LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 20 December 2016

Report of

Assistant Director, Planning, Highways & Transportation Contact Officer: Andy Higham Sharon Davidson

Mr Sean Newton

Enfield Highway

Ward:

Ref: 15/01063/FUL

Category: Full Application

LOCATION: Brimsdown Sports Club, Goldsdown Road, EN3 7RP,

PROPOSAL: Part retrospective application for the redevelopment of site to include demolition of existing club houses and ancillary structures, erection of a 2 storey club house with viewing deck incorporating changing rooms, staff and conference room, retention of existing turf pitch, additional stands to main pitch, alteration to ground levels, creation of 2x turf football pitches, 1x full size artificial football pitch and 4x multi use games areas (MUGAs), upgrading of access roads, increase in parking, flood lighting and landscaping.

Applicant Name & Address:

Brimsdown Sports Club, Goldsdown Road Enfield EN3 7RP Agent Name & Address:

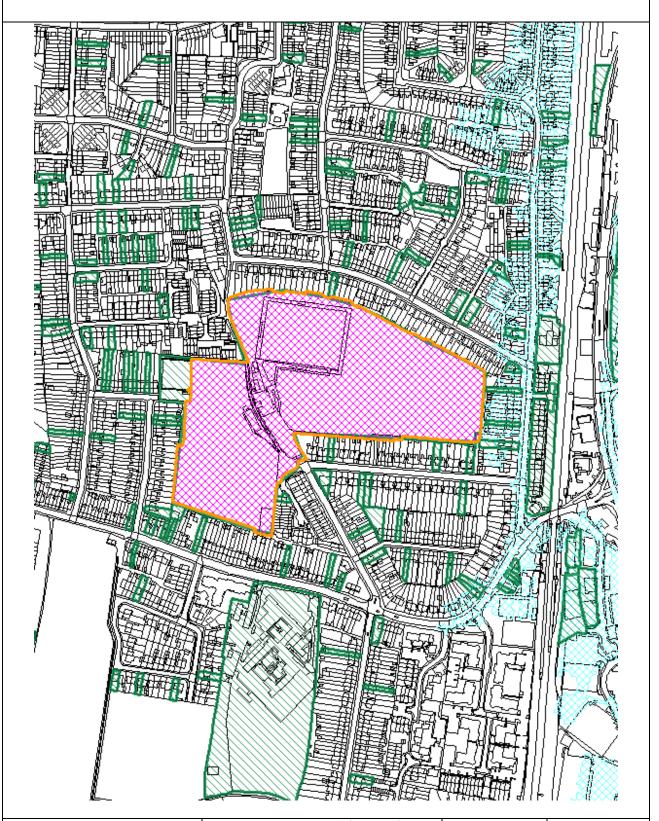
Mr Duncan Paterson 106 3 High Street Precinct Egham Surrey TW20 9HN

RECOMMENDATION:

The applicants have appealed to the Secretary of State against the non-determination of the application. As a result, it is only now possible for the Local Planning Authority to set out what decision it would have made as the matter now falls to the Secretary of State.

That planning permission would have been **REFUSED** had the Planning Committee been in a position to make a decision.

Ref: 15/01063/FUL LOCATION: Brimsdown Sports Club, Goldsdown Road, EN3 7RP,





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INTRODUCTION

Members of the Planning Committee visited the site on Saturday 9th July 2016 following the decision to defer consideration of the planning application at the meeting on 28th June 2016. At the site visit Members looked at the southern boundary, western most-field and also walked up the public footpath that divides the site in two, as far as the proposed site of the new clubhouse.

A number of fundamental points of discussion were raised at the time which can be summarised as follows:

- -the potential noise, and disturbance, that would arise from the more intensive use of the site.
- -the proposed change in levels on the site, particularly towards the edge of the site and those parts closest to existing residential properties. A number of "pinch points" were identified where the development would be closest to existing residents.

There were also other areas where it was considered that further detail was needed in order to fully assess the overall impact of the development. These included:

- -areas of the site where more planting to provide screening should be considered.
- -treatment of the new access road to the car park that goes straight across the public footpath in the interest of public and highway safety.

At the subsequent July Committee meeting Officers stated that they had carefully considered the discussion that took place at the site visit and had done so in the context of the previous assessment that had occurred and which formed the basis of the report to Planning Committee on 28 June 2016. The approach previously had been that given the support in principle for a development of this nature on this site a number of more detailed points in connection with it could be conditioned with a view to seeking details that would hopefully help to mitigate some of the impacts that the more intensive use of the site would be likely to create.

However, it was considered at the July Committee that, partly in response to ongoing concerns that need to be dealt with at other sites, the details that were suggested as being required in a condition for future consideration should be submitted, and assessed, before a formal planning decision was made to allow full understanding of possible impacts.

The reasoning behind this stance was that it may be that some of the mitigation measures, particularly those required to ensure that noise nuisance arising from the development was minimised, would themselves be likely to have an increased impact on residents which should be considered as part of the development itself rather than be conditioned for future consideration.

Although some additional work and discussion has taken place since July the fundamental concerns remain. Furthermore, the fact that the applicants has chosen to appeal against non-determination means that the decision is taken out of the LPA's hands and it is now not possible to amend the current submission in any event.

As a result, Officers are now suggesting that, on balance, the Secretary of State should be informed that the application would have been refused as it is not clear that all impacts of certain key aspects of the development are satisfactorily dealt with at this stage. As explained above, given how fundamental some of these issues are it would not be appropriate to condition these aspects for consideration at a later stage. This view will be relayed to the Secretary of State as part of their overall considerations.

Site and Surroundings

- 1.1. The site is an existing sports ground located on the northern side of Green Street, accessed off Goldsdown Road.
- 1.2. Between the site entrance and the first of the single storey structures which form a series of clubrooms (Yalova FC and Bush Hill Rangers FC) and ancillary structures is an informal parking area. Immediately to the east of the site entrance and connecting Goldsdown Road with Carterhatch Road to the north, is a public footpath. The footpath bisects the site into an eastern and western side.
- 1.3. The eastern side (also knowns as "The Stadium Site") is occupied by the aforementioned clubrooms and the main playing pitch, located within the north-west corner. The remainder of this part of the site had been stripped of soil with large stockpiles of imported soil lying in various overgrown bunds.
- 1.4. Around the main pitch are four existing lighting columns and remnants of a covered stand on the northern side of the pitch and an uncovered, seated stand on the southern side. The player dugouts are located on the northern side of the pitch.
- 1.5. The western side (also known as "The Downs") has a single storey clubhouse facing towards a football pitch. Unlike the Stadium Site, the whole of this part of the site would appear to still be in use.
- 1.6. The site is surrounded by residential developments consisting of a mixture of semidetached, terraced and purpose-built flats on Carterhatch Road to the north, Brimsdown Avenue to the east, Osborne Road to the south and Bowood and Mayfield Roads to the west.
- 1.7. On the southern side of Green Street is Durants Park where there are a number of pitches and MUGA.

2. Amplification of Proposal

- 2.1. Part retrospective application for the redevelopment of site to include demolition of existing club houses and ancillary structures, erection of a 2 storey club house with viewing deck incorporating changing rooms, staff and conference room, retention of existing turf pitch, additional stands to main pitch, alteration to ground levels, creation of 2x turf football pitches, 1x full size artificial football pitch and 4x multi use games areas (MUGAs), upgrading of access roads, increase in parking, flood lighting and landscaping.
- 2.2. As Members saw at their site visit ground levels have been altered through the stripping away of some soil and the unlawful importation of soil. Some of the imported

soil will be formed into bunds around the perimeter of the site and some will increase ground levels around the site generally.

- 2.3. The proposed new clubroom facilities will be sited nearer to the main pitch, approximately 40m north of the existing. Facilities to be provided will include:
 - 10 changing rooms
 - Male/female toilet facilities
 - Visitor's lounge bar with kitchen, servery and storage
 - Meeting room / crèche
 - Gym
 - Various offices
 - Committee room
 - Conference room
 - Clubroom and bar
 - Partially covered balcony viewing area
- 2.4. Car parking will be provided for 254 vehicles, primarily located to the east of the access road, 14 minibuses and 100 bicycles.
- 2.5. The applicant indicates that it is anticipated that local schools, clubs and the wider community will have access to the proposed facilities.
- 2.6. Four new spectator stands are proposed around the main pitch. These will include two 30m long touchline stands (approximately 6.5m in height) and two 20m long goal line stands (approximately 6.5m in height).

3. Relevant Planning Decisions

- 3.1. There is an extensive planning history associated with the site. The most relevant are provided below:
- 3.1.1. Outline planning permission (ref: TP/98/1411) was granted with conditions on 21/12/1998 for a new sports pavilion (including changing facilities) and extension to existing changing facilities adjoining sports and social club. The pavilion building was sited on the field to the east of the main clubhouse.
- 3.1.2. Planning permission (ref: TP/95/0824) was granted with conditions on 12/03/1995 for the erection of a bowls club pavilion and changing rooms.
- 3.1.3. Planning permission (ref: TP/89/1352) was granted with conditions on 21/05/1990 for the erection of a bowls club pavilion and changing rooms.
- 3.1.4. Planning permission (ref: TP/06/0441) was granted on 27/04/2006 for an extension to existing seating area to provide 100 additional seats with installation of turnstile.
- 3.1.5. Planning permission (ref: TP/02/0319) was granted on 06/11/2003 for an extension to existing seating area to provide 100 additional seats with installation of turnstile.
- 3.1.6. Furthermore, since the appeal against non-determination on the site was made, a new application has been submitted, presumably in order to allow discussions to take place on that proposal whilst the current application continues along the appeal route.

4. Consultations

4.1. Statutory and non-statutory consultees

Environment Agency

- 4.1.1. The following has been advised:
 - A bespoke environmental permit under the Environmental Permitting Regulations 2010 will be required because there is not currently enough information within the planning application submission to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution and therefore establish whether or not the applicant will be successful in securing a permit for the proposed use.
 - No objections are raised subject to the inclusion of various conditions to deal with contamination. This includes a remediation strategy, verification reports, surface water drainage, piling / foundations.

Environmental Health

4.1.2. Objections are raised to the proposal on the basis of the likely impact on residential amenity of people living nearby. In the absence of details it would not be possible to impose conditions in this case to secure noise and sound attenuation given the sensitivity of the issues. The matter is further explored in the discussion section below.

Sport England

4.1.3. It has been advised that there are no objections subject to the imposition of conditions relating to the construction and management of the artificial pitches and hours of use.

Greater London Authority (GLA)

- 4.1.4. The local planning authority is required to consult with the Mayor's Office where an application falls within one of the categories of potential strategic importance. Consultation with the Mayor's Office, is a two stage process, unless otherwise informed by the Mayor.
- 4.1.5. The stage one consultation response dated 12 August 2015 confirmed that the Mayor considers that the application does not raise any strategic planning issues and that the application can be determined without further reference to the Mayor.
- 4.1.6. The council is however reminded that electric vehicle charging points should be provided and should therefore be subject to a condition. A construction logistics plan should also be secured by condition. It is requested that a copy of the decision notice and any S106 agreement is sent to the Mayor.

SUDS Officer

4.1.7. The following has been advised and is expanded upon in the "Drainage" section of the Analysis below:

- There are no source control SuDS measures from the runoff from the club house and it's car park. There is therefore unrestricted runoff containing silts from the roof and hardstanding areas that encourage silting of the attenuation tank. This is not acceptable.
- 23 L/s discharge rate off site is acceptable based on the 1.5ha site area
- There has been no rationale behind the type of SuDS utilised in the drainage plan.
 Again, there is no source control SuDS measures (green roof, rain garden or
 permeable paving) utilised for the runoff generated by the club house and associated
 car park. There has been no reason given for the use of the tank as opposed to
 above ground SuDS measures such as ponds, detention basins etc.
- It was mentioned in the FRA that there is contaminated ground so full infiltration SuDS will not be used. However, partial infiltration can occur, and above ground SuDS (lined swales, basins, ponds) can be utilised.
- There are also no details of levels, cross sections and specifications of the drainage features.
- A detailed management plan is required, outlining the specific actions required to maintain the drainage features

Traffic & Transportation

4.1.8. It has been advised that no objections are being raised.

Tree Officer

4.1.9. It has been advised that there are a number of significant trees located around the boundary of both fields, particularly on the western field. No arboricultural reports have been submitted but it is likely that the construction of the bunds will have a detrimental effect on the root systems of the trees. Objects to the scheme.

4.2. Public response

4.2.1. Letters were sent to 359 adjoining and nearby residents in addition to statutory site and press publicity. As a result, 10 letters of objection have been received raising some or all of the following points:

Amenity Issues

- Loss of light to property on Bowood Avenue due to new stands
- Loss of privacy in north-west corner
- Current pitch is higher than gardens, players can look straight into garden
- Ground levels should be taken back to original to maintain privacy
- When matches are currently being played, unable to hold a conversation or hear tv / radio. This happens twice a week.
- Will the area encourage anti-social behaviour?
- Additional pitches with maximum of 88 players plus supporters will increase nuisance throughput week
- PA system currently too loud
- Floodlights installed in 2001 are supposed to be switched off by 22:15. This is contravened on numerous occasions. New lighting should have cut-off timer.
- lights from the playing fields will shine into my home and I have a young son who will need to concentrate on his studies without the distraction of noise and lights.

Highway Issues

- Increase in traffic
- Loss of parking
- Is it possible to have yellow lines on either side of entrance to cul de sac on Goldsdown Road to stop vehicles from blocking the road?

Other matters raised

- Impact on property values because most owners bought into a quiet road / field at the back.
- Will the development impact on potential to sell property?
- Since erection of perimeter fence around the pitch, strip of land between that
 and houses from No.203 to north-west corner has been neglected and only
 cleared when previous work started. Used as a dumping ground, attracting
 vermin. Would like assurance that maintenance will be carried out regularly.
- · Cannot tell how mounds relate to floor levels.
- What type of asbestos was found in the soil? Was imported soil tested?
- Will perimeter fence around main pitch be replaced?
- What is the capacity of the new stands?
- Will the floodlights be the same height as the existing?
- Why will light pollution documents only be done after plans agreed?
- What are the hours of proposed use of the lights?
- Will the grounds be secured when not in use?
- Increased danger from flooding
- When will works commence?
- All of the plans in this application show the private access from Mayfield Road ending at the boundary between nos 29 and 27 Mayfield Road. The access road actually ends on the boundary between nos 25 and 23. This may just be an error on the plans but if the perimeter fencing followed the current line shown in red on those plans, it would cut off rear access to numbers 27 and 25 Mayfield Road.

5. Relevant Policy

5.1. The London Plan

Policy 3.5	Quality and design of housing developments
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.5	Decentralised energy networks
Policy 5.6	Decentralised energy in development proposals
Policy 5.7	Renewable energy
Policy 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 5.16	Waste net self-sufficiency
Policy 5.18	Construction, excavation and demolition waste
Policy 5.19	Hazardous waste
Policy 5.21	Contaminated land
Policy 6.3	Assessing the effects of development on transport capacity

Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Building London's neighbourhoods and communities
Policy 7.2	An inclusive environment
Policy 7.3	Designing out crime
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.19	Biodiversity and access to nature

5.2. Core Strategy

CP9: Supporting community cohesion

CP20: Sustainable energy use and energy infrastructure

CP21: Delivering sustainable water supply, drainage and sewerage infrastructure

CP22: Delivering sustainable waste management

CP24: The road network

CP25: Pedestrians and cyclists

CP26: Public transport

CP28: Managing flood risk through development

CP30: Maintaining and improving the quality of the built and open environment

CP32: Pollution CP36: Biodiversity

CP46: Infrastructure contributions

5.3. <u>Development Management Document</u>

DMDOZ	A 1 ' ' 1 ' 1 O 1 ' D ' 1 1 1 D 1 (
DMD37	Achieving High Quality Design-Led Development
DMD38	Design Process
DMD44	Preserving and Enhancing Heritage Assets
DMD45	Parking Standards
DMD47	New Roads, Access and Servicing
DMD48	Transport Assessments
DMD49	Sustainable Design and Construction Statements
DMD50	Environmental Assessment Methods
DMD51	Energy Efficiency Standards
DMD53	Low and Zero Carbon Technology
DMD54	Allowable Solutions
DMD55	Use of Roof Space / Vertical Surfaces
DMD56	Heating and Cooling
DMD57	Responsible Sourcing of Materials
DMD58	Water Efficiency
DMD59	Avoiding and Reducing Flood Risk
DMD60	Assessing Flood Risk
DMD61	Managing Surface Water
DMD64	Pollution Control and Assessment
DMD65	Air Quality
DMD66	Land Contamination and Instability
DMD68	Noise
DMD69	Light Pollution
DMD70	Water Quality
DMD78	Nature Conservation
DMD79	Ecological Enhancements

DMD81 Landscaping

5.4. Other Relevant Policy Considerations

National Planning Policy Framework
National Planning Practice Guidance
LBE S106 SPD
Enfield Characterisation Study
Community Infrastructure Levy Regulations 2010
North East Enfield Area Action Plan (NEEAP) (June 2016)

6. Analysis

6.1. **Introduction**

- 6.1.1. The principle of the re-use of the site for sporting activity is acceptable having regard to the existing use as a sports ground and the desire at national and local levels to protect and even enhance the provision of open space, sports and recreational facilities. The Council, therefore, is supportive of the development, in principle.
- 6.1.2. However, the overall acceptability of the scheme must be assessed against the additional impact that would arise from a much greater intensity of use of the site through enlarged clubroom facilities, parking facilities and additional sports pitches. Furthermore, given the constraints of the site, the possible impacts of the mitigation measures that are being envisaged in order to deal with the possible impacts must also be taken into account.
- 6.1.3. What is clear here is that the desire to retain the soil that has been deposited on the Sports Ground on the site has a fairly significant impact on the form of the development, most obviously in terms of the levels that are being proposed here. This when considered alongside the fact that the proposal would result in an increase in the intensity of the development that would take place on the new pitches, in terms of times and days of activities, means that although the principle of the use is supported the impacts of the development are considered to be beyond what might be considered to be acceptable.

6.2. Impact on the Character of the Area

Design

6.2.1. There is clear guidance on the approach to the matter of design. The NPPF (section 7) confirms that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development but Paragraph 59 of the NPPF confirms that design policies should "avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally". Paragraph 60 further advises that "decision should not impose architectural styles or particular tastes...

[nor] stifle innovation, innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...[although it is] proper to seek to promote or reinforce local distinctiveness" while paragraph 61 advises that "...decisions should address...the integration of new development into the natural, built and historic environment".

- 6.2.2. London Plan policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features...". Policy DMD 37 (Achieving High Quality and Design Led Development") confirms the criteria upon which an application will be assessed. However, it also recognised there is a degree of subjectivity in the assessment of an acceptable design.
- 6.2.3. The proposed clubroom will be significantly larger than the existing as a result of consolidating the existing structures into one building and the desire to provide a facility to serve various other functions (as outlined above at para.2.3). The size of the proposed building is considered, on balance, appropriate to the application site. Subject to securing appropriate details of the materials, the proposed clubroom will deliver an enhancement to the site, compared to the existing facilities.
- 6.2.4. As mentioned above, the proposed layout is a more intensive use of the site. Although this is not without precedence, with aerial photographs as recent as 2013 showing five grass pitches (including the main pitch) on the Stadium Site and one on the Downs Site, only the main pitch was floodlit. The proposal here involves increasing the use of the pitches both in terms of days of the weeks and also times during the day, with the playing surface and the floodlights allowing fairly extensive use throughout the year. Obviously, from a point of view of enhancing the sporting offer available to residents, this is one of the benefits of the scheme, but it is also one of the key considerations when it comes to assessing likely impact.
- 6.2.5. A key thrust of planning guidance is to optimise the potential of a site to accommodate development and Officers understand this. However, the proposed layout needs to achieve this aim whilst still being sensitive to surrounding residential occupiers by maintaining sufficient distancing to boundaries and it is not certain that this can be achieved as expanded in this report.

6.3. Impact on Neighbouring Properties

Loss of Light / Outlook

Clubroom Facilities

- 6.3.1. The site is surrounded by dwellings fronting Mayfield and Bowood Roads to the west, Carterhatch Road to the north, Brimsdown Avenue to the west, and Osborne and Goldsdown Roads to the south. As the development proposal incorporates works of varying degree / scale over the entire 7.68 hectare site, each adjoining property will potentially be affected to varying degrees.
- 6.3.2. The proposed clubrooms will be significantly larger in terms of footprint and height than the various existing single storey structures. Moreover, it would be positioned approximately 40m north of the existing. At its nearest point, the proposed clubrooms will be sited approximately 15m from the common boundary with No.105 Bowood Road (25m between buildings) but this would be at an acute angle. In addition, replacement trees are proposed along the common boundary, which will help to screen the site.
- 6.3.3. Having regard to all of the above, it is considered that the proposed clubrooms will not unduly impact upon the existing residential amenity of the neighbouring occupiers with regards to loss of light and outlook.

Spectator Stands

- 6.3.4. The nearest dwellings to the west (Bowood Road Nos.107 to 117 odd) of the enlarged stand on the western end of the main pitch are sited between 38m (No.107) and 50m (No.117) distant. At this distance, it is considered that there will not be any detrimental impact on the existing amenity of those adjoining occupiers with regard to loss of light and outlook.
- 6.3.5. The nearest dwelling to the stand on the eastern end of the pitch is approximately 40m away from the nearest dwelling (No.235 Carterhatch Road). Given the level of distancing, being sited south of the properties fronting Carterhatch Road, and with only the 6m deep flank elevation facing those dwellings, there are no concerns with regard to loss of light and outlook.
- 6.3.6. The touchline stand on the northern side of the pitch will be approximately 32m away from the nearest dwellings fronting Carterhatch Road (Nos.211 to 223, odd). Moreover, those dwellings are located north of the site. It is therefore considered that there would be no impact in relation to loss of light and outlook to the aforementioned occupiers.
- 6.3.7. The touchline stand on the southern side of the pitch is approximately 65m away from No.105 Road and will only present its flank elevation towards that property. There are no concerns with regard to loss of light and outlook from this replacement stand.

Overlooking / Loss of Privacy / Distancing

Playing Surfaces

- 6.3.8. The development has involved the importation of a significant amount of soil which at present, are piled into various mounds around the site. Proposed plans show that ground levels will be raised and bunds will be formed around the perimeter of the site. This decision is one of the fundamental issues in terms of the future likely impact of what is proposed here, as it inevitably increases the scope of the development and the likely impact on people living nearby.
- 6.3.9. The main pitch will be raised approximately 1m, with the bund to the northern side rising approximately a further 0.5m. Neighbours on Carterhatch Road have advised that they currently experience some overlooking due the elevated ground level of the main pitch which will be made worse if pitches to the east of that are also provided at a higher level. Not only that, but it is here that the new pitch will be at its closets to the existing residential properties. Sections through the site indicate that there will be a fairly significant change in levels here with limited, or no, opportunities for any panting or screening to take place. This relationship with Carterhatch Road properties, in particular, is considered to be problematic.
- 6.3.10. Observations on site and spot height data would suggest that the existing main pitch is at a similar level to those properties. However, the existing spectator stand near to that northern boundary does include an uncovered section, which when standing at the top level, does offer some views towards those properties (where outbuildings do not prohibit this).
- 6.3.11. The applicants say that the main pitch cannot be lowered because of the need to provide a capping layer as a result of the historic use of the site as an industrial landfill. The existing situation must be acknowledged and although further screening

could potentially be provided along the entire length of the northern boundary it is considered unlikely that this, in itself, would provide acceptable mitigation. With regard to proposed stands, the details will need to be secured by condition and the design will need to ensure that there is no opportunity to overlook the properties to its rear

- 6.3.12. The additional playing pitches (including MUGA) would sit approximately 1.5m above ground level to the properties fronting Osborne Road but would be sited between 30m and 40m from the common boundary. At this level of distancing, there should not be any direct overlooking and loss of privacy. Nevertheless if a proposal was recommended for approval it is considered that the landscaping proposed in the current iteration could be improved / strengthened along this boundary to further reduce any potential for overlooking, to provide a better visual setting and to contribute to the ecological enhancement of the site.
- 6.3.13. Properties to the east, along Brimsdown Avenue, are sited approximately 100m from the nearest MUGA (70m to their rear boundary) and would be separated by a large area of landscaped bunding. As mentioned elsewhere the bunding does seem to be included more to deal with the existence of soil on the site rather than as a response to particular need for such a feature to be included in this part of the site. . If it were to be treated appropriately it is considered, on balance, that the landscaping bund could be an acceptable feature on the site. The level of distancing involved together with the bund will not result in undue overlooking and loss of privacy to nearby occupiers. The existing car repair garage at Osbourne Road would not be impacted on by the bund (use of it would in any event be considered to be quite low) to such a significant degree so as to justify a refusal on loss of privacy grounds. Clearly commercial units are less sensitive than residential accommodation when it comes to these sorts of assessments.
- 6.3.14. It should also be noted that many of the adjoining residential properties have outbuildings at the end of their respective gardens, thus helping to further reduce any opportunity for overlooking and loss privacy.

Clubroom Facilities

- 6.3.15. A viewing deck, recessed into the roof, is proposed, which will wrap around the northern and eastern ends of the building. Due to its design and being primarily eastward facing towards the main pitch and MUGAs, does not raise any concern with regards to overlooking and loss of privacy to neighbouring residential occupiers.
- 6.3.16. At the northern end of the proposed viewing deck, a staircase projects out to provide a level access to the main pitch and down to the changing rooms. This element of the scheme should not lead to any undue overlooking or loss of privacy, however, to further help prevent this, it is considered that additional trees could be provided along the common boundary with those properties fronting Bowood Road. As advised elsewhere, this should be secured through the submission of a detailed landscaping scheme.
- 6.3.17. The proposals indicate that the existing belt of vegetation along the common boundary with properties fronting Bowood Road will be replaced. It is considered that additional trees could be provided, in particular along that part of the boundary to the rear of the main pitch, to further strengthen boundary screening but this would be the subject of a detailed landscaping proposal to be secured by condition.

6.3.18. The new clubhouse would be sited close to its nearest residential properties. In order to minimize impact rear-facing windows are proposed for the new clubroom however these all consist of rooflights. From cross-sectional drawings, the internal design of the building would not allow for any overlooking from these windows. Moreover, the orientation of the building to the nearest residential building would not lead to overlooking and a loss of privacy.

Noise

- 6.3.19. Paragraph 123 of the NPPF considers noise impacts of development. It confirms that policies and decisions should aim to:
 - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 6.3 20 As explained above, the potential impact of the new development and the increase in the intensity of the use of the site is one of the key considerations here, given that the site is bounded on all boundaries by residential accommodation meaning that there are a large number of sensitive locations in close proximity to the proposed development. The Council's Environmental Health Officer (EHO) formally objects to the application.
- 6.3.21 In terms of the original acoustic report, its approach was broadly acceptable but it needed to be considered in the context of other similar examples of artificial football pitches to understand possible impact. The EHO comments that a very similar set of conclusions to the ones reached here had also been made by the acoustic report for the Power League site on the A10 and a similar height barrier to mitigate noise had been proposed. Members will be aware that at that site the Council received a high volume of noise complaints from residents whose properties backed on to the Power League site. In that case, the Power League site upgraded the height of its noise barrier from 2.4 metres to 4.8 metres, but even with the increase in barrier height there is still concern that the loss of amenity, in terms of noise and disturbance, for four or five residential properties is beyond what might be considered to be within acceptable limits.
- 6.3.22 In the original application for Brimsdown Sports and Social Club the acoustic report showed no noise barrier to the eastern boundary where three 5-aside pitches were to be located. Articulating some of the concerns raised by Members earlier in 2016 when the item was deferred from Planning Committee Officers met with the applicant and his consultant and expressed concerns regarding the lack of barrier. The applicants indicated that they would be prepared to revise the proposal for the barrier to screen round the whole of the new pitches and there was also a suggestion that they could put a building around the 5-aside pitches. However, these proposals would be subject to an analysis, which would include cost and scheme viability.

Obviously any measures that would mitigate the noise would be supported by the EHO, but the erection of barriers/buildings would still require an assessment on visual impact. The particular constraints of the site mean that large barriers or other structures could relate poorly to people living next to the site.

- 6.3.23 The use of the pitches was also discussed with the EHO and the model for use was presented as being different to a Power League site, with the use mainly schools and training academies. Hire of the pitches was stated as being only available when not in use by the aforementioned groups. Clarification of this is critical, but it does seem given the number of pitches and the length of time that they would be available for use (including the provision of floodlighting to allow matches to take place all year round and in the evening) that use at more sensitive times would be inevitable. No confirmation of the business model has been received including an indication of how much time the applicant expected to hire the pitches to the public. This will dictate the type of user and the EHO has confirmed that taking on board the experience at the A10 Power League, where distances between pitches and residents is similar (although there are more houses adjacent to the site here), noise is likely to be an issue, as is the intermittent shouting of the participants. The greatest concern associated with such sites is the short-term events, as these generally cause problems due to shouting during games and the use of PA systems. They stand-out well above the general noise levels. It is understood that the applicant is minded to proposed a noise control strategy involving signage and warnings, but the EHO remains unconvinced that this is likely to be successful in reducing nuisance. In the event that this development was to go ahead as proposed now it is likely that noise disturbance, and consequent complaints, would arise in the future, even when considering the historical use of the site.
- 6.3.24 The use of bunds is mentioned elsewhere and it is proposed that part of their role is to present themselves as acoustic barriers. It should be noted that proposed (and implemented) measures will not completely eliminate noise emanating from the use of the site and they do not overcome the concerns outlined by the EHO above. Having regard to the above, it is considered that the development would impact on the existing amenity of neighbouring occupiers with regard to noise and disturbance. The development is considered to fail to comply with Policy 7.15 of the London Plan, Core Policy 32, Policy DMD68 of the Development Management Plan.

Lighting

Playing surfaces

- 6.3.25 Given the sensitivities of the site, adjacent to residential dwellings, a lighting scheme should be designed to minimise the impact on these elements (light spillage / light trespass), whilst obviously providing the necessary level of lighting for functional use, and also having regard to existing lighting within the sports ground. For outdoor sporting provision, sports lighting can considerably extend the hours of use especially outside the summer months and is often critical to the viability of many facilities which rely on income from mid-week evening lettings to cover operating costs. Sports lighting is therefore essential if these sports facilities are to be used to their full capacity and justify the level of capital required to provide them. Without sports lighting, opportunities for sport would be significantly restricted. This is one of the main differences between the proposal now and what might have happened here in the past on the site, even at its most intensive period of use.
- 6.3.26 The existing site has four lighting columns around the main pitch. The development proposal will include:

- 4no. 15m high lighting columns around the main pitch
- 4no. 15m high lighting columns around the senior artificial pitch
- 18no. 8m high lighting columns around the 7no.5-a-side / MUGA pitches
- 6.3.27 With regard to the main pitch, although the proposed lighting columns will be taller than the existing (3m) and therefore more noticeable, modern directional floodlighting reduces the amount of light spillage beyond the immediate area. There should be no additional impact from the proposed replacement lighting columns around the main pitch.
- 6.3.28 Residents towards the eastern end of the site may notice more of an impact from the additional lights proposed for the senior training pitch and the 7no.5-a-side / MUGA pitches as this part of the site is currently undeveloped. However, the nearest facing windows to any of the additional 8m or 15 columns are approximately 56m distant. Retained and proposed trees (some atop bunds) will help screen some of the visual impact. It is considered however, that more could be achieved in terms of plantings but this could be subject to a more detailed landscaping condition.
- 6.3.29 Officers have previously considered that the submitted Lighting Assessment is poor as it does not provide much in the way of detail for the proposed floodlights. The examples contained within it do not match the heights of the masts to be used, which are themselves not uncommon. The only variable should be the specific site circumstances which are dependent upon topography, existing screening and distancing to light sensitive receptors. Notwithstanding the submitted Lighting Assessment, it is considered that it would be possible to provide the floodlighting of the proposed pitches that would not impact on neighbours amenity providing that further fact was undertaken. Full details of the proposed floodlights and impact from the chosen lights, (e.g. mitigation measures to further reduce spillage, number of lights per column, light hoods, wattage, illuminance plots etc) would need to be secured by condition in the event that a consent was forthcoming and the hours of use for the lighting will also be subject to condition.
- 6.3.30 No lighting is proposed around the junior pitch in the south-west corner of the site.

Car Parking Areas

- 6.3.31 Lighting will be required to provide a suitably safe environment for the car parking areas, with the main concern being the extensive parking proposed for the western part of the site. It has been indicated within the Lighting Assessment that low level bollard lighting will be used. This is a type of lighting solution is widely used and considered to be appropriate for light sensitive areas. The parking areas to the east of the retained public footway running through the site will raise no additional concern in terms of impact on neighbouring occupiers from lighting.
- 6.3.32 Details of the car park lighting scheme would have been secured by an appropriately worded condition in the event of a permission.
- 6.3.33 It should be noted that although the main car park will have its ground level raised by approximately 1m, the proposed perimeter bund along the western boundary will approximately be an additional 1.25m in height.

6.4 Traffic and Highway Considerations

Traffic Generation / Parking

- 6.4.34 Comparable sites (i.e. Power League) and associated trip generation data from the TRICS database have been used. The survey sites were chosen on the basis of similar operation, similar PTAL, scale of operation and nature of facilities. This approach is considered acceptable. However the assessment of visitor numbers / movements was weak and assumes a generally low, non-specific amount. The TA considers that the 254 parking spaces provided on site is more than adequate to cater for visitor parking although this excludes the anticipated level of parking / trip generation associated with visitors. The propensity for locally generated trips is good with this location and also considering the Site's extant use. With regard to DMD Policy 48, it is therefore considered that the trip generation is now considered sufficiently robust.
- 6.4.35 Access by pedestrians and cycles will need to be promoted because the site is located east of the A1010 Cycle Enfield proposals. It is therefore proposed that a condition or obligation is included to secure a PERS (Pedestrian Environment Review System) and CLoS (Cycle Level of Service) audit between A1010 and A1055 (including certain side routes, especially connecting to the Site). The Applicant will be required to contribute to identified and agreed improvements.
- 6.4.36 With regard to DMD Policy 45, parking provision should comply with the London Plan. It is noted that the anticipated level of parking is likely to be high given the site's intended use and comparatively low access to public transport (i.e. PTAL 2). The TA concludes that parking provision should be more than adequate for the purposes of the proposed development.
- 6.4.37 Cycle parking appears to be sufficient. All cycle storage will need to be secure, in a location with good natural surveillance and sheltered from the weather.
- 6.4.38 No swept-path analysis has been provided for either the access, parking or footpath crossing areas. The layout proposed appears to broadly accord with general design standards but had the application being recommended for approval the details would need to be finalised and secured through conditions or obligations.
- 6.4.39 Parking spaces will need to be reconfigured to suit minibus dimensions without obstructing movement around the site or jeopardising individuals' safety. Active and passive charging points should also be provided in accordance with London Plan and DMD Policy 45 requirements. These elements can be conditioned.

<u>Access</u>

- 6.4.40 The existing access location (in-out) is to remain similar to the existing, although with internal changes to facilitate the movement of pedestrians and cars. The existing footpath is being retained, and will continue on a largely unchanged alignment to the existing. Although it is noted that vehicles are proposed to cross the footpath in order to access the parking areas, it is also proposed that the design, configuration and operation of this interaction point will prioritise pedestrian movement.
- 6.4.41 Although the design appears to broadly accord with current standards, access for emergency services and coaches will need to be more fully demonstrated. As advised, swept path analysis will need to be undertaken and can be secured by condition.

6.4.42 Road Safety Audits will also be required as part of the detailed design, linked to potential s278 works where the proposed designs interact with public highway. This will also need to be secured by condition.

Servicing

- 6.4.43 The proposed waste collection arrangement broadly complies with current design standards and is therefore considered acceptable, although details will need to be secured by condition / obligation.
- 6.4.44 The main concern relates to the volume of construction related trips. It is noted that the proposed works and high volume of imported fill provide a longer term environmental over the existing state of the Site. The immediate access points to the Site are currently covered by 5T weight limits although loading access is permitted. Again, the temporary nature of construction traffic is noted.
- 6.4.45 The TA notes that construction traffic may be focused on times outside the operation of nearby schools notably Brimsdown Primary School this is supported. The proposed construction routing is considered acceptable, although the introduction of a residents' / school / business consultation group is very strongly recommended.
- 6.4.46 A car park management plan would be beneficial in order to minimise the risk of overspill parking to eth surrounding residential streets where parking pressures can, and have been observed to, be high.
- 6.4.47 A Construction Management Plan has not been provided although it is acknowledged that reference is made to providing one should the development be approved. This would be secured by an appropriately worded condition in the event of a consent forthcoming in the future.
- 6.4.48 Having regard to the above, and subject to additional information for assessment, it is considered that the development would provide acceptable parking and servicing facilities having regard to Policy 6.13 of the London Plan, and Policy DMD45 of the Development Management Document.

6.5 Sustainable Design & Construction

Energy Efficiency

6.5.34 The London Plan confirms that non-domestic buildings in the period 2013-2016 should be looking to achieve a 35% improvement on 2013 Building Regulations. A detailed Energy Strategy will need to be provided to clearly set out how the scheme will achieve (or exceed) the target savings. This information will be required prior to development commencing because the overall appearance of the building can be detrimentally affected, depending upon the measures proposed.

Biodiversity / Ecology

6.5.35 Policy 7.19 of the London Plan ("Biodiversity and access to nature") requires development proposals to make a positive contribution, where possible, to the protection, enhancement, creation and management of biodiversity. Core Policy 36 of the Core Strategy confirms that all developments should be seeking to protect, restore, and enhance sites. Policy DMD79 advises that on-site ecological enhancements should be made where a development proposes more than 100sqm of floor space, subject to viability and feasibility.

- 6.5.36 The western sector of the site is predominantly playing fields in current active use. The eastern sector generally comprises land stripped of soil (now grown over), with stockpiles of stripped material, along with a car park, stadium in current active use and associated club house and other ancillary buildings. The two sectors of the Site are variably bordered by hedgerow / tree belt and other peripheral vegetation
- 6.5.37 The initial appraisal indicates that whilst the majority of the site generally comprises playing fields or cleared land of minimal ecological interest, there are specific areas of mainly peripheral habitat to be retained, which could provide suitable habitat for a number of statutorily protected and other notable species eg. badgers and reptiles. There could also be a possible presence of roosting bats in buildings and/or a small number of trees within and close to the site. Parts of the site are also suitable for use by breeding birds. These possibilities have been assessed within the submitted Report and it has been established that:
 - there is no evidence of badgers;
 - there is no suitable habitat for Great Crested Newts:
 - some parts of the site (identified on the "Habitat Zonation Drawing") could have the potential to provide habitat for the slow worm, grass snake and common lizard, therefore a herpetological survey may be required should development occur in these areas.
 - None of the existing buildings provide suitable habitat for bats. Some of the existing trees have the potential (albeit, low) to provide roosts.
- 6.5.38 Whilst some perimeter trees and hedgerow will be retained, a substantial number will be removed to enable the redevelopment of the site. Vegetation clearance should only be permitted outside of the bird nesting season or if unavoidable within the nesting season, only under the supervision of an appropriately qualified ecologist. Should planning permission be granted, a condition could be reasonably imposed to secure this.
- 6.5.39 With regard to enhancements, the Ecological Appraisal recommends that a Nature Conservation Management Plan is produced for all new and retained habitat, to include replacement panting as necessary, establishment maintenance, and a management strategy / monitoring. This also includes the provision of bird and bat boxes.
- 6.5.40 Notwithstanding the above, there has been no discussion on the provision of a biodiverse / green roof and living walls, which would also contribute to flood risk alleviation. There are green roof systems which would enable their provision on pitched roofs. The issue is whether this will be feasible at all but to not have any regard is considered unacceptable and contrary to DMD59, 61 & DMD79.
- 6.5.41 The recommendations contained within the Ecological Appraisal will be conditioned. In addition, a further condition will be imposed to investigate the feasibility of providing a biodiverse / green roof. As discussed above, a lighting condition will be imposed to ensure that any proposed lighting is sensitive to the surrounding environment. From an ecological perspective, this will include wildlife habitat.

Trees / Landscaping

6.5.42 An Arboricultural Assessment has not been provided. As currently proposed, the toe of the bund will be in close proximity to some retained trees. Increasing ground levels

around the base of a tree can potentially harm its long-term life expectancy, therefore it is recommended that where the bund finishes in close proximity to an existing tree, as a minimum it should be no nearer than the outer extent of the root protection area of the relevant tree. Conditions would need to be attached to any consent in order to secure a revised detailed layout plan, an arboricultural constraints plan, and a tree protection plan as the current submission does not include the level of detail required.

6.5.43 Having regard to the above, and taking on board the views of the Council's Tree Officer, the location and construction of the bunds around the perimeter of the site is likely to cause significant harm and damage, via compaction, soil level changes and other construction activities to the root systems of the trees around the perimeter which have significant amenity value and make many beneficial contributions to the locality and wider borough. This would be contrary to council policy DMD80. Concerns about the likely loss of existing trees needs to be considered in conjunction with the fact that, as mentioned elsewhere in this report, there is no approved scheme for enhanced planting/landscaping on the site.

Drainage

- 6.5.44 London Plan policies 5.12 and 5.13 requires the consideration of the effects of development on flood risk and sustainable drainage respectively. Core Policy 28 ("Managing flood risk through development") confirms the Council's approach to flood risk, inclusive of the requirement for SuDS in all developments. Policies DMD59 ("Avoiding and reducing flood risk") confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that Planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMD61 ("Managing surface water") requires the submission of a drainage strategy that incorporates an appropriate SuDS scheme and appropriate greenfield runoff rates.
- 6.5.45 A Flood Risk Assessment / Sustainable Drainage Strategy has been submitted in support of the application. The Report concludes that the proposed development (within Flood Zone 1) is at a low risk of flooding. With regard to SuDS, infiltration based techniques are not considered appropriate due to site contamination issues.
- 6.5.46 Although the conclusions of the submitted Report are acknowledged, the points raised by the SuDS Officer are also noted. It is considered that a condition could be reasonably imposed to secure a drainage strategy and management plan to address the concerns of the SuDS Officer in the event that a consent was forthcoming.

Site Waste Management

Construction Waste

- 6.5.47 Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London's waste within London by 2031 (by 2026 as stated in FALP), creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2031. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition ("CE&D") waste of 95% by 2020.
- 6.5.48 In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans

- to arrange for the efficient handling of CE&D. Core Policy 22 of the Core Strategy states that the Council will encourage on-site reuse and recycling of CE&D waste.
- 6.5.49 Details of a construction waste management plan have not been submitted with the application. This detail can be secured through an appropriately worded condition.

Operational Waste

6.5.50 To understand the potential waste generation of the facility whilst in operation, a Waste Management Plan ("WMP") should be provided detailing the waste minimisation proposals and the proposed strategy for dealing with waste generated from the use of the site. Whilst one has not been provided, a WMP can reasonably be secured by condition.

Contamination

- 6.5.51 Having regard to the existing use of the site as a nursery, and the former use as an orchard, consideration must be given to land contamination (London Plan policy 5.22 and DMD66). To enable an understanding of any potential contaminants and the likely impact on receptors from these former uses, a Land Appraisal and Contamination Report has been submitted.
- 6.5.52 The Report identifies that the site was previously used as an industrial landfill operated by Johnson Mathey between 1913 and 1958. As a result of this, near-surface contamination does exist, posing either a physical or chemical risk. A remediation strategy has been proposed which includes a 600mm capping layer, thickened to 1m because of the need to provide drains to a depth of 400mm to ensure adequate drainage of the playing surface.
- 6.5.53 Although capping could potentially result in landfill gas migration, it is considered that the risk from this is low due to the age and nature of the waste. However, the applicant had proposed to install perimeter monitoring points during the remediation phase to record existing levels of methane and carbon dioxide.
- 6.5.54 A quantitative risk assessment would have needed to be provided and an assessment on the risk to controlled waters. No development should commence until a scheme to deal with the contamination of the site including an investigation and assessment of the extent of contamination and the measure to be taken to avoid risk to health and the environment had taken place.
- 6.5.55 The importation of waste is governed by the Environment Agency's Permitting Regime and as explained above at paragraph 4.1.1 further information is required by the Environment Agency on this particular point.

6.6 Employment and Training

- 6.6.34 Core Policy 16 of the Core Strategy confirms the commitment of the Council to promote economic prosperity and sustainability in the Borough through a robust strategy to improve the skills of Enfield's population. One initiative is, through the collaboration with the Boroughs of Haringey, Broxbourne, Epping and Waltham Forest, to promote skills training for local people.
- 6.6.35 The Strategy will need to set out how the development will engage with local contractors / subcontractors, the number of trainees to be employed on site and the

number of weeks training will be provided. Details of a Local Employment Strategy could be secured by condition.

6.7 Community Infrastructure Levy

6.7.34 The development is not CIL liable as it is for a leisure / community use.

6.8 **Section 106**

- 6.8.34 Having regard to the contents of the content above, it is recommended that the Council should inform the Planning Inspectorate that they would have refused planning permission, had they been in a position to make a decision. Had permission been granted, the following obligations would have been sought:
 - Securing the local sourcing of labour
 - Securing the local supply of goods and materials
 - Securing on-site skills training
 - Entering into a s278 Agreement for associated highways works

6.9 Other Matters Raised

6.9.34 Boundary issues are a civil matter falling outside the planning consideration of any proposal, although the point made elsewhere about certain discrepancies in the site boundaries shown on certain plans here did need to be addressed.

7 Conclusions

- 7.4 Although it is acknowledged that the development proposal does make a more effective use of the site to provide additional sport, recreational and community facilities and the Council supports the proposal in principle, the constrained nature of the site in terms of the relationship with certain neighbours and the decision to remodel existing levels on site in order to deal with the amount of soil that has been dumped there means that the increased intensity in the use of the site would be likely to have an unacceptable impact on those people living nearby, both in visual terms and also in terms of noise, disturbance and nuisance. Furthermore, the loss of trees and the absence of replacement enhanced planting adds to the overall impact of the development.
- 7.5 It is evident that throughout the report that there are a number of issues that require further information to be submitted prior to development commencing (eg: Environment Agency comments, SuDs, lighting, Construction Management Plan) that it is considered to be conditioned for later consideration and assessment. However, there are certain other key, fundamental issues that it is considered cannot be put off for future consideration and in the absence of a clear understanding that those particular points can be dealt with in an appropriate way Officers feel that the development should not be approved. Therefore, taking all material planning considerations into account it is considered that the Secretary of State should be informed that the Council would have refused planning permission, had it been in a position to.

8 Recommendation

8.4 That planning permission would have been REFUSED for the following reasons:

- 1. The proposed development, having regard to its size, siting, design and relationship with surrounding residential properties, exacerbated by the levels on the site, would be likely to have an unacceptable impact on the visual impact of the locality, in terms of loss of privacy and outlook, having regard to Policies 7.1, 7.4 & 7.6 of The London Plan, Core Strategy Policies 30 and 37, as well as Policies DMD6, DMD8 and DMD37 of the Development Management Document.
- 2. The location and construction of bunds around the perimeter of the site would be likely to cause significant harm and damage, via compaction, soil level changes and other construction activities to the root systems of the trees around the perimeter which have significant amenity value and make many beneficial contributions to the locality and wider borough. Furthermore, the proposal fails to provide adequate replacement planting or enhanced screen planting to contribute to the overall mitigation of the increased impact of the proposed development. As a result, the proposal is contrary to the NPPF, NPPG, London Plan policies 7.19 and 7.21, Core Strategy policy cp34 and policy DMD80 of the Development Management Document.
- 3. In the absence of any measures to mitigate the likely impact from the proposed development, in terms of noise, disturbance and nuisance arising from the hours of use and the more intensive use of its size, given the location of pitches and proposed levels, it would be likely to have an unacceptable impact on the amenities of the locality, in general, and the residents living near to the site, in particular. As a result, the proposal would be contrary to policy CP32 of the Core Strategy, policy DMD 68 of the Development Management Document, as well as the advice in the NPPF.



