Planning Committee Special meeting TABLED DOCUMENTS

DATE: **Wednesday 16 April 2014**

4. THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE (Pages 1 - 28)

Replacement Appendix to Report of the Interim Divisional Director of Planning.

Harrow COUNCIL LONDON

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ITEM NO. 1/01

ADDRESS: THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE

REFERENCE: P/0665/13

DESCRIPTION: VARIATION OF CONDITION 29 (APPROVED PLANS - ADDED THROUGH APPLICATION P/2807/12) ATTACHED TO P/0002/07 DATED 08/04/2008 FOR 'REDEVELOPMENT FOR ENLARGED FOOTBALL STADIUM AND CLUBHOUSE, FLOODLIGHTS, GAMES PITCHES , BANQUETING FACILITIES, HEALTH AND FITNESS FACILITY, INTERNAL ROADS AND PARKING' TO ALLOW MINOR AMENDMENTS TO THE STADIUM COMPRISING: PHASE 1: INTERNAL AND EXTERNAL ALTERATIONS TO EAST STAND INCLUDING ADDITIONAL ROW OF SEATS; INCREASE IN HEIGHT, DEPTH AND CAPACITY OF WEST STAND INCLUDING CAMERA POSITION; REDUCTION IN CAPACITY OF STANDING AREAS; INCREASE IN HEIGHT OF FLOODLIGHTS AND RE-SITING OF SOUTHERN FLOODLIGHTS; ADDITIONAL TURNSTILES, SPECTATOR CIRCULATION, FENCING, FOOD KIOSKS AND TOILETS; ALTERATIONS TO PARKING AREAS. PHASE 2: REPLACE NORTH STAND WITH SEATED STAND; REDUCTION IN CAPACITY OF STANDING AREA IN SOUTHERN STAND; EXTENSION TO REAR OF WEST STAND TO PROVIDE INDOOR SPECTATOR SPACE (TOTAL STADIUM CAPACITY NOT TO EXCEED 5176 AS PREVIOUSLY APPROVED)

WARD: QUEENSBURY

APPLICANT: THE HIVE DEVELOPMENTS LTD

AGENT: AND ARCHITECTS

CASE OFFICER: OLIVE SLATTERY

EXPIRY DATE: 06-JUN-13

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason.

REASON
The application has failed to demonstrate that the impact of the floodlights would not result in significant harm to the amenities of neighbours by virtue of unacceptable lighting levels within and adjacent to residential properties surrounding or near to the site. The proposals are therefore contrary to policies DM 1C and DM 48C of the Development Management Policies Local Plan (2013).

INFORMATION
This application is reported to Planning Committee as it proposes a variation to conditions on a development that, in the opinion of the Director of Planning, raises potentially substantial amenity issues and therefore falls outside Category 7 of the Scheme of Delegation. The application was deferred at the meeting of the Planning Committee on 1st August to enable a "screening opinion" to be carried out, pursuant to the Environmental Impact Assessment regulations 2011. The Screening opinion has been undertaken and concluded that the proposal is not EIA development. It has been placed online and a further round of public consultation has been undertaken in relation to a report into the floodlighting tests that were submitted to the Council prior to the meeting on 1st August. The recommendation for refusal of the application has also been updated in response to the report submitted.

Summary
Statutory Return Type: (E) Large-scale Major Development
Council Interest: The Council is the Freeholder of the site

Site Description
- The site comprises former educational sports grounds designated as open space within the Core Strategy (2012). It is now occupied by a football stadium with ancillary facilities, open air grass and synthetic football pitches.
- The site has been developed in accordance with planning permission granted in 2008, to expand the stadium and improve the playing fields provided on the site.
- The site is bound by the Jubilee Line railway to the west, with residential properties fronting Aldridge Avenue on the other side of the railway embankment: residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east, the site adjoins residential properties along Buckingham Gardens, St David's Drive and Little Stanmore Nursery, First and Middle School.
- The section of railway that adjoins the western site boundary is identified as a site of nature conservation importance.
- The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue.
- The part of the site adjacent to the Brook is in Flood Zone 3a/3b (including an Environment Agency flood defence bund), whilst the northernmost part of the stadium is within Flood Zone 2.
- The site is designated as a proposal site within the Harrow Core Strategy. It is recognised as a centre of sports excellence, providing important opportunities for community access to high quality facilities and local sports participation. The planning permission granted in 2008 is consistent with this designation.
- The main access to the site is from Camrose Avenue, with secondary access (pedestrian only) from Whitchurch Lane.

Proposal Details
Planning permission was granted on the 8th April 2008, for a redevelopment of the site to provide an enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking, subject to a number of conditions. Condition 29 was added by non-material amendment application P/2807/12 and lists the approved plans to be complied with. This application proposes to vary condition 29. The proposed variation is for minor material amendments to the approved stadium, across two building phases as set out on the application drawings:

Phase 1

- Internal and external alterations to the approved east stand, including additional row of seats on lower tier, re-cladding/re-painting of external surfaces and external alterations to doors and windows. The drawings also indicate that the upper tier of seating approved will not be provided. The submitted Design and Access Statement advises that 'sightlines to the pitch at this high level do not meet the green guide safety at sports grounds requirements'.
- Increase in height of the west stand (by 5.6 metres), depth (by 4.2 metres) and capacity and the addition of a camera position (2.6 metres deep and 4 metres high).
- Reduction in width of the west stand (by 15 m)
- Proportionate reduction in capacity of standing areas (north and south stands) to ensure overall capacity does not increase.
- Increase in height of floodlights from 15.7 metres to 27.8 metres and re-siting of southern floodlights. The plans show that the floodlights comprise a 22 m high mast and a 5.8 m high head frame. The Design and Access Statement refers to a 25 m high mast and a 3 m high head frame. These latter dimensions are confirmed in the report prepared by the lighting consultant, included in the application and correspond to the floodlights now installed on the site. This assessment has been made on the basis of the submitted plans and structures now erected. The submitted Design and Access Statement states that the taller floodlights are required to meet current FA requirements and to create less shadows on the pitch and to reduce light spillage as the lights are directed more downwards instead of across the pitch and the site. It further states that this also helps to reduce glare to tubeline trains and neighbouring residents as the light is directed downwards.
- Additional turnstiles, spectator circulation, fencing, food kiosks and toilets.
- Alterations to parking areas.
- The resultant capacity of each stand is set out as follows:

Stand	**Capacity**
North	764
South	764
East	1014
West	2634
Total	5176

The majority of the phase 1 works have been carried out on the site.

Phase 2

- Replace existing north stand with a seated stand (increase in height by 4.4 metres; increase in depth of 3.8 metres and *reduction* in width by 20.7 metres).
- Proportionate reduction in capacity of standing area in southern stand.
- Full height extension to rear of west stand (depth between 6.3 metres and 13.9 metres, chamfered to run along jubilee line boundary) to provide indoor spectator space.
- The resultant capacity of each stand is set out as follows:

Stand	**Capacity**
North	1035
South	493
East	1014
West	2634
Total	5176

Phase 1 has been substantially completed, whilst Phase 2 is expected at a later date.

As set out in the above tables, the proposals would not increase the total stadium capacity beyond 5,176, which was the capacity originally approved by the 2008 permission.

Relevant History

EAST/148/01/OUT - Outline: football stadium, terraces, stand & clubhouse, floodlights to ground, artificial pitch & tennis courts, health & fitness facilities, parking, vehicular access from Camrose Avenue
Granted - 11-Apr-2003

P/1087/03/DVA - Variation of condition 13 of planning permission East/148/01/OUT to provide revised parking layout
Granted - 29-Jul-2003

P/898/03/CDP - Details of design and appearance of building and landscaping pursuant to condition 2 of outline planning perm. East/148/01/OUT for football stadium associated works
Granted - 04-Aug-2003

P/0002/07
Redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking
Granted : 08-APR-08

P/1321/08
Alterations and internal changes to east stand and change of use of part of first floor of east stand from D2 (assembly and leisure) to primary care trust premises
Granted : 06-OCT-08

P/1226/09
S.73 application to vary condition 27 (development within the area liable to flood) attached to planning permission P/0002/07
Granted : 25-AUG-09

P/2022/09
Variation of condition 18 (external lighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road and car park level that shall be extinguished not more than 60 minutes after the end of any match or event.'
Granted : 06-NOV-09

P/2257/09
Variation of condition 17 (floodlighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2200 hours except when evening matches are being played at the
main stadium when floodlighting shall only be used up to 2300 hours' to 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2300 hours, until commencement of use of the playing surface of the main stadium, at which time floodlighting
for the main stadium shall only be used on any day up to 2300 hours, and any other floodlighting within the site hereby permitted for playing surfaces shall only be used on any day up to 2230 hours'.
Refused : 29-DEC-09

Reason for Refusal:
1) The proposed variation of condition to extend the hours of floodlighting would result in unacceptable detriment to the living conditions of neighbouring residential properties contrary to policies D4 and EP25 of the Harrow Unitary Development Plan.

P/2912/09
Variation of condition 17 (floodlighting) of planning permission ref: P/0002/07 dated 8 April 2008 from `the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours' to `the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours'; variation of condition 18 (external lighting) from `all exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to ` exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. when holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event'
Granted : 15-Jun-10

P/1693/12
Variation of condition 17 (floodlighting) of planning permission ref: P/0002/07 dated 8 April 2008 from `the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours' to `the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours'

Variation of condition 18 (external lighting) from `all exterior lighting other than floodlighting shall be extinguished on any day not later than 2230 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to `exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. when holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event'
Granted : 10-SEP-12

P/2807/12
Non-material amendment to add a condition detailing approved plans to planning permission P/0002/07 dated 08/04/2008 for redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches , banqueting facilities, health and fitness facility, internal roads and parking
Approved : 27-NOV-12

Pre-Application Discussion
- None

Applicant Statements
- Design and Access Statement, which includes details relating to lighting and noise
- Drainage Report
- Letter from Abacus Lighting received 31 July 2013

Consultations:
- Environment Agency – No objections to the proposal (comments dated 15 July 2013)
- Highways Authority - As the stadium capacity is to remain unaltered there are no specific comments on this condition variation
- Biodiversity Officer – No objection. Measures recommended in relation to provision of bird boxes
- Environmental Protection– Light: Given the information provided, I am still not convinced that the raising of floodlights will not have an impact on the locality. Looking at the new drawings, increasing the height still seems to increase the line of sight especially from Aldridge Avenue. The report has provided details of horizontal light spill but has not provided the vertical effect on the affected properties, and this is the main concern. Until such time that a more detailed assessment can be made on the effect of the net increase in height of the floodlights, Environmental Protection will have to recommend refusal of the scheme as it stands
- Noise - As stated previously I have looked at the proposal for the change in spectator numbers in each stand, but given the changes amount to less than 20% if my calculations are correct this would have very little noise effect as the total number of the stadium itself is unchanged and as such the displacement of such a minimal number of spectators is in my opinion not of any major concern.
- Transport For London - No objections to the proposal (comments dated 27 June 2013)
- London Underground – The applicant is in communication with London Underground engineers with regard to the development above. Therefore, we have no comment to make on the application except that the developer should continue to work with LU engineers.
- Drainage Officer – No Response received to date

- Canons Park Residents Association – No Response received to date

Notifications:

1st Consultation
Site Notice: 4 April 2013
(2 x site notices were erected at the Camrose Avenue site entrance and the Whitchurch Lane site entrance)
Expiry: 25 April 2013

Advertisement: 28 March 2013
Expiry: 18 April 2013

Letters Sent: 425
Replies: 5 (including petition of 89 signatures)
Expiry: 29 April 2013

Addresses Consulted:
- 14-34 (even) St David's Drive;
- 1-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 231-297 (odd) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 56-74 (even) Bransgrove Road;
- 67-87 (odd) Bransgrove Road;
- 12-44 (conc) Buckingham Gardens;
- 152-160 (even) Buckingham Road;
- 36-54 (even) St Bride's Avenue;
- 2-122 (even) Aldridge Avenue

Summary of responses:
- Concerns relating to noise from matches
- No regard has been taken to lower or minimise sound and light levels which affect local residents
- Vast numbers of people visit The Hive leading to an increase in traffic and this impacts on parking
- The original planning permission was for a training ground and community use of football pitches – this did not state that first team matches could be played here
- Noise and impact on quiet enjoyment of nearby properties
- There is a lack of public transport from Barnet
- There are existing parking problems on the surrounding streets
- The floodlighting causes a lot of distraction in the evenings
- The proposal is unacceptable in a residential area
- The proposal will impact on private and working lives
- Light disturbance has been experienced even when curtains are drawn
- Increased risk of criminal activity
- Increase in the amount of litter

The grounds for objection in the petition are summarised as follows:

- There has been a break-down in communication between Harrow Planning Services and residents – residents are ignorant of the fact that planning permission had been granted for a football stadium to be built on site
- Communications from Harrow Planning Services should be personalised
- The proposal is unacceptable in a residential area
- Events were held last summer and these resulted in unacceptable levels of noise
- Sound pollution from football training disrupts children's sleep – it takes little imagination to envisage the alarming escalation in volume from a stadium
- Oppose the proposed increase in size, height and number of floodlights – this will aggravate existing light pollution
- Parking congestion problems
- The proposal will decrease property prices

2nd Consultation

Site Notice: 24 May 2013
(2 x site notices were erected at the Camrose Avenue site entrance and the Whitchurch Lane site entrance)
Expiry: 14 June 2013

Advertisement: 30 May 2013
Expiry: 20 June 2013

Letters Sent: 425
Replies: 11
Expiry: 14 June 2013

Addresses Consulted:

- 14-34 (even) St David's Drive;
- 1-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 231-297 (odd) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 56-74 (even) Bransgrove Road;
- 67-87 (odd) Bransgrove Road;
- 12-44 (conc) Buckingham Gardens;
- 152-160 (even) Buckingham Road;
- 36-54 (even) St Bride's Avenue;
- 2-122 (even) Aldridge Avenue

Summary of responses:

- There appears to be no consideration to restrict or help reduce noise levels
- The proposal will increase light pollution to local residents
- Object to the proposals to expand the football stadium in a totally unsuitable area
- The playing fields were intend to be for community use and not for use by a football team from another Borough
- Traffic jams appear on Whitchurch Lane every time there is an event at Wembley – what will happen if Barnet are playing and there is an event at Wembley?
- Traffic congestion will impact on emergency services and public transport access

- Existing floodlights already glare into back gardens along Aldridge Avenue – the proposal to increase their height is totally unacceptable
- The high floodlights will be an ugly sight as the trees that originally lined the open fields were all cut down
- The increase in the height, depth and capacity of the west stand will result in a huge ugly metal structure
- Residents have has to put up with shouting and listening to obscenities often until 11:30 pm and are woken up by loud announcements on loud speakers
- Perhaps the Hive should compensate local residents for the chaos being caused
- The whole stadium is totally overbearing and far too large – allowing it to get bigger is inconceivable
- Lack of privacy for local residents - The Hive continue to allow visitors, spectators and official photographers to stand up on the large mound that separates the pitches from back gardens along Camrose Avenue
- The original planning permission did not allow professional football to be played on this site but Barnet now intend to play Conference League football from September 2013 – this contravenes the planning permission
- Camrose Avenue is already dangerous
- Children have trouble studying in the evenings and sleeping at night because of the noise that is made on the Hive pitches – this is impacting upon their learning

3rd Consultation
Site Notice: 10 July 2013
(4 x site notices were erected at the Camrose Avenue site entrance, the Whitchurch Lane site entrance and both entrances to Stanmore Place)
Expiry: 31 July 2013

Advertisement: 11 July 2013
Expiry: 01 August 2013

Notifications:
Sent: 2517
Replies: 6
Expiry: 31 July 2013

Addresses Consulted:
2517 notification letters were sent to properties within a wide area surrounding the site, extending south to Rock Avenue, west to Honeypot Lane, north to the Whitchurch Lane and east to Merlin Crescent.

Summary of Responses:
- The venue is too big for its space
- Traffic conditions and parking are already pushed to its limit on game days
- Extending the facilities is clearly taking it beyond a training ground
- This is a residential area with challenging traffic and parking conditions
- If professional football is to take place, the crowds and problems will be proportionally larger
- The gridlock caused during the recent pre-season friendly is obviously a sign to come during the football season - Suggest that further amendments should include on-site parking
- Degradation of a residential area

Notification of additional information
Sent 2517
Replies 0
Expiry: 26 August 2013

APPRAISAL
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

BACKGROUND
This application is for a 'Minor Material Amendment', under a procedure introduced by the Government in 2009. The applicant applies to vary the planning condition under Section 73 of the Town and Country Planning Act 1990 (as amended) which sets out the approved plans for the development, by substituting some or all of these plans which indicate the changes to the scheme.

Government Guidance on 'Minor Material Amendments' does not define what changes may be treated as 'minor material amendments' although the government has confirmed that they "agree" with the definition proposed by WYG (White Young Green Planning and Design)*: "A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved".* This is not, however, a statutory definition.

It is therefore the responsibility of each Local Planning Authority to determine the definition of 'minor material'. A judgment on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgment on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.

In this case, the application site comprises some 17.3 hectares of designated land. A planning permission granted in 2008 has permitted up to 5176 spectators to watch floodlit football matches from four stands, largely enclosing a football pitch. The site provides circa 300 parking spaces in addition to space for coaches. The main facilities for the stadium are provided in the substantial 2 storey building located along the eastern side of the pitch (the east stand).

The proposals do not introduce any new uses to the site, or change the character of the

permitted use of the stadium (albeit that the property lease did not envisage use of the site for first team football). The minor works to provide turnstiles, ticket office and vending locations that will contribute to control of crowds and enable the management of the site for first team football matches of Barnet Football Club are not considered to have a material effect on the character of the site as a whole, or the stadium complex itself, when viewed from surrounding properties. The new west stand and the replacement of the North stand in the future for taller structures, with different capacities to the approved/existing stands together with the increased height of the floodlights are considered to have a material impact on the appearance of the site, albeit that the impact is not such that in the opinion of officers, it automatically results in a change to the character or impact of the development which would take the proposals outside of the scope of an application of this type.

The effect of the Section 73 application is to issue a new planning permission.

MAIN CONSIDERATIONS
Principle of Development
Character and appearance of the Area
Residential Amenity
Flood Risk and Drainage
Traffic and Parking
Biodiversity
Accessibility
S17 Crime & Disorder Act
Equalities and Human Rights
Consultation Responses

Principle of Development, Open Space and Sports Facilities
The principle of providing a football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking has been firmly established by a previous planning permission which was approved by the Planning Committee on 14th March 2007 (planning application reference P/0002/07). This planning permission was not issued until 8th April 2008, following the completion of an S106 agreement, to secure a contribution towards controlled parking and the submission and implementation of a Travel Plan. The current planning application proposes minor material amendments to the approved planning permission and these would take place across two building phases, as set out on the application drawings and details in the 'proposed details' section of this report. The first phase of the proposals is now largely completed on the site. The application has been the subject of a screening opinion which has concluded that an Environmental Assessment is not required.

It is clear that the proposed amendments involve physical changes to the site compared with the approved scheme. However, the proposal would not alter the nature of the approved use, nor would it increase the total stadium capacity beyond 5,176, which was the capacity originally approved by the 2008 permission.

In considering whether to accept an application of this type, the Committee must consider whether the changes proposed to the scheme, both individual and on a cumulative basis, would result in a development that is substantially different from the one that has been approved. Having considered this first matter, the Committee must then decide whether the amendments proposed, having regard to the development plan and any other material considerations, are acceptable.

On the basis of the Government's definition – "A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved" – it is considered that the proposed development could reasonably constitute a minor-material amendment. Clearly, components of the approved scheme would change. Fundamentally, however, the nature of the approved use and the site layout would not change.

In considering this application under Section 73 of the Act, because it effectively issues a new planning permission that will replace the existing one, due consideration must nevertheless be given to all aspects of the development, the site history and material planning considerations. As the Council granted planning permission within the context of the site circumstances at that time and the policies of the Development Plan in force in 2008 (although the Planning Committee considered the application in 2007), it is appropriate then to re-consider the scheme in the context of relevant changes in site circumstances and planning policy since the original grant of planning permission, and any other material considerations.

In terms of the site circumstances, the approved development from the 2008 permission has been substantially implemented, so that the lawful use of the site is now that permitted by the planning permission albeit with previous permitted changes to the approved scheme.

In terms of planning policy, The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material considerations indicate otherwise (S.38(6)) of the Planning Act).

The development plan for Harrow comprises:

- The London Plan 2011
- The Local Development Framework, comprising the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013, the Development Management Policies Local Plan 2013, the Site Allocations Local Plan 2013 and the Harrow Local Area Map 2013.

The Government announced its intention to introduce the presumption in favour of sustainable development (in the 2011 budget and the 'Planning for Growth' paper) in 2011 and issued a draft NPPF for consultation. Both the emerging presumption and draft NPPF were in the public domain before the Examination in Public hearing sessions of Harrow's Core Strategy in late summer 2011. Upon the advice of the examining Planning Inspector, the Council undertook a post-hearings re-consultation exercise to *inter alia* solicit views about the implications of these for the Core Strategy. Paragraph 7 of the Planning Inspector's report into the soundness of the Core Strategy confirms that he took into account representations received in respect of these matters. The published NPPF formalises the presumption in favour of sustainable development and carries forward the thrust of the Government's intentions for a streamlined, pro-growth national planning policy position as set out in the 2011 draft. Officers are therefore confident that the Core Strategy (2012) is in general conformity with the published NPPF and that, taken together

with the London Plan (2011), there is a clear and up-to-date Development Plan for the delivery of sustainable development in Harrow.

The application site is designated as open space within the Harrow Core Strategy (2012). The NPPF recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities, and places significant protection on open space, sports and recreational buildings and land, including playing fields (Paragraph 74).

In 2013, Harrow Council adopted The Local Development Framework (2013), deleting the previously considered saved policies of the Harrow Unitary Development Plan 2004. The Harrow Core Strategy (2012) represents a component of The Local Development Framework and sets out Harrow's spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026. The strategy provides a positive plan for ensuring that the Borough's housing, employment, infrastructure and other needs are met over the plan period in a way that contributes to achieving sustainable development.

This spatial strategy includes specific reference to Prince Edward Playing Fields and the investment provided by Barnet Football Club. This reflects the importance of the site in strategic planning terms and the importance of the site locally as a high quality community facility and an important sporting destination. On this basis, the Development Plan contains a commitment to maintain Prince Edward Playing Fields as an important sporting destination and supports opportunities for enhanced community access (Core Policy CS9.D). Further to this, policy DM 48.A of the Development Management Policies Local Plan seeks to enhance outdoor sports facilities provided that there would be no conflict with Green Belt, Metropolitan Open Land and open space; no detriment to any heritage or biodiversity assets within or surrounding the site; and no adverse impact on residential amenity or highway safety. These matters and the specific policy requirements will be considered at a later stage in this appraisal.

On a strategic level and having regard to the lawful (and designated) use of the site it is therefore considered that the application is in broad conformity with the Development Plan for the area. As such, it is considered that the application is also consistent with the NPPF.

Conclusion

Whilst it is clear that the proposed amendments would involve physical changes to the approved permission, the proposal would not alter the nature of the approved use, nor would it increase the total stadium capacity beyond 5,176, which was the capacity originally approved by the 2008 permission.

Having regard to the strategic policy considerations within the Development Plan, set out above, and all other material planning considerations, the principle of a centre of sports excellence at Prince Edward Playing Fields is considered to be acceptable and consistent with the adopted NPPF.

The NPPF and Development Plan nevertheless require that the development satisfies a number of specific policy considerations, related to its detailed design and the impacts arising from it. These matters and the specific policy requirements will be considered below.

In concluding that, in principle, the proposed developments are acceptable, officers acknowledge that there are concern that have been raised by local residents in relation to the use of the stadium by Barnet Football Club for first team football league matches. However, in the context of the "lawful use" permitted by the 2008 planning permission, there is no *planning* restriction on the use of the stadium for these purposes. The lease agreement, which sits outside of the planning remit, restricts professional football (defined as league 2 or above) from being played at the stadium. However, there is no restriction on non-league games being played and it is noted that Barnet FC have recently been relegated out of the football league.

Character and Appearance of the Area
The scale and layout of a football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking has previously been considered to be appropriate within its context (Planning application reference P/0002/07). This planning permission has been implemented and is considered to represent a lawful "fall-back" position in this instance.

This application proposes amendments to the approved stadium on the site, to be constructed over two phases, as set out above in the Proposal Details section of this report. The proposed amendments are appraised in relation to their impact on the character and appearance of the area, having particular regard to the fall-back position and the up-to-date Development Plan.

Policy Context:
The NPPF states (paragraph 64) that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The NPPF continues to advocate the importance of good design though it is notable that the idea of 'design-led' development has not been carried through from previous national policy guidance to the National Planning Policy Framework.

The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. Core Strategy policy CS1.B states that 'all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design'.

Policy DM 1 of the Development Management Policies Local Plan requires all development proposals to achieve a high standard of design and layout, having regard to massing, bulk, scale and height of proposed buildings; the appearance of the proposed buildings; the context of the site; the provision of appropriate space around buildings; the need to retain existing natural features; the functionality of the development and the arrangements for safe, sustainable and inclusive access and movement'.

Site Context:
The site is not in a Conservation Area nor is it within the setting of a Listed Building. There are no protected views towards the site. It is bound by the Jubilee railway line to the west, residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east, the site adjoins residential properties along

Buckingham Gardens, St David's Drive and Little Stanmore Nursery, First and Middle School. The context for the application site is a predominantly residential area, with a mix of traditional two storey semi-detached properties and the more recent modern flatted development to the north west of the site, along with employment space and industrial uses within the designated industrial location along Honeypot Lane. The application site itself comprises a large space within this area, covering over 17 hectares. In this context, public views of the site from the highway are generally limited to glimpsed views, particularly from Camrose Avenue. From these public viewing points, the site is generally seen as an established stadium complex. The exception in terms of public views is from the Jubilee railway line, from where the site is highly visible and immediately obvious. These views are dominated by facilities associated with the existing sports use of the site; a football stadium and clubhouse, floodlights, games pitches, internal roads and parking area.

The site is also overlooked by the rear gardens and rear elevations of residential properties that surround the site, although this matter is discussed at length in section 3 of this appraisal relating to amenity.

Assessment of the current proposal:

Phase 1

- *Internal and external alterations to the approved east stand, including additional row of seats on lower tier, re-cladding/re-painting of external surfaces and external alterations to doors and windows.*

The east stand of the stadium has been constructed and has been occupied on site for a number of years. This application does not propose any changes to the uses within the building. It is considered that the minor alterations to seating, doors and windows do not give rise to a substantially different 'stand' than that which has been approved, and to this end its scale and appearance is considered to be acceptable.

It is proposed to alter the colour scheme of the stadium as a whole, including the re-cladding of the external surfaces of the east stand. The Design and Access Statement advises that the colour scheme proposed is a dark grey colour. Although the amendments proposed to the east stand have already taken place on site, it is unclear whether or not the external materials of the building on site are those proposed under this application. It is considered that the materials and colour of the existing east stand are acceptable. However, in the absence of any specific samples being provided and for the avoidance of doubt, a planning condition would be required for the full details of materials to be submitted and approved in writing in order to ensure coherence to the material/colour pallet across the site. .

- *Increase in height (by 5.6 metres), increase in depth (by 4.2 metres) and reduction in width (by 15 m) of west stand. Increase in capacity of west stand and the addition of a camera position (2.6 metres deep and 4 metres high)*

The amendments proposed under phase 1 relating to the west stand have already taken place on site. The proposed amendments have resulted in a noticeably taller and deeper form of development along the western boundary of the site than what was previously approved, albeit that this is somewhat off-set by a reduction in the width of the approved stand. Similar to the east stand, the west stand is visible intermittently from the local highway network. It is generally seen in the context of the football stadium and associated ancillary facilities - an established stadium complex. The new stand, whilst clearly obvious as part of the stadium complex, is not considered to be disproportionately

larger or of a significantly greater scale than the East Stand/Facilities building (which is substantially longer) or the two “stands” at either end of the pitch. The structure will be more visible than the approved stand (for those homes in Aldridge Avenue, this is particularly the case following the recent engineering works to the Jubilee line embankment that removed the previous substantial tree cover from the railway embankment beyond the site boundary. In this context, and having regard to the fall-back position which permits a wider and lower stand, Officers consider that the west stand as built is not an incongruous or disproportionate structure that is unduly harmful to the character and appearance of the area when viewed from public and private viewpoints.

- *Proportionate reduction in capacity of standing areas (north and south stands) to ensure overall capacity does not increase.*

This would not impact on the appearance of development or the character of the area.

- *Increase in height of floodlights from 15.7 metres to 27.8 metres and re-siting of southern floodlights.*

Criterion C of policy DM 48 states that ‘Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers or harmful to biodiversity’.

When compared to the approved scheme, the increase in the height of the floodlights under the current application is clearly discernible. The floodlights that have been installed are taller than the existing installations that serve the all-weather pitches and given the wider, largely low/medium rise character of the area, they are clearly visible features in the surrounding area.

The floodlights shown on the submitted plans comprise a 22 m high mast and a 5.8 m high headframe. The Design and Access Statement refers to a 25 m high mast and a 3 m high headframe. The floodlights installed at the site measure 25m and 3m (as per the Design and Access Statement). This assessment is therefore made on the basis of the floodlights as installed (and measurements from the Design and Access Statement).

The proposed floodlights are taller than the existing stands on site, and due to their height are clearly visible within the local townscape. The single floodlight columns are nevertheless slender. The most obvious elements of the floodlights are the head frames including the lanterns themselves. During the daytime, and when not in use, the floodlights are an obvious vertical component of the views across the site from both gardens in surrounding homes and the more limited views from public viewpoints. The height of the columns also serves to “identify” the location and presence of the site from properties where views are otherwise much more limited, or hidden by embankments or vegetation. However, in the context of the football stadium and associated ancillary facilities – i.e. the stadium, large car park areas and associated paraphernalia – Officers consider that during the daytime, this impact upon views is not considered to be harmful to the character or appearance of the area.

At nighttime when in use, or during low light conditions, the illuminated head frame (especially against a backdrop of the night sky) will have a more distinctive effect on the character and appearance of the site – introducing a bright, clearly visible light source into the night time panorama. The actual levels of light escaping the site and its impact upon amenity are considered below. Against a backdrop of other site wide lighting, and having regard to the openness of the site which in most cases permits views of the sports ground, the use of high level floodlights is considered to be part of the expected

characteristics of a sports stadium. There is nothing in this case, especially given the planning history and permitted floodlighting scheme for the main stadium, that leads officers to conclude therefore that the proposed floodlights would further change the character of the site from that which would arise from the lower but equally significant main pitch floodlighting previously permitted.

- *Additional turnstiles, spectator circulation, fencing, food kiosks and toilets.*

This application proposes a rationalisation of the existing spectator circulation areas and this is partly to account for site levels changes that were not properly considered as part of the original designs. It is proposed to increase the number of turnstiles to provide for improved spectator flow and safety, which is supported. Additional hard surfacing would be required to enhance the spectator space and improve safety at the stadium. New 2.8 metre high fencing would also be erected around the stadium complex and between home and away sections. There would also be minor amendments to the provision of food kiosks and toilet facilities. Overall, these proposed works would be appropriate and essential to the safe use of the stadium and would not result in any material impact on the character and appearance of the site.

- *Alterations to parking areas.*

The submitted amendment drawings seek to regularise the configuration of car and coach parking facilities to reflect the existing situation on site in terms of parking and internal road layout. The layout is considered to be acceptable.

<u>Phase 2</u>

- *Replace existing north stand with a seated stand (increase in height by 4.4 metres; increase in depth of 3.8 metres and reduction in width by 20.7 metres).*

It is proposed to replace the existing north stand with a different structure, to be a seated stand rather than a standing terrace. The revised stand would be 20.7 metres narrower that the approved stand, but would be 4.4 metres taller and 3.8 m deeper. As with the amendments to the west stand discussed above, this change would result in a noticeably taller form of development at the northern end of the stadium. However, it would be smaller than both the existing east stand and the existing west stand (proposed under Phase 1 of this application). The stand would be of a scale consistent with the scale of the stands (and the stadium) on the site as a whole. The stand “sandwiched” between the larger east and west stands would not be overly visible from public viewpoints outside of the site. On this basis, it is considered that this part of the proposal would therefore have an acceptable appearance.

- *Proportionate reduction in capacity of standing area in southern stand.*

No undue impact on appearance of development or character of the area.

- *Full height extension to rear of west stand (depth between 6.3 metres and 13.9 metres, chamfered to run along jubilee line boundary) to provide indoor spectator space.*

It is proposed to extend the rear of the west stand proposed under Phase 1 of this application to provide indoor spectator circulation space. This extension would have the advantage of providing additional disabled spectator space with lifts.

As discussed above, it is proposed to extend the rear of the west stand proposed under Phase 1 of this application to provide indoor spectator circulation space. This extension would increase the bulk of the west stand and this would be apparent in views from within

the site and from neighbouring properties to the west on Aldridge Avenue. However, the additional bulk would be sited some 30 metres from the rear boundaries of these properties and a further 30 metres from the rear habitable room windows. On this basis, it is considered that the impacts in terms of character and appearance would be acceptable. The extension would also have acknowledged benefits, both in terms of improved disabled facilities and the containment of spectators within the building outside of game time, thereby reducing the potential for noise transmission to neighbouring properties from spectators arriving and departing the stand/ground.

Conclusion

This above appraisal addresses the likely impacts of these amendments in terms of character and appearance of the area. Whilst the proposal would result in an apparent change (e.g. the increased height of the floodlighting and two larger stands), Officers are of the view that in the context of an established football stadium, these impacts would not unduly impact upon the character and appearance of the area.

Residential Amenity

Policy Context

Since the original application was considered in 2008, Policy 7.6B, subsection D, of The London Plan (2011) has been adopted and states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Furthermore, the Development Management Policies Local Plan has been adopted. Policy DM 1.C of this plan states that; *'All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted'* It requires an assessment of privacy and amenity considerations to have regard to:

a. the prevailing character of privacy and amenity in the area and the need to make effective use of land;
b. the overlooking relationship between windows and outdoor spaces;
c. the distances between facing windows to habitable rooms and kitchens;
d. the relationship between buildings and site boundaries (applying the Council's 45 degree code where relevant);
e. the visual impact of development when viewed from within buildings and outdoor spaces (applying the Council's 45 degree code where relevant);
f. the adequacy of light and outlook within buildings (habitable rooms and kitchens) and outdoor spaces (applying the Council's 45 degree code where relevant);
g. the adequacy of the internal layout of buildings in relation to the needs of future occupiers and any impact on neighbouring occupiers;
h. the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution; and
i. the need to provide a satisfactory quantum and form of amenity space for future occupiers of residential development.

Policy DM 48.A of the Development Management Policies Local Plan seeks to enhance outdoor sports facilities provided that there would be no adverse impact on residential amenity (amongst other issues), whilst criterion C of this policy states that 'Proposals for

floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity'.

Phase 1

- *Internal and external alterations to the approved east stand, including additional row of seats on lower tier, re-cladding/re-painting of external surfaces and external alterations to doors and windows*.

It is considered that these minor changes would not unduly impinge on neighbouring amenity, due to their modest nature and the intervening distances between the building and adjoining residential properties. As discussed, the nature of the use of the building would not change from the consented scheme.

- *Increase in height (by 5.6 metres), depth (by 4.2 metres) and capacity of west stand and the addition of a camera position (2.6 metres deep and 4 metres high). Reduction in width of the west stand (by 15 m)*

It is acknowledged that the west stand, as built, is visible from the rear of residential properties that surround the site, particularly those along Aldridge Avenue. The increase in height and depth has resulted in a taller structure than that which was previously approved. However, the structure is also 15m narrower than the approved stand.

The properties that are potentially the most sensitive to the proposed changes to the west stand are on Aldridge Avenue – especially following recent works to the embankment that have removed substantial trees screens between these properties and the site. The Jubilee Line embankment separates the west stand from the rear gardens of these properties. The height of this embankment changes along the length of the site. Nevertheless, the embankment represents a significant, continuous "structure" in the foreground of views towards the site from Aldridge Avenue which in part offsets the impact arising from the additional height of the new west stand some 35-40 metres from the rear boundaries of these properties and a further 30 metres from the rear habitable room windows.

The new, taller, stand has the potential to create longer shadows during the early morning. Given the distance and overall height of the stand, and relative position of the houses on Aldridge Avenue, the shadows from the new stand are considered unlikely to reach the homes of residents in Aldridge Avenue or have any other appreciable impact upon daylight received in the rear gardens or rooms of the homes in this street.

There are no high windows at the rear of the stand facing west and the proposal does not therefore result in overlooking of the Aldridge Avenue properties.

The consideration of the impacts of the new stand on the distribution of crowd noise from spectators at matches taking place within the ground is considered further below. Overall, officers, advised by the Environmental Protection team have been informed that given the wide range of crowd characteristics depending upon a number of variables, noise levels appreciated by residents surrounding the site will not materially change – give the capacity of the ground does not increase and its fundamental design does not change (i.e. the consented stadium is not an "enclosed" bowl). The increased capacity of the west stand will, potentially place a greater number of spectators (2634compared to 2368) at the base of the stand at the beginning and end of games played in the stadium. Officers from the Environmental Protection team have not raised any specific concerns in relation to this circumstance and such impacts are in part offset by the raised

embankment between this area and homes in Aldridge Avenue.

Due to the separation distance between this stand and other neighbouring residential properties surrounding the site, there is considered to be no unacceptable overlooking or overbearing impact on these properties from the enlarged stand or the provision of a camera position.

- *Increase in height of floodlights from 15.7 metres to 27.8 metres and re-siting of southern floodlights*

Criterion C of policy DM 48 states that 'Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity'

The proposed floodlight columns would be taller than the existing installations serving the all-weather pitches and appreciably taller than the approved floodlight units serving the main stadium pitch. The Design and Access Statement advises that the lighting is designed to suit current league requirements and the additional height is required to ensure that the lamps are angled downwards as far as possible, as opposed to across the pitch thereby reducing light spillage and glare.

In terms of neighbouring amenity, the impacts of the proposed floodlights are two-fold:

<u>The physical impacts:</u>
The proposed floodlights would be the tallest structures on site, and they would be visible from nearby residential properties. The proposed masts would be tall and slender. Given this slender design, it is the opinion of Officers that the masts in themselves would not give rise to an undue loss of outlook for neighbouring occupiers.

The most obvious elements of the proposed floodlights would be the head frames and there is no doubt that these head frames would be visible from neighbouring properties, particularly those that abut the site. As stated in section 2 of this appraisal, it is considered that these head frames would not look out of place in the context of the football stadium and associated ancillary facilities. For the same reason, it is considered that the proposed head frames would not give rise to an undue loss of outlook for neighbouring occupiers.

<u>Light spill and Glare:</u>
A 'technical lighting report' forms part of the submitted Design and Access Statement. This report has been supplemented by further report into tests of the installed lighting which assigns light levels from the floodlights to measured points across the site (and along/beyond the site boundaries). The representations submitted as part of this application express concerns about floodlighting affecting light levels in bedrooms, and giving rise to disturbance of night time sleep patterns of younger children. Floodlighting at the site is permitted until 2300hrs. Officers accordingly requested information and calculations in relation to vertical luminance.

The applicants have submitted an updated light spill diagram and have conducted detailed post installation measurements of the light spill from the floodlights. The measurement of floodlighting levels took place on the evening of 26th July. The measurements were undertaken by the contractor but were overseen by the Councils Environmental Protection team. Readings were taken at house numbers 32 & 64 Aldridge Avenue and on the mound between the houses on Camrose Avenue and the 3G

pitch and also on the overspill car park behind the gardens of the houses on Camrose Avenue.

The applicants report on the findings from the test has been reviewed by the Councils Environmental Protection team who continue to raise concerns in respect of the impacts that the lights will have. The report quotes measured readings taken at points within and outside of the site – against levels quoted within the Guidance Notes provided by the Institute of Lighting Engineers (ILE). These guidelines are used routinely in the consideration of floodlighting in planning appeals – most recently in APP/M5450/A/13/2190773 at Whitmore High School. The report suggests that light emissions attributable to the floodlights falls within the levels provide for within the guidance for sites of this nature.

Planning permission already exists for floodlights of 15.8m height at the ground. The applicant's submission suggests that the greater height of the floodlights forming part of this application, would serve to reduce light spillage beyond the pitch area when compared with the consented scheme.

The Public Protection team nevertheless remain concerned that the difference in light levels experienced at the rear of properties on Aldridge Avenue between the lights being on, and being off, will be significant. Whilst further tuning of the individual lanterns direction is possible, the overall effect of the floodlights on residential amenity will, in their opinion, and in the absence of agreed controls be significant especially for evening matches/use of the stadium.

In respect of Camrose Avenue, the floodlights on their own are noted to contribute a modest level of additional lighting to existing levels. However, the observed and recorded levels of lighting at the rear of these properties are already such that the additional light emissions would mean that overall light levels experienced at the rear of these properties would exceed the 10 Lux guideline in the ILE guidance.

Whilst the applicants have provided some further information in this regard, the report submitted has not addressed the cumulative effect of the floodlights and the existing site lighting on residential amenity. Accordingly, whilst the applicants post installation report demonstrates that the floodlights on their own do not result in lighting levels above those recommended by the Institute of Lighting Engineers relevant guidelines, the Councils Environmental Protection officers are concerned that the overall levels of lighting received by the surrounding properties exceeds the recommended guidelines in the ILE guidance.

The application does not contain any clear strategy indicating how the levels might be reduced to satisfy the guidelines and observed and reported impacts of the floodlighting on light spill levels at nearby residential properties are considered to have the scope to cause significant disturbance to residents late into the evening. Officers, advised by the Environmental Protection team in the Council are therefore unable to conclude that the proposed floodlights would not give rise to adverse impact upon the amenities of nearby residents – required in order to meet the policy requirements for floodlighting set out in Policies DM1C or DM48A.

- *Additional turnstiles, spectator circulation, fencing, food kiosks and toilets.*

No undue impact on neighbouring amenity, as the stadium capacity would be as approved previously.

- *Alterations to parking areas.*

No undue impact on neighbouring amenity, as the stadium capacity and expected vehicle activity would be as previously approved.

Phase 2

- *Replace existing north stand with a seated stand (increase in height by 4.4 metres; increase in depth of 3.8 metres and reduction in width by 20.7 metres).*

The proposed increase in height and depth would give rise to a taller and more obvious structure than that which was previously approved. However, it would be a sufficient distance from neighbouring properties so as not to have a detrimental effect. It would be visible above the Jubilee Line embankment from the rear of properties on Aldridge Avenue to the west of the site. However, it would be some 50 metres from the rear boundaries of these dwellings and this distance together with the presence of the jubilee embankment would ensure that the revised stand would not be overbearing to the occupiers of these properties.

- *Full height extension to rear of west stand (depth between 6.3 metres and 13.9 metres, chamfered to run along jubilee line boundary) to provide indoor spectator space.*

As discussed above, it is proposed to extend the rear of the west stand proposed under Phase 1 of this application (and as existing on site) to provide indoor spectator circulation space. This extension would increase the bulk of the west stand and this would be most apparent in views from neighbouring properties to the west on Aldridge Avenue. However, the additional bulk, would be sited some 30 metres from the rear boundaries of these properties and a further 30 metres from the rear habitable room windows. On the basis of this, and the presence of the jubilee line embankment, it is therefore considered that the proposed extension to the west stand would not give rise to undue impacts on neighbouring amenity, in terms of loss of light, overshadowing or loss of outlook. This extension would also have acknowledged benefits, both in terms of improved disabled facilities and the containment of spectators within the building outside of game time, thereby contributing to reducing noise transmission to neighbouring properties from spectators using the stand/circulation space at the back of the stand.

High level windows are proposed along this west elevation. It is considered that these could result in actual or perceived overlooking and the leakage of noise from the stand over the embankment towards the Aldridge Avenue properties. A condition to ensure these are obscure glazed and fixed closed would therefore be required in order to safeguard the amenity interests of these residents.

- *Re-configuration of the capacity of the stands – Phase 1 and Phase 2:*

Although this application proposes to re-configure the capacity of the stands, it does not propose to increase the overall capacity of the stadium (5,176). Interested parties have raised concerns that the proposed larger west stand could result in an increase in noise transmission to neighbouring properties.

Although planning application reference P/0002/07 proposed an overall capacity of 5,176, the noise report that was submitted as part of this application was based on a stated capacity (in the report) of 500 people. The applicant believes that this figure was presented in error. A supplementary noise assessment prepared for the applicant by RPS consulting forms part of the Design and Access Statement. It concludes that 'the original

conclusions of the noise report dated December 2006 remain valid'

Notwithstanding this, planning permission was approved in April 2008 with an approved capacity is 5,176. Whilst the overall capacity of the ground is not changed by this proposal, the numbers within each of the stands does change. An additional report was therefore requested to assess what, if any, changes result from the revised layout. A revised Design and Access statement was submitted in early July 2013 which advises that by moving high level spectators (east stand) down to the opposite stand (west stand), it has two effects:

- The noise from the crowd that would go over the lower level roof is now removed and the sound from this crowd is now travelling predominantly in the opposite direction (easterly direction).
- The higher roof of the west stand and the larger number of spectators in this stand acts as a sound absorption capturing more sound from the rest of the ground travelling towards the railway embankment which in itself is a buffer.

The Design and Access Statement further advises that 'The new north stand changing from standing to seating will also act as a sound absorber' and that 'fundamentally, the noise generated from within the ground is the same but the noise that is contained within the ground is increased due to the larger structure capturing the sound within the ground and the additional surface area of seated spectators absorbing crowd noise'.

This application has been referred to the Councils Environmental Health Team who has verbally advised officers that notwithstanding the absence of a technical noise model, these conclusions are broadly consistent with their own assessment of the likely effect of the proposals. The most significant determinant of noise levels for a stadium of this design the capacity of the ground, as opposed to the detailed design of each stand. A formal, written response, from the Environmental health team is nevertheless awaited.

Flood Risk and Drainage

Policy DM 9 of the Development Management Policies Local Plan requires the design and layout of development proposals to contribute to flood risk management and reduction.

The part of the site adjacent to the Brook is in Flood Zone 3a/3b (including an Environment Agency flood defence bund), whilst the northernmost part of the stadium is within Flood Zone 2. This application proposes additional footprint and hard surfacing on site and to this end, revised drainage calculations and drawings have been submitted as part of the application documents.

The application has been referred to the Environment Agency who has advised that they are satisfied with the proposed variation of condition and raise no objections to the proposal.

On this basis, it is considered that the proposed amendments would not increase the risk of flooding on the site or elsewhere and would accord with the NPPF and the Local Development Plan.

Traffic and Parking

The NPPF sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of reducing the

need to travel, and encouraging public transport provision to secure new sustainable patterns of transport use.

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility. During its earlier determination, the car parking levels on the site were deliberately reduced from 600 spaces to 300 spaces following representations from the GLA.

As the stadium capacity is to remain unaltered, the Council's Highways Authority raises no objections to the proposal. Secure cycle spaces are provided for 100 cycles and this is considered to be appropriate. The existing parking and access road layout is considered acceptable and the proposal would therefore be acceptable in this regard. A number of objections to the proposals, related to the proposed use for first team football, have nevertheless raised concerns with regard to car parking and the impacts of match day parking on streets surrounding the site. The applicant has recognised the need for match day parking management plans and has held discussions with the Highway Authority in connection with the signage and management of traffic. The current S106 agreement provides for a contribution to be made to a CPZ scheme if required. The effective management of traffic and visitors is not, directly, a matter that is associated with the current proposals for floodlighting and stands. The applicant has stated publically, a commitment to address residents concerns but, to date, no formal approach has been made to the LPA to address this by way of any changes to the S106 agreement, or the terms of the previous permission.

Biodiversity
The Jubilee Line embankment is a site of local importance for nature conservation. The Council's Biodiversity Officer has advised that bat interest is unlikely to be significant following the extensive works to the embankment by Tubelines. However, bird boxes could be erected in suitable locations on the new stands and a condition could be imposed requiring details to be submitted and approved prior to occupation of the development, in order to comply with policy DM 21 of The Development Management Policies Local Plan.

Accessibility
The proposed amendments would result in an improved environment for disabled persons, including more ramps to account for site levels changes and designated viewing areas. The proposal would therefore be an improvement in terms of providing an accessible and inclusive environment.

S17 Crime & Disorder Act
The proposed amendments would bring the stadium up to modern standards in terms of security. Consideration has been given to the division of home and away fans, with away fans positioned to the north of the stadium close to the exit with Whitchurch Lane and Canons Park Station. The proposal would therefore achieve the aims of policy DM 1.g of The Development Management Policies Local Plan.

Concerns have been raised that the use of the stadium could increase criminal activity and litter. These matters are best resolved through effective stewardship and policing, rather than through planning controls. The proposals do not suggest that purely as a

result of the amendments proposed, such activities will increase.

Equalities and Human Rights
The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

Consultation Responses
Concerns relating to the appropriateness of football grounds on this site; noise and disturbance; light spill; the use of the stadium for first team matches; criminal behaviour; litter; overbearing impacts; character and appearance of the area; traffic impacts and privacy have been addressed within the above appraisal

- Concerns in relation to lack of consultation on previous proposals - Council records confirm that previous consultations took place in line with legislative requirements. Notwithstanding this and in response to these representations, during the application, a substantial increase in number of properties consulted has taken place
- Concerns in relation to effect on property values - This is not a material planning consideration
- Compensation for local residents - This is not a material planning consideration

CONCLUSION
This planning application, together with recent activities at the site, has prompted considerable local interest and representations have been made against the proposals and the use of the ground for first team football by Barnet FC. The use of the ground for first team football with up to 5176 spectators is nevertheless lawful in planning terms. This application does not propose to increase the number of spectators within the stadium. The design and access statement submitted in support the application claims that the proposed amendments would improve accessibility, would not increase the overall capacity of the football stadium, would be appropriate in terms of their visual appearance, would not have a detrimental impact on the character of the area and would not give rise to undue highways safety or other concerns.

Officers agree, on balance, with this assessment subject to specific provisions and conditions that would be required (as set out above). Officers also consider that the scope of the amendments being sought can properly be considered within the provisions set out by the government under S73 of the Town and Country Planning Act for material minor amendments. In respect of the majority of the works contained in this application officers consider the proposals are acceptable having regard to the development plan and all other material considerations.

However, in the absence of a clear strategy or evidence that demonstrates that the

overall cumulative impact of the new higher floodlights and site lighting on residential amenity can be made acceptable, officers do not consider that the floodlights satisfy the requirements of policy DM1C and DM48A. Given that the representations suggest that glare from existing lighting is already giving rise to disturbance of sleep patterns in properties surrounding the site, this requirement is important in the context of the current application. Given the clear policy requirement for floodlights to not have an unacceptable impact upon the amenity of residents, the current application is not able to demonstrate that it satisfies the requirements of the development plan for the area. There are considered to be no material planning reasons to justify setting aside this policy objective in this case.

The application is therefore recommended for refusal.

INFORMATIVES
1 The following policies are relevant to this decision:

National Planning Policy Statements / Guidance:
National Planning Policy Framework (2012)

The London Plan (2011):
3.19
7.4 – Local Character
7.6 – Architecture

The Harrow Core Strategy (2012)
Core Policy CS 1 – Overarching Policy
Core Policy CS 9 – Kingsbury and Queensbury

Development Management Policies Local Plan (2013)
DM1 Achieving a High Standard of Development
DM2 Achieving Lifetime Neighbourhoods
DM9 Managing Flood Risk
DM10 On Ste Water Management and Surface Water Attenuation
DM18 Protection of Open Space
DM20 Protection of Biodiversity and Access to Nature
DM21 Enhancement of Biodiversity and Access to Nature
DM42 Parking Standards
DM48 New Community, Sport and Educational Facilities

Supplementary Planning Document: Access For All (2006)

2 DUTY TO BE POSITIVE AND PROACTIVE
Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). The applicant has been advised of the Council and Development Plan policy requirements for the determination of the application through meetings with senior officers and correspondence. The application was deferred to enable the submission of material to support the application and re-consultation was undertaken to ensure that local residents were kept informed. The applicant was provided with specific advice by the Environmental Protection team officers and Planning officer at a meeting on site with their lighting consultants.

Plan Nos**:** 380/PL(0)100 Rev E; 102 Rev B; 110 Rev B; 111 Rev E; 1001; 380/PL(1)100 Rev B; 111 Rev B; 120 Rev B; Design and Access Statement Revision C; Drainage Plan 100 Rev D; Drainage Plan 101 Rev E; Drainage Plan 102 Rev A; Micro Drainage Calculations.

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