

	<p>Assets Growth and Regeneration Committee</p> <p>5th September 2016</p>
<p style="text-align: right;">Title</p>	<p>Land at Copthall Playing Fields, Page Street, NW7 - CCFSA</p>
<p style="text-align: right;">Report of</p>	<p>Anisa Darr – Director of Resources</p>
<p style="text-align: right;">Wards</p>	<p>Mill Hill</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: Existing Sites Appendix 2: Indicative Proposals Plan Appendix 3: Draft Heads Of Terms Appendix 4: CCFSA Newsletter – March 2014</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Chris Smith – Head of Estates 020 8359 2987 Chris.smith@barnet.co.uk</p> <p>Michael Gillespie – Area Lead Surveyor 020 8359 2774 Michael.gillespie@barnet.co.uk</p>

Summary

An in principle decision is sought to agree the letting of circa 1.66 Ha of land at Copthall Playing Fields (Shown approximately on the attached plan, highlighted in white in Appendix 1) to Camden Community Football and Sports Association 'CCFSA'. Any agreement would be subject to, and conditional upon, CCFSA obtaining planning consent for their proposals (Appendix 2 highlighted in red) and agreeing the Heads of Terms (Appendix 3) for sports and community use, as well as being conditional upon any other necessary statutory consents required.

Further details of their proposals are contained in the main body of this report.

The Copthall School site, falls under the Community Asset Strategy (CAS) in line with other

sports clubs in the Borough. The prospective occupiers (CCFSA) will, as a result, be eligible for a rent subsidy, which will be calculated using the Community Benefit Assessment Tool (CBAT) and be supported by an appropriate business case detailing their plans for the site.

In principle the CCFSA plan is to extend their involvement from Chase Lodge into the Copthall Site and create a “Trophy” floodlit, full size artificial pitch with a small stand, holding up to 100 people. In addition they are looking to add a further junior pitch on to the complex. All of these proposals will involve the CCFSA in a significant capital investment to redevelop the site; this will be reflected in a rental incentive contained within the lease.

All discussions at this stage have been conducted and will remain on a ‘*without prejudice*’ and ‘*subject to contract*’ basis.

Recommendations

- 1. That, subject to the CCFSA obtaining all relevant planning consents, the Committee approve negotiations to be undertaken to agree a lease to CCFSA on the following basis:**
 - a. A term of 125 years at a headline rent, yet to be confirmed, such rent to be assessed via the CBAT and any rent subsidy to be applied to the rent payable shall be subject to 5th yearly reviews of both the CBAT assessment and headline rent.**
 - b. The lease granted shall fall outside the protection provisions of section 24 to 28 of the Landlord & Tenant Act 1954 part 2 and in accordance with the draft Heads of Terms as detailed in Appendix 3.**
 - c. That in the event CCFSA fail undertake a meaningful start on site within a two year time frame, from the date of completion of legal formalities, the site will revert to the Councils control.**
- 2. That, subject to agreeing the Heads of Terms, as detailed herein the agreement for lease and lease will be authorised in accordance with the CBAT and Management of Assets, Property and Land Rules.**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is needed to seek approval to grant a 125 year lease on circa 1.66 Ha of land, at Copthall Playing Fields, to CCFSA. Final terms and extent of the area required, is to be agreed, pending CCFSA obtaining Planning Consent for their development proposals. The planning and subsequent development proposals shall all be CCFSA’s cost.

- 1.2 Camden Community Football and Sports Association (CCFSA) is a registered charity currently operating The London Marathon Playing Fields at Chase Lodge.
- 1.3 The Chase Lodge site is on the northern boundary of the Copthall School which burned down some 35 to 40 years ago and has lain derelict since.
- 1.4 The CCFSA bought the 16 acre London Marathon Playing Fields at Chase Lodge site from Camden Council in March 2010, which at that time comprised of 4 operational pitches, derelict buildings and abandoned tennis courts. The site now has 12 football pitches of various sizes, incorporates 2 artificial turf pitches along with multi user games area, including 2 basketball practice courts. Further, the project has enabled ladies teams to participate due to the upgrading of the changing room facilities.
- 1.5 The CCFSA plan is to extend their involvement from Chase Lodge into the Copthall Site and create a "Trophy" pitch, which is a floodlit full size artificial pitch with a small stand, holding up to 100 people. In addition they are looking to bring an additional junior pitch on to the complex.
- 1.6 Because the Copthall site sits within the Green Belt, there are very limited uses that the site can be used for, sports facilities is one such use that meets those criteria. The site will be developed as sports playing pitches together with any ancillary buildings that Planning may grant.
- 1.7 The land in question is currently unmade ground within the larger Copthall Playing Field campus. It is unoccupied and is currently designated as Greenbelt and Public Open Space within the current planning frame work.
- 1.7.1 A planning brief for the Copthall estate is going to Policy and Resources on 1 September 2016. It includes the following text in relation to this land:

"New outdoor sports facilities are proposed for the land between the existing pathway along the old railway line and the Mill Hill rugby club. The CCFSA propose a full size all weather pitch with flood lighting and stand (circa 100 seats) and associated parking and changing facilities on the site of the former Copthall Girls School - a derelict piece of land - this proposal would bring this site back into use."
- 1.8 Further the Council is currently developing a Playing Pitch Strategy in line with Sport England guidelines. The pitches at the Chase Lodge Playing Fields, together with the other pitches on the wider Copthall site, are included within the scope of the strategy; the initial findings of which are currently being consulted on with the individual governing bodies of the relevant sports. Sign-off by the governing bodies is scheduled for the end of September. Following this, the draft strategy will be submitted to the November meeting of the Environment Committee for adoption by the Council.

- 1.9 The recommendation set out in this report will ensure that the asset is brought into use to the wider community the benefits of which and will be economically advantageous for the Council in the long term.
- 1.10 The preferred site requirement for CCFSA is shown on the attached plan (Appendix 2) and is heavily outlined in red. This plan also shows the area of land required by the Council for the relocation of the existing Greenspaces Depot.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The land is derelict unmade ground within the Greenbelt, located within the larger Copthall Playing Field campus. The potential letting to CCFSA will provide additional formal sports playing pitches and bring with it CCFSA investment.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Do nothing – To take this stance would leave the land unutilised with the result that the benefit to the local community of the CCFSA's plans would not be realised. Further, it would be likely that the leaving of the site in its current condition will expose the council to the ongoing expenditure, associated with securing the site from illegal encampments and use. It was for these reasons that this option was rejected.
- 3.2 Not to include the parcel of land requested by the CCFSA and be used to develop the facilities as suggested, means that this option will not deliver or would delay the community social benefits as set out under paragraph 5.3.1 above. This will also run contrary to the resolution to engage set out in the ARG committee report dated September 2015.
- 3.3
- 3.4 To delay the decision on the CCFSA lease until the adoption of the Playing Pitch Strategy would delay the project, as the Strategy document is not due for sign off until the 27th of September.

4. POST DECISION IMPLEMENTATION

- 4.1 The site falls under the Community Asset Strategy (CAS) in line with other sports clubs within the Borough. The prospective occupiers (CCFSA) will then be eligible for a rent subsidy which will be calculated using the Community Benefit Assessment Tool (CBAT) and be supported by an appropriate business case, detailing plans for the site.
- 4.2 The Heads of Terms and extent of the land to be leased will be agreed and form the basis of the final Agreement to Lease and Lease. All of these documents to be drafted by HB Law and signed off in accordance with the Management of Asset, Property and Land Rules.

5. IMPLICATIONS OF DECISION

- 5.1 **Corporate Priorities and Performance**

5.1.1 The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:

- of opportunity, where people can further their quality of life.
- where people are helped to help themselves, recognising that prevention is better than cure.
- where responsibility is shared, fairly.
- where services are delivered efficiently to get value for money for the taxpayer.

5.1.2 The grant of this lease will support the corporate plan by bring an asset online and assist the tenant's long term business plan.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 All costs related to planning permission and the sites subsequent development will be borne by the CCFSA

5.2.2 Following acceptance of these recommendations, a market rental value will be agreed and a subsidy calculated using the Community Benefit Assessment Tool.

5.3 **Social Value**

5.3.1 The CCFSA's aims and objectives for this site have been well documented (see attached CCFSA newsletter dated March 2014 – Appendix 4). They seek to encourage a wider more inclusive use of the facilities rather than appealing to a narrow segment of society. They are running junior boys, girls and lady's football teams giving them access to facilities that otherwise would not be available at little expense to the authority. They are therefore providing more diverse and accessible facilities to a wider community, securing more inclusive participation in sports

5.4 **Legal and Constitutional References**

5.4.1 Local authorities are given powers under Section 123(2) of the Local Government Act 1972 (as amended) to dispose of land held by them in any manner they wish. Except with the consent of the Secretary of State for Communities and Local Government, a council cannot dispose of land, other than for the grant of a term not exceeding seven years, for a consideration less than best that can reasonably be obtained. A general consent dated 2003 has been issued by the DCLG, this can be used where the value foregone is less than £2 Million and the proposed lease would be for the social, environmental or economic well-being of the residents of the Borough.

5.4.2 Section 123 of the Local Government Act 1972 requires the Council to advertise the disposal of Public Open Space in a local newspaper for two

consecutive weeks and to consider any objections received.

Should this process be required in relation to this site, any objections will need to be considered before the Council decides whether to proceed. This can be dealt with by a member or an officer provided that the appropriate authority has been delegated to them.

- 5.4.3 The Council Constitution, The Management of Asset, Property and Land Rules, Appendix 1, Table A sets out the acceptance thresholds which provides authority for the action. Financial arrangements up to £100,000 can be approved by a Director or Deputy Chief Operating Officer as per the Authorised Delegated Powers provisions, unless the matter is for less than best consideration, in which case it must be considered by ARG.
- 5.4.4 In deciding whether to give the rent subsidy the council will need to check whether this would amount to state aid, which would be unlawful.
- 5.4.5 Under the Green Belt (London & Home Counties) Act 1938, green belt land can be used only for recreation or agriculture and the lease shall reflect this. The lease may need the consent of the Secretary of State for Health under the 1938 Act, should this be the case advertising of the site will be required and any responses will need to be conveyed to the Secretary of State.

5.5 Risk Management

- 5.5.1 The proposals have been considered as to whether the issues involved give rise to significant levels of public concern or policy considerations. As the site is designated as Greenbelt and Public Open Space, there may be objections however we thus far are satisfied that there are no concerns. However, when a planning application is submitted it is possible that it may meet with local objections due to loss of green belt and or public space.
- 5.5.2 It has been identified that there is a risk that traffic flow and parking may be affected in respect of the site however, this matter will be dealt with as part of the planning application.
- 5.5.3 In order to mitigate the low risk of the project not progressing within agreed timescales, a clause shall be inserted within the legal agreements that, in the event CCFSA fail undertake a meaningful start on site within a two year time frame, from the date of completion of legal formalities, the site will revert to the Councils control.
- 5.5.4 There is a potential risk that the proposal by the CCFSA will not align with the emerging Playing Pitch Strategy once it is adopted. The risk will be greater understood once the strategy has been signed off by the sport's governing bodies at the end of September 2016.
- 5.5.5 There is a risk that the removal of this parcel of land from any new potential master plan area for Copthall could reduce the opportunities for improvements in the site and reduce the impact of potential outcomes in the longer term.

5.6 Equalities and Diversity

5.6.1 Under the 2010 Equality Act, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act: b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

5.6.2 The proposal does not raise any issues under the Council's Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated as a result of this proposal.

5.7 Consultation and Engagement

5.7.1 A number of Stakeholder meetings have taken place over the last 12 months, to enable the Council to arrive at this position. Stakeholders have been engaged in design meetings, and a number of informal meetings to discuss the Heads of Terms leading to this paper.

6. BACKGROUND PAPERS

6.1 A Resolution to engage with the CCFSA was passed at the ARG Committee on Monday the 7th September 2015

6.1.1 <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8310&Ver=4>

6.1.2 <http://barnet.moderngov.co.uk/documents/g8310/Printed%20minutes%207th-Sep-2015%2019.00%20Assets%20Regeneration%20and%20Growth%20Committee.pdf?T=1>

6.2 The Community Asset Strategy and Implementation Plan's

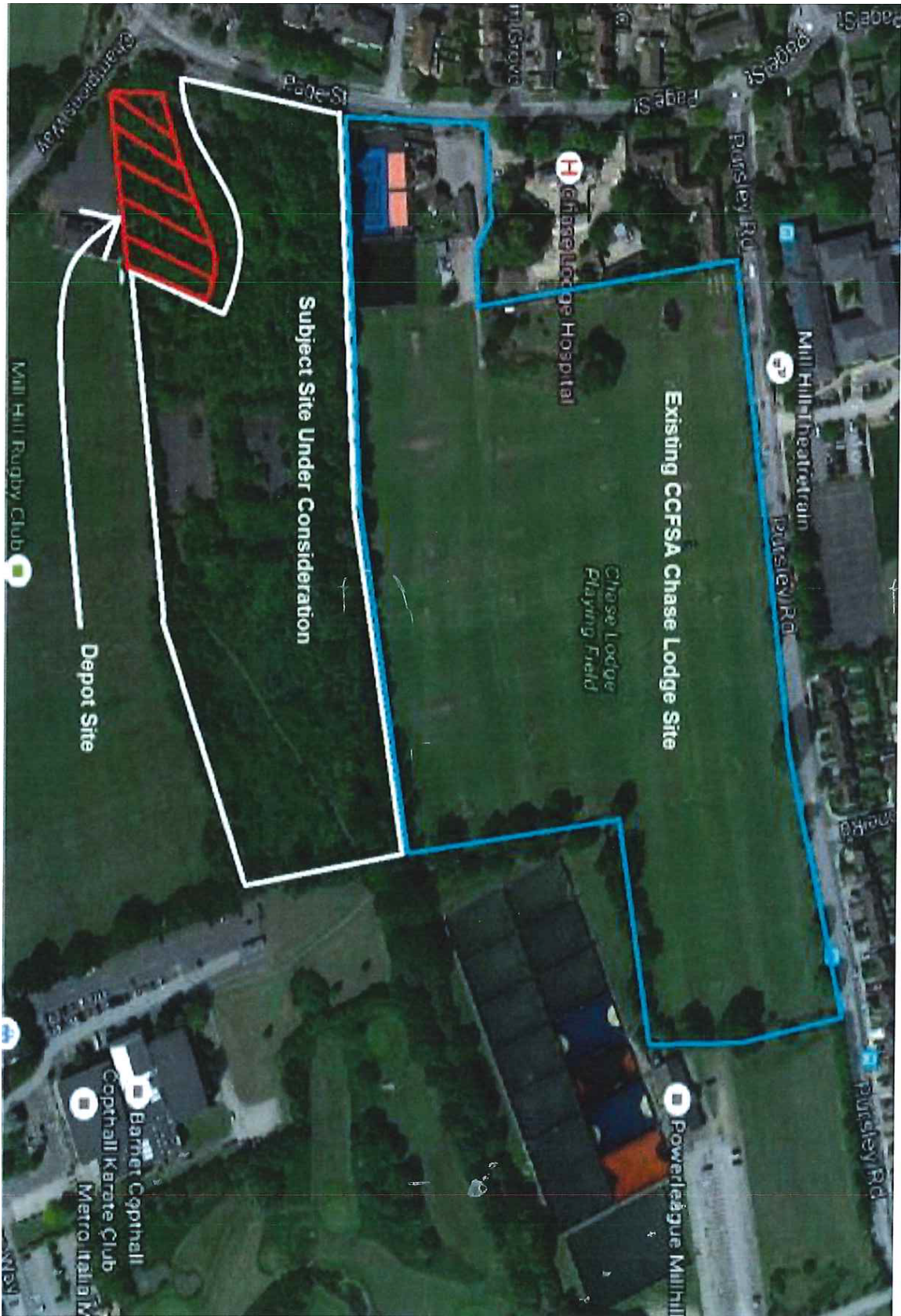
6.2.1 <https://barnet.moderngov.co.uk/documents/s25649/Appendix%201%20-%20Community%20Asset%20Implementation%20Plan.pdf>

6.2.2 <https://barnet.moderngov.co.uk/documents/s25574/Appendix%202%20-%20Community%20Asset%20Strategy.pdf>

6.3 The Community Benefit Assessment Tool

6.3.1 <https://barnet.moderngov.co.uk/documents/s32739/Community%20Benefit%20Assessment%20Tool.pdf>

Appendix 1 – Existing Sites



Appendix 3 – Heads of Terms

DRAFT HEADS OF TERMS

(Subject to Contract and Subject to Committee Authority)

Lease of Land at Cophall Playing Fields

- 1 LANDLORD:** The Mayor & Burgesses of The London Borough of Barnet
North London Business Park
Oakleigh Road South
London
N11 1NP
Tel: 020 8359 2000
- 2 LANDLORD'S SOLICITOR:** Legal Services to Barnet and Harrow Council
Harrow Council
PO Box 2
Civic Centre
Station Road
Harrow
HA1 2UH
(DX 30450 HARROW 3)

For the attention of Jennifer Affie
Internal Ext: 8474
Tel: 0208 416 8474
Fax: 0208 424 1557
Email: jennifer.affie@harrow.gov.uk
- 3 TENANT:** Camden Community Football and Sports Association (CCFSA)
16 Eton Road
London
NW3 4SS

- 4 **TENANT'S SOLICITOR:** TBA
Tel:
- 5 **THE PROPERTY:** Land at Copthall Playing Fields, Page Street, London NW4 1HY

As outlined red on the plan at Appendix 1 (area circa 1.66 Ha *to be confirmed*)
- 6 **RENT:** The headline rent as yet to be determined

The rent payable will be assessed via the Community Benefit Assessment Tool (CBAT) and any subsidy applied will offset the rent payable (subject to the 5th yearly review of the CBAT and headline rent).

A 'rent incentive' will be offered which will take account of the level of the CCFSA's capital contribution, after which the assessed CBAT rent will be payable in advance on the usual quarter days.

The rent to be reviewed at the end of the 5th Year and thereafter on every 5th anniversary to market rent to which will be assessed via the CBAT.
- 7 **TERM:** 125 years from "*date to be agreed*" the tenancy to be excluded from sections 24 to 28 of the Landlord and Tenant Act 1954.
- 8 **USER:** For use as a sports facility and ancillary Community use.

Not to use the Property otherwise than:

(a) for the purposes of the provision of Classes D2 (Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms).
- 9 **COMMUNITY USE** The premises to be available to Community Groups in line with clause 8.
- 10 **DEVELOPMENT AGREEMENT LONG STOP DATE** An agreement for lease shall be entered into between the parties. To ensure that the project moves forward within agreed time scales a clause will be inserted within the agreement that should the CCFSA fail to make a meaningful start on site by the 2nd anniversary of the completion of formalities the property shall revert back within the Councils control.

11	CONSTRUCTION	Subject to obtaining all relevant consents and approvals, and with the prior written consent of the Landlord, such consent not to be unreasonably delayed or withheld, the Tenant shall be permitted to construct sports playing pitches and ancillary buildings on demised area.
12	MAINTENANCE AND REPAIR:	Full Repairing and Insuring Lease
13	SERVICES	The Tenant is to be responsible for the payment of all Utilities premises as well as for the payment of rates.
14	ALTERATIONS:	The Tenant shall not carry out any additions or alterations to the Property with the prior written consent of the Landlord, such consent not to be unreasonably delayed or withheld,
15	ALIENATION:	Not to assign, underlet or part with or share possession of any part of the Property without the prior written consent of the Landlord.
16	INSURANCE:	The Tenant is to insure the Property in respect of the usual perils.
17	FORFIETURE	The Lease can be terminated inter alia if Tenant does anything which either directly or indirectly causes or is likely to cause the Council's reputation to be brought into disrepute and/or which in the opinion of the Council acting reasonably is contrary to the spirit of the Declaration.
18	AGREEMENT COSTS	The tenant shall cover the legal fees (£974) and Surveyors fees (£500) in relation to the preparation of the lease.
19	SUBJECT TO	<ol style="list-style-type: none"> 1. The Council's formal authority. 2. Planning 3. Contract. 4. Lease. 5. Any third party consents.

Appendix 4 – CCFSA Newsletter Page 1



Chase Lodge New Development

Building Capacity - Growing Participation

March 2014



About Chase Lodge

Camden Community Football and Sports Association (CCFSA) is the registered charity operating Chase Lodge. They purchased the 16 acre site from Camden Council in March 2010 with funding provided by The Marathon Trust to create a permanent home for Hampstead Football Club (HFC). HFC has over 30 teams including 9 girls' teams, an all-abilities academy and 2 womens' teams. The youngest members are just 3 years old (non-competitive) and the oldest are 18.

The club is a Football Association Charter Status club and with over 400 playing members is the largest youth football club in North London.



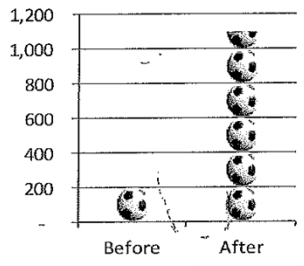
At the time CCFSA acquired the site, there were four pitches which had limited usage, typically a total of 8 matches per week. There were derelict buildings and abandoned tennis courts with only one single communal changing room which restricted the usage of the site and prevented girls' teams from playing.

In the four years CCFSA have been running the site they have transformed the facility. With a permanent on-site groundsman, the site now has a total of 12 football pitches ranging from U8 pitches through

to a full size, seniors pitch. The changing facilities have been amended to allow both boys and girls changing and in 2013 the disused tennis courts were transformed into 2 artificial turf, five a side pitches, a multi-use games area (MUGA), along with two basketball practice half courts.

On a typical weekend, all 12 pitches are fully utilised on Saturdays and Sunday mornings. On Sunday afternoons the site hosts a number of Jewish Football League teams. During the week the site is open to adult teams who train at the facilities and it is used by many local schools, as well as being the home for Middlesex University's football teams.

Players using Chase Lodge each week



Usage of Chase Lodge has risen more than five fold since being taken over by CCFSA

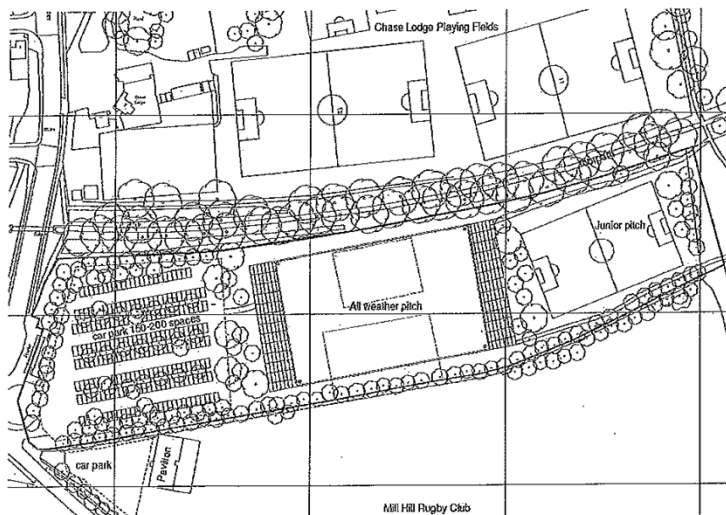
Key Statistics:

- 12 grass pitches
- 2 new 4G 5-a-side pitches
- New MUGA
- Up to 48 matches played each weekend
- Up to 750 players on a Saturday and over 1,100 players per week using the site
- Changing rooms enhanced
- Site entirely re-fenced
- New five a side pitches
- Up to 180 volunteers in attendance each Saturday
- Over 50% of junior players are girls
- 2 womens' teams created
- Over £1 million of grant funds accessed to redevelop the site
- CCFSA is entirely self funding with no cost to Barnet Council

New development will add:

- New high quality junior pitch
- Full size 4G 'Trophy Pitch'
- Capacity for additional 240 players each weekend
- New bark trail
- New outdoor gym equipment

The New Development



CCFSA have identified a derelict site sitting between Chase Lodge and Mill Hill Rugby Club. Land Registry suggests the front part of the site is owned by the former Middlesex County Council (possibly inherited by Barnet Council) and the rear part of the site appears to be unregistered land. Research would suggest that both pieces of land were part of the original Chase Lodge site and was separated only by the building of the railway line. CCFSA have received funding from Marathon Trust to commission a site masterplan including this derelict land. It would allow the creation of two new pitches and provide sufficient on-site parking for the expanded site. CCFSA have held discussion with Marathon Trust and, at this stage, they have indicated that they would be prepared to consider funding to acquire and redevelop the site.

We are therefore seeking to clarify and, if necessary, purchase Barnet's interest in the site.

Development Impetus

Prior to Saracens moving into Copthall, parents and family members of players could park on the surrounding streets. The new parking restrictions have limited the support team members can bring. With only 20 on-site parking spaces and 30 visitor parking places for the whole community on Page Street, it has restricted the number of family members that players can bring in support, typically grandparents who cannot walk the very long distances from outside the CPZ. It has also deterred some teams from using the site on Saracen match days. In a few cases, volunteers have received verbal abuse from away team supporters when they have been ticketed for parking in the wrong place on Saracens' matchdays which are not clearly signed.

CCFSA have investigated expanding on-site parking but the only potential area has severe access limitation and it would also take up the space where two new junior pitches could be located.

The new development also offers the option to develop a 'Trophy Pitch' – a floodlit, full size artificial turf pitch with a small grandstand holding up to 200 people (100 seated and 100 standing). This would allow a semi professional team to play on site. As part of the original proposal it was intended that Kentish Town FC would play at Chase Lodge – they previously played in Copthall but were evicted when Saracens took over the site. Kentish Town FC play in the Spartan South Midlands League Division One, Step 5 in the National League System and need facilities that meet FA specification. Currently they are playing at Hillingdon, well away from their established fan base. Developing the 'Trophy Pitch' with artificial turf would enable Kentish Town to return to their previous fan base, re-establish the link between the junior player pool and a senior club. It would also allow much greater usage as it could be used as a full sized pitch or be subdivided into three five-a-side pitches when Kentish Town are not playing at home, a fantastic community resource for the Borough.

In total, the new development could create capacity for an additional 240 players each weekend in high quality, well maintained facilities, as well as creating ancillary sports facilities for their families and friends.

The new development includes provision for a bark trail and outdoor gym equipment to allow other family members to participate in sports activity whilst their children/siblings are participating in football and sport on the main Chase Lodge site.



The Short Term Need

In the immediate short term, there is a need to find at least 50 car parking spaces to meet the demand of the current users. The pitches are let in three, 2 hour slots on Saturdays and Sundays with up to 240 players plus officials in each slot. Currently there are only 20 on-site parking places plus between 10 and 20 available on-street visitor spaces. Even with car sharing, there is a significant deficit of parking spaces which means that some parents simply drop off their children but do not come in to spectate. This can create safeguarding issues with younger children.

The derelict site has hardstanding in the section immediately fronting Page Street which we believe, with very little effort, could act as temporary car parking for approximately 50-60 cars and which could be brought into use in a matter of weeks. Granting a temporary licence to use this space, while the Council's broader strategy for Copthall is finalised, would overcome an immediate problem.

CCFSA have been trying to address this problem since the CPZ was announced over a year ago but to date no resolution has been found. The longer the current situation continues, the greater the risk that it will stifle growth of Chase Lodge and prevent hundreds of children playing sport in high quality, safe surroundings and threaten the investment made by funding bodies, such as Sport England and the Marathon Trust to name but two.

We hope that, at the very least, Barnet will grant permission for the temporary use of the derelict site for car parking while the Council's strategy is being finalised, with the objective of purchasing and redeveloping the site in the longer term. We would ask Officers and Councillors to kindly consider our request.

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Mob: 07973 309879

