surveillance by users of the Site. Mindful of this, the proposed landscaping, planting, and positioning of street furniture and cycle parking offer clear lines of sight with a view to reducing opportunities for crime and antisocial behaviour. This design approach would be supported by security measures including CCTV, lighting to aid wayfinding, defensive planting to perimeter boundaries (i.e., thorny or prickly shrubs and trees with high canopies) and an appropriate management and maintenance regime to continue offering a safe and secure environment.
- 8.8.3 This design approach has been reviewed by the Metropolitan Police Design Out Crime Officer, both at the pre-application stage and in response to the LPA's consultation, who is content with the proposed safety and security measures throughout the Site. No objections are therefore raised to the proposed development subject to conditions in respect of achieving Secured By Design principles within the proposed Pavilion building and elsewhere within the Site where achievable. Noting that details of CCTV provision are not currently detailed within the Application, any planning permission granted should be subject to conditions requiring the submission and approval of an appropriate Safety and Security Strategy setting out details relating to CCTV installations and how this interacts with the proposed lighting and landscape strategy to ensure appropriate coverage across the Site.
- 8.8.4 The LPA are satisfied that the proposed development seeks to deliver an appropriately safe and secure public realm environment that would increase activity (and natural surveillance) across Clitterhouse Playing Fields throughout the majority of the day by virtue of the range of sport, play and recreational facilities being offered. The proposed development also includes additional measures to address safety and security through improvements to existing site entrances, provision of lighting along key routes through the Site, and CCTV to discourage and monitor antisocial behaviour and crime. On this basis and on the advice of the Metropolitan Police, the application is considered to be in compliance with Policies D8 and D11 of the London Plan (2021), Policy CS12 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD subject to the aforementioned condition relating to the provision of a safety and security strategy for the Site.



## 8.9 Design

8.9.1 As well as delivering improvements to the public open space, the proposed development includes the construction of a public Pavilion building containing a café, toilets and sports changing facilities, a maintenance facility inclusive of a storage building and external yard area to support management of Clitterhouse Playing Fields, and a small sports equipment store adjacent to the proposed 3G AGPs. In respect of those built facilities, Policies D3 and D4 of the London Plan (2021) require a design-led approach to be adopted ensuring the delivery of good design through form, layout, orientation, scale and appearance that responds positively to local distinctiveness; by achieving high quality through architecture that pays attention to detail, practicality of use and the building lifespan (including use of attractive and robust materials); and with a view to achieving high sustainability standards. Policy CS5 of the Core Strategy DPD, Policy DM01 of the Development Management Policies DPD, saved Policy C2 of the UDP and emerging Policy CDH01 of the Draft Barnet Local Plan similarly expect development to achieve high quality, attractive design responding to the local character.

### Pavilion

8.9.2 The pavilion has been designed by DaeWha Kang Design with consideration for the site's location within MOL and the facilities it provides, how it integrates into the landscape, making the most of its location at the centre of the site at the confluence of key routes, and with a focus on sustainability.

8.9.3 The proposed Pavilion has been positioned centrally within the Site at the convergence of the key arterial pathway routes to ensure its accessibility and visibility from all entrances to Clitterhouse Playing Fields, as well as serving an ancillary function to the proposed all-weather pitches. The building would sit within one of the (topographically) lower parts of the Site in order to minimise its visual impact on the landscape and to respect the Site's MOL designation. In terms of scale, the Pavilion would result in the creation of a total of 725.6m<sup>2</sup> of floorspace (GEA), comprising of changing rooms, sports equipment storage, wheelchair storage, an office and reception, public toilets, a café, kitchen and associated storage, a staff toilet, a plant room and lobby with the remainder comprising circulation space and storage lockers. These uses support the function and use of the sports pitches and wider activities and use of the park, which as described in section 8.6 above, are considered appropriate within MOL. The internal arrangements have been informed by the relevant Building Regulations and the requirements of Sport England.

8.9.4 The building would be a single storey in height with a flat roof over approximately two-thirds of the rectilinear part of the building coinciding with the changing rooms, storage, reception/lobby areas. This portion of the building would stand at a maximum elevation of 3.80 metres above (proposed) ground level. The café and public toilets would be located at the southwest extent of the building (furthest from the nearest neighbouring residential properties off Prayle Grove), which also stand at a single storey but with a semi-circular form and geometric roof structure that protrudes over the café frontage to offer some protection to any external seating. This proposed roof structure was noted by the Applicant as resembling a 'crown' to create a recognisable

presence within Clitterhouse Playing Fields (see Figure 10 below). The maximum height of this portion of the building would be 4.5 metres above (proposed) ground level. Through this design, the Applicant has demonstrated that the proposed Pavilion would not exceed the height of the nearest residential properties off Prayle Grove and would be a total of 40 metres distance from the nearest residential façade.



**Figure 10:** Computer generated image of the proposed pavilion (Landscape Design Statement, April 2023)

- 8.9.5 The proposed building would be constructed using materials that visually delineate the functional elements of the building (i.e., the changing rooms and public toilets) from the café serving as the community hub within the Site. The rectilinear portion of the building is proposed to be constructed using reclaimed brick whilst the geometric ‘crown’ element of the café portion of the building is proposed to use a golden coloured expanded metal mesh. The brick colour and tone would be selected to compliment the golden metal. This gold colour would be carried through into the metal door and window detailing of the remainder of the brick-constructed portion of the building to ensure a cohesive aesthetic and connectivity between the two functions of the Pavilion. A condition is recommended requiring the submission and approval of material details for the Pavilion to ensure the Applicant’s design objective is achieved.
- 8.9.6 The Pavilion is a single storey building of modest height that is sensitively sited to harmonise with its surroundings such that it is not intrusive to the open character of Clitterhouse Playing Fields. The proposed design of the pavilion is considered to be of high quality, using appropriate materials that will create a building and feature that is recognisable and will act as a reference point for users and visitors with the potential for it to act as a social hub within the playing fields. The building has been designed using sustainable principles from the outset to influence structural solutions, servicing design and material choices with a target of achieving net zero operational carbon. As further assessed in section 8.12 below, the building integrates passive design principles, with an all electric energy solution with no fossil fuel combustion on site and highly efficient equipment with reduced energy demand.

### Maintenance Storage Facility

- 8.9.7 The proposed Maintenance Storage Facility, comprising a storage building and external yard area, would be situated at the southwest extent of the Site adjacent to the entrance of Claremont Road and between the existing Clitterhouse Farm buildings and residential properties adjacent to the Site at Swannell Way. It is recognised that the proposed position of the maintenance facility aligns with the parameters established by the S73 Permission and, specifically, Parameter Plan 012 which originally envisaged the 'Maintenance Store and Office' to be within the existing farm buildings but allows a +/- 50 metre limit of deviation in its final location. The proposed building would stand at a maximum height of 4.8 metres (to the roof pitch) with an overall length of 31.7 metres and width of 6.5 metres creating a total of 168m<sup>2</sup> of floorspace (GEA)<sup>21</sup>.
- 8.9.8 In recognition of the functional purpose of the structure as well as the agricultural heritage of the existing farm buildings, the maintenance store would be constructed using a warm grey materials palette corresponding to the slate roofs of the farm buildings and detailing used in the adjacent residential properties. The Applicant proposes a timber construction with corrugated sheet cladding for the majority of the elevational height with the upper portion of each elevation clad in translucent corrugated sheets to provide natural lighting within the building. The built form would consist of two building components under a single, continuous pitched roof line. The external storage area would be secured with a 2.4 metre palisade fence and contain a covered storage area adjacent to the boundary with Swannell Way. The appearance of the maintenance facility would be softened by the retained tree planting and proposed native scrub and hedge planting proposed around its perimeter.
- 8.9.9 It is noted that no details of the structure to be used to create the suggested covered storage area have been submitted with this Application. Details of that storage structure, as well as the final specification of materials to be used in construction of the maintenance building, should be subject to a condition requiring the submission and approval of the structure's dimensions and material details.

### Sports Equipment Storage

- 8.9.10 The proposed sport equipment storage building is intended to house kit and equipment necessary for the day-to-day running of the all-weather pitches, including nets, corner flags and line marking materials. It would therefore be sited adjacent to the southwest perimeter fence of the proposed two 3G AGPs, in proximity to the centrally positioned gated entrance into the pitches. The structure would be square with a pitched roof and stand a maximum height of 3.6 metres. The Applicant proposes the use of materials to reflect the maintenance facility, including corrugated sheeting of a grey colour clad over the majority of each elevation, with a portion of translucent sheeting in the upper part of the elevation. As noted above, it is recommended that the final material specifications for this structure be subject to a condition should planning permission be forthcoming.

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<sup>21</sup> Minus the gateway entrance between the two internal storage areas. The overall footprint of the building would be 206.1m<sup>2</sup>.

### Design Assessment

- 8.9.11 Noting the policy objectives set out above, it is considered that the built elements of the proposed development (the Pavilion, Maintenance Facility and Sports Equipment Store) adopt appropriate design approaches conforming to the function and purpose of each building. This includes taking into account the local characteristics of the Site, a form, scale and massing befitting to the relevant local context, and use of material types to either complement existing buildings (the Maintenance Facility and Sports Store) or, in respect of the proposed Pavilion, to provide a landmark element within the Site offering a focal point for community interaction whilst maintaining a subtle presence in recognition of the surrounding landscape and nearby sensitive land uses. It is also noted that uses within, and areas of congregation outside, the Pavilion have been positioned respectfully in recognition of the nearest neighbouring properties off Prayle Grove. Overall, the proposed development is considered to conform to the expectations of Policies D3 and D4 of the London Plan (2021), Policy CS5 of the Core Strategy DPD, Policy DM01 of the Development Management Policies DPD, saved Policy C2 of the UDP.

### Inclusive Design and Accessibility

- 8.9.12 Policy D5 of the London Plan (2021), Policy CS10 and CS11 of the Core Strategy DPD and Policy DM03 of the Development Management Policies DPD state that development should achieve the highest standards of accessible and inclusive design taking into consideration the ability to allow safe, easy and dignified use; as well as recognising the benefits to health and wellbeing that can be derived from uninhibited access to green spaces for all. The Application is accompanied by an Access and Inclusivity Statement (All Clear Designs Ltd, November 2022) which sets out the Applicant's approach to how the proposed development incorporates measures to facilitate access and use by all, including those with mobility impairments (e.g., wheelchair users) as well as those with sensory or cognitive impairments.
- 8.9.13 The submitted Access and Inclusivity Statement notes that the existing Clitterhouse Playing Fields offers limited opportunities for informal recreation with few comfortable areas to sit, which are recognised as a potential barrier to access. The proposed development has sought to adhere to the design objectives of 'Be accessible and inclusive' and 'Be simple, consistent and high quality' with the aim of encouraging the widest degree of participation. On that basis, each of the proposed play, sport and recreational facilities are evaluated within the report highlighting the design adaptations to achieve those objectives. As an example, this includes suitable path gradients, numerous seating opportunities, use of tactile paving and visually contrasting materials to delineate thresholds and interfaces with the main pathway, trafficable surfaces for wheelchair users, inclusion of handrails, and a range of facilities offering a differing degree of challenge to suit a wide range of capabilities and age groups. The approach toward seating throughout the Site would also see the provision of benches/seating at regular intervals along the principal routes through the Site, positioned approximately every 50 metres.

- 8.9.14 For the proposed Pavilion building, adaptations have been incorporated into the design to address any barriers to access and inclusivity. This includes wheelchair accessible entrances with flush thresholds, 2no. accessible and ambulant toilets within the café and public toilet provision, an accessible toilet and shower facility, lockers suitable for disabled users (as recommended by Sport England), and two wheelchair accessible changing rooms (out of a total of six) including accessible toilets.
- 8.9.15 At the western entrance point to the Site off Claremont Road, the proposed development also includes 15no. Blue Badge parking spaces. This would be sited approximately 200 metres from the Pavilion building but with benches/seating opportunities positioned every 50 metres along the pathway.
- 8.9.16 It is acknowledged that, prior to the submission of this Application, the Applicant engaged with the Brent Cross Cricklewood Consultative Access Forum ('BXC CAF') who consist of a group of people experienced in access and inclusivity matters. The BXC CAF advise the developer and LPA on the detailed design proposals for the BXC development<sup>22</sup>, including those submitted as Reserved Matters Applications and Drop-in Applications. Following submission of this Application, the LPA consulted the BXC CAF who, in response, thanked the Council and Applicant for their engagement and offered no further comment on the proposals being considered through this Application. It is considered that the Applicant has embedded appropriate accessibility standards into the design of the proposed development which would ensure the creation of an inclusive and accessible environment in compliance with the expectations of Policy D5 of the London Plan (2021), Policies CS10 and CS11 of the Core Strategy DPD and Policy DM03 of the Development Management Policies DPD.

#### Public Realm

- 8.9.17 Policy D8 of the London Plan (2021) relates specifically to the delivery of new or improved public realm and states that development proposals should ensure the public realm satisfies a number of criteria including being well-designed, attractive, accessible, inclusive, well-connected, and easy to understand; as well as creating an engaging environment for people of all ages. These objectives are also reflected in the emerging Policy CDH03 of the Draft Barnet Local Plan. The Applicant's design approach to Clitterhouse Playing Fields is considered to be comprehensive accounting for the requirements of the BXC S73 Permission and BXC S106 Agreement, as well as more recent evidence concerning sports and play provisions. This includes the provision of a total of 6,968m<sup>2</sup> of play facilities for people of all ages (under 5's, 5-11 year olds and 12+ year olds), which exceeds the minimum requirement of 5,000m<sup>2</sup> of play provision set out in the BXC S106 Agreement.
- 8.9.18 The proposed design approach characterises four different areas of the Site which are used to inform the arrangement of the various sports, play and recreational facilities:
- Northern Entrance – activity, challenger sport and social play,

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<sup>22</sup> As set out in Schedule 13 to the S106 Agreement associated with the BXC S73 Permission.

- Central Area – traditional sports and community facilities,
- Southwest Entrance – Farm play, food production and education, and
- Clitterhouse Stream Nature Park – water, nature and discovery.

8.9.19 This is supported by a new network of tarmac and hoggin pathways across the Site, with the principal north/south and east/west routes creating connections to existing entrance points around Clitterhouse Playing Fields, thereby improving accessibility. This is supported by extensive landscape planting (as discussed in section 8.10 below) that would include a combination of grassland, ornamental, native scrub and hedging, marginal planting and wildflower meadows, along with 356 new trees across the Site befitting to the proposed character areas (i.e., the Northern Entrance Garden, Pine Hillside, wetlands around the SuDS and Clitterhouse Stream, Orchard Play by the existing Clitterhouse Farm Buildings, and meadows). Overall, it is considered that the proposed development would satisfy the requirements of Policy D8 of the London Plan (2021) through the delivery of a scheme that is well-designed, legible and creates a variety of opportunities to engage in sport and play as well as more informal recreation and enjoyment. This also aligns with Policy CS7 of the Core Strategy DPD in securing improvement to an existing open space in Barnet through the provision of play, sports facilities and better access arrangements.

## **8.10 Trees and Landscaping**

8.10.1 Policy G7 of the London Plan (2021) states that development proposals should ensure that existing trees of value are retained and where planning permission necessitates removal of trees, adequate replacement based on existing value benefits of the trees removed should be provided. Otherwise, the planting of additional trees should generally be included in new development. Policy CS7 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD both seek to safeguard and protect existing trees, hedgerows to ensure development contributes to biodiversity and greening of the environment in Barnet.

8.10.2 As set out in the submitted Landscape Design Statement (Gustafson, Porter & Bowman, April 2023), the proposed development incorporates a comprehensive soft and hard landscaping strategy for the Site taking a thematic approach to the various areas throughout Clitterhouse Playing Fields. These areas correspond to the proposed layout of the Site and character areas to be created as a result of the play and recreational facilities to be provided. For example, a wetland environment would be created around Clitterhouse Stream and the dry SUDS channel traversing through the Site; a grassed multi-purpose lawn created at the west of the Site to allow informal recreational activities; a linear woodland would be planted adjacent to the southern boundary of the Site offering a greater buffer to neighbouring residential properties and bolstering foraging and commuting habitat for bat and bird species; a 'pine hillside' created on land rising away from the northern entrance off Claremont Road; and creation of an orchard near to the existing Clitterhouse Farm Buildings in an area focussing on food production.

8.10.3 The proposed soft landscaping strategy for the Site would result in the planting of ornamental shrubs and herbaceous perennials at entrances, native scrub and

hedging along the boundaries of the Site, marginal planting such as reeds and tall grasses around the SUDS dry channel and Clitterhouse Stream to create a riverine/riparian environment, wildflower meadows around the proposed sports pitches and on berms, and grassland in areas with an expected higher usage/footfall. Further to the need to introduce additional noise mitigation measures around the southern extents of the four all-weather pitches in the form of 3-metre-high acoustic attenuation barriers attached to the sports pitch fencing, the Applicant has introduced further soft landscaping to minimise the visual impact of these barriers. This includes climber plant species to create a green backdrop and additional native hedge planting.

- 8.10.4 In respect of tree planting, the submitted 'Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan' (Hayden's Arboricultural Consultants, 14 April 2023) describes the removal of 13 existing trees or groups of trees to either facilitate the proposed development or for safety reasons; and confirms no tree within the Site is subject to a Tree Preservation Order. This is out of a total of 93 individual trees, 21 groups of trees, 6 areas of trees and 2 hedges surveyed. For those to be retained, appropriate mitigation measures would be implemented including establishment of root protection areas (RPAs) to secure tree structures, use of tree protection fencing, and application of 'no-dig' principles in areas where footpaths or hard surfaces would be constructed within RPAs. To offset the loss of these trees, and to deliver biodiversity enhancements to the Site, the proposed development would result in the planting of 356 new trees throughout the Site.
- 8.10.5 The Application has been reviewed by both the Council's Tree and Landscape Officer and Street Trees Team. Following requested adjustments to the proposed development from its initial submission in November 2022 to the revisions submitted in April 2023, both Officers raise no objection to the proposed development subject to a condition requiring the submission and approval of a Landscape Ecological Management Plan (LEMP). An informative concerning plant biosecurity has also been suggested. In consideration of the proposals, the Tree and Landscape Officer notes that the plans show a diverse range of habitat creation incorporating formal and informal areas of land use and, subject to the selection of appropriate species for planting, provides visual interest and high biodiversity values.
- 8.10.6 The principles of the proposed hard landscaping for the Site are also set out within the submitted Landscape Design Statement. This includes the proposed approach to existing boundary treatments; the creation of new and improved accesses; proposed paving materials for the network of pathways to be provided; play surface materials for playgrounds, all-wheel park, bouldering and parkour areas, and areas of incidental play; the four all-weather artificial pitches including surface treatments and fencing; and furniture including seating, bins, signage, cycle parking and drinking fountains; and the two MUGAs. However, in some cases, it is noted that the specific details of those hard landscaping components have not been submitted for approval at this stage and, therefore, any planning permission should be subject to appropriately worded planning condition(s) requiring the submission and approval of hard landscaping details before its installation.

- 8.10.7 In consideration of the relevant development plan policies noted above, it is considered that the proposed development would result in the retention of the majority of existing tree and hedgerows at the Site and introduce a significant number of new trees and other planting. By comparison to the existing condition of the Site, which can be described as a large expanse of improved grassland with peripheral tree and hedgerow planting, the proposed development would result in further greening of the Site and enhancement to its existing biodiversity value. As such, the proposed development is considered to be in compliance with Policy G6 of the London Plan, Policy CS7 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD.
- 8.10.8 It is also considered that the proposed landscaping strategy satisfies the requirements of the S73 Permission insofar as providing green corridors at the southern (GC5), eastern (GC3), and northeast (GC4) boundaries of the Site adjacent to Cotswold Gardens/Grampian Gardens, the adjoining allotment gardens and Prayle Grove (respectively); and a nature park (Nature Park NP1) associated with Clitterhouse Stream in accordance with Parameter Plan 003: Public Realm and Urban Structure (as appended to the RDSF). The proposed development also adheres to the expectations of the BXC S106 Agreement, and the specifications outlined in Schedule 28, through the provision green corridors with a minimum width of 5 metres of native hedge and woodland edge planting. Overall the proposed landscaping strategy and development as a whole will encourage use and enjoyment of the Site by a wide range of users.

## **8.11 Biodiversity**

- 8.11.1 The Application Site is identified as a Site of Local Importance for Nature Conservation (SLINC) in the Council's adopted development plan. The citation associated with this SLINC (site reference BaL06) refers to the Site as a 'large recreation ground near Brent Cross with some fine old hedgerows and a stream', with amenity grassland, hedge, running water, scrub and secondary woodland. The description prepared and updated in January 2007 recognises that most of the site is managed as sports fields with the surrounding hedgerows relics of the former agricultural use of the site. There are three statutorily designated sites for nature conservation within 2 kilometres of the Site, including the Welsh Harp Site of Special Scientific Interest (SSSI) and Brent Reservoir Local Nature Reserve (LNR) (1.08km northwest of the Site), Big Wood & Little Wood LNR (1.9km northeast of the Site), and Westbere Copse LNR (1.7km southeast of the Site).
- 8.11.2 The Applicant has carried out an Ecological Impact Assessment (Arup, April 2023), which is appended to the Supplementary Environmental Statement in association with Chapter 11. This Assessment includes the results of an extended Phase 1 Habitat Survey to map habitats within the Site, assesses features that have the potential to support protected or notable species, records any invasive non-native species, and has evaluated the Site for its suitability to support foraging, commuting or roosting bats (including an aerial tree survey and dawn/dusk bat surveys). In addition to this, the Applicant has submitted a Bat Survey Report (Arup, November 2022), an Outline Bat Mitigation Strategy Technical Note (Arup, March 2023), an



'Approach to Sensitive Lighting and Landscape Design for Bats' Technical Note (Arup, April 2023), and a River Condition Assessment of Clitterhouse Stream (Arup, April 2023). All of which form appendices to the Supplementary Environmental Statement.

- 8.11.3 The Ecological Impact Assessment describes the Site as containing various habitat types including amenity grassland, a section of Clitterhouse Stream, broadleaved trees, semi-improved grassland, species-poor hedgerows, tall ruderal species, introduced shrubs and areas of buildings and hardstanding associated with Clitterhouse Farm Buildings. Overall, the Site is considered to have a relatively low ecological value in its current state, with notable exceptions including the mature trees and hedgerows around the perimeter of the Site. This baseline condition has not changed since previous habitat surveys undertaken in 2014 and 2017 as part of the wider BXC regeneration scheme. The Site is considered suitable to support protected and notable species groups, including bats, birds and small mammals; and contains some non-native invasive species (including Hollyberry cotoneaster, Butterfly-bush, and Falsie acacia) listed on the London Invasive Species Initiative (LISI).
- 8.11.4 Policy G6 of the London Plan (2021) states that Sites of Importance for Nature Conservation (SINCs) should be protected and where harm is unavoidable and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied: (1) avoid damaging significant ecological features, (2) minimise overall spatial impact and mitigate through improvement or management of the rest of the Site, and (3) deliver off-site compensation. This Policy also requires impacts on biodiversity to be managed, with the aim to secure net biodiversity gain. Policies CS7 of the Core Strategy DPD and saved Policy C4 of the UDP similarly seek to protect SINCs and ensure that development protects existing site ecology and makes the fullest contribution to enhancing biodiversity. Policy DM16 of the Development Management Policies DPD focuses further on the Council's objective in seeking the retention, enhancement, or creation of biodiversity. Policy SI17 of the London Plan and Policy DM04 of the Development Management Policies DPD are also relevant to this Application as it sets out the expectation for watercourses to be re-naturalised wherever possible to create an adequate buffer and enable public accessibility. Emerging Policy ECC06 of the Draft Barnet Local Plan echoes much of the above in seeking to protect SINCs, making sure development makes the fullest contribution to enhancing biodiversity and protecting ecology, and achieving biodiversity net gain.
- 8.11.5 The Applicant's assessment identifies the most significant adverse impacts without mitigation would be upon the designated SLINC/SINC, Clitterhouse Stream, breeding birds, and bats, and through the spread of invasive species during the construction phase. During the operational phase, the impacts on the above are assessed as ranging from minor beneficial (bats, birds and SLINC) to significant beneficial (Clitterhouse Stream) (Table 2 of the Ecological Impact Assessment, April 2023). The mitigation measures proposed to offset these potential impacts include a CEMP for the construction phase covering management of water and sediment, habitat protection, control of dust and vehicle emissions, management of noise and lighting,

measures to safeguard breeding birds, protection of existing and potential bat roosts, control of artificial lighting away from bat roosts and vegetated corridors and the eradication of invasive species. As previously set out in this report, it is recommended that a condition be included on any planning permission requiring the submission and approval of a CEMP prior to works taking place.

- 8.11.6 During the operational phase, the Applicant has provided further assessment of the impacts on habitats and protected species, identifying mitigation measures included as part of the proposed development where necessary.

#### Habitats

- 8.11.7 The proposed development would result in the protection, creation and enhancement to the existing habitats at the Site through the retention of the majority of existing hedgerows and trees, additional boundary hedgerow and tree planting, a total of 356 new trees to be planted throughout the Site, and a soft landscape strategy including ornamental shrubs, native scrub/hedging, marginal planting, wildflower meadows, grassland and orchard planting. The proposed development would also include the re-naturalisation of Clitterhouse Stream through the removal of the existing concrete embankment where possible, re-profiling where required, placement of in-stream woody debris to diversify the stream's flow patterns, erosion control features and provision of a more biodiverse native planting mix. These measures align with the above development plan policy objectives (including protection of existing features of note and enhancement to the designated SINC/SLINC) and, as noted below, would contribute to the overall biodiversity net gain as a result of the proposed development.
- 8.11.8 There is the potential for proposed artificial lighting to adversely affect existing and proposed new habitats, including those around Clitterhouse Stream. As set out in paragraphs 8.96 to 8.103 of this report, the submitted Lighting Impact Assessment identifies mitigation measures in the lighting design for the proposed development which would include use of optically efficient luminaires to ensure downward illumination and reduces light spill on a vertical plane; use of luminaires with good optical control and the ability to install shields if needed; and ensuring the peak beam angle of light is not more than 70 degrees with a tilt angle of zero degrees. In addition to this, the proposed sports pitch lighting would be controlled via a photocell and time switch to ensure it is switched off at 21:00; and pathway/wayfinding lighting would be dimmed after 22:00. With the implementation of these measures, the Applicant's assessment concludes that the impact of the proposed development would be neutral. The implication of artificial lighting on bat species is considered further below.

#### Protected Species

- 8.11.9 The proposed development has the potential to impact protected species in the grouping of bats, birds and small mammals, both adversely and beneficially and during the construction and operational phases (respectively). Potential adverse impacts are identified to arise from disturbance to protected species through light pollution and noise pollution. The proposed development does also present benefits to protected species as a result of the habitat enhancements and creation of new habitats included within the proposals.

## *Bats*

- 8.11.10 The Applicant has undertaken a bat survey and utilised existing bat survey information related to the Site and wider BXC development<sup>23</sup>. The submitted Bat Survey Report (Arup, November 2022) provides details of recent surveys undertaken in August 2021, September 2021 and May 2022 which identified the presence of two bat roosts within the Site – one in a mature Oak tree along the eastern boundary of the Site (Tree T4) and a previously recorded roost within the Clitterhouse Farm Buildings (Buildings B2/B3). Four species of bat were recorded as utilising the Site for foraging and commuting purposes: Common pipistrelle, Soprano pipistrelle, Nathusius' pipistrelle and Noctule bats. Previous bat surveys have identified the importance of the Site and its existing vegetated hedgerow boundaries as contributing toward a 'Core Sustenance Zone' for foraging and commuting bats connecting to the Welsh Harp/Brent Reservoir SSSI via the railway corridor to the east of the Site. The Site is considered to be of regional importance for bats given the presence of foraging, commuting and roosting habitat for the species; and the local population of bat species identified at, and within the vicinity of, the Site are considered to be of local importance.
- 8.11.11 The proposed development has the potential to negatively impact these bat species and particularly through the introduction of artificial lighting (including sports pitch lighting) which can impact their movements, roosting, and foraging opportunities. On initial review of the Application, the Council's Ecologist identified the need for further information to be provided in respect of the risk of artificial lighting on the two confirmed bat roosts (as well as their foraging and commuting behaviours) and details of a bat mitigation strategy. This resulted in further environmental information being submitted to the LPA as part of the EIA process.
- 8.11.12 The Applicant then submitted an outline Bat Mitigation Strategy Technical Note (Arup, March 2023) (Appendix 11.4 to the Supplemental Environmental Statement) to address the measures to be implemented during the construction phase and an 'Approach to Sensitive Lighting and Landscape Design for Bats' Technical Note (Arup, April 2023) (Appendix 11.2 to the Supplemental Environmental Statement) to advise how the proposals have been designed with due regard to the impact on bats. During the construction period, the Applicant has outlined the approach to bat mitigation for those Parts and/or Phases of any Part of the proposed development that have the potential to affect the existing bat roosts and commuting/foraging corridors at the southern and eastern boundaries of the Site. Whilst it is suggested that detailed bat mitigation strategies be prepared and submitted to the LPA for approval at the relevant stages of the construction period (i.e., prior to each Part or Phase of any Part of the proposed development), the outline Bat Mitigation Strategy Note provides an initial scope for those more detailed strategies. This includes:
- Undertaking of further bat surveys,

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<sup>23</sup> Including an Extended Phase 1 Habitat survey undertaken in 2006 (Thomson Ecology), Bat and Walkover Surveys undertaken in 2011 (The Ecology Consultancy) and 2013 (ERM), bat surveys undertaken in 2014 (Waterman), a Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PBRA) undertaken in 2017 (Arup) and an updated PEA and PBRA in 2021 (Arup).

- Use of personnel with relevant experience,
- A programme of construction works,
- Details of construction works to be carried out in each relevant Part or Phase of any Part of the development and their proximity to features of importance to bats,
- An assessment of potential impacts on bats and identification of necessary mitigation,
- Identification of the need for any licences from Natural England,
- A procedure to monitor and advise of any changes in construction activities including any greater or lesser effects on features of importance to bats, and
- An auditing and reporting process for the agreed mitigation measures.

8.11.13 On further review of the outline Bat Mitigation Strategy Note and on the basis that detailed bat mitigation strategies would be prepared in line with an appropriately worded pre-commencement planning condition as the proposed development progresses, the Council's Ecologist is satisfied that potential impacts during the construction phase of the proposed development can be suitably mitigated.

8.11.14 In respect of potential impacts on these protected species during the operation of the proposed development, the submitted Ecological Impact Assessment states that lighting has been designed to be minimal and directional, with no direct lighting onto any section of green corridors at the Site, and no increase in night-time lighting on confirmed bat roosts. The additional 'Approach to Sensitive Lighting and Landscape Design for Bats' Technical Note (Arup, April 2023) sets out the iterative design process that has been undertaken to safeguard commuting, roosting and foraging bats. Amendments to the proposed development as a result of this process include:

- Altering the angle and layout of the sports pitches to create a 5 metre buffer from lineal green corridors
- Removal of lighting near to identified bat roosts to prevent light spill onto them,
- Adjustment to light fittings to ensure they are directional and proportionate to reduce horizontal and vertical light planes spilling on nearby bat corridors,
- Identifying the need to switch off footpath wayfinding lighting along the southeast bat corridor when sports pitch lighting is in use (which would be switched back on when sports lighting is switched off),
- Sports pitch lighting to only be used when the sports pitches are in use,
- Adherence to the curfew of 21:00 for sports pitch lighting and dimming of wayfinding lighting after 22:00, and
- Reduction in pathway lighting intensity from 20-30 Lux to a maximum of 7.5 Lux for eight lighting columns and 5 Lux for all other lighting columns.

8.11.15 Through the implementation of the above-listed measures, the Applicant considers the potential impacts of artificial lighting on bats to be sufficiently mitigated such that the impact would be neutral. With the addition of new landscape planting and habitat creation to be delivered as part of the proposals, the Applicant's assessment considers that the proposed development would result in a minor beneficial

environmental effect on these protected species at a local level.

8.11.16 The Council's Ecologist has assessed the proposed development in respect of its potential impact on protected bat species and acknowledges the rationale and justification set out in the Application which demonstrates appropriate consideration has been given to the impact of the proposed lighting scheme throughout the design evolution of the proposed development (with the scheme amendments resulting from that process listed above). It is considered that the Application is supported by sufficient information regarding the presence of bats and their use of the Site to devise a scheme that demonstrates compliance with the mitigation hierarchy. On the basis that the proposed development is to be delivered in stages, and to ensure assessment assertions, mitigation and conclusions can be corroborated to safeguard bats, it is recommended that any planning permission be subject to a condition requiring further bat activity surveys prior to the commencement of each Phase or Part of any Phase of the development. This is to ensure that a mechanism is put in place to amend the proposed lighting scheme if considered necessary, based on updated bat activity survey data. The Council's Ecologist has also requested that the Applicant undertake post-development bat monitoring in line with the relevant Bat Conservation Trust guidance<sup>24</sup>, which can also form the subject of a planning condition should permission be granted.

#### *Birds*

8.11.17 The submitted Ecological Impact Assessment also assesses the potential impact of the construction and operation of the proposed development on protected bird and small mammal species. During the construction phase, the Applicant acknowledges the potential for disturbance to bird species through habitat loss, disturbance from the construction works, and inconsiderate construction. Whilst such impacts are considered to be temporarily adverse in nature, the adoption of a suitable CEMP containing measures relating to protection to retained habitats and trees, pollution control, and noise, dust and vehicle emission management, the Applicant considers such impacts would be minor and limited to a site level only. Assessment of the operational impacts of the proposed development conclude that the impact on bird species would overall be minor beneficial at a site level by virtue of proposed landscape planting and habitat creation and control of artificial lighting to avoid direct light spill onto retained habitats.

8.11.18 The Council's Ecologist is content with the Applicant's assessment in respect of potential impacts and proposed mitigation measures to avoid any significantly adverse impacts on protected and breeding bird species. The recommendation to avoid vegetation clearance during the bird nesting seasons is welcomed by the Ecologist, including the proposed nesting bird check where it is not feasible to undertake such work outside the breeding season. It is also noted that the proposed landscaping scheme would greatly enhance the Site for common bird species present within the wider BXC area. Therefore, subject to a condition restricting vegetation clearance and/or to carry out the appropriate checks prior to vegetation clearance

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<sup>24</sup> Bat Surveys for Professional Ecologists: Good Practice Guidelines 3<sup>rd</sup> Edition – Guidance for Professionals (Bat Conservation Trust, 2014).

within the breeding season, no objections are raised to the Application in respect of breeding birds.

#### *Small Mammals and Reptiles and Amphibians*

- 8.11.19 Surveys of the Site did not reveal the presence of reptiles or amphibians. However, as part of the package of embedded mitigation and enhancement measures to be delivered by the proposed development, the Applicant acknowledges the protection afforded to mammals, reptiles and amphibians through other legislation. In view of that, during the construction phase it is proposed that construction workers receive toolbox talks from a suitably qualified ecologist to understand the risks and measures to be adopted to prevent any harm to such species; and that vegetation removal of semi-improved grassland or tall ruderal habitats be subject to a watching brief by an appointed ecological clerk of works (with the translocation of any reptiles and amphibian species where found). The Council's Ecologist accepts that appropriate consideration has been given to the abovementioned protected and notable species and the precautionary measures proposed are acceptable.

#### Invasive Species

- 8.11.20 The submitted Ecological Impact Assessment (including Preliminary Ecological Appraisal (Arup, September 2022)) identifies the presence of a number of non-native invasive plant species listed on both the London Invasive Species Initiative and within Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). The impacts of the proposed development are identified as relating to the spread of invasive species as a result of the construction phase, which has the potential to be significantly adverse and permanent on a regional scale. To offset this impact, the Applicant proposes to eradicate any invasive species present within the Site during the construction works under the supervision of an experienced invasive species contractor. To achieve this, the Applicant proposes the use of fencing and signage, plus the suitable disposal of plant materials and disturbed soils along with the cleaning of machinery, equipment and footwear.
- 8.11.21 In regard to non-native invasive species, the Council's Ecologist is satisfied with the submitted assessment and has recommended that any planning permission be subject to a condition requiring the submission and approval of a detailed Invasive Species Management Plan incorporating details of biosecurity measures, nomination of any third-party removal specialists and details of waste treatment/removal methods to be deployed.

#### Biodiversity Net Gain Assessment

- 8.11.22 The submitted Ecological Impact Assessment also includes a Biodiversity Net Gain ('BNG') Assessment. This is not yet a mandatory requirement for planning applications, but the minimum 10% Biodiversity Net Gain requirement introduced by The Environment Act 2021 is due to come into force in November 2023. The Applicant's BNG Assessment uses Natural England's Biodiversity Metric 3.1 tool to calculate habitat areas and to mitigate and compensate for the loss of any semi-natural habitats as a result of the proposed development, and to inform what habitat

enhancements are necessary to secure at least a 10% net gain in biodiversity value.

8.11.23 Following the submission of the additional Modular River Physical (MoRPH) survey to support the Applicant’s original BNG Assessment (the ‘Clitterhouse Playing Fields – River Condition Assessment Report’ (Arup, April 2023) contained in Appendix 11.5 to the Supplemental Environmental Statement), a BNG calculation for the proposed development has been provided including a baseline score of existing habitats, hedgerows and Clitterhouse Stream; indicative post-development scoring; details of proposed ecological enhancements incorporated into the proposed development; and recommendations for further design enhancements. The assessment concludes that the proposed development would result in the following BNG scores in respect of the net percentage change in biodiversity, all of which exceed the minimum 10% net gain expected by forthcoming regulations. The results are shown in Figure 11 below.

<b>Biodiversity net % change</b>	Habitat units	<b>+21.40%</b>
	Hedgerow units	<b>+95.64%</b>
	River units	<b>+11.40%</b>

**Figure 11:** BNG assessment results (Arup, April 2023)

8.11.24 The key aspects of the proposed development that would contribute to the above BNG scores and lead to an enhancement of the Site’s existing biodiversity value include: the retention and enhancement of existing green corridors within the Site, planting of a significant number of new trees, creation of new habitats throughout the site, sympathetic artificial lighting designs, and the re-naturalisation of a section of Clitterhouse Stream. In respect of the latter, it is recognised that the naturalisation of river channels and their tributaries and opportunities to open culverted sections in London is supported by Policy SI17(B) of the London Plan (2021) and Policy DM04 of the Development Management Policies DPD.

8.11.25 On review of the updated BNG Assessment, the Council’s Ecologist is content with the assessment and welcomes the proposed change in ecological value as a result of the proposed development. In order to ensure that the calculated net gain in biodiversity is achieved at the Site , it is recommended that any planning permission be subject to conditions requiring the submission, approval and implementation of a Biodiversity Net Gain Plan, Landscape and Ecological Management Plan (LEMP), and Clitterhouse Stream Restoration and Management Plan in order to secure the necessary habitat creation, enhancements, stream restoration and management, and monitoring over the required 30-year period.

Biodiversity Summary

8.11.26 In view of the relevant development plan policy requirements, it is considered that the proposed development would provide sufficient mitigation for protected and notable species as well as other ecological receptors to ensure there would be no significantly adverse permanent impacts notably on bats (noting that the likely impact on some habitats and species are expected to be beneficial); and would ultimately result in the

enhancement of the Site's biodiversity value as demonstrated by the submitted BNG Assessment. The Applicant has also demonstrated conformity to the mitigation hierarchy suggested in Policy G6 of the London Plan in respect of the SINC/SLINC through avoiding significant harm with the application of appropriate mitigation measures and by providing an overall improvement to the Site through additional planting and habitat creation, thus resulting in the enhancement of the designated SINC/SLINC. Based on the above appraisal, it is therefore considered that the proposed development complies with the requirements of Policies G6 and SI17 of the London Plan (2021), Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management Policies DPD.

## **8.12 Energy, sustainability and climate change**

- 8.12.1 Policy SI2 of the London Plan (2021) states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy: 1) Be Lean: use less energy and manage demand during operation 2) Be Clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly 3) Be Green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site 4) Be Seen: monitor, verify and report on energy performance. Policy SI4 of the London Plan states that development proposals should also demonstrate how they would reduce internal overheating and reliance on air conditioning systems. Policy CS13 of the Core Strategy similarly promotes the highest environmental standards and efficient use of natural resources, expecting all development to be energy-efficient and to minimise any wasted heat or power. Policy DM04 of the Development Management Policies DPD also expects all major development to demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the energy hierarchy. These policy objectives are also reflected in Policy ECC01 of the Draft Barnet Local Plan.
- 8.12.2 The expectation for major development is a minimum on-site reduction of at least 35% in greenhouse gas emissions beyond the requirements of the 2013 Part L of the Building Regulations, with 15% of that reduction achieved through energy efficiency measures in non-residential development. Where the zero-carbon target cannot be achieved, in agreement with the borough, any shortfall should be met by payment to the Council's carbon offset fund or provided off-site through a deliverable alternative proposal.
- 8.12.3 Whilst the proposed development exceeds the thresholds for a major development by virtue of the size of the Application Site in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (i.e., over 1 hectare), the proposed development is principally for improvements to an existing open space to provide sports, play and recreation facilities and would not result in the creation of more than 1,000m<sup>2</sup> of new floorspace.
- 8.12.4 Notwithstanding that stance, the Applicant has submitted an Energy and Environmental Strategy (Arup, 4 November 2022) which sets out how the proposed



Pavilion building satisfies the abovementioned guidance relating to climate change mitigation and adaptation. This demonstrates that the proposed Pavilion would achieve the greenhouse gas emission reduction targets for both the 2013 Part L Building Regulations (62% reduction), as well as the more stringent 2021 Part L requirements (11% reduction) through the use of Air Source Heat Pumps and photovoltaic (solar) panels as means of renewable energy sources, as well as building design to reduce the risk of overheating. As appraised by the Council's Energy & Sustainability Officer in his review of the Application, the proposed Pavilion would meet the requirement of London Plan Policy SI2 by a Be Lean reduction in carbon emissions of 66% over the 2013 Part L requirements (and 11% reduction over the 2021 Part L requirements). In respect of Be Green, the proposed renewable energy technology would result in a further reduction of 72.4% in regulated carbon emissions.

- 8.12.5 Whilst not achieving a zero carbon, the proposed Pavilion building is designed to a high standard in terms of energy efficiency. Furthermore, in recognition that the wider BXC development is delivering numerous energy efficient and carbon reduction initiatives, and treating the structure in isolation as minor development, it is concluded that the carbon off-set payment and Be Seen monitoring requirements are not required to be applied in this case.
- 8.12.6 On that basis, the proposed development is considered to be in compliance with Policies SI2 and SI4 of the London Plan, Policy CS13 of the Core Strategy DPD and Policy DM04 of the Development Management Policies DPD.
- 8.12.7 Furthermore, the Application includes planting of approximately 356 new trees across the site which, in addition to generating biodiversity and amenity benefits, also have the potential to reduce carbon. As they grow, trees absorb carbon dioxide from the air. It is then unable to enter the atmosphere. Trees also release oxygen. Whilst a carbon-offset capacity of the proposed development has not been calculated, a conservative estimate is that the average tree absorbs an average of 10 kilograms of carbon dioxide per year for the first 20 years. Given that many trees are expected to live for in excess of 50 years, the site has the potential to significantly benefit carbon reduction over its lifetime.

### **8.13 Heritage Assets**

- 8.13.1 Policy HC1 (Heritage conservation and growth) of the London Plan (2021) states that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings and avoid harm. Policy CS5 of the Core Strategy DPD states that the Council will proactively protect and enhance Barnet's heritage, including locally listed buildings and areas of archaeological significance. Policy DM06 of the Development Management Policies DPD states that (a) all heritage assets will be protected in line with their significance; (c) proposals involving or affecting heritage assets should demonstrate (inter alia) the significance of the heritage asset, impact on that significance, and impact on setting of the heritage asset; (d) there will be a presumption in favour of retaining all 1,600 locally listed buildings in Barnet; and (e) archaeological remains will be protected and any development that may affect such

remains will need to demonstrate the likely impact upon those remains and the proposed mitigation to reduce that impact. This is in line with Chapter 16 of the NPPF which sets out policies to conserve heritage assets in a manner appropriate to their significance.

### Archaeological Assets

- 8.13.2 The Application Site is designated as an Area of Special Archaeological Significance (Childs Hill 3a) through Barnet's Local Plan. Historic England also consider the Site to be within an Archaeological Priority Area based on known evidence of Roman and later archaeological remains. This is a matter that has already been assessed as part of the wider BXC development and is controlled under the terms of the S73 Permission with particular obligations relating to archaeological investigations stipulated by Condition 43.1 of the S73 Permission. In accordance with the initial part of that Condition, an Overarching Scheme of Archaeological Investigation for the entire BXC site has been approved under LPA application ref. 18/5699/CON. Site-specific Written Schemes of Investigation (WSI) are then required to be submitted for approval prior to the commencement of any Phase, Sub-Phase, Plot or other construction site to ensure any remains of archaeological interest are appropriately assessed and mitigated from any harm.
- 8.13.3 In respect of the authorised improvement works to Clitterhouse Playing Fields (Part 1 and Part 2, falling within Phase 1B (South) and Phase 3A, respectively), the Applicant has previously satisfied the second part of Condition 43.1 of the S73 Permission with a site-specific 'Written Scheme of Investigation for Archaeological Evaluation' approved under LPA application ref. 21/0774/CON. The approved WSI recommends the digging of a total of 73 evaluation trenches across the entire site, which is divided into four areas (A, B, C and D), to provide a general coverage of the site as well as targeting specific anomalies identified through geophysical surveys. As recommended in that report, on completion of this fieldwork the Developer is required to complete an Evaluation Report. The Evaluation Report for the investigation works carried out in Areas A, B & C (not Area D) was provided to the LPA in June 2022 ahead of the submission of this Application and is also included in Appendix 13.1 to the Supplementary Environmental Statement. It concludes that the majority of surviving remains at Clitterhouse Playing Fields were remnant of post-medieval/early modern activity and categorised as being of local significance, with some deposits indicating Roman occupation in Area B (also of local significance). It is therefore recommended that any constructions works be subject to an archaeological watching brief, plus further targeted evaluation in Area D.
- 8.13.4 Notwithstanding the above findings and that Area D remains to be investigated, the proposed development (and the excavation and construction works necessary to deliver it) is somewhat different to that envisaged by the S73 Permission by virtue of the different arrangement of sports, play and recreational facilities and infrastructure. The Application has therefore been reviewed by Historic England's Greater London Archaeological Advisory Service (GLAAS) who consider that the significance of the asset and scale of harm is such that the effect can be managed using planning conditions. No objections by GLAAS are raised subject to conditions being attached to any planning permission requiring archaeological mitigation in the form of a further

WSI and a programme of public engagement. It has been agreed with GLAAS that such conditional requirements can be prepared and submitted for approval on a Part or Phase of a Part basis given the proposed sequence of delivery of the proposed development.

#### Clitterhouse Farmhouse Locally Listed Building

- 8.13.5 The Application Site is also located in proximity to Clitterhouse Farm (60 Claremont Road) which is a Locally Listed Building<sup>25</sup> protected because of its architectural interest and specifically due to its aesthetic merit, landmark qualities and intactness (state of originality). This heritage asset is positioned to the south of the Site outside the red line of this Application. The associated Clitterhouse Farm Buildings, which do fall within the red line boundary of the Application, are situated in between the Site and the Clitterhouse Farm but are not statutorily or locally listed heritage assets. Although once related to the Clitterhouse Farm, there no longer appears to be a functional relationship between the two sets of buildings with a fence, vehicular access and planting now separating them and each offering different uses. The Locally Listed farmhouse is predominantly experienced and perceived through views from the public realm of Claremont Road, rather than from within Clitterhouse Playing Fields. Views of the northern side elevation and rear elevation of the former farm house are screened in part through existing landscaping in the south-west of the Site and by the Clitterhouse Farm buildings themselves.
- 8.13.6 In relation to the setting of this Locally Listed heritage asset, the proposed development would result in the construction of a Maintenance Storage Facility including a single storey building formed of two units under a continuous roof structure measuring a total of 31.7 metres in length and 4.8 metres in height at the apex of its shallow pitched roof. This would be located 59 metres north of the Locally Listed Building at its shortest distance. The Applicant states the building would be constructed using corrugated sheeting in a warm grey colour palette to its elevations, with the upper section of the elevations containing an insert of translucent corrugated sheeting. The proposed building is intended to reflect the agricultural aesthetic of the former cowsheds that once occupied the Clitterhouse Farm Building in respect of its design, form and scale; and the proposed materials have been selected to reflect the warm brick colour and grey slate roof of Clitterhouse Farm Buildings.
- 8.13.7 The Application, and the changes made during the course of its determination, has been reviewed by the Council's Urban Design and Heritage Officer who recognises the amendments in respect of the proposed material palette for the Maintenance Storage Facility. The Officer concludes that the proposed development would cause no harm to the actual heritage asset itself and, to some extent, the existing mature trees within Clitterhouse Playing Fields along with parts of the Clitterhouse Farm Buildings would help to mitigate potential impacts on the setting of the farmhouse. To further mitigate any impact of the setting of the Locally Listed Clitterhouse Farmhouse, it is suggested that high quality materials are used in the construction of the Maintenance Storage Facility and that consideration be given to the planting of trees as well as hedging to further screen the building as those trees mature. These

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<sup>25</sup> LBB Local Heritage List (January 2020), entry HT00947.

matters can be dealt with by planning condition in the event of permission being granted.

- 8.13.8 In view of the above assessment, it is considered that the proposed development would not be likely to cause any harm to the heritage assets within or adjacent to the Application Site. As noted above, any impacts on archaeological assets can be satisfactorily dealt with by planning condition requiring further assessment as the development progresses; and that the proposed development would conserve the significance, and avoid harm to the setting of the Locally Listed Building of Clitterhouse Farm House by virtue of its form, design and scale subject to the use of appropriate materials and landscape planting. As such, the proposed development is considered to accord with Policy HC1 of the London Plan (2021), Policy CS5 of the Core Strategy DPD and Policy DM06 of the Development Management Policies DPD.

#### **8.14 Welfare Facilities within Clitterhouse Farm Buildings**

- 8.14.1 The Application proposes a change of use of a small area of up to 75m<sup>2</sup> of existing floorspace within the Clitterhouse Farm Buildings for use as maintenance staff welfare facilities (Sui Generis) including toilet and washing facilities, changing facilities (separated for men and women), rest/dining facilities and an office for administrative duties. However, the particular part of the buildings proposed to be used have not been specified within this Application as the applicant has stated it intends to work with Our Yard, who occupy part of the farm buildings, and the Council to determine the most appropriate location to ensure that the existing uses provided by Our Yard continue.
- 8.14.2 Parts of the Clitterhouse Farm Buildings are currently in use as a combination of a café (granted under the former A3 Use Class – now aligned to the 2020 E(b) Use Class), artist's studio (granted under the former B1 Use Class – now aligned to the 2020 E(g) Use Class), and community garden including storage (B8 use class)<sup>26</sup>.
- 8.14.3 The principle of utilising the existing Clitterhouse Farm Buildings for the purposes of maintenance, storage and park administration associated with the improved Clitterhouse Playing Fields is already established in planning terms under the S73 Permission. Parameter Plan 012 and the associated information contained within the RDSF specifies a 'zone for maintenance storage and park administration' in the location of the existing farm buildings with a limit of deviation of +/- 50 metres of that identified zone. Whilst the proposed park maintenance and storage aspects of that permitted use are now proposed in a separate maintenance unit opposite the existing farm buildings (but within the limit of deviation), the principle of using the farm buildings for the remaining purposes (namely the maintenance staff welfare facilities), including any necessary refurbishment works, is considered acceptable. Whilst the application seeks permission for the change of use of 75sqm of floorspace with the Clitterhouse Farm Buildings, at this stage the final detail of the layout of the staff welfare facilities to be provided has not been worked up. Therefore, if planning

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<sup>26</sup> See LPA application reference 18/5967/FUL and associated S96A applications 19/6678/NMA and 21/2789/NMA.

permission is granted pursuant to this Application, a condition is recommended requiring such details to be submitted to the LPA for approval prior to works commencing on the Clitterhouse Farm Buildings.

## **8.15 Highways, transport impacts and parking**

### Pedestrian and Cycling Access

- 8.15.1 Chapter 10 of the London Plan (2021) provides strategic policies on transport. Policy T1 expresses the Mayor's target of achieving 80% of all trips in London to be made by foot, cycle or public transport by 2041; and the need to make the most effective use of land, reflecting its connectivity and accessibility, including walking and cycling routes, and ensuring any impacts on the transport networks and supporting infrastructure are mitigated. Policy T2 reflects the Mayor's Healthy Streets agenda and expects development proposals to demonstrate improvements to support the ten healthy streets indicators, reduce dominance of vehicles on the highway network and be permeable by foot and bicycle through connections into the local pedestrian and cycling network, as well as the public transport network. Policy T4 of the London Plan states that mitigation, including through direct provision, will be required to address any adverse transport impacts; and impacts on the capacity of road networks including walking and cycling (as well as associated impacts on public health) should be taken into account. Policy T5 of the London Plan states that development should help remove barriers to cycling and create a healthy environment in which people choose to cycle.
- 8.15.2 Policy CS9 of the Core Strategy DPD states that the Council seeks to make cycling and walking more attractive for leisure, health and short trips; and Policy DM17(f) of the Development Management Policies DPD states development will be required to improve cycle and pedestrian facilities by providing on-site facilities and/or funding improvements off-site. Emerging Policy TRC01 of the Draft Barnet Local Plan places more emphasis on sustainable and active travel modes, by ensuring development proposals address the needs of cyclists and pedestrians.
- 8.15.3 The Applicant's approach to the proposed development at Clitterhouse Playing Fields is to deliver a sustainable development promoting active travel modes and a reduced reliance on car use. As a means to achieve this, the proposal would create new pedestrian and cycling pathways through the Site that connect into the wider network via the existing and proposed accesses into/out of the Site – at Prayle Grove, Amber Grove, A41 Hendon Way, Purbeck Drive and three entry/exit points off Claremont Road.
- 8.15.4 The proposed network of pathways has been devised on a hierarchical basis and to allow access throughout the Site for both pedestrians and cyclists, as well as people with reduced mobility (achieving a gradient of less than 1:21 on all primary and secondary pathways). This network would consist of a 5-metre-wide primary route through the north-south spine of the playing fields (connecting Purbeck Drive to Claremont Road) that would allow for segregated pedestrian and cycling flows (red pathway in Figure 9 below). Secondary pathways (blue) would connect to the

accesses off Claremont Road to the west and southwest of the Site, Prayle Grove and the A41 Hendon Way and circumnavigate the four all-weather pitches in the southern part of the Site. These pathways would be 3.5 metres wide allowing shared surface for pedestrian and cycling traffic. Throughout the northern part of the Site and as smaller connectors to the secondary pathways in the southern portion of the Site, a network of 2-metre-wide pedestrian only tertiary pathways (green) would be provided. Compared to the existing Site, which consists of a partial perimeter pathway, the proposed development would result in improvements to the permeability and legibility of the Site.



**Figure 8:** Proposed pathway network through the Site (Landscape Design Statement, April 2023)

8.15.5 Beyond the Site boundary, these routes would promote connection to existing neighbouring communities (including the education communities at Whitefield Secondary School, Mapledown School and Claremont Primary School) as well as the wider network of pedestrian and cycling routes leading to key destinations created as part of the wider BXC development (i.e., to the new town centre, Brent Cross West train station and nearby Claremont Park). These proposals have been submitted as a drop-in application and, with the intention of delivering a component of the consented BXC scheme, it is appropriate for the LPA to give consideration to the relevant Pedestrian and Cycling Strategies previously approved pursuant to Condition 2.8 of the S73 Permission. This is important in also addressing the comments of the Council's Operations Manager for Brent Cross (Transport) who

noted the need for safe and appropriate pedestrian and cycling access to be provided to the Site across Claremont Road from the proposed temporary car parking locations to the north within the forthcoming Brent Cross town.

- 8.15.6 Clitterhouse Playing Fields Improvements (Part 1) falls within Phase 1B (South) of the BXC development, whilst Clitterhouse Playing Fields Improvements (Part 2) is within Phase 3A. The approved Phase 1 (South) Pedestrian and Cycle Strategy<sup>27</sup> (incorporating proposals within Phase 1B (South)) identifies highway infrastructure to be delivered within the relevant sub-phases of Phase 1 (South) which includes creation of a new junction on Claremont Road connecting into the new highway referred to as 'Claremont Park Road (Part 1)' that runs east-west parallel to Plots 11, 12, 13, 14 and 15, and includes a connection to Claremont Avenue which runs north-south adjacent to the eastern edge of Plot 11. This includes the provision of a pedestrian crossing on a raised table over Claremont Road for purposes of facilitating access to Clitterhouse Playing Fields, recognising it as a key destination and desire line position. By virtue of subsequent non-material amendments to retain Claremont Road along its current alignment (LPA application ref. 18/6469/NMA), a new condition was inserted into the S73 Permission which secures the delivery of this pedestrian crossing prior to the practical completion of Clitterhouse Playing Fields Improvements (Part 1) – Condition 20.35. Recognising the importance of ensuring safe and improved pedestrian linkage to the north of the Site and to enable access to the suggested town centre car parking (discussed subsequently in this report), the LPA consider it appropriate to replicate the control imposed by Condition 20.35 of the S73 Permission with the necessary adjustments to reflect the phasing of the scheme proposed by this Application should in the event of planning permission being granted. Such a condition should ensure this pedestrian crossing is constructed and safe for use prior to the first occupation of Part 1 of the proposed development. Works to deliver this pedestrian crossing would also require approval under Section 278 of the Highways Act 1980 (as amended). The Applicant should be reminded of this requirement by an informative being attached to any planning permission granted.
- 8.15.7 In the event that planning permission is granted (and implemented) for this Application, it is considered that the Applicant has appropriately addressed pedestrian and cycle connectivity for the Clitterhouse Playing Fields as a whole as part of this Application, including the trips that would be generated by Clitterhouse Playing Fields Improvements (Part 2) (noting that the Clitterhouse Stream Nature Park item of Critical Infrastructure would not generate any additional trips on the network).
- 8.15.8 In terms of connectivity to the wider pedestrian and cycle network, an Area Wide Walking and Cycling Strategy ('AWWCS') for the BXC development has previously been approved by the LPA pursuant to Condition 1.20 of the S73 Permission. This makes a number of recommendations including those to integrate the BXC development into the existing network. Proximal to the Application Site, some of those recommendations include route improvements within the neighbouring Golders Green Estate such as the installation of directional signage, improved road markings and installation of CCTV at the entrances to Clitterhouse Playing Fields. The delivery

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<sup>27</sup> Approved in May 2019 under LPA application ref. 18/6296/CON.

of those improvements continues to be subject to discussion with the Applicant in respect of their timing and funding. However, as set out in section 8.8 of this report, the installation of CCTV at the entrances to Clitterhouse Playing Fields is proposed by this Application with the necessary details to be subject of a planning condition if permission is granted.

- 8.15.9 In accordance with the Mayor's Healthy Streets approach, the Applicant has conducted an Active Travel Zone assessment as part of the submitted Transport Assessment (Steer, June 2023) containing a review of existing pedestrian and cycle routes between the Site and key destinations, including routes to Cricklewood Station, Brent Cross London Underground station, Hendon Way/Pennine Drive bus stops, and Claremont Road bus stops (north and south). Of the route improvements identified as a result of that assessment, it is noted that most relate to ATZ Route 1 (Brent Cross London Underground station) and that this Application proposes enhancements to part of that route including improvements to the A41/Ridge Hill subway which provides access to the southeast part of the Site. In their response to this Application, TfL have requested that the details of those improvements be agreed with TfL (including funding arrangements). It is appropriate to impose an appropriate condition on any planning permission granted requiring the submission and approval of such details.
- 8.15.10 In respect of pedestrian and cycling accessibility, it is considered that the proposed development accords with the expectations of the abovementioned development plan policies through the provision of a suitable pedestrian and cycling connectivity through the Site, and connections beyond into the wider network. This is likely to make the prospect of journeys by walking and cycling more attractive to visitors to Clitterhouse Playing Fields, particularly through the increased permeability and legibility of the Site and through creating links between existing communities and key (existing and future) destinations. In combination with the pedestrian and cycling improvements to be delivered as part of the wider BXC development as secured by the S73 Permission, the proposed development is considered to be in compliance with Policies T1, T2, T4 and T5 of the London Plan (2021), Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

#### Transport Connectivity, Capacity and Safety

- 8.15.11 Policy T3 of the London Plan (2021) relates to the provision of public transport connections and ensuring a sufficient active transports system to accommodate development. Policy T4 (E) of the London Plan (2021) states that the cumulative impacts of development on public transport and the road network capacity, including walking and cycling, should be taken into account and mitigated. Policy CS9 of the Core Strategy DPD sets out the Council's priorities in providing safe, effective and efficient travel by ensuring traffic flows more smoothly, improving the bus network, supporting the use of electric cars and through making cycling and walking more attractive for leisure, health and short trips. More specifically, Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.



- 8.15.12 The Site itself is currently accessible to pedestrians and cyclists only, with one existing vehicular access point at the farm entrance controlled by a gate. The existing access points are positioned around Clitterhouse Playing Fields, including via Prayle Grove, Amber Grove, the subway beneath the A41 Hendon Way, Purbeck Drive and two accesses off Claremont Road (one to the southwest and a second to the north of the Site). The proposed development includes improvements to all of these access points in addition to the creation of a new vehicular access off Claremont Road, just to the north of Swannell Way, to the proposed car park. Via Claremont Road and then Tilling Road, the Site is proximal to the Strategic Road Network with the A406 North Circular approximately 1km travelling distance to the north (part of Transport for London's Road Network), which in turn provides access to the motorway network (M1) at the Staples Corner junction. The Site is also adjacent to the A41 Hendon Way with vehicular access provided via the Golders Green Estate to the south and Tilling Road to the north.
- 8.15.13 There are a number of existing bus services that operate in close proximity to the Site with bus stops along Claremont Road, the A41 Hendon Way, Pennine Drive, and Tilling Road (with the bus station at Brent Cross Shopping Centre to the north offering access to further bus services). In terms of rail, the Site is located approximately 1km to the north of Cricklewood Station, which offers Thameslink services between Luton/St Albans to Sutton, Gatwick airport and Brighton (via St Pancras); and will be approximately 500 metres to the east of the new Brent Cross West station which is due to open in Autumn 2023. Via the subway beneath Hendon Way, the Site is also located a 10-minute walk from Brent Cross London Underground station which is on the Edgware branch of the Northern Line. Overall, the Site is generally well-connected to London's public and active transport systems but has a current PTAL (Public Transport Accessibility Level) rating of between 1 to 3 (0 being the least accessible and 6b being the best).
- 8.15.14 In terms of trip generation and capacity of the local transport network, the proposed development is anticipated to create a worst-case total of 504 visitor trips (252 in, 252 out) during the Saturday 2-hour overlap peak period, and 436 visitor trips (218 in, 218 out) during the weekday evening 2-hour overlap peak period from all modes of transport (including active travel modes). These peak periods have been defined based on a visitor survey and demand profile of arrivals and departures at comparative sites – namely West Hendon Playing Fields and Rock Lane Sports Centre in Barnes, southwest London – and attempt to mirror a two-hour overlap period accommodating the commencement of one activity in the first hour and then the departure of the initial visitors along with the arrival of other visitors commencing activities in the second hour. The peak hour periods for a development of this nature are therefore considered to be 15:30-16:30 on a weekday and 08:30-09:30 on Saturdays. This is considered to be a sensible approach in the context of the proposed development, one which has also been accepted by the Council's Transport Officer.
- 8.15.15 Based on a mode share of 29% of all trips undertaken by a vehicle, the Applicant suggests the Site would therefore generate 83 vehicle trips (41.5 in, 41.5 out) during the weekday peak hour (15:30-16:30) and 87 vehicle trips (43.5 in, 43.5 out) during

the Saturday peak hour (08:30-09:30). Whilst outside the traditional highway peak hour periods (which are 08:00-09:00 and 17:00-18:00 on weekdays, and 14:00-15:00 on Saturdays), it is noted that these trips would equate to less than two movements per minute on the local highway network. The resultant impact on capacity of the local highway network from private vehicular trips is therefore considered to be negligible.

- 8.15.16 For public transport, the Applicant anticipates that the proposed development would generate 119 trips (59.5 in, 59.5 out) in the weekday peak hour, and 126 (63 in, 63 out) during the Saturday peak hour with the majority of those trips undertaken by bus (21% mode share) with rail (15% mode share) and the London underground (5% mode share) following behind as preferable modes of transport. Assuming those trips are undertaken on services operating on the five nearest bus stops, this additional demand would equate to 2 extra passengers per bus in that peak period. This is considered to be a negligible impact on local bus service capacity. Similarly, in respect of rail and London underground additional patronage, the Applicant states that this additional demand would generate 5 additional passengers per train on services operating out of both Cricklewood and the new Brent Cross West stations, and 1 additional passenger on the London underground network during those peak hours. These are also considered to be negligible changes on the capacity of those public transport systems.
- 8.15.17 The proposed development includes the upgrading of two former vehicular access points off Claremont Road: (1) to the southwest of the Site to provide access to the proposed Maintenance Storage Facility, (2) at the western point of the Site to provide access to the proposed car park; plus the creation of a new vehicular access also off Claremont Road at the northern extent of the Site for the purposes of facilitating emergency vehicle access only. The configuration of these vehicular accesses is illustrated in the swept path analyses plans appended to the submitted Transport Assessment (June 2023), which demonstrate that the vehicles required to access the Site regularly (i.e., cars, and 7.5 tonne box vans) are able to safely ingress and egress without impeding traffic flows on Claremont Road. It is noted that larger vehicles (i.e., rigid vehicles, articulated vehicles and London Fire Brigade pumping appliances) would only be required to access the Site on an infrequent basis (including larger events envisaged once or twice a year) and would be managed accordingly with a banksman and appropriate traffic management measures. These swept path plans have been reviewed by the Council's Transport Officer who is content with the extent of the indicated access points and their ability to accommodate vehicles attending the Site regularly. The Council's Transport Officer has requested a detailed application for works to the public highway necessary to upgrade/create the proposed vehicular access junctions (including sight lines) be submitted to the Local Highway Authority for approval. Any works to the adopted public highway would nonetheless require the Local Highway Authority's agreement pursuant to Section 278 of the Highways Act 1980 (as amended). Therefore, rather than duplicating existing legislative controls via planning conditions, any planning permission granted for this Application should include an Informative reminding the Applicant of the obligation under the Highways Act 1980 (as amended).

- 8.15.18 The proposed development also includes the creation of a coach drop-off/pick-up layby off the southbound carriageway of Claremont Road in a position to the northwest of the Site. This is intended to facilitate two coaches or five minibuses at any one time, for the purposes of picking up and dropping off only (no parking). The Applicant has also clarified that the proposed car park also provides space for private vehicles to drop-off/pick-up passengers with sports equipment. Whilst the construction works required to create this layby would also require the Local Highway Authority's agreement pursuant to Section 278 of the Highways Act 1980 (as amended) – and can be referenced in the aforementioned Informative – the LPA consider the timing of delivery of this facility important to ensure the proposed development does not cause any unauthorised parking or stopping/waiting on the local highway network from those who may wish to drop-off or pick-up visitors to/from Clitterhouse Playing Fields. It is considered likely that the desire to drop-off/pick-up visitors, or for groups of visitor to attend the Site, would arise mainly in connection with the proposed all-weather pitches and those who may attend the Site with sports equipment. Therefore, for the purposes of ensuring highway safety, it is recommended that any planning permission include a condition requiring the proposed coach drop-off/pick-up facility and car park be practically completed and available for public use prior to the first use of any all-weather sports pitch.
- 8.15.19 On review of the assessment carried out by the Applicant, which has been considered by both the Council's Transport Officer and TfL, it is considered that the proposed development would not cause any adverse effects on the operation and capacity of the local highway network in respect of vehicular traffic, local bus services, rail, or the London underground. The Applicant has also demonstrated that the proposed new vehicular access points and coach drop-off/pick-up layby to be created on Claremont Road are capable of operating safely in view of the type and volume of traffic anticipated to use them. Such works will require further approval of the Local Highway Authority under Section 278 of the Highways Act 1980 (as amended). Therefore, subject to the abovementioned condition(s) the proposed development is considered to be in compliance with London Plan Policies T3 and T4, Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

#### Servicing, Delivery and Emergency Vehicles

- 8.15.20 The Applicant states that the proposed development would generate a need for regular servicing and delivery trips predominantly in connection with the proposed Pavilion and associated café. These trips would be undertaken by 7.5 tonne box van vehicles accessing the Site via the proposed new Claremont Road (west) junction which would also facilitate access to the proposed car park. Once within the Site, the Applicant states that delivered items would then be wheeled to the proposed Pavilion's back of house entrance. Maintenance of the proposed sports pitches, and wider Site, would be undertaken using the equipment stored on Site at the proposed Maintenance Storage Facility, therefore, any trips associated with this would remain internal to the Site.
- 8.15.21 With regard to waste, the Applicant has utilised the Westminster City Council guidance (in the absence of any Barnet standards) to calculate expected volumes of commercial waste to be generated by the proposed Pavilion. As set out below, this

equates to the need for four commercial bins, which would be stored at the Pavilion’s back-of-house area adjacent to the northwest elevation of the building:

Waste type	Storage method	Volume (L)	193m <sup>2</sup> Pavilion		
			Volume generated (L)	Compaction level	# of bins
Residual	Eurobin	660	232	1	1
Cardboard	Eurobin	660	386	1	1
Food waste	wheeled bin	240	77	1	1
Other dry recyclables	wheeled bin	240	77	1	1

**Figure 13:** Proposed waste generation of the proposed Pavilion building (Transport Assessment, June 2023)

- 8.15.22 In addition, refuse containers would be positioned at 16 locations throughout the Site, each container housing two 50 litre general waste bins and one 50 litre bin for recyclables. This waste would be collected by electric vehicle and stored at the proposed Pavilion building (to be delivered in Part 2 Phase 1) until completion of the proposed Maintenance Storage Facility in Part 2 Phase 2 of the proposed development. The Applicant has not, however, identified waste collection and disposal arrangements for Part 1 of the proposed development (i.e., prior to the completion of the proposed Pavilion building). This is a matter that can be dealt with by planning condition. Therefore, prior to the commencement of any Part or Phase of any Part of the proposed development, it is recommended that any planning permission be subject to a condition(s) requiring the submission and approval of a Site Waste Management Plan covering aspects pertaining to both the construction and operation of the relevant Part or Phase of any Part of the proposed development. These Site Waste Management Plans should align with the principles established by the wider BXC development, as set out in the approved site-wide Demolition and Site Waste Management Plan (LPA ref. 19/5700/CON), including meeting or exceeding targets set out in that document.
- 8.15.23 The Applicant has set out how emergency service vehicles would access the Site in the event that a need arises. The principal emergency vehicle access points would be off the proposed, improved vehicle access points to the west and southwest of the Site (off Claremont Road); with a secondary emergency entrance via the proposed new vehicular access off Claremont Road to the north of the Site. All primary pathways within the Site would be capable of accommodating emergency vehicles to allow circulation throughout Clitterhouse Playing Fields.
- 8.15.24 Policy T7 of the London Plan (2021) relates to deliveries, servicing and construction and states that development proposals should facilitate safe, clean and efficient deliveries and servicing by ensuring adequate space being made available off-street; with Construction Logistics Plans and Delivery and Service Plans being required to reflect TfL guidance relative to the scale and complexities of development. Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD require development to adopt appropriate measures and to minimise road-based freight movements through the use of Delivery and Servicing Plans. On

the basis of the information presented in this Application and given that the scheme is proposed to be delivered in a phased manner (with servicing and delivering needs changing as the scheme progresses toward completion), it is recommended that any planning permission be subject to a condition requiring the submission and approval of a Delivery and Servicing Plan to outline the servicing needs of the proposed development in greater detail (including that pertaining to Part 1 of the development). It is noted that TfL have also recommended the inclusion of such a condition. Therefore, subject to such condition(s), the proposed development is considered to be in compliance with the abovementioned development plan policies.

#### Construction Traffic

- 8.15.25 Policy T4 of the London Plan sets out the expectation for development proposals to be accompanied by Construction Logistics Plans that have regard to the relevant TfL guidance in reducing the impact of construction activities on the road network. Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD similarly seek to minimise and control road-based freight movements associated with the BXC regeneration scheme through (inter alia) Construction Management Plans.
- 8.15.26 The Applicant notes that the proposed improvements to Clitterhouse Playing Fields seeks to deliver a comparable scale of development to that envisaged by the BXC S73 Permission, including a similar volume of anticipated construction traffic, including HGVs. The Environmental Statement assessment for the entire BXC development concluded that construction traffic flows during the morning and afternoon peak hours would increase by 2.61% on the local highway network, the impact of which was considered 'not significant'. Mitigation secured by the S73 Permission to manage the impact of construction traffic associated with the BXC development includes the requirement for Construction Transport Management Plans, Construction Environmental Management Plans, a Construction Code of Practice and Construction Worker Travel Plans. The Applicant also states that by comparison to the scheme previously consented for Clitterhouse Playing Fields Improvements (Part 1) (RMA 15/00769/RMA), the proposed development has sought to rationalise the earthworks required including taking opportunities to reuse excavated materials where possible, thereby minimising construction trips to remove soils from the Site.
- 8.15.27 It is recognised that the proposed development seeks to deliver a scheme of a similar scale and nature as an alternative to that already consented by the S73 Permission, including delivery in a phased manner (with three phases identified within the Application) similar to the development authorised by the S73 Permission, which envisaged the development of Clitterhouse Playing Fields Improvements (Part 1) in Phase 1B (South) and then Clitterhouse Playing Fields Improvements (Part 2) in Phase 3A. As such, construction traffic impacts would similarly be commensurate with the extent of development within each Part or Phase of any Part of the proposed development.
- 8.15.28 The submitted Transport Assessment and Supplementary Environmental Statement do not provide full detail on the proposed volumes, types of construction traffic or

routes to/from the Site for the scheme proposed by this drop-in application. In light of this, the LPA will require further information to be submitted in respect of construction traffic to ensure any impacts are appropriately managed in line with the aforementioned development plan policy expectations and relevant guidance. Therefore, it is recommended that any planning permission be subject to similar controls imposed by the S73 Permission, including conditions requiring the submission, approval and implementation of both a Construction Transport Management Plan (CTMP) (incorporating a Construction Logistics Plan as recommended by TfL) and Construction Worker Travel Plan (CWTP) for either the entire Site or on a phased basis relating to each Part or Phase of any Part of the proposed development.

### Car Parking

- 8.15.29 The parking requirements relative to the proposed development are set out in Policies T6 and T6.5 of the London Plan (2021), which relate to car parking generally and non-residential disabled persons parking, respectively. Both policy DM17 of the Development Management Policies DPD and saved Policy C8 of the UDP state the Council's expectation for non-residential development to provide parking in line with the London Plan. There are no specific standards applicable to the land use proposed by this Application in respect of general car parking provisions, which is for sports and recreational development. For non-residential disabled car parking, Policy T6.5 of the London Plan (and associated Table 10.6) states that reference should be made to the relevant Sport England guidance in respect of proposals for sports facilities. As applicable to the facilities proposed by this Application, Table 2 in Sport England's Accessible Sports Facilities Design Guidance Note (2010) suggests the need for a minimum of two accessible parking spaces to be provided for clubhouses/pavilions, full-sized synthetic pitches and MUGAs (equating to six in total for the scheme in question); as well as the need for a setting-down point adjacent to the entrance.
- 8.15.30 As illustrated on plan numbers BXS-PK005-INF000-L-GPB-DR-90-P0040-XX Rev. P02 and BXS-PK005-INF000-L-GPB-DR-90-P032-XX Rev. P02, the proposed development seeks to only provide Blue Badge disabled car parking on-site, with 15no. spaces demarcated on an asphalt surface in the proposed car parking area to the west of the Site, which would be accessed off the improved, new vehicular access off Claremont Road (west). No additional car parking is proposed to be provided on-site. There are no defined standards for outdoor sporting facilities within the London Plan (2021). The document states: "Where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity". For context, the Site currently has a PTAL of between 1a to 3 and whilst any future uplift has not been cited, it is anticipated to improve as a result of the completion of the Brent Cross West train station, its associated transport interchange and improved pedestrian and cycling connectivity.
- 8.15.31 It is also noted that the proposed provision of 15no. disabled parking spaces also accords with the expectations of Schedule 28 to the S106 Agreement for the BXC development, which notes the need for a minimum of 15 spaces (including DDA compliant provision close to the main entrance) as part of Clitterhouse Playing Fields

Improvements (Part 1).

8.15.32 In planning policy terms this is an appropriate approach in view of delivering a sustainable development that promotes active and public transport modes over a reliance on private vehicles, which can increase the number of trips on the local highway network. It is appropriate to also give consideration to the context within which this proposed development would be situated. The proposed improvements to Clitterhouse Playing Fields would be delivered as part of the new Brent Cross Town area of the BXC development, which delivers a number of improvements to public transport connectivity (through the new Brent Cross West train station and bus network changes and enhancements) and providing opportunities to undertake shorter journeys by active travel modes through enhanced pedestrian and cycling connections. The Site would therefore be located within a short distance of future destinations and transport connections. However, as highlighted by a number of public representations in response to the LPA’s consultation on this Application (as well as the Applicant’s own pre-application engagement), it is recognised that concerns have been raised about the potential for on-street parking in the local community, particularly those visiting Clitterhouse Playing Fields with children and sports equipment.

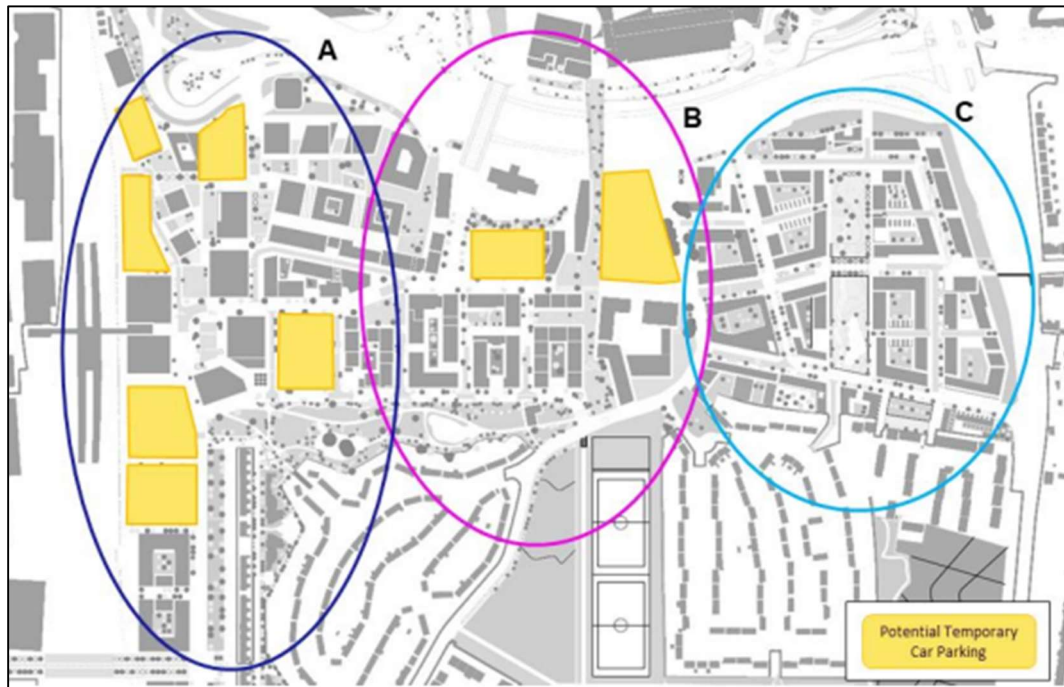
8.15.33 The Applicant has identified the anticipated car parking demand that would arise from the proposed development as part of the submitted Transport Assessment, which also outlines the Applicant’s approach to addressing that demand through the wider BXC development. Broken down by Part and Phase of the proposed development, Figure 14 sets out the anticipated demand arising from Clitterhouse Playing Fields based on peak trip generation by car. The total peak demand would be 153 spaces during the Saturday peak period and 128 spaces during the weekday evening peak period:

Phase	Saturday Peak Trip Generation (2 Hour Overlap)	Weekday Evening Trip Generation (2 Hour Overlap)	Proportion of Trip Generation	Saturday Peak Car Parking Demand	Weekday Evening Peak Car Parking Demand
Part 1	144	120	28%	43	36
Part 2 (Phase 1)	196	166	38%	58	49
Part 2 (Phase 2)	180	150	34%	52	43
<b>Total</b>	<b>520</b>	<b>436</b>	<b>100%</b>	<b>153</b>	<b>128</b>

**Figure 14:** Illustrative car parking demand by Phase of the proposed development (Steer, June 2023).

8.15.34 To address this demand, the Applicant suggests visitors to Clitterhouse Playing Fields would make use of shared non-residential car parking provided as part of the BXC development, as set out in the ‘Car Parking Management Strategy – BXC Southern Development’ (Steer, September 2022) approved pursuant to Condition 11.1 of the S73 Permission under LPA application reference 21/5711/CON. This approved strategy identifies temporary non-residential car parking catchment areas and potential temporary car parking locations providing between 150-750 parking spaces which seek to facilitate occupation of the early stages of the BXC development prior to construction of the final, permanent town centre multi-storey car parks as permitted by the S73 Permission. The catchment zone identified for Clitterhouse Playing Fields is ‘Zone B’ incorporating the main north-south connection between the playing fields and the A406 North Circular via the Living Bridge (as

illustrated below).



**Figure 15:** Indicative temporary BXC town centre car parking locations identified within the 'Car Parking Management Strategy – BXC Southern Development' (Steer, September 2022).

8.15.35 The Applicant has suggested that the walking route between these potential temporary car parking locations and the northern end of the Site would be approximately 3 minutes, with a longer walk being required to reach proposed facilities in the central and southern parts of the Site.

8.15.36 The proposed approach to off-site car parking provisions has been accepted by the Council's Transport Officer. However, it is recognised that, whilst the proposed development seeks to deliver an already consented component of the BXC development, it would nonetheless be delivered pursuant to a separate 'drop-in' planning permission subject to its own controls (if permission is granted). As such, without appropriate planning controls being imposed on that drop-in permission, there would be no obligation for the Applicant to deliver the suggested town centre car parking alongside or ahead of the development of Clitterhouse Playing Fields. Whilst the most significant demand during both the modelled weekday evening peak and Saturday peak, 2-hour overlap periods would be generated by Part 2 of the proposed development (cumulative of Part 2 Phase 1 and Part 2 Phase 2, equating to 72% of the total parking demand), it is considered reasonable to require the provision and practical completion of car parking within the town centre, including any temporary car parking, prior to the first use of each Part (or phase thereof) of the development. An appropriately worded condition is recommended at Condition 17 within Appendix A.

8.15.37 The Council's Transport Officer has also identified the need for a safe accessible pedestrian route to be provided between Zone B of the suggested town centre car parking provision and the Site, which is currently absent from the proposals within



this Application. In particular, the Transport Officer has highlighted the need for a crossing point over Claremont Road, which would also facilitate a safe route from the new Brent Cross West train station to the west of the Site. A pedestrian crossing over Claremont Road has already been consented by the LPA as part of the infrastructure works associated with Phase 1B (South) of the BXC development (under drop-in planning permission 18/6645/FUL). This pedestrian crossing is also identified to be delivered as part of the Applicants' Phase 1 (South) Pedestrian and Cycle Strategy as approved under application ref. 18/6296/CON. The pedestrian crossing is illustrated as being delivered on a raised table alongside a new road junction between the existing Claremont Road, the recently completed Claremont Park Road (Part 1) and future Claremont Avenue parallel to Plot 11 of the scheme. The S73 Permission also includes a delivery trigger at Condition 20.35<sup>28</sup> requiring the 'Clitterhouse Avenue/Clitterhouse Playing Fields pedestrian crossing' to be in operation upon practical completion of Clitterhouse Playing Fields Improvements (Part 1). Therefore, the LPA are content that an appropriate planning control already exists that obliges the Applicant to deliver a pedestrian crossing on Claremont Road, subject to the necessary consequential amendments to Condition 20.35 to make reference to Part 1 of the development proposed by this Application (and not that currently defined by the S73 Permission).

- 8.15.38 Construction of the Claremont Road/Claremont Park Road (Part 1)/Claremont Avenue junction is dictated by delivery of other components of the BXC development, including Plot 11 and removal of The Exploratory (Clarefield Park Replacement Temporary Open Space). The Applicant has suggested that the programme for the delivery of this junction may not align with delivery of proposed improvement works to Clitterhouse Playing Fields. However, the Applicant has committed to providing the pedestrian crossing on Claremont Road in its final position in advance of the remainder of the junction works and prior to completion of Part 1 of the proposed development in line with the aforementioned (amended) trigger set out in Condition 20.35 of the S73 Permission. Such works would also be subject to a S278 Agreement with the Local Highway Authority.
- 8.15.39 In respect of further on-street car parking controls, it should be noted that Schedule 3 to the BXC S106 Agreement associated with the S73 Permission contains obligations for the Developer to fund the Council's preparation and implementation of Controlled Parking Zones (CPZs) to mitigate the BXC development. Delivery of CPZs including their exact geographical extent, design, operation, enforcement and pricing regime is ultimately the responsibility of the Council (Local Highway Authority). An Experimental Traffic Order which imposes traffic and parking restrictions in the same way as a CPZ, has already been implemented to the west of the Site at Clitterhouse Crescent and Brent Terrace (south) which came into force on 20th March 2023 and will remain in place until 19th September 2024. The Council will be carrying out parking surveys before and after opening the Brent Cross West Station to assess if parking controls are necessary which will be consulted with residents. The Council will also consider CPZ controls in the Golders Green Estate area and other streets around Clitterhouse Playing Fields as necessary to control visitor parking impact. Whilst the Applicant does not have any control over the implementation of

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<sup>28</sup> As inserted by Section 96A application 18/6469/NMA approved by the LPA on 5<sup>th</sup> April 2019.

any CPZ, the combination of proposed off-site car parking and the Council's ability to introduce parking controls, will help to mitigate the impact of on-street parking as a result of the proposed development.

- 8.15.40 As a means to minimising the number of trips made by car (and any consequential unauthorised on-street car parking), it is also important for the Applicant's predicted travel patterns, mode share assumptions and travel management measures to be monitored (and adapted if necessary) to ensure their effectiveness in mitigating any adverse impacts or highway safety issues arising from the proposed development. Therefore, in line with the expectations of the relevant development plan policies (Policy T4 of the London Plan, Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD) and on the advice of both TfL and the Council's Transport Officer, any planning permission should be subject to a condition requiring the submission, approval, implementation and review of a Travel Plan for the first five years following completion of the proposed development.

#### Cycle Parking

- 8.15.41 Policy T5 of the London Plan (2021) requires developments to provide long and short stay cycle parking in accordance with the minimum standards set out in Table 10.2 and laid out in accordance with the London Cycle Design Standards. Compliance with the London Plan standards is echoed in the emerging Policy TRC03 of the Draft Barnet Local Plan. Policy DM17 of the Development Management Policies DPD states that development will be required to improve cycle (and pedestrian) facilities in the local catchment area by providing facilities on-site and/or funding off-site improvements. There are no cycle parking standards applicable to the land use proposed by this Application. Part A of Policy T5 of the London Plan otherwise emphasises the need to secure provision of appropriate levels of cycle parking that is fit for purpose, secure and well-located. There is also an expectation that facilities be provided for disabled cyclists and those with other non-standard cycles (paragraph 10.5.5 of the London Plan). In respect of the S73 Permission for the BXC development, Schedule 28 to the BXC S106 Agreement specifies the need for a minimum of 30no. cycle stands to be provided in total, with secure cycle parking at a number of key locations including the café and at entrances.
- 8.15.42 The proposed development includes the provision of a total of 76no. Sheffield stands (152 short-stay spaces) throughout the Site, which are positioned in locations with the expected highest levels of footfall. The stands are grouped at the following locations: either side of the northern entrance off Claremont Road (two sets of 7no. stands), the western entrance off Claremont Road as part of the proposed accessible car park (7no. stands), near to the southwest entrance off Claremont Road and proximal to the Clitterhouse Farm Buildings (two sets of 7no. stands), at the Purbeck Drive entrance (7no. stands), proximal to the proposed Pavilion building (two sets of 7no. stands), and 10no. stands adjacent to each pair of artificial sports pitches. The Applicant states that larger and/or adapted cycles are capable of being secured at the end of each set of stands.
- 8.15.43 In the absence of a minimum applicable London Plan standard, the quantum of short-stay cycle has been calculated following a review of precedent park and recreational

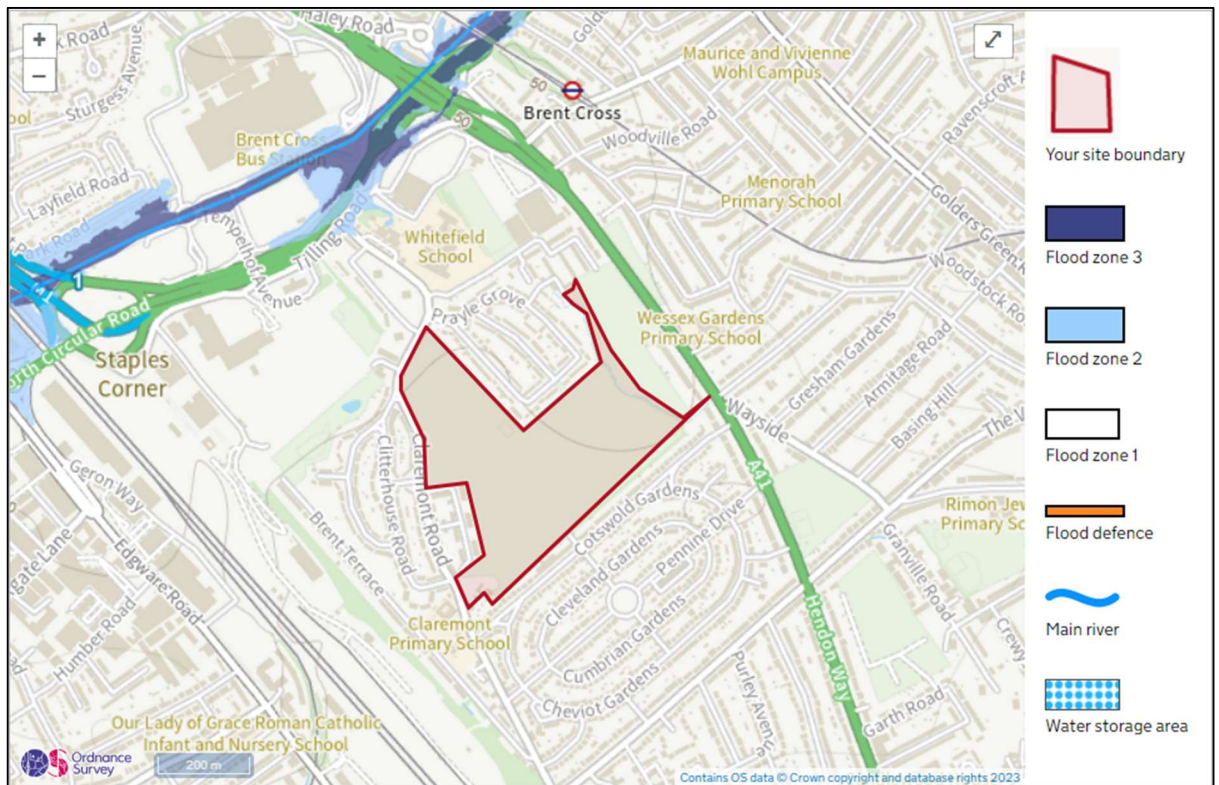
sites elsewhere in London. The Applicant's review of five such sites (as listed in Table 4.2 of the submitted Transport Assessment) indicates an average provision of 28no. cycle parking spaces. However, in recognition of the sustainability ambitions of the proposed development to promote active travel modes, a further precedent site was considered – Gunnersbury Park. The redevelopment of this site seeks to similarly deliver sports facilities across a site of comparable scale (22ha) to Clitterhouse Playing Fields. This site is scheduled to deliver 149no. short-stay cycle parking spaces. The proposed provision of 152no. cycle parking spaces is noted as accommodating the expected modal split during the peak periods of use of the proposed facilities.

- 8.15.44 In respect of long-stay cycle parking spaces and the floorspace to be provided as part of the proposed development, Policy T5 of the London Plan states the need for a minimum of 1 space per 175m<sup>2</sup> of gross external area (GEA) to be provided for the former A2-A5 Use Classes, including A3 (restaurants and cafes). Although such a use would now fall under the E(b) Use Class, the proposed Pavilion (193m<sup>2</sup>) includes the provision of a café for the sale of food and drink for consumption (mostly) on the premises, which would occupy 193.8m<sup>2</sup> (net internal area) of the total 725.6m<sup>2</sup> (GEA) of floorspace to be created within that building. The policy expectation is, therefore, for 2no. long-stay spaces to be provided alongside the proposed café use. For the proposed Maintenance Storage Facility (resulting in the provision of 168m<sup>2</sup> of new floorspace which is considered to fall under the B8 Use Class based on the LPA's understanding of its intended use), the policy requirement would be for the provision of 1no. long-stay cycle parking space based on 1no. space per 500m<sup>2</sup> of GEA floorspace. In respect of the latter, the Applicant states that long-stay cycle parking provision would be provided for 'staff' within the existing Clitterhouse Farm Buildings as part of the area subject to the proposed change of use to staff welfare facilities. The Applicant has not provided any further detail regarding this provision, or the provision necessary for the proposed café use. Therefore, any planning permission granted should be subject to appropriately worded planning condition(s) requiring the details of those long-stay cycle parking provisions to be submitted and approved by the LPA to ensure they are fit for purpose, secure and accessible.
- 8.15.45 Both the Council's Transport Officer and TfL have reviewed the proposed provision of cycle parking throughout the Site and, following clarification provided by the Applicant regarding the number of proposed spaces versus anticipated demand set out in the trip generation assessment and confirmation on the ability to park larger and/or adapted cycles, both are content with this aspect of the proposed development. It is also noted that the Metropolitan Police Design Out Crime Officer has acknowledged that the position of the proposed, publicly accessible cycle stands would be in areas of higher legitimate activity and natural surveillance which can assist in deterring cycle theft.
- 8.15.46 Furthermore, in view of the requirements of the S73 Permission, the Applicant has satisfied the stated minimum provision of cycle stands; however, as noted above, further details will be necessary to ensure suitable, secure long-stay cycle parking spaces are provided for staff at the café and maintenance welfare facility. As such, subject to the aforementioned conditions, the proposed development is considered

to satisfy the relevant development plan policy requirements for cycle parking.

## 8.16 Flooding and drainage

8.16.1 The Application Site is located in Flood Zone 1 (i.e., at the lowest probability of flooding) in respect of fluvial (and tidal) flood risk (Figure 16). Part of the Site in the central and southeast portions is, however, identified as being at risk of flooding from surface water (see Figure 17 below) and falls within the Childs Hill Critical Drainage Area ('CDA') which is identified as CDA\_020, in association with Clitterhouse Stream which runs through the eastern most part of the Site. Clitterhouse Stream (defined as an Ordinary Watercourse) is a tributary of the River Brent, which is the nearest main river approximately 500 metres north of the Site. An open section of Clitterhouse Stream runs in a southeast-to-northwest direction through the Site but there are various sections of the stream upstream of the site that are culverted. It is understood that the levels and flow in Clitterhouse Stream are affected by a variety of sources from the wider CDA catchment area, including overland flows and surface water run-off discharging directly or indirectly to the Stream, sewer and highway drainage connections, and by direct rainfall. Owing to its topography, surface water run-off from the southern part of the Site currently discharges in a dispersed manner to the open section of Clitterhouse Stream. The Lead Local Flood Authority (LLFA) have advised of relatively local flooding issues associated with the CDA occurring most recently in 2020 downstream of the Application Site at residential properties to the north of the Site at Amber Grove.



**Figure 96:** Extent of fluvial and tidal flood risk zones relative to the Application Site, which is in Flood Zone 1 (i.e., a low probability of flooding from main rivers and the sea) (Environment Agency, 2023).





**Figure 17:** Extent of surface water flooding affecting the Application Site with 'High' representing a greater than 3.3% annual exceedance probability (AEP), 'Medium' representing between 1% to 3.3% AEP, 'Low' representing between 0.1% to 1% AEP, and 'Very Low' less than 0.1% AEP (Environment Agency, 2023).

- 8.16.2 In respect of flood risk, Paragraph 167 of the NPPF directs that LPAs should ensure that flood risk is not increased elsewhere; and development should only be allowed in areas at risk of flooding where, in light of any site-specific Flood Risk Assessment (FRA), it can be demonstrated that: (a) within the Site, the most vulnerable development is located in areas of lowest flood risk; (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use; (c) it incorporates sustainable drainage systems; (d) any residual risk can be safely managed; and (e) safe access and escape routes are included where appropriate.
- 8.16.3 Policy SI12 of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include making space for water and aiming for development to be set back from the banks of watercourses. Policy SI13 (Sustainable drainage) of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) rainwater infiltration to ground at or close to source, (3) attenuate rainwater in ponds or open water features ('green infrastructure features'), (4) discharge rainwater direct to a watercourse, (5) controlled rainwater discharge to a surface water sewer or drain and (6) controlled rainwater discharge to a combined sewer.

- 8.16.4 Policy CS13 of the Core Strategy DPD states that the Council's aim is to minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality or drainage systems, with the expectation that development utilise Sustainable Urban Drainage Systems (SUDS) to reduce surface water run-off. Policy DM04(g) of the Development Management Policies DPD states that development should demonstrate compliance with the London Plan water hierarchy for surface water run-off, particularly in areas prone to flooding. All new development in areas at risk from flooding must demonstrate application of the sequential approach set out in the NPPF – noting this policy refers specifically to fluvial flood risk. The supporting text associated with saved Policy C4 of the UDP refers to the potential for development in the floodplain provided issues of flood risk have been addressed, including providing more flood water storage outside the floodplain – noting that none of the Application Site falls within the functional floodplain (i.e., Flood Zone 3b).
- 8.16.5 The emerging Policy ECC02A (Water Management) of the Draft Barnet Local Plan considers flood risk further stating that development should deliver a positive reduction in flood risk from all sources, on and off-site, by demonstrably giving consideration to the issue at the design and pre-application stages; and the expectation for FRAs to be undertaken for (i) site's over 1ha in Flood Zone 1, (ii) a site within Flood Zone 2 or 3, (iii) a site within 1% Annual Exceedance Probability (AEP) plus 70% climate change fluvial flood extent and/or the 0.1% AEP Risk of Flooding from Surface Water (RoSFW) flood extent, or (iv) within an identified CDA. In respect of surface water management, the policy expects all major development to incorporate SUDS and, in a CDA, to manage surface water to achieve greenfield (or lower) run-off rates.

#### Sequential Test and Exception Test

- 8.16.6 Chapter 14 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk; and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere (paragraph 159). At the plan-making stage, this is addressed through Strategic Flood Risk Assessments (SFRA) and the application of the Sequential Test. The Site falls within, and is being delivered as a part of, the BXC regeneration scheme which was first allocated in Barnet's Local Plan (the Unitary Development Plan) in 2006 following preparation of The Cricklewood, Brent Cross and West Hendon Opportunity Area Planning Development Framework in 2005. The North London SFRA carried out in 2008 identified the Cricklewood, Brent Cross and West Hendon Opportunity Area as having the potential to deliver substantial growth in housing and employment in line with the London Plan; and recognised that application of the Sequential Test at the regional level meant that alternative sites would not be available for such development without encroaching onto Green Belt or other protected areas. Within this SFRA, the Site is identified as falling within Flood Zone 1 in respect of fluvial flood risk and not identified as an area subject to potential surface water flooding.
- 8.16.7 A further SFRA was carried out for Barnet as part of the West London SFRA published in 2018 (Stage 1) and 2021 (Stage 2). This did not consider the BXC

regeneration area (nor the Site) any further as an assessed location. The SFRA did, however, adopt an updated definition for Flood Zone 3a which included fluvial, tidal as well as surface water flood extents noting that planning policy requirements in respect of flood risk considerations are the same regardless of the flood source. Based on this interpretation and modelled data, part of the Site (as illustrated above) would therefore now fall within the Flood Zone 3a (surface water), which is a matter to be assessed by the LPA and LLFA, not the Environment Agency.

- 8.16.8 In recognition of where the SFRAs for regional and local plan policy making did not account for surface water flood risk to this degree, the Applicant has submitted a technical note (Appendix B to the submitted FRA, April 2023) addressing the matter of the Sequential Test. Paragraph 027 of the PPG states that the Sequential Test should be applied to major (and non-major) developments proposed in areas at risk of flooding, but will not be required in particular circumstances including: (1) where the site has been allocated for development and subject to the test at the plan-making stage provided the proposed development is consistent with the use for which the site was allocated and *provided there have been no significant changes to the known level of flood risk to the site*; and (2) the site is in an area of low risk from all sources of flooding unless the SFRA indicates there may be a risk of flooding in the future. As explained above, given the evolution of SFRAs carried out in relation to allocated sites in Barnet, including the BXC development, and the change to flood risk classification affecting part of the site (surface water flood risk), the Applicant accepted that a Sequential Test is required to be undertaken.
- 8.16.9 The Applicant has carried out a Sequential Test for the Application which considered reasonably available alternative sites in areas at a lower risk of flooding that may be sequentially preferable to the Application Site but within the relevant parameters applicable to this case. Those parameters relate to the proposed development seeking to deliver a component of a wider, consented regeneration scheme; that the relevant area of search (as identified by adopted and emerging development plan policies) should extend to the boundaries of the BXC regeneration scheme and the Cricklewood, Brent Cross and West Hendon Opportunity Area; and recognising the obligation to provide a minimum of 18.02ha of open space as part of the comprehensive mixed-use redevelopment of BXC. Within those parameters and the area of search being confined to the aforementioned Opportunity Area boundary, the next applicable test is whether there are any other sites 'reasonably available'. The Applicant concludes that there are no reasonably available alternative sites that would satisfy the abovementioned parameters that are relevant to the proposed development. The LPA acknowledges the limitations in finding a reasonably available alternative site within the identified area of search, taking into account that the proposed development is seeking to satisfy an obligation imposed by a related outline planning permission for the comprehensive redevelopment of the BXC regeneration area. The delivery of the BXC regeneration scheme is well established in planning policy terms and as noted above, only parts of the Site are considered at risk from surface water flooding. The Site otherwise predominantly falls within an area of low flood risk. On this basis, the LPA are satisfied the Sequential Test has been passed.

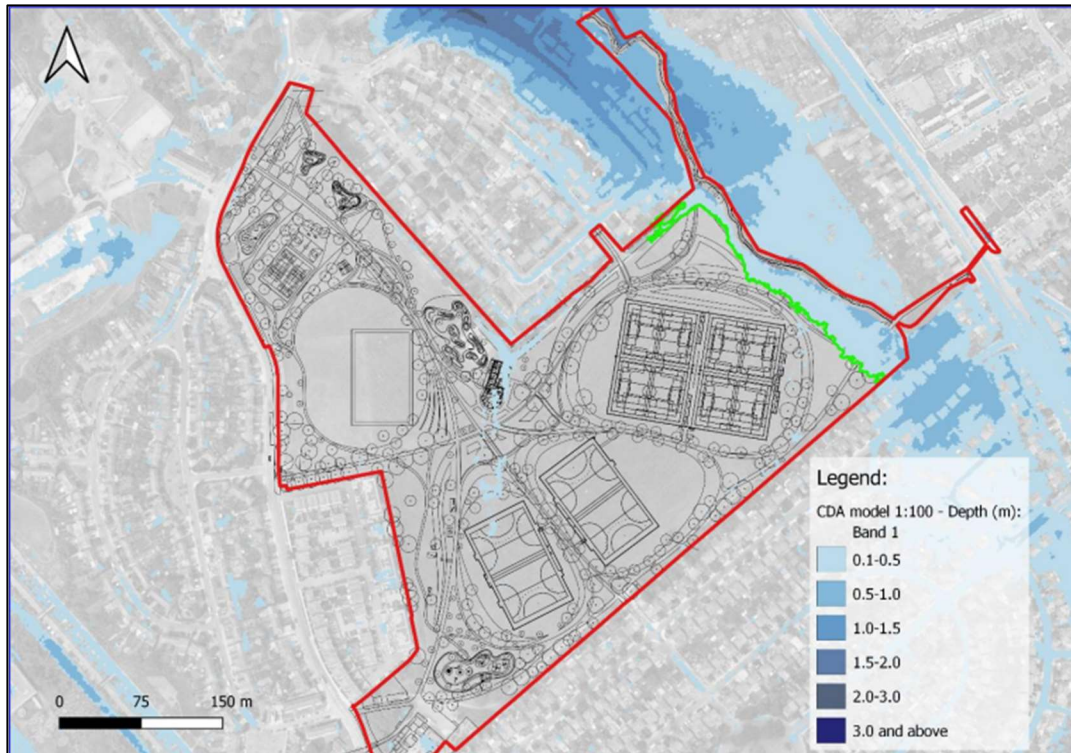
8.16.10 Where development cannot be located in areas at a lower risk of flooding, the need for an Exception Test is dependent on the potential vulnerability of the site and development proposed. Annex 3 to the NPPF provides the Flood Risk Vulnerability Classification for different development types and Table 2 in paragraph 079 of the national Planning Practice Guidance (PPG) identifies whether development of a particular Flood Risk Vulnerability Classification would be appropriate within the relevant flood zone. The proposed development is considered to fit in the description of *'Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms'* which is noted as a 'water-compatible development'. According to Table 2 of the PPG, water-compatible development in all flood zones would not require application of the Exception Test. The proposed Pavilion also contains a café, which would be considered a 'less vulnerable' use in respect of this classification. Again, an Exception Test would not be required in Flood Zones 1, 2, and 3a.

#### Surface Water Flood Risk

8.16.11 The submitted FRA (Buro Happold, April 2023) demonstrates the relationship of the proposed development to areas of the Site subject to surface water flood risk, applying the 1-in-100-year/1% AEP flood extent level (Figure 18). This demonstrates that the majority of the proposed development would be at a low risk of flooding (i.e., within Flood Zone 1 in respect of all sources of flooding); areas at risk of surface water flooding in the southeast portion of the Site coincide with proposed areas of public realm, landscape planting and pathways; and the central area subject to surface water flooding near to the proposed Pavilion is proposed to be mitigated by the augmentation of site levels through a cut and fill exercise and creation of a SUDS dry stream. It is noted that the extent of modelled flood risk expands, but remains at the same positions within the Site, for the 1-in-30-year (3.3% AEP) and 1-in-1000-year (0.1% AEP) flood events. As such, the submitted FRA (with the agreement of the LLFA), alongside the Drainage Strategy document, is focused on assessing flood risk from surface water and management of surface water run-off from the Site taking into account that it partly falls within a CDA.

8.16.12 The Applicant has set out how the proposed development has been designed to minimise and mitigate the impact of flooding. The proposed site layout would result in only public realm (i.e., pedestrian footpaths) and areas of soft landscaping being situated within the areas most susceptible to flooding in the higher flood extents; and that no land raising would take place within any area falling within the 1% AEP flood extent. Beyond this, and in discussion with the LLFA, the Applicant has acknowledged the Council's plan to potentially implement a Flood Alleviation Storage Area (FASA) within Clitterhouse Playing Fields in the future to assist in mitigating existing flooding issues associated with the wider Childs Hill CDA. This is set out in the Council's 'Child's Hill Catchment Flood Alleviation Scheme – CDA Flood Risk Report' (Capita, April 2019) which contains surface water modelling of the catchment area and considers options for potential flood alleviation, including lowering of ground levels in three public green spaces within the catchment (Clitterhouse Playing Fields, Basing Hill Park and Childs Hill Park) to increase surface water run-off retention. This scheme would seek to address and reduce the risk of flooding events as experienced in Prayle Grove, Amber Grove and Marble Drive.





**Figure 18:** Proposed development overlaid by the 1 in 100-year surface water flood extent relating to depth of flood (1% AEP) (Buro Happold, April 2023).

8.16.13 Whilst the LLFA will need to undertake further work to identify and deliver their preferred mitigation option, the Applicant has adapted the proposed development within the Application by adjusting the position of the 3G all-weather pitches and pathways to safeguard passive provision within the Site to accommodate any future FASAs within Clitterhouse Playing Fields that will come forward as part of the Council's Child's Hill Catchment Flood Alleviation Scheme. The potential location for any FASA is illustrated on plan no. BXS-PK005-INF000-L-GPB-DR-90-P024-XX (Rev. P02). This amendment is supported and welcomed by the LLFA and has the potential to benefit properties in Prayle Grove, Amber Grove and Marble Drive worst affected by flooding from the Silk Stream.

8.16.14 In order to demonstrate that the proposed development would not exacerbate any existing flooding risk within the Site, or elsewhere off-site (including downstream of Clitterhouse Stream), the submitted Drainage Strategy (Buro Happold, April 2023) sets out how the proposed development would achieve surface water run-off discharge no greater than the Site's existing greenfield run-off rates. Based on the topography of the Site, the Applicant has identified two catchment areas within the Site which drain in different directions – the Northern Catchment (the smaller of the two) toward Claremont Road; and the Southern Catchment (the larger of the two) discharging into Clitterhouse Stream. The Applicant has excluded land immediately adjacent to Clitterhouse Stream and areas of the public highway on Claremont Road within the redline boundary which will continue to drain in a similar way to the existing condition (either into Clitterhouse Stream or into the existing surface water drainage system). The Northern Catchment area is proposed to include detention basins within

the landscape (achieved through a cut and fill exercise), raingardens and a below ground attenuation storage tank (including vortex flow control devices) with the outfall from this system connecting into the existing surface water sewer network in Claremont Road.

- 8.16.15 The Southern Catchment would incorporate swale features, a SUDS dry stream that would act as a surface water storage and conveyance facility (with check-dams, erosion controls and piped connections where the dry stream is separated by the proposed pathway network), detention basins and raingardens. The focused discharge point into the Clitterhouse Stream would be limited using vortex flow control devices to the agreed discharge rate. Following discussion with the LLFA, the Applicant has incorporated additional detention basins into the proposed development (between the 3G all-weather pitches and Clitterhouse Stream) to further limit the surface water discharge rate from the Southern Catchment area within the Site into Clitterhouse Stream.
- 8.16.16 The four all-weather pitches would be constructed with their own drainage systems (to be subject to the sports pitch designers requirements) discharging to either the SUDS dry stream or other nearby detention basins via piped connections with silt traps. The proposed car park would drain into an adjacent raingarden via swales and a petrol oil interceptor and the yard area associated with the proposed Maintenance Storage Facility would discharge via connection to the foul water drainage system via petrol oil interceptors. The remainder of the Site would contain a series of French drains, particularly associated with the proposed areas subject to site level changes, to capture surface water run-off and discharge to the abovementioned dry stream or basin SUDS features.
- 8.16.17 To satisfy relevant development plan policy requirements in respect of achieving (or a betterment to) greenfield run-off rates, the Applicant has had extensive and iterative engagement with the LLFA at the pre-application stage as well as during the LPA's consideration of this Application. The submitted Drainage Strategy (Buro Happold, April 2023) sets out the greenfield run-off rates for the Site relating to relevant storm events, which have been calculated as follows based on an accepted model output<sup>29</sup>:

Event	Rate per ha (l/s/ha)	Total red line boundary [18.15 ha] (l/s)	Northern Drainage System Catchment [2.71 ha] (l/s)	Southern Drainage System Catchment [13.83 ha] (l/s)
Q <sub>BAR</sub>	4.50	81.6	12.2	62.2
1:1 year	3.82	69.4	10.4	52.9
1:30 year	10.34	187.8	28.0	143.1
1:100 year	14.35	260.4	38.9	198.5

**Figure 19:** Table 6-5 of the submitted Drainage Strategy identifying modelled greenfield run-off rates for the Site (Buro Happold, April 2023).

- 8.16.18 The existing surface water run-off rates for the Site based on predicted peak rainfall intensity is estimated as follows:

<sup>29</sup> Greenfield run-off rates have been calculated using the uksuds.com online tool.

Event	Approx. peak rainfall intensity for imp. areas [FEH13, 60mins storm from MD, FSR for 1:1yr intensity] (mm/hr)	Northern Drainage System Catchment (l/s)	Southern Drainage System Catchment (l/s)	Total (l/s)
1:1 year	21	12.0	77.4	89.4
1:30 year	93	35.4	254.2	289.6
1:100 year	125	48.8	347.5	396.3

**Figure 20:** Table 6-6 of the submitted Drainage Strategy estimating existing run-off rates for the Site (Buro Happold, April 2023).

- 8.16.19 Based on the configuration and quantum of impermeable surfaces including roof area, hardstanding, and artificial playing surfaces as well as permeable soft landscaped areas proposed by the Application, the Applicant has designed the site's drainage system to achieve a betterment over the existing discharge rates by restricting the discharge rates for the Site to lower rates. For the Northern Catchment it is proposed to limit the discharge rate to the greenfield run-off rates for the 1 in 1 year and 1 in 100 year rainfall events, mimicking the existing greenfield condition for peak discharge rate. In respect of the Southern Catchment, because the Site lies within a CDA the LLFA have requested that the Applicant adopt a conservative approach to the design calculations at the planning application stage by ensuring that the 1 in 1 year greenfield rates for all storm events up to the 1 in 100 year rainfall event (plus climate change) are achieved as a result of the proposed development with the objective of not increasing the risk of flooding downstream nor exacerbating any wider flooding issues associated with the Childs Hill CDA. This requirement has been incorporated by the Applicant into the design criteria.
- 8.16.20 The proposed surface water drainage scheme would result in a reduction of surface water peak discharge rates across the Site compared to existing discharge rates including a 14% reduction from 12.0 l/s to 10.4 l/s from the Northern Catchment (discharging into Thames Water's existing network), and a 32% reduction from 77.4 l/s to 52.9 l/s from the Southern Catchment (discharging into Clitterhouse Stream) (see Figure 21). The proposed discharge rates that are incorporated into the design represent an estimated reduction in the peak discharge rate from the site of 83% in the 1 in 100 year event plus 40% climate change. The reduction in peak discharge rates is supported by the proposed SUDS features throughout the Site which would provide the necessary long-term storage volume requirements, as set out in the submitted Drainage Strategy to control the discharge rate of the additional volume that would result in the 6-hour 1 in 100-year storm event.
- 8.16.21 This storage capability during a 1:100-year storm event plus a 40% allowance for climate change is considered necessary as it would not be feasible to rely on the Site's underlying London Clay for infiltration purposes, and there would be limited opportunity to harvest rainwater due to the limited roof areas proposed by the Application. This demonstrates that the Applicant has applied the drainage hierarchy set out in Policy S113 of the London Plan (2021) in formulating the proposed drainage scheme.

	Event	Existing Catchment Discharge Rate (l/s)	Discharge Rate in the Proposed Design (l/s)	Percentage Reduction in Peak Discharge Rate
Northern Drainage System Discharge Rates	1:1 year	12.0	10.4	14%
	1:100 year	48.8	38.9	20%
	1:100 year + 40% cc	68.3	38.9	43%
Southern Drainage System Discharge Rates	1:1 year	77.4	52.9	32%
	1:100 year	347.5	52.9	85%
	1:100 year + 40% cc	486.5	52.9	89%
Northern & Southern Drainage System Discharge Rates Total	1:1 year	89.4	63.2	29%
	1:100 year	396.3	91.8	77%
	1:100 year + 40% cc	554.8	91.8	83%

**Figure 21:** Summary of surface water discharge rates that would be achieved by the proposed development (Buro Happold, April 2023).

### Foul Water Drainage

8.16.22 The proposed development would increase foul water discharge from the Site (by 9.4 l/s) into the local sewer network by virtue of additional connections to the proposed new Pavilion, new Maintenance Storage Facility and the Maintenance Staff Welfare facility to be provided within the existing Clitterhouse Farm Buildings. Policy SI5 of the London Plan (2021) states that development proposals should ensure that adequate wastewater infrastructure capacity is provided, which is a requirement echoed in the emerging Policy ECC02A(k) of the Draft Barnet Local Plan. The Applicant proposes to implement a separate foul water drainage system to collect all foul water from the Site and to discharge it to the existing public foul sewer system (governed by Thames Water) via a gravity drainage network. This includes a new connection from the proposed Pavilion to an existing Thames Water connection point that currently services properties on Prayle Grove and utilising an assumed existing connection serving the Clitterhouse Farm Buildings.

8.16.23 In the submitted Drainage Strategy Report and FRA, it is stated that a pre-planning enquiry has been submitted to Thames Water to confirm the capacity of the local sewer network, but a response remains awaited. However, as part of the consideration of this Application, the LPA have consulted Thames Water as the relevant statutory undertaker who, in reply, have raised no objections to the planning application on the basis of the information submitted. Thames Water have requested that any planning permission include informatives relating to the need for Thames Water's approval to discharge to a public sewer (outside the planning system), obtaining the relevant Building Regulations (Part H) approval relating to drainage serving kitchens in commercial hot food premises, and the pressure and flow rate needed to be achieved within Thames Water's piped network. Thames Water have also recommended that petrol/oil interceptors be installed in all car parking and vehicle washing/repair areas to prevent any polluted discharge from the Site. Given the absence of this detail within the planning application, it is recommended that any planning permission be subject to a suitably worded planning condition(s) requiring details of the petrol/oil interceptors to be installed within the proposed car park and proposed Maintenance Storage Facility to be submitted for approval.

8.16.24 On the basis that Thames Water raise no objection to the proposed development and are satisfied that there is existing capacity within the local sewer network to facilitate

the proposed additional uses and connections, it is considered that the proposed development is therefore in compliance with Policy SI5 of the London Plan (2021) and emerging Policy ECC02A of the Draft Barnet Local Plan.

### Summary

- 8.16.25 The LLFA have been extensively engaged in the consideration of the planning application to assess the potential flood risk of the proposed development, including taking account of existing issues associated with the Childs Hill CDA within which the Application Site sits. On review of the revised Drainage Strategy and FRA submitted in April 2023 as part of the Application, the LLFA are now content that the proposals are acceptable, and that planning permission can be granted subject to appropriate planning conditions. In view of the phased delivery of the proposed development, this includes a condition requiring the submission and approval of the relevant surface water drainage infrastructure to be implemented in each Part or Phase of any Part of the development to ensure that the appropriate surface water run-off rates will be achieved. The LLFA had also noted the need for Thames Water's approval to discharge surface and foul water into their network from the Northern Catchment area. As noted above, the LPA have consulted Thames Water who have raised no objection to the planning application.
- 8.16.26 It is also noted that the proposed development, particularly the works proposed to Clitterhouse Stream, will require an Ordinary Watercourse Consent from the LLFA pursuant to Section 23 of the Land Drainage Act 1991. The LLFA have advised that this process will require further hydraulic flood modelling work, which may result in adjustments to the design of the proposed development. Any recommendation to grant planning permission should be subject to an informative reminding the Applicant of the obligation to obtain an Ordinary Watercourse Consent prior to the commencement of any development. In the event that this consenting process results in the need for design changes (and depending on the nature of those changes), there are appropriate planning mechanisms embedded within the Town and Country Planning Act 1990 that would enable the Applicant to amend any planning permission accordingly.
- 8.16.27 In view of the relevant national and development plan policies relating to flood risk and drainage, the LPA are satisfied that the Applicant has appropriately assessed the potential flood risk from all sources arising from the proposed development through submission of the FRA and Drainage Strategy Report, both of which have been subject to the review of the LLFA and the Environment Agency. In regard to flood risk, the LPA are content the Sequential Test has been passed and there is no requirement to undertake the Exception Test; and that the proposed development seeks to position water-compatible elements of the scheme within the areas identified as being at most current risk of surface water flooding in accordance with the NPPF. As prescribed by Policy SI12 of the London Plan, the proposed development would result in all built structures (including the artificial sports pitches) being positioned away from the banks of Clitterhouse Stream. The proposed development also incorporates a number of SUDS features to manage and control surface water run-off from the Site, which would also bring about biodiversity benefits alongside the proposed landscaping associated with these particular features. In recognition of the



Site falling within a CDA, the Applicant has also sought to limit surface water discharge from the proposed development to the 1:1-year greenfield run-off rates (at the request of the LLFA), which would result in a reduction by comparison to the Site's current run-off rates. On this basis, and taking into account the additional passive flood storage provision to accommodate any future FASAs within the Site, the LPA are satisfied that the proposed development would not exacerbate flood risk on or off-site in accordance with the NPPF, Policies S112 and S113 of the London Plan, Policy CS13 of the Core Strategy DPD and Policy DM04 of the Development Management Policies DPD.

## **8.17 Contaminated Land**

- 8.17.1 The Site is not located within any Groundwater Source Protection Zone and, due to the underlying London Clay geology, the risk of groundwater flooding is considered to be low. The West London SFRA (Stage 1) also confirms that the Site is within an area with less than 25% susceptibility to groundwater flooding. In respect of potential contamination risk, Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation. This expectation is replicated in emerging Policy ECC02 of the Draft Barnet Local Plan.
- 8.17.2 To address this requirement, the Application is supported by a 'Geo-environmental Interpretative Report and Outline Remediation Strategy' and 'Ground Engineering Desk Study' (both prepared by Buro Happold and dated April 2023). These reports identify the geology underlying the Site (consisting of Thanet Formation with chalk at depth, overlain by the Lambeth Group, London Clay and then Made Ground and/or Head Deposits); describe the hydrogeology and hydrology associated with the Site; appraise former historic uses – which confirms the Site has been in agricultural or recreational use since 1864 with various uses associated with the Clitterhouse Farm Buildings; and review previous site investigations that have been undertaken at the Site, on land in the surrounding area, and in relation to the wider BXC regeneration scheme. The Ground Engineering Desk Study includes evidence to demonstrate that the Site has never been investigated under Part IIA of the Environment Protection Act 1990 and is not, therefore, categorised as contaminated land.
- 8.17.3 Using a site conceptual model, the submitted Ground Engineering Desk Study identifies potential contamination sources (based on a site visit, review of regulatory data, historical uses and previous site investigations), pathways and any sensitive receptors within the Site, or its vicinity. Potential contamination sources for the existing site are identified as being attributed to any areas comprising made ground, fly tipping and from the nearby electricity substation immediately to the north of the Site. Potential receptors and pathways to those receptors include: impacts on human health arising from direct contact or inhalation of contaminated dusts; migration of contaminants to controlled waters via overland flow/surface water or via permeable strata; effect on buildings' foundations via gas migration or on their potable water supply (direct contact); and ecological receptors susceptible to direct contact or root uptake. Generally, the assessed risks from these sources to potential receptors has

been assessed as ranging from very low to moderate, with the most significant of these risks associated with soil contamination arising from the composition of made ground, fly tipping incidences, nearby historical uses and the electricity substation; as well as potential impacts on the proposed buildings arising from hazardous ground gases.

- 8.17.4 The Geo-environmental Interpretative Report and Outline Remediation Strategy submitted alongside this desk study appraises further site investigations works and proposed mitigation measures for the Site. This included soil testing, groundwater monitoring and ground gas monitoring which informs a series of recommendations relating to the various identified receptors both on and off site. This includes the preparation of a detailed remediation strategy and, on completion of the works, a verification report. The suggestion to further assess and advise of appropriate mitigation measures for potential contamination reflects the controls already imposed by the S73 Permission in respect of the wider BXC regeneration scheme – namely Conditions 31 which requires the submission and approval of a Remediation Zoning and Sub-Zoning report for each Phase or Sub-Phase (Condition 31.1), a Site-Specific Remediation Strategy (Condition 31.2) and a Verification Report following the completion of remediation works (Condition 31.6).
- 8.17.5 The most relevant BXC Remediation Zoning and Sub-Zoning Report and Site-Specific Remediation Strategy related to Clitterhouse Playing Fields was submitted to and approved by the LPA in 2014 in respect of development in Phase 1A (North) of the BXC development and prior to submission of the Reserved Matters Application for Clitterhouse Playing Fields Improvements (Part 1) (LPA application ref. 14/07509/CON). Clitterhouse Playing Fields formed its own remediation zone as set out in the document approved at the time ('Brent Cross Cricklewood – Remediation Strategy: Site Zoning and Sub-zoning' (URS, Rev.3, October 2014)), which was also accompanied by an initial remediation strategy ('Brent Cross Cricklewood – Ground Investigation and Remedial Strategy Report' (URS, Rev. 2, September 2014)). On the basis that the proposals contained within this Application differ from those previously approved for Clitterhouse Playing Fields Improvements (Part 1) and cover both Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2), it is considered appropriate to replicate the above approach by requiring a Remediation Strategy and subsequent Verification Report to be submitted for approval pursuant to in a suitably worded condition(s) on any planning permission granted.
- 8.17.6 It should also be noted that the Council's Scientific Officer (Environmental Health) has reviewed these submitted reports and has advised that contaminated land is not considered to be an issue at this Site as the end use of the proposed development would remain unchanged from its existing use; therefore, sensitive receptors should not experience any increased risk of exposure while using the facility once operational. In respect of the findings of the submitted 'Geo-environmental Interpretative Report and Outline Remediation Strategy' and 'Ground Engineering Desk Study', the Scientific Officer concurs with the suggestion of addressing detailed mitigation measures as part of a Remediation Strategy to be submitted to the LPA for approval. On this basis, it is considered that the proposed development accords with

Policy DM04 of the Development Management Policies DPD and emerging Policy ECC02 of the Draft Barnet Local Plan.

#### Artificial Pitches and Microplastics

- 8.17.7 A number of responses to the public consultation have highlighted concern with the proposed artificial grass pitches and use of a rubber crumb dressing on the two proposed 3G pitches as unsustainable, and potentially environmentally damaging, materials that both contain microplastics. It is also noted that the rubber crumb and artificial grass (which requires replacing between every 5-15 years) can only be disposed of via landfill and there are no recycling facilities for it in the UK. The submitted Landscape Design Statement (April 2023)<sup>30</sup> acknowledges a recent review undertaken by key sports industry stakeholders (including the Department for Culture, Media and Sports, Sport England, Sport Scotland, Sport Wales, the Grounds Management Association, and a number of sports governing bodies) to assess the appropriateness for its continued use as a playing surface. This review found a very low or negligible risk to human health but identified a mandatory materials standard for such facilities.
- 8.17.8 In respect of environmental considerations, Sport England have published a position statement<sup>31</sup> which acknowledges developments in the EU following the European Commission's statement in September 2022 which proposes a ban (following a 6-year transition period) on the future sale of intentionally added microplastics, which would include rubber crumb infill for 3G artificial pitches. It is understood that EU Member States voted in favour of the European Commission's draft regulations in April 2023 to legislate against the use of intentionally added microplastics, although the suggested transitional period set out in those draft regulations is increased to 8 years<sup>32</sup>. The timing of the introduction of this ban and transitional period to be enacted into law remains unclear at this time. Following the UK's departure from the EU, DEFRA intend to undertake its own review to inform any future regulatory actions in the UK.
- 8.17.9 The Applicant has further addressed this matter to state that the proposed artificial pitches would, as a minimum, comply with the mandatory industry standard but also seek to find an alternative to the use of rubber crumb with a more sustainable material. In response to Officers, the Applicant has also confirmed that the artificial pitches would contain barriers, kickboards, interceptors/filters and boot cleaning stations to prevent the migration of rubber infill materials off the pitches. As this is an evolving matter undergoing further industry exploration to find a suitable alternative material, and because the proposed 3G artificial grass pitches are proposed to be delivered in Part 2 Phase 1 of the proposed development (which is anticipated to commence in 2025/26), it is recommended that any planning permission be subject to an condition requiring the submission and approval of details of the materials to be used in construction of the 3G artificial pitches with a requirement to use a suitable, and reasonably available sustainable alternative to the rubber crumb infill/dressing.

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<sup>30</sup> Section 11.2

<sup>31</sup> [Position statement on 3G pitches | Sport England](#)

<sup>32</sup> <https://ec.europa.eu/transparency/comitology-register/screen/documents/083921/6/consult?lang=en>



## 8.18 Other Considerations

### Public access

- 8.18.1 A number of responses to the public consultation have raised concerns about the enclosure of the fields by fences for sports pitches and that they will no longer be free for the use of the local community. Comments also refer to land being sold off.
- 8.18.2 Out of the total area of 18.08 hectares at least 75% (13.61 hectares) of the playing fields will be free and accessible open space (for active and passive recreational activities such as yoga, kite flying, dog walking, ball games and picnics) as well as land for existing and improved habitats such as Clitterhouse Stream and the boundary hedgerows. Only 17% (3.58 hectares) of the space will include sports courts and pitches whilst a further 5.6% (1.01 hectares) of the space will be dedicated to play areas for younger children and facilities such as bouldering for older children and adults. At least 0.9% (0.17 hectares) of the space covers the existing farm buildings and its internal courtyard and only the remaining 1.1% (0.20 hectares) will be dedicated to new structures (including the proposed CPF Pavilion), maintenance yard areas and car parking. The enclosed pitches therefore take up a lower percentage of the playing fields leaving the majority as open, unfenced space with facilities for leisure and recreation for other uses.
- 8.18.3 As set out throughout this report, the proposed development will deliver a wide range of benefits. The proposed facilities are designed to provide for a wide range of age groups and people with different interests and abilities. The array of new sports and play facilities provide opportunities for both young people and adults to keep active and have fun while the sports pitches will provide year-round use of the sports facilities, ensuring playability regardless of the weather. The landscape design will provide new planting and habitats for wildlife while significant areas of the park will allow for relaxation and other uses as well as a new network of paths and routes that improve connectivity, safety and security for users. Whilst it is acknowledged that a proportion of the site will be fenced off to facilitate the sports pitches and use thereof, the overriding benefits of the scheme as a whole are considered to outweigh the quantum of space enclosed.
- 8.18.4 In terms of affordability, most of Clitterhouse Playing Fields and the proposed facilities will be free-to-use. This includes the open grassed areas, playgrounds, the outdoor gym, all-wheel park, bouldering area, boules court and picnic areas. The only paid-for facilities will be the football and hockey pitches, the Multi-Use Games Area (tennis/netball) and the mini-golf course. The cost of these will be in line with other paid-for facilities in Barnet. It is also worth noting that when football pitches were previously marked out by the Council at the Site, in order to book them by clubs or users a fee would have been paid.
- 8.18.5 Clitterhouse Playing Fields is and will remain a public open space owned by the Council. It is proposed that a governance structure will be established to undertake the management and maintenance of CPF and to ensure that it is managed in accordance with the strategic outcomes sought for sport and physical activity. The intention is to create a new organisation with a board of directors which will oversee

the strategic direction of the playing fields. A management organisation will be appointed by the board to coordinate the day-to-day management of facilities and activities across CPF.

- 8.18.6 A community consultative forum will also be established which will comprise of representatives from the local community that are users of the playing fields (both sporting and non-sporting) and other key local partners. The community consultative forum will elect a representative to sit on the board of the new organisation such that the local community will be able to influence the management of Clitterhouse Playing Fields. It is likely that this will include community representatives, local ward councillors, LBB officers, a representative of the Brent Cross Town estate management company, and an independent chairperson.

#### Affordability of facilities

- 8.18.7 The sports facilities mix includes the provision of 4 all-weather pitches and 2 MUGAs. These, in addition to the mini golf, will be pay to play. The charges for these facilities will be in line with other similar facilities within Barnet. All other facilities will be free to use. Revenue generated by the pay to use facilities will be used to offset the maintenance requirements of the free to use components of the scheme. It is very common for AGPs, tennis, netball courts and grass football pitches to be made available to community use on a pay-to-use basis and there are examples of this across Barnet. A draft 'CPF Sports Facilities: Public Accessibility and Affordability Framework' (April 2023) has been submitted with the Application (attached at Appendix I to the revised Planning Statement (September 2023)) and sets out the framework for the approach to providing discounted access, community access, school use and periods of free access to the sports facilities.
- 8.18.8 The board overseeing the governance of Clitterhouse Playing Fields will ensure the proposed facilities are affordable to people on low income, encourage increased participation and generate sufficient income to sustain the facilities and wider playing fields. The submitted Public Accessibility and Affordability Framework commits to agreeing a level of free community use per annum for the MUGAs and the all weather pitches, balanced between peak and off-peak usage.
- 8.18.9 Draft Condition 52 in Appendix A to this report is recommended to require a final Sports Facilities: Public Accessibility and Affordability Framework to be submitted to and approved in writing by the LPA prior to the first use/occupation of Part 1 of the development, and to be updated prior to the first use/occupation of Part 2 (or any phase thereof).

#### Purbeck Drive

- 8.18.10 It is noted that a number of public representations have commented on the absence of design improvements to the existing pedestrian entrance off Purbeck Drive, which sits outside the red line boundary of this Application but within the boundary of the S73 permission for the wider BXC development. Such representations have noted a concern about the potential for antisocial behaviour at this entrance point. In response to this, the Applicant has stated that the section of Purbeck Drive immediately

adjacent to the Site's entrance will be subject to future enhancements to extend the entry experience into Clitterhouse Playing Fields to Cotswold Gardens. The design for these improvements is to be further discussed with the local community and nonetheless delivered alongside improvements to Clitterhouse Playing Fields.

- 8.18.11 The Applicant has advised that they are planning to facilitate a community focussed design for the space given the importance of this entrance for the Golders Green Estate. There is a commitment to lead a co-design process with the Golders Green Estate resident community to understand the issues and aspirations, develop a brief and design for this space.
- 8.18.12 In order to secure this commitment and given that the site falls within the wider S73 Permission boundary for the BXC development which the Applicant is delivering, it is considered reasonable to impose a Grampian-style condition on any planning permission granted to require the prior submission and approval of the proposed enhancement works which should be developed with engagement from the local community, and the subsequent implementation of these works at a suitable juncture alongside development of Clitterhouse Playing Fields. This is set out in draft Condition 13 in Appendix A to this report.

#### Impact on Our Yard

- 8.18.13 A number of representations received raised concerns over the potential impact of the proposed development on the work of Our Yard and were concerned that the café in the proposed Pavilion will force the community café to lose business and close.
- 8.18.14 With regard to the Clitterhouse Farm buildings, these will remain on the playing fields, and Our Yard will continue to use the space as a café and workspace. Whilst concerns in relation to the community café currently operating from the Clitterhouse Farm buildings are understood, the proposed Pavilion building (and its café space) is some distance from the community café and as such is proposed to complement rather than be in competition with this existing facility. The scheme design includes play facilities and areas of open space for recreation which are located in close proximity to the community café. These features, as well as the increased use of Clitterhouse Playing Fields as a whole, will encourage visitor footfall and potentially benefit the Our Yard community café.
- 8.18.15 The plans approved in 2015 for Clitterhouse Playing Fields included part of the farm buildings to be used as the parks maintenance store for the site. To ensure that Our Yard can continue to operate from the farm buildings, the development proposed by this Application includes a separate maintenance store so that the farm buildings are not affected by the maintenance requirements. A small part of the farm buildings (75sqm in total) is proposed to be used to provide for the maintenance team welfare facilities (toilets, lockers, etc.) and the detail of which will be secured through condition to be agreed by the LPA and worked through with Our Yard as the proposals develop. There are no proposals for the remainder of the farm building as part of this application. The Applicant has committed in their submission documents to continue to work alongside Our Yard.

### Appropriation of Land

- 8.18.16 Representations received in response to the LPA's consultation on this planning application has identified an existing Deed of Agreement made in 1927 relating to the Site. It is stated that this Deed of Agreement dedicates the land forming Clitterhouse Playing Fields in perpetuity for public use and recreation; and that the means of enclosure to provide artificial sports pitches would be in breach of this Agreement.
- 8.18.17 The proposed development would continue to result in the Site being available for public use and recreational purposes. Nonetheless, the issue of whether the land is required to be appropriated is a matter related to the delivery of the development and, therefore, beyond the remit of the LPA's consideration of this Application. This does not prevent planning permission from being granted.

### **8.19 Planning Obligations and CIL**

- 8.19.1 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. The Council's 'Planning *Obligations SPD*' (April 2013) sets out the site specific or local circumstances when Planning Obligations are to be used in Barnet, including those relating to physical infrastructure, social infrastructure, and green infrastructure within the borough.
- 8.19.2 It is considered that the proposed development, involving improvements to an existing public open space, would not result in impacts generating the need to secure additional Planning Obligations. It should also be recognised that the proposed development seeks to deliver a component of the already authorised BXC regeneration scheme and, specifically, identified items of critical infrastructure that would ensure the provision of improved public open space for existing and future residents and visitors to the area. The requirement to deliver these items of critical infrastructure – namely Clitterhouse Playing Fields Improvements (Part 1), Clitterhouse Playing Fields Improvements (Part 2), Clitterhouse Stream Nature Park (NP1), and Community Facilities (Clitterhouse Playing Fields Zone) – is set out within the BXC S106 Agreement dated 22<sup>nd</sup> July 2014 (as amended by various Deeds of Variation). The proposed development is therefore considered to be in response to existing obligations previously imposed by the LPA in the S73 Permission and the associated BXC S106 Agreement.
- 8.19.3 Notwithstanding that a new Section 106 agreement is not required, if the Application is approved and planning permission is granted, it will be necessary to make a number of updates to the BXC S106 Agreement to amend the relevant definitions of Clitterhouse Playing Fields Improvements (Part 1) and Clitterhouse Playing Fields Improvements (Part 2) as well as varying Schedule 23 (the Schedule of Mitigation Measures) and Schedule 28 (Phase 1B (South) Park improvements – Specification

of Outline Design Principles) to reflect the revised Clitterhouse Playing Fields scheme set out in this Application and the planning permission granted.

- 8.19.4 As set out within this report and the schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development. On that basis and as outlined above, in this instance it is considered that the use of appropriate planning conditions is adequate to control the proposed development.
- 8.19.5 The proposed development is considered, however, to be Community Infrastructure Levy (CIL) liable in respect of both the Council's CIL and the Mayor of London's CIL (Mayoral CIL) as it does not fall within any of the exemptions recognised by either authority's charging schedules. The development will be a phased development for the purposes of CIL. By virtue of the proposed new floorspace providing retail and employment uses within the Pavilion Building and Maintenance Storage Facility Building, the Applicant will be liable to pay CIL in accordance with the Council's 'Community Infrastructure Levy Charging Schedule' (dated 1<sup>st</sup> March 2022), whereby the relevant charging rates came into effect from 1<sup>st</sup> April 2022; as well as the 'Mayoral Community Infrastructure Levy 2 (MCIL2) Charging Schedule' (dated January 2019) which came into effect from 1<sup>st</sup> April 2019.

## 9 ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 As facilitated by Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations'), a request for a Screening Opinion of the LPA was made by the Applicant on 25th November 2022 alongside the submission and validation of this Application seeking full planning permission for the proposed improvement works to Clitterhouse Playing Fields.
- 9.2 A Screening Opinion was subsequently issued by the LPA on 16<sup>th</sup> December 2022 (under LPA reference 22/5814/ESR) noting that the proposed development was not considered to fall under any development type listed in Schedule 1 of the EIA Regulations 2017 (as amended). However, whilst set out in a standalone planning application, it was recognised that the proposed development forms part of the BXC regeneration scheme which itself falls under the type of development referred to in Paragraph 10(b) of Column 1 of the table contained within Schedule 2 of the EIA Regulations 2017, relating to urban development projects. The applicable thresholds in Column 2 of Schedule 2 for Paragraph 10(b) are as follows and were the basis upon which the Environmental Statements were prepared as part of the outline planning permission for the BXC regeneration scheme:
- (i) the development includes more than 1 hectare of urban development which is not dwellinghouse development; or
  - (ii) the development includes more than 150 dwellings; or
  - (iii) the overall area of the development exceeds 5 hectares.
- 9.3 As the BXC regeneration scheme is already authorised, executed or in the process of being executed, the proposed development was also captured by Paragraph 13(b) of Column 1 of Schedule 2 as a change or extension to development listed elsewhere in Schedule 2 of the EIA Regulations (i.e., urban development projects noted under Paragraph 10(b)). As noted in Column 2 of Paragraph 13(b), the thresholds applicable to any Schedule 2 as changed or extended are as follows:
- (i) the development as changed or extended may have significant adverse effects on the environment; or
  - (ii) in relation to the development of a description met in relation to development of a description mentioned in column 1 of this table [Schedule 2], the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded.
- 9.4 The proposed development would be carried out on a total site area of 18.15 hectares, which is considered to therefore exceed the thresholds identified in category 13(b)(ii) by virtue of exceeding the 5 hectares overall development area noted in Paragraph 10(b)(iii) in Column 2 of Schedule 2. Therefore, the proposed development was considered to constitute Schedule 2 development. On completion of the LPA's initial screening exercise against the selection criteria set out in Schedule 3 to the EIA Regulations, it was concluded that the proposed development was not EIA development and did not warrant the preparation of an Environmental Statement on the basis that the proposed development would not be likely to give rise to any significant environmental effects that had not already been considered as part of the

determination of the S73 Permission for the BXC regeneration scheme.

9.5 LPAs should keep negative EIA screening decisions (i.e. those stating that development is not 'EIA Development' and hence that an ES is not required) under review during consideration of associated planning applications. The need to review any such decision may arise in circumstances where other material factors come to light or later information received during the decision-making process as to the potential for significant environmental effects. On review of any previous screening decisions, it is open to the LPA to determine if further environmental impact assessment and environmental information within an ES is required.

9.6 Following receipt and validation of the Application, the LPA conducted a public consultation exercise alongside consultation with a number of statutory and non-statutory organisations as well as relevant technical advisers. In light of representations received by the LPA, it was considered necessary for the LPA to review its initial Screening Opinion. On completion of that review, a revised Screening Opinion was issued by the LPA on 30<sup>th</sup> March 2023 (under LPA reference 23/1280/ESR). This review concluded that the proposed development had potential to give rise to significant adverse environmental effects and that further environmental information (to supplement that contained within the BXC Environmental Statement) was required in respect of the following to assess those effects:

- Biodiversity;
- Noise;
- Light pollution; and
- Flood risk.

9.7 In response to that Screening Opinion Review, the Applicant submitted a Supplemental Environmental Statement (ES) (Arup, dated April 2023) alongside amendments to the proposed development on 17<sup>th</sup> April 2023. The Supplemental ES contained a combination of either further environmental information in relation to specific topics or a statement of conformity in regard to other topics, as listed below:

Chapter and Topic		Approach to the Supplemental ES
1	Introduction	Overview on the purpose of this document, context and content
2	Description of Proposed Development	Description of the features of the Clitterhouse Playing Fields improvements
3	Alternatives	Summary of alternative site layouts considered as part of the design process.
4	Approach to Supplemental ES	Sets out the approach to scoping the requirement for further environmental information and general methodology applied in the preparation of this report.
5 & 6	Land Use & Land Use Planning	Statement of Conformity
7	Traffic and Transport	Statement of Conformity
8	Socio-economics	Statement of Conformity
9	Noise and Vibration	Further assessment and quantitative modelling of the detailed design, taking into account updated baseline monitoring and mitigation measures.

10	Townscape and Visual Impact	Statement of Conformity
11	Ecology and Nature Conservation	Further assessment of the detailed design and presentation of updated survey results (Extended phase 1 habitat survey, bat surveys, tree survey, River Condition Assessment which includes a Modular River Physical (MoRPh) survey and baseline light survey).
12	Water Resources and Flood Risk	Further assessment which includes consideration of the updated LBB strategic flood risk assessment which identifies new areas of the CPF site to be at a higher level of flood risk, within Flood Zone 3a.
13	Archaeology and Cultural Heritage	Statement of Conformity which includes consideration of the 2021/2022 Archaeological Evaluation Report conclusions (approved under LBB ref: 21/0774/CON).
14	Air Quality and Dust	Statement of Conformity with the inclusion of the Technical Note submitted in November 2022 with the drop-in application to confirm there will be no change to the predicted impacts.
15	Ground Contamination	Statement of Conformity which is informed by additional ground investigation.
16	Waste	Statement of Conformity
17A	Microclimate: Wind Microclimate	Statement of Conformity
17B	Microclimate: Sunlight & Daylight	Further assessment of the detailed artificial lighting design.
18	TV, Radio and Mobile Phone Reception	Statement of Conformity
19	Carbon Dioxide Emissions	Statement of Conformity
20	Immediate Years Assessment	Statement of Conformity
21	Additional Topics including as part of the EIA Regulations	Commentary on likely effects associated with the additional topics of major accidents and disasters, climate change, population and human health.
22	Cumulative Effects	Further assessment and commentary for particular topics in light of the most recent list of cumulative schemes.
23	Summary of Residual Effects and Mitigation	Summary of the residual effects and mitigation measures where these vary from those reported in the BXC ES.

9.8 In accordance with Regulation 25 of the EIA Regulations, the LPA publicised it was in receipt of further environmental information and evidence in respect of an Environmental Statement on 20<sup>th</sup> April 2023. In addition to the requisite newspaper and website notice, the LPA conducted further consultation with all statutory and non-statutory organisations, other technical advisers previously consulted, and all those who were previously notified and/or who had made public representations to the LPA in response to its first consultation exercise issued on validation of the Application. The LPA then duly suspended determination of the Application for a period of at least



30 days in accordance with the EIA Regulations.

- 9.9 The submitted further environmental information and conclusions from the associated assessments as contained within the submitted Supplemental Environmental Statement (April 2023) have been considered by the LPA in consultation with the appropriate statutory and other technical advisers, as set out above, in formulating its recommendation. It is the LPA's view that the proposed development would not give rise to any new or different significantly adverse environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures. Such mitigation measures can be secured through appropriately worded planning conditions as suggested in Appendix A of this report.

## 10 EQUALITY AND DIVERSITY ISSUES

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

- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

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

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

10.3 In considering this planning application and preparing this report Officers have had regard to the requirements of Section 149 and have concluded that a decision to grant planning permission for this proposed development would comply with the Council’s statutory duty under this legislation.

10.4 Barnet Council’s Equalities, Diversity and Inclusion Policy 2021-2025 sets out the Council’s legal obligations to protect people from discrimination and promote equality, the underlying principles that guide the Council’s approach to equalities, diversity and inclusion in the borough, and how these principles will be implemented and achieved. The guiding principles particularly relevant to the decisions the Council make as LPA include carrying out meaningful engagement and encouraging equal growth.

10.5 Although not strictly applicable to drop-in planning applications, in line with the spirit of the requirements set out in Schedule 13 of the BXC S106 Agreement, it is recognised that the Applicant has engaged in pre-application discussions with the appointed BXC Consultative Access Forum (CAF) whose role is to advise the LPA on matters of accessibility and inclusivity. That pre-application engagement was carried out at a meeting on 3<sup>rd</sup> May 2022 and resulted in adjustments to the proposals in response to the points of concern raised by the BXC CAF. Furthermore, the LPA have carried out a formal consultation with the BXC CAF as part of the consideration of this Application and it is noted that they raise no objections to the proposed development.

10.6 The proposed development seeks to deliver improvements to the existing Clitterhouse Playing Fields as part of the BXC regeneration scheme and, as set out in the submitted Access and Inclusivity Report (All Clear Designs Ltd, November

2022), has been designed to ensure it is accessible and inclusive with a view to being simple, consistent and high-quality having regard to relevant policy and guidance documents. Particular adjustments have been incorporated into the proposed development to ensure equality and inclusivity for all including (to name a few) creating pathways with appropriate gradients, surfacing and segregation of pedestrian and cycle traffic on the primary north-south route; use of contrasting surfacing materials for those with visual impairments; inclusion of car parking for Blue Badge holders only via the access off Claremont Road; provision of seating opportunities no greater than 50 metres apart on the main routes through the Site; pathway wayfinding lighting; signage; and accessible facilities provided within the proposed Pavilion Building (including an accessible WC and shower, automated entrance doors, accessible service counter, and 1.2-metre wide circulation routes). The proposed play facilities have also been designed with regard to the 'Plan Inclusive Play Areas' guidance with the aim of encouraging the widest degree of participation. As such, in a manner that is proportionate to the nature of the proposed development, the proposal is considered to accord with the relevant national, regional and local policy through establishing an inclusive design and providing an accessible environment.

- 10.7 Condition 2.2 of the S73 Permission for the BXC development requires the submission and approval of a Clitterhouse Playing Fields Mobility Scheme. In accordance with the terms of that Condition, a document referred to as the 'Brent Cross Cricklewood Regeneration – Planning Condition 2.2 Clitterhouse Playing Fields Mobility Scheme' (Buro Happold, document ref. 031758, Revision 04, dated 4 November 2014) was submitted to and approved by the LPA under application reference 14/07960/CON on 31<sup>st</sup> March 2015. This Clitterhouse Playing Fields Mobility Scheme is required to be reviewed and resubmitted for approval every three years or such longer intervals as may be approved by the Council in consultation with the BXC CAF. The approved mobility scheme is now due for review and the Applicant has set out their commitment to review the scheme in the Application's Planning Statement.
- 10.8 A response to the public consultation has referenced the potential impact of noise and lighting from the sports pitches on children living adjacent to the Site in respect of human rights protected pursuant to the Human Rights Act 1998 and the European Convention on Human Rights ('ECHR'). Particular reference is made to children's bedtime being earlier than 9pm when the proposed floodlighting and use of the sports pitches will cease. Reference is made to the rights to a private and family life included within Article 8 of the ECHR and the rights of the child included within Article 3 of the ECHR. The LPA's assessment of potential noise and lighting impacts from the proposed development is set out in section 8.7 of this report which concludes that, subject to securing the mitigation measures set out in the relevant submission documents, the LPA is satisfied that the proposed development is not anticipated to generate any unacceptable or significant adverse impacts on health and quality of life of nearby sensitive receptors as a result of noise arising from the Site or in respect of causing obtrusive light in respect of light spill, glare or skyglow/upward light from the Site. These conclusions are also balanced with the potential benefits, including to health and wellbeing, that the proposed sporting and recreational facilities will bring. Officers do not therefore consider there to be any conflict or interference with the

rights of local residents to private and family life or to children under the Human Rights Act 1998.

## 11 CONCLUSION

- 11.1 This drop-in planning application seeks planning permission for improvement works to Clitterhouse Playing Fields including the provision of sports and play facilities, informal recreation areas, a pavilion building (with café, public toilets and sports changing rooms), and maintenance and storage buildings; car and cycle parking; pedestrian and cycle paths; vehicle access; boundary treatment; lighting; landscaping and street furniture; with the addition of a change of use of 75sqm of floorspace within the Clitterhouse Farm Buildings for the provision of maintenance staff welfare facilities.
- 11.2 Principle of the development of Clitterhouse Playing Fields to deliver an extensive community park providing formal sports pitches and facilities (including all weather synthetic pitches and pavilion/changing facilities), civic spaces, play areas and nature parks as well as improvements to the Clitterhouse Stream environment is well established in the Development Plan as well as the extant S73 Permission for the comprehensive redevelopment of the BXC regeneration scheme and the reserved matters for Clitterhouse Playing Fields (Part 1) granted in 2015. The proposal would not result in any different land use at the Site. The Site would remain public, recreational space similarly consisting of various community park facilities including a pavilion, car park, maintenance facilities, artificial sports pitches, play areas, informal recreation space and improvements to Clitterhouse Stream – all of which are consented to be delivered pursuant to the S73 Permission.
- 11.3 The application has been assessed against the expectations and controls of the S73 Permission and BXC S106 Agreement. The LPA are satisfied that the proposed development is compatible with the S73 Permission and that there is no physical or other inconsistency as between the S73 Permission and the development proposed by the Application that would prevent the carrying out of the remainder of the development permitted by the S73 Permission nor fetter the ability to achieve comprehensive redevelopment of the regeneration area. Indeed, the Proposed Development would deliver an important element of the S73 Permission.
- 11.4 The Application proposes development that will deliver significant enhancements to Clitterhouse Playing Fields including improved green landscaped open space, as well as inclusive facilities for outdoor recreation, sport, activity and enjoyment, serving both new and existing residents of all ages. Officers consider that the development proposed by the Application will bring significant benefits as a result of:
- Extensive tree planting and landscaping that will visually enhance the playing fields as well as provide ecological benefits with a resulting Biodiversity Net Gain at the Site.
  - Improved and additional entrances to the playing fields, network of pathways through the Site and the refurbishment of the A41 underpass will enhance access and connectivity to and through Clitterhouse Playing Fields for all members of the local community. Improvements to the section of Purbeck Drive leading up to the southern entrance to Clitterhouse Playing Fields will be secured through a condition to planning permission, if granted, which will be

delivered in advance of the first phase of work being completed.

- Provision of an inclusive range of facilities to serve the existing and new communities comprising children's play and sport facilities to cater for a broad range of ages and interests. These facilities will provide a valuable resource for the neighbouring schools.
- An increased and maximised range of facilities for recreation, play, leisure, exercise and sport for individual and group activities that will create new opportunities for children, young people and people of all ages to play and be active, promoting physical and mental health. The design of the park will also enhance the experience of people of all ages who use the fields as a place to relax, socialise or walk their dogs.
- The provision of a well-designed, sustainable and energy efficient Pavilion that will provide changing rooms, a café and public toilets that are accessible to all and act as a social hub for users of the playing fields, as well as supporting the sports facilities.
- The inclusion of all-weather artificial grass pitches that contribute towards a need for sports facilities within the Borough, supporting local clubs (including football and hockey clubs), whilst consolidating and rationalising the area dedicated to formal sport into a smaller area (when compared to the approved RMA scheme for Clitterhouse Playing Fields) which allows more space for other uses, landscaping and space for enjoyment of the public space.
- Significant improvements to surface water drainage across the Site with the use of sustainable drainage features that are integrated into the landscape design. Following input from the Lead Local Flood Authority, the design also includes provision for future flood storage capacity in the south-east of the playing fields, if required as part of a wider scheme to address flooding caused by the wider catchment of the stream.
- Enhancement works to Clitterhouse Stream and the creation of a small nature park within that area will provide ecological benefits as well as visual and environmental improvements creating further space for the peaceful enjoyment of nature.
- The improved footpaths and layout of the scheme, as well as the introduction of lighting, defensive planting, CCTV, wayfinding signage, and appropriate management and maintenance arrangements will contribute to the creation of a safe and secure environment.

11.5 Officers have otherwise provided a detailed assessment of the key material planning considerations relevant to the Application and the development proposed by it, including:

#### Sports facilities mix

11.6 The mix of facilities proposed in the Application has been informed by up-to-date evidence in respect of sport pitch and facility needs for the borough and thorough engagement with relevant bodies and groups. The proposed mix will deliver a better

level of provision (both in terms of range of sports and facilities and quality) and will enable a greater capacity of weekly usage (games and training) compared to grass pitches, particularly during the winter months. The inclusion of all weather pitches within the scheme enables the areas of the Site dedicated to traditional sport to be consolidated when compared to the reserved matters scheme granted in 2015. These traditional sports facilities will also be complemented by other facilities delivering a more inclusive mix, including skateboarding/scootering, climbing and bouldering, parkour, children's cycling, running/jogging and mini golf. These facilities along with the other proposed children's play facilities contribute to the total provision for 10,068 sqm for sport and play at Clitterhouse Playing Fields bringing significant benefits to both the development of sport. The proposed development will also derive social benefits through the provision of opportunities to take part in sports and recreational activities, thereby contributing to improving the health and wellbeing of those who choose to visit and use the facilities on offer, as well as encouraging active and healthy lifestyles.

#### Loss of playing field

- 11.7 The 3G football pitches can accommodate the range of pitch sizes required for senior and junior games and can be played on throughout the year and multiple times a day. Taking into consideration the poor condition of the existing playing field, the combination of sports facilities that the Application will deliver, and the wider range of sports that will be catered for at the Site, the LPA consider that the proposed development would be of significant benefit to the development of sport so as to outweigh the detriment caused by the loss of the area of playing field at the Site.
- 11.8 Officers have assessed the development proposals against NPPF Paragraph 99 and consider that the Application would meet the exception at NPPF paragraph 99 b) whereby the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, as well as the exception at NPPF paragraph 99 c) whereby the wide range of benefits in respect of sport and recreational provision as a result of the proposed development clearly outweigh the loss of the current area of playing field at the Site.
- 11.9 Officers have undertaken an assessment of the application against the exception tests in Sport England's Playing Field Policy and whilst parts of the Application meet with Test 2 and Test 3, there are compelling reasons to conclude that the application fully meets with Test 5. This is further supplemented by the new playing fields being delivered by the Council at the NIMR site which can further justify any loss of playing field at the Site in accordance with Test 4. Notwithstanding the objection that Sport England have raised in their consultation response, the application accords with the requirements and tests of the NPPF and is considered to be acceptable.

#### MOL

- 11.10 The Application has been assessed against the policy requirements for protection of MOL. The proposed development would result in an enhancement to the Clitterhouse Playing Fields for the purpose of providing outdoor sport and recreational opportunities to enable and support healthy lifestyles whilst enhancing the quality and range of uses

in the MOL, in line with national, regional and local policy as well as the requirements of the S73 Permission. There would be no reduction in the area which makes up Clitterhouse Playing Fields as a result of the development, notwithstanding that part of the grassed area of the park would be replaced with synthetic turf, and the proposed uses and buildings are acceptable in principle in policy terms and are not considered to conflict with the purposes of including the Site in the MOL. Whilst the appearance and character of the Site would be changed by virtue of the proposed development compared to its current condition, including through the provision of extensive tree and landscape planting, Officers consider that the careful approach to the design and layout of the site and the buildings utilising existing topography and some remodelling of the earthworks, will ensure that the openness of the MOL will be preserved.

#### Neighbouring Amenity

- 11.11 Subject to securing the mitigation measures set out in the relevant submission documents, the LPA is satisfied that the proposed development is not anticipated to generate any unacceptable or significant adverse impacts on health and quality of life of the occupiers of neighbouring properties as a result of noise arising from the Site or in respect of causing obtrusive light in respect of light spill, glare or skyglow/upward light from the Site. These conclusions are also balanced with the potential benefits, including to health and wellbeing, that the proposed sporting and recreational facilities will bring.

#### Heritage assets

- 11.12 The proposed development would not be likely to cause any harm to archaeological heritage assets within the site or the Locally Listed Clitterhouse Farmhouse adjacent to Site.

#### Biodiversity

- 11.13 The proposed development would provide sufficient mitigation for protected and notable species as well as other ecological receptors to ensure there would be no significantly adverse permanent impacts notably on bats (noting that the likely impact on some habitats and species are expected to be beneficial); and would ultimately result in the enhancement of the Site's biodiversity value as demonstrated by the submitted BNG Assessment with 21.4% uplift in Habitat Units, 95.6% uplift in Hedgerow units and 11.4% uplift in River units.

#### Overlapping permissions

- 11.14 The application includes a Drop-in Statement in accordance with the S73 Permission Drop-In Protocol. The LPA are satisfied that the development proposed by the Application is compatible with the S73 Permission and, subject to the consequential amendments being made to the S73 Permission that are necessary to ensure both planning permissions can be implemented alongside one another, if planning permission is granted, it will replace or supersede the specified parts of the BXC development already authorised by the S73 Permission.



### Conclusion

- 11.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. Based on the planning policy assessment and other material considerations set out in this report and taking account of the technical evidence submitted in support of the Application (which has been reviewed and accepted by the Council's relevant technical advisers), it is considered that the proposed development accords with the relevant development plan policies. For these reasons, it is considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to the conditions as set out in Appendix A of this report.

## SITE LOCATION PLAN

**ADDRESS:** Clitterhouse Playing Fields, Claremont Road, London

**REFERENCE:** 22/5617/FUL

