

LOCATION: Allianz Park, Greenlands Lane, London, NW4 1RL

REFERENCE: 20/4304/S73 **Received:** 16.09.2020
Accepted: 16.09.2020

WARD: Mill Hill **Expiry:** 16.12.2020

APPLICANT: Ms Deborah Vivanti-Gough

PROPOSAL: Variation of condition 13 (Floorspace used by Middlesex University) of planning permission 16/8173/FUL dated 11/10/18 for 'The demolition of existing West Stand and erection of new permanent spectator stand with seating for 3,053 spectators incorporating changing and storage accommodation and ancillary hospitality lounge/restaurant, hospitality suites, and bars. Ancillary education accommodation and shared accommodation and circulation space. Formation of a new permanent means of access for pedestrians and emergency vehicles off Greenlands Way and the laying out of the land in front of proposed West Stand for landscaping and community use. The retention of the existing East Stand and extension of the existing reception area. The erection of ancillary accommodation for storage of athletics and matchday equipment and also a new ticket office and toilet block within the existing Stadium boundary together adaptation of the existing means of enclosure. The retention of existing demountable stands to north, east and south of the exiting pitch during the rugby season . The laying out of a garden for community use to the rear of the existing East Stand. Use of the existing car parking area to the south of existing stadium to provide parking for spectators on matchdays and permanent parking for stadium users and visitors at other times. The resurfacing of the existing permeable area of event parking to the rear of Copthall Cottages for use by media vehicles and spectator coaches on matchdays and for Middlesex University staff at other times. Provision of extended demountable spectator stands to the north and south of existing pitch to increase total stadium capacity to no more than 15,000 spectators for one event each year.'
Variation to include increase in floorspace to be used by Middlesex University

RECOMMENDATION 1: The application being one of strategic importance to London and also due to its location within the Metropolitan Green Belt must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in the application being received from the Mayor of London.

RECOMMENDATION 2:

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 11 October 2018 pursuant to planning permission 16/8173/FUL in accordance with the amendments proposed under this planning application.

RECOMMENDATION 3:

That subject to Recommendation 1 and 2, the Committee grants delegated authority to the Service Director Planning & Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Conditions:

1. This Development must be commenced within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The Development hereby permitted shall be carried out in accordance with the following approved plans – unless agreed in writing with the Local Planning Authority: WMA Plan refs 7347-100 Rev P10; 7347-101 Rev P6; 7347-102 Rev P6; 7347-103 Rev P7; 7347-104 Rev P9; 7347-105 Rev P7; 7347-106 Rev P3; 7347-107 Rev P4; 7347-112 Rev P2; 7347-EW-120 Rev P1; 7347-EW-121 Rev P1; 7347-EW-122 Rev P1; 7347-EW-123 Rev P1; 7347-114 Rev P2; 7347-116 Rev P2; 7347-200 Rev P3; 7347-201 Rev P8; 7347-202 Rev P7; 7347-300 Rev P4; 7347-301 Rev P6; 7347-302 Rev P4; 7347-303 Rev P2; and Aspect Plan Refs; 5418.ASPD001 A; 5418.PP.ASPD002 A; 5418.PP.ASPD003 A; and 5418.PP.ASPD004 A.

Reason: For the avoidance of doubt and in the interests of proper planning, and to ensure that the development is carried out in accordance with the assessments undertaken and operates in compliance with Policies CS NPPF and CS1 and Policy DM01 of the Barnet Local Plan (2012).

Parameters of Consent

3. The Development hereby permitted shall not exceed the thresholds and parameters assessed under this application including:

- A maximum permanent spectator capacity of no more than 10,500 persons at the Stadium;
- A maximum of 700 car parking spaces provided on-site – including 79 spaces for disabled users and 15 electric charging spaces; and
- A maximum of 650 car parking spaces provided in off-site parking locations as set out in the Stadium Travel Plan.

Reason: To ensure that the proposed development does not exceed the parameters assessed and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

4. The Stadium shall not be open to or used by visiting members of the public before 07:00 and after 23:00 on any day without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the assessments undertaken under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012), and to protect the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Barnet Local Plan and Policy 7.15 of the London Plan 2011.

5. No more than 16 professional rugby matches shall be played at the Stadium in each calendar year and all professional standard rugby matches played at the site shall take place only on Saturdays and Sundays and not on any other day of the week.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

6. The applicant, shall share an annual fixtures list and will liaise with Highways England Emergency Planning Team and, prior to use of the Stadium for the Major Rugby Event (i.e. requiring a temporary increase in capacity to 15,000 spectators) a Travel Action Plan (or equivalent) shall be submitted and agreed in writing with the Local Planning Authority in liaison with Highways England.

Reason: To ensure that the development does not exceed the parameters assessed under this application, and is operated in accordance with the agreed mitigation to ensure compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

7. In addition to the 16 professional rugby matches allowed under Condition 5, no more than 2 other 'Major Events' shall be held at the Stadium site in each calendar year and, in accordance with the Stadium Management Plan, each should be the subject of a Travel Action Plan submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

8. At no time shall Stadium be used for the purposes of the playing or spectating of professional or semi-professional football matches.

Reason: To ensure that the development is carried out in accordance with the assessments undertaken and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

9. The Stadium shall not be used for the purposes of accommodating an amplified music concert – other than music directly associated with a Major Event.

Reason: To ensure that the development is carried out in accordance with the assessments undertaken and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012), and to protect the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Barnet Local Plan and Policy 7.15 of the London Plan 2011.

10. Not more than 1,212 m² of floor space in the East Stand shall be used for purposes falling within Use Class B1 (of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification. The B1 floorspace hereby approved shall be ancillary to the primary use of the Stadium and shall only be used only by Saracens Rugby Football Club and the Saracens Sport Foundation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

11. Not more than 200m² of floor space in the East Stand shall be used for purposes falling within Use Class A1 (of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The A1 floor space hereby approved shall be used solely for the purpose of the sale of merchandise associated with Saracens Rugby Football Union Club and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

12. Not more than 3,806 m² of floor space shall be provided at the Stadium for purposes falling within Use Classes A3 and A4 (of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification). The A3 and A4 floor space hereby approved shall be used solely for the consumption of food and drink within the Stadium and shall at no time be used to provide any food and drink for consumption outside of the Stadium and its associated facilities.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

Not more than 5,348 m² of floor space at the Stadium shall be used for purposes falling within Use Class F1(a) (of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the use classes amendment order 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification. The F1(a) floorspace hereby approved shall be ancillary to the primary use of the Stadium and shall be used only by Middlesex University and/or the London Sports Institute for educational purposes unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

Management and Control of Operations

13. The proposed development shall operate in accordance with the agreed Stadium Management Plan, Stadium Travel Plan and Local Area Management Plan submitted with application ref: 19/2464/CON unless otherwise agreed in writing with the Local Planning.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

14. Prior to the occupation of the development, a revised Community Development Plan detailing the provisions for community use of the Stadium and its facilities shall be submitted for approval to the Local Planning Authority. Once approved, the Stadium should operate in accordance with this Plan (or any future revisions agreed with the Local Planning Authority).

Reason: To ensure well managed access and appropriate availability of facilities to the community in accordance with Policy CS10 of the Barnet Local Plan (2012) and Policy 3.16 of the London Plan 2016.

15. The proposed development shall adopt the Biodiversity Mitigation and Management Plan submitted with application 19/2464/CON that sets out the measures to enhance and promote biodiversity on the site. Once approved, the measures shall be implemented in full in accordance with the approved details prior to occupation of the proposed development and then maintained in accordance with the provisions of the S106 Agreement.

Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with Policies DM01 and DM16 of the Barnet Local Plan (2012) and Policies 5.11 and 7.19 of the London Plan 2016

16. The Proposed Development shall be operated in accordance with the Stadium Travel Plan and Stadium Management Plan implemented and enforceable in accordance with the S106 Agreement.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

17. The Proposed Development shall operate during Major Events in accordance with the Local Area Management Plan (LAMP) which will be implemented and enforceable in accordance with the Section 106 Agreement.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policies CS9 and DM17 of the Barnet Local Plan (2012).

18. The Proposed Development shall be the subject of a programme of Comprehensive Monitoring and Review which will be implemented and enforceable in accordance with the Section 106 Agreement.

Reason: To ensure that the development does not exceed the parameters assessed under this application and continues to operate in accordance with the assessments undertaken.

19. The proposed development shall operate in accordance with the Operational Waste Management Strategy submitted with application 19/2464/CON. The Development shall then be operated and managed in accordance with the approved Strategy unless agreed in writing with the Local Planning Authority.

Reason: To ensure that the development operates in compliance with Policy CS14 of the Barnet Local Plan (2012).

20. The Proposed Development shall comply with the recommendations contained in the External Lighting Report submitted with the Planning application and shall not be varied without the written approval of the Local Planning Authority. All floodlights at the Stadium shall be switched off as soon as reasonably practicable and in any event by no later than 22:00 every day.

Reason: To ensure that the development is carried out in accordance with the assessments undertaken and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012) and to safeguard the amenity of the locality and ensure that any protected species present are not adversely affected by the development in accordance with Policies DM01 and DM16 of the Barnet Local Plan (2012).

21. The Proposed Development shall be operated in accordance with the Noise Management Plan required by the provisions the S106 Agreement and only varied when agreed in writing with the Local Planning Authority. The public announcement system at the Site shall not be used in any way or tested between the night time hours of 22:00 and 9:00 on any day.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Barnet Local Plan (2012) and 7.15 of the London Plan 2011.

Design Details

22. The Development shall be constructed using the external surface materials and hard surface materials agreed in consent ref: 19/2645/CON.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS5 and DM01 of the Barnet Local Plan and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

23. Prior to the occupation of the development details of the means of enclosing the Stadium including gates, new turnstiles and upgraded turnstiles as well as other security measures shall be submitted for approval to the Local Planning Authority. The Development shall be implemented in accordance with such details as approved.

Reason: In the interest of community safety in accordance with Policy CS12 and DM02 of the Barnet Local Plan (2012) and with Policy 7.3 of the London Plan.

24. Prior to the occupation of the development details of the Closed Circuit Television System to be installed and other appropriate security measures shall be submitted for approval to the Local Planning Authority. The Development shall then be implemented in accordance with the details then approved.

Reason: In the interest of community safety in accordance with Policy CS12 and DM02 of the Barnet Local Plan (2012) and with Policies 7.3 and 7.13 of the London Plan.

25. Prior to the occupation of the development details of the proposed fire vehicle and delivery vehicle access to the Proposed Development shall be submitted to and agreed by the Local Planning Authority. The Development shall then be implemented in accordance with the details then approved.

Reason: In the interest of highway safety in accordance with Policy CS9 and Policy DM17 of the Barnet Local Plan (2012) and Policy 7.13 of the London Plan 2016.

26. Prior to the occupation of the development details of the fire hydrants to be installed shall be submitted approval by the Local Planning Authority (in consultation with the London Fire and Emergency Protection Authority). The Development shall be implemented in accordance the approved details.

Reason: In the interest of community safety in accordance with Policy CS12 and DM02 of the Barnet Local Plan (2012) and with Policy 7.13 of the London Plan.

27. In accordance with the Energy & Sustainability Strategy accompanying the application, the Proposed Development hereby approved shall achieve BREEAM 'Very Good' level of environmental performance. Before the development is first used the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and Policies 5.2 and 5.3 of the London Plan 2016.

29. The construction of the proposed development shall be carried out in accordance with the Drainage Strategy accompanying the application and shall not be varied without the written consent of the Local Planning Authority.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Barnet Local Plan (2012), the Sustainable Design and Construction SPD (April 2013) and Policies 5.13 and 5.14 of the London Plan 2016.

30. The construction of the Proposed Development shall be carried out in accordance with the Flood Risk Assessment accompanying the application and shall not be varied without the written consent of the Local Planning Authority.

Reason: To ensure that the development complies with Policy CS13 of the Barnet Local Plan (2012), the Sustainable Design and Construction SPD (April 2013) and Policies 5.12 of the London Plan 2016.

31. All extraction and ventilation equipment to be used in the Proposed Development shall meet the specifications set out in the Plant Noise Assessment Report submitted with the application and can only be varied with the written approval of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Barnet Local Plan (September 2012) and 7.15 of the London Plan 2016.

32. The Proposed Development shall comply with the recommendations contained in the Environmental Noise Survey and Plant Noise Assessment Report submitted with the Planning application.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Barnet Local Plan (2012) and Policy 7.15 of the London Plan 2016.

33. The level of noise emitted from the fixed plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

Landscaping & Maintenance

34. All hard and soft landscaping shall be carried out in accordance with Aspect Plans 5418.PP.ASPD001A, ASPD001E, ASPD002, ASPD003 and ASPD004 unless otherwise agreed in writing with the Local Planning Authority and shall be completed within the first planting and seeding season following completion of the development or occupation of the new buildings, whichever is sooner. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Reason: To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 and DM16 of the Barnet Local Plan (2012) and Policy 7.5 of the London Plan 2016.

35. Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which, within a period of 5 years from the completion of the development, dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to, any variation.

Reason: To ensure that the proposed landscaped areas are retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 and DM16 of the Barnet Local Plan (2012).

Management of Construction

36. All HGV vehicles entering and exiting the site from Page Street to the required loading area shall follow the routes agreed in consent ref: 19/2337/CON. Thereafter, the construction of the proposed development shall be carried out in accordance with the Construction Management Plan submitted as Appendix 6 of the Environmental Statement accompanying the application and shall not be varied without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with Policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and Policies 5.18, 7.14 and 7.15 of the London Plan 2015.

37. In order to minimise damage to trees and hedges the development shall be carried out in strict accordance with the provisions of the with the Construction Management Plan submitted with the application and the Tree Protection Plan contained in Appendix 8.2 of the Environmental Statement.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policies CS5, CS7 and DM01 of the Barnet Local Plan (2012).

38. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14, and in accordance with Barnet Council's Sustainable Design and Construction SPD.

Highways

39. Before the development is occupied details of petrol and oil interceptors to new car parking areas provided on the site shall have be submitted to and approved

in writing by the Local Planning Authority. The petrol and oil interceptors shown shall be implemented in accordance with the agreed details and be retained and maintained as specified unless previously agreed in writing by the Local Planning Authority.

Reason: To prevent polluted discharges entering local watercourses in accordance with policies 5.14 and 5.15 of the London Plan 2015.

40. The proposed development shall operate in accordance with the agreed Delivery and Servicing Plan (DSP) submitted with application ref 19/2464/CON unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

41. Before the development is occupied a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

42. Before the development hereby permitted is occupied; details of cycle parking and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority and such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

43. Before the development hereby is occupied; details showing ingress and egress arrangements and pedestrian walkways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

44. Details of the proposed vehicular barrier system including the proposed maintenance agreement and required equipment shall be submitted to and approved by the Local Planning Authority prior to the occupation of the Development.

Reason: To control on site parking in the interest of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informatives:

1. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
2. In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £202,230 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £315,360 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts

of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

4. The refuse collection point(s) should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
5. The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
6. The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
7. The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
8. The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
9. The applicant is advised that Page Street is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be

given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

National Planning Policy Framework

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

In November 2016, updated in October 2019 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Where permission to be granted, obligations would be attached to mitigate the impact of development are set out below.

The Mayor's London Plan 2016 (Jan 2017 fix)

The London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further

alterations to the London Plan published in March 2015, the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Parking standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.1 (London in its Global, European and United Kingdom Context)

2.2 (London and the Wider Metropolitan Area)

2.4 (The 2012 Games and Their Legacy)

2.6 (Outer London: Vision and Strategy)

2.7 (Outer London Economy)

2.8 (Outer London Transport)

2.15 (Town Centres)

2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces)

London's People:

3.1 (Ensuring equal life chances for all)

3.2 (Improving Health and Addressing Health Inequalities)

3.6 (Children and young people's play and informal recreation facilities)

3.16 (Protection and Enhancement of social Infrastructure)

3.18 (Education facilities)

3.19 (Sports facilities)

London's Economy

4.1 (Developing London's Economy)

4.2 (Offices)

4.3 (Mixed Use Development and Offices)

4.5 (London's Visitor Infrastructure)

4.6 (Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision)

4.7 (Retail and Town Centre Development)

4.8 (Supporting a Successful and Diverse Retail Sector)

4.12 (Improving Opportunities for All)

London's Response to Climate Change:

5.1 (Climate Change Mitigation)

5.2 (Minimising Carbon Dioxide Emissions)

5.3 (Sustainable Design and Construction)

- 5.4 (Retrofitting)
- 5.6 (Decentralised Energy in Development Proposals)
- 5.7 (Renewable Energy)
- 5.8 (Innovative Energy Technologies)
- 5.10 (Urban Greening)
- 5.11 (Green Roofs and Development Site Environs)
- 5.12 (Flood Risk Management)
- 5.13 (Sustainable Drainage)
- 5.14 (Water Quality and Waste Water Infrastructure)
- 5.15 (Water Use and Supplies)
- 5.16 (Waste Self-Sufficiency)
- 5.17 (Waste Capacity)
- 5.18 (Construction, Excavation and Demolition Waste)
- 5.20 (Aggregates)
- 5.21 (Contaminated Land)

London's Transport:

- 6.1 (Strategic Approach)
- 6.2 (Promoting Public Transport Capacity and Safeguarding Land for Transport)
- 6.3 (Assessing Effects of Development on Transport Capacity)
- 6.4 (Enhancing London's Transport Connectivity)
- 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure) 6.7 (Better Streets and Surface Transport)
- 6.9 (Cycling)
- 6.10 (Walking)
- 6.11 (Smoothing Traffic Flow and Tackling Congestion)
- 6.12 (Road Network Capacity)
- 6.13 (Parking)
- 6.14 (Freight)

London's Living Places and Spaces:

- 7.1 (Building London's Neighbourhoods and Communities)
- 7.2 (An inclusive Environment)
- 7.3 (Designing out Crime)
- 7.4 (Local Character)
- 7.5 (Public Realm)
- 7.6 (Architecture)
- 7.8 (Heritage assets and archaeology)
- 7.13 (Safety, security and resilience to emergency)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing Noise and Enhancing Soundscapes)
- 7.16 (Green Belt)
- 7.18 (Protecting Open Space and addressing deficiency)
- 7.19 (Biodiversity and Access to Nature)

7.21 (Trees and Woodlands)

Implementation, Monitoring and Review

8.2 (Planning Obligations)

8.3 (Community Infrastructure Levy)

Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor subsequently declared in December 2019 it's 'intention to publish', accepting some but not all of the Inspector's recommendations. As not all of the Inspector's recommendations have been accepted. It is for the Secretary of State to decide whether the DLP can proceed to adoption.

The Secretary of State wrote to the Mayor on the 13th March advising that the London Plan can not be adopted in its current form without further changes being made as outlined in the Secretary of State's letter.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound and those policies which the Secretary of State did not raise objections to. Nevertheless the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

Mayoral Supplementary Guidance

The Mayor's Sports Legacy Plan (April 2009)

This plan aims to increase the number of people participating in regular sport or physical activity in the run up to the 2012 London Games as well as ensuring that an appropriate legacy follows the games.

Social Infrastructure (May 2015)

This SPG provides advice to Boroughs on planning for and determining applications for new health, education, community, cultural, play, recreation and sports facilities faith and emergency facilities.

Sustainable Design and Construction (May 2006)

The Sustainable Design and Construction (SPG) seeks to design and construct new

development in ways that contribute to sustainable development. In terms of waste, the preferred standard seeks to provide facilities to recycle or compost at 60% of waste by 2015. The SPG also states that the siting of recycling facilities should follow consideration of vehicular access to the site and potential (noise) impacts on amenity.

The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)

The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.

Accessible London: Achieving an Inclusive Environment (April 2004)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Planning for Equality and Diversity in London (October 2007)

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS7 (Enhancing and Protecting Barnet's Open Spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive integrated community facilities and uses)

CS11 (Improving health and wellbeing in Barnet)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our Waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development Standards)
- DM03 (Accessibility and Inclusive Design)
- DM04 (Environmental considerations for development)
- DM06 (Heritage and Conservation)
- DM11 (Development Principles in the Town Centres)
- DM13 (Community and education uses)
- DM14 (New and existing employment space)
- DM15 (Green Belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction SPD (April 2013)

Copthall Planning Brief

The Council adopted the Copthall Planning Brief following extensive public consultation in September 2016 .The brief sets out the spatial strategy for the development of the wider Copthall site.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Planning Obligations (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Changes to the Policy Framework

Since planning permission 16/8173/FUL was granted, while there has been some changes to the wording of the NPPF, there are no implications from this revised document which would materially affect the current application. The latest version of the London Plan was adopted post approval of this application, however again there are no implications from this revised document which would materially affect the current application.

1.2 Key Relevant Planning History

Barnet Copthall Stadium opened in 1964 and in that year it hosted the English Schools Championships, an event which was also staged there in 1977, following track improvements. It continues to accommodate two athletics clubs: Shaftesbury Barnet Harriers and the Barnet & District Athletic Club. Both clubs provide grass roots participation but the Shaftesbury Barnet Harriers also provides coaching and competition up to Olympic level.

In 1996 an application was made by Barnet Football Club and Newco Ltd (Reference W/00344/AB) to provide 'a new multi sports stadium complex for football, athletics and rugby as well as indoor training facilities and related development. The application was granted planning permission by Barnet Council although the decision was called in by the Secretary of State who refused consent in June 1999 following a public Inquiry.

In 2011 Saracens Rugby submitted a planning application in March 2011 (Reference H/00928/11).

The application proposed the following:

- the erection of new permanent spectator stand to the east of the athletics track for up to 2,856 spectators incorporating hospitality areas, restaurants and bar; ancillary offices and supporters' shop and indoor athletics training facility (1,536 sq metres).
- the erection of four new demountable spectator stands to accommodate up to 5,988 spectators on 16 match days between September and May;
- temporary pitchside standing spectator areas in front of proposed East Stand for a further 600 spectators and hoardings for the 16 match days (all of which are to be removed from the athletics track outside match days);

- a new artificial playing surface for rugby and community sport; the removal of all existing stadium floodlighting and its replacement with more sustainable floodlighting for the pitch and relocated athletics facilities;
- the removal of a hardstanding (used as an overspill parking area) to south east of existing stadium and its replacement with a new permeable surface to allow parking up to 568 vehicles on match days and for other major events at the Stadium;
- the creation of a new permeable surface on a disused all-weather playing surface to the rear of Copthall Cottages for coach and media vehicle parking during major events;
- the remodelling of the field events areas on land to the east of the proposed new East stand;
- the diversion of the existing culvert across the site and the construction of new swale area and reed bed and the reforming of existing ground on the eastern boundary of the site in order to accommodate spoil arising from the works on the proposed East stand;
- retention and reinforcement of existing landscaping (including existing hedgerows) and provision of additional planting along the eastern and southern boundaries; and
- the erection of new 20m high replacement mesh fence on boundary with existing 'Metrogolf' driving range.
- Noise from Helicopter on the 2nd April 2017
- Noise from fireworks on the 8th April 2017

Planning permission for the scheme was subsequently granted in March 2012 following the completion of a legal agreement.

In May 2013, an application (Reference H/01946/13) was made to allow the conversion of some of the ancillary office accommodation in the East Stand for use by the London Sports Institute (LSI) of Middlesex University. This application was approved in July 2013 and duly occupied by the LSI.

In July 2015 (Reference 15/06804/CON) an application was made for the installation of a revised surface treatment on the south car park – namely 'grasscrete' – in order to mitigate problems experienced during use of this parking area on matchdays; this application was approved in November 2015 and works on the northern half of the car park were duly installed.

In December 2016 Saracens submitted a planning application (Reference 16/8173/FUL) for:

'The demolition of existing West Stand and erection of new permanent spectator stand with seating for 3,053 spectators incorporating changing and storage accommodation and ancillary hospitality lounge/restaurant, hospitality suites, and bars. Ancillary education accommodation and shared accommodation and circulation space. Formation of a new permanent means of access for pedestrians and emergency vehicles off Greenlands Way and the laying out of the land in front of proposed West Stand for landscaping and community use. The retention of the existing East Stand

and extension of the existing reception area. The erection of ancillary accommodation for storage of athletics and matchday equipment and also a new ticket office and toilet block within the existing Stadium boundary together adaptation of the existing means of enclosure. The retention of existing demountable stands to north, east and south of the exiting pitch during the rugby season . The laying out of a garden for community use to the rear of the existing East Stand. Use of the existing car parking area to the south of existing stadium to provide parking for spectators on matchdays and permanent parking for stadium users and visitors at other times. The resurfacing of the existing permeable area of event parking to the rear of Copthall Cottages for use by media vehicles and spectator coaches on matchdays and for Middlesex University staff at other times. Provision of extended demountable spectator stands to the north and south of existing pitch to increase total stadium capacity to no more than 15,000 spectators for one event each year.'

The application was subsequent approved on the 11th October 2018 following the completion of a revised legal agreement.

Subsequent to the above application there have been two non material 296a applications in relation to this development. The first of these (Reference 19/3587/NMA) was to changes to the position of a boundary wall and storage accommodation to avoid a high voltage underground cable. The second (Planning reference 20/4404/NMA) was to make minor elevation changes to the appearance of the building along with other minor changes to the layout.

A current application is also pending consideration (Planning Reference 20/3944/FUL) for the use of the existing visitor car park (P1) as a 'drive-in' cinema for three specified periods during any one calendar year.

1.3 Public Consultations by the Council and Views Expressed

Public Consultation

As part of the consultation exercise 702 letters were sent to neighbouring occupiers on the 18th September 2020. The application was also publicised through site notice on the 18th September 2020 and by press notice on the 24th September 2020. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this scale and nature.

As a result of the consultation, a total of 12 responses were received with 11 letters of objection and 1 petition of objection signed by 24 persons. The grounds of objection are as follows:

Summary of main points raised by members of the public in objecting to the scheme.

Object to increase in spectators

Impact of traffic on Page Street as a result of increased capacity

Nothing to stop applicant applying again to increase capacity

Concerns relating to traffic impact of 15,000 spectator match.

Resident's permits have been misused by persons attending matches and as such no space for genuine visitors to park. These permits should be more strictly monitored to check for miss use.

Allianz Park has expanded since opening to include functions and other activities on the site which result in noise pollution and traffic issues on neighbouring residents.

Original application was for East Stand only, West Stand should not be allowed.

Pollution and rubbish from increased numbers of spectators

Object to Council money being loaned for stand.

Insufficient Consultation carried out on the proposal.

Too much development on Copthall including the swimming pools

Noise disturbance from use.

Incremental destruction of green meal by piecemeal additions, car parks, new stands etc.

Access Road insufficient for proposed use.

Officer Comment

All of the above representations have been taken into account in the officer assessment, which form part of the officer assessment below. It is noted that the principle of the development including the erection of the West Stand and the holding of up to one 15,000 spectator event each calendar year has already been established under the earlier grant of planning permission under planning application reference 16/8173/FUL dated 11/10/2018. Concerns regarding the funding arrangements are not material to the determination of this application.

Elected Representatives.

No comments received.

Consultation responses from neighbouring associations other non-statutory bodies.

No comments received.

Consultation Responses from Statutory Consultees

Greater London Authority (GLA)

Informal response received that the proposed variation is unlikely to raise any new strategic issues, however no formal response has been received at the time of writing this report.

Transport for London

Thank you for consulting Transport for London (TfL) regarding the Condition 13 amendment for application 16/8173/FUL.

As there are no material changes, TfL have **no objections**, providing the revised application incorporates the appropriate car and cycle parking provision for D1 ancillary use, according to the intend to Publish London Plan.

TfL will accept further details on disabled parking allocation, at least 20% car parking allocation should cater for electric vehicles. Cycle parking should also be in line with London Cycling Design Standards. At least 5% should cater for larger and adapted bikes. End of journey facilities should also be made available for long-stay cycle parking users.

Sports England

Having assessed the application, the proposed variation would not have significantly different impact on sport compared to the originally approved scheme. As a result, Sport England is satisfied that the proposed development would still meet exception 2 of our playing fields policy, in that:

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

This being the case, Sport England **does not wish to raise an objection** to this application.

Historic England (Archaeology)

Thank you for your consultation of 18/09/2020 regarding the above application for a Variation of condition for Planning Permission. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England's Greater London Archaeological Advisory Service under their consultation criteria, details of which are on our webpage at the following link:

<https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice>

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request. If we do not hear from you within five working days we will assume this application should not have been sent to us.

This response relates to undesignated archaeological assets only. If necessary, Historic England's Development Management or Historic Places teams should be consulted separately regarding statutory matters.

Natural England

Natural England currently has **no comment** to make on the variation of condition 13.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Metropolitan Police

Thanks for inviting comments from the MPS in respect of this S73 application for a variation of condition 13 (floor space for Middlesex University purposes).

I do not have an objection to this application and have reattached the MPS response to the sites original application. This reflects the original security recommendations for the site, dated 06/03/2017, and would still appear relevant.

Internal Consultation responses

Transport and Highways

Highways have no objection to the proposed changes.

Environmental Health

The variations to the original proposal will be covered by the original conditions applied to 16/8173/FUL. No further comments/action is needed by EH in this case.

Drainage

With reference to planning application 20/4304/S73 and Variation of Condition 13 (Floorspace used by Middlesex University); it appears that the applicant has proposed to occupy an additional 1,652 m² floorspace from the 3,696m² originally envisaged. i.e. 5,348 m².

The applicant has not provided any information regarding any changes to the original plan area of development. Hence, if there is no change in the original footprint of the proposed development, the proposed increase in the use of the floorspace has no impact on the flood risk or drainage of the development, (provided) they were approved as part of planning application 16/8173/FUL.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The proposed application site comprises the existing stadium at Allianz Park. It includes the existing East and West Stands, the permanent parking area to the

immediate south of the Stadium, together with matchday parking areas to the south and north west of the Stadium, as well as the area of landscaping in front of the existing West Stand. The boundary of the proposed application site is identical to that of the existing planning consent for Allianz Park that was granted in March 2012 (Ref: H/00928/11).

The application site has a total area of 10.52 hectares and forms part of the wider Barnet Copthall Sports Complex - an extensive area of open space used for organised sport and recreation as well as more casual leisure use. This wider area is bounded by the A1 Great North Way to the south, Holders Hill Road to the East, Devonshire Road, Oakhampton Road and Ashley Road to the North East, Pursley Road to the North and Page Street to the West.

Immediately adjacent to the application site to the north are Copthall Cottages and beyond these the Copthall Leisure Centre (including swimming pool, gym and fitness centre) and the Council's 'Greenspaces' Depot. Planning Permission has been granted for moving the Greenspaces Depot and the Planning Committee has resolved to grant planning permission for the erection of the proposed leisure centre subject to approval by the Mayor of London and the Secretary of State. Also to the north of the application site is the Metro Golf Driving Range (including ancillary American Golf retail outlet and cafe) and, north of the existing Leisure Centre, the Powerleague 5-a-side all-weather football pitches as well as the Chase Lodge Playing Fields. To the west of the application site are various sports pitches used for both football and cricket. Beyond this is the Hasmorean Girls School.

The application site and, indeed, the whole Barnet Copthall Leisure complex is designed Metropolitan Green Belt within which National, Strategic and Local Planning policies place strict restrictions on the development of land.

2.2 PROPOSED DEVELOPMENT

Background

On 11th October 2018, the London Borough of Barnet granted planning permission (ref: 16/8173/FUL) at Allianz Park for:

“The demolition of existing West Stand and erection of new permanent spectator stand with seating for 3,053 spectators incorporating changing and storage accommodation and ancillary hospitality lounge/restaurant, hospitality suites, and bars. Ancillary education accommodation and shared accommodation and circulation space. Formation of a new permanent means of access for pedestrians and emergency vehicles off Greenlands Way and the laying out of the land in front of proposed West Stand for landscaping and community use. The retention of the existing East Stand and extension of the existing reception area. The erection of ancillary accommodation for storage of athletics and matchday equipment and also a new ticket office and toilet block within the existing Stadium boundary together adaptation of the existing means of enclosure. The retention of existing demountable stands to north, east and south of the existing pitch during the rugby season . The laying out of a garden for community use to the rear of the existing East Stand. Use of the existing car parking area to the south of existing stadium to provide parking for spectators on matchdays and permanent parking for stadium users and visitors at

other times. The resurfacing of the existing permeable area of event parking to the rear of Copthall Cottages for use by media vehicles and spectator coaches on matchdays and for Middlesex University staff at other times. Provision of extended demountable spectator stands to the north and south of existing pitch to increase total stadium capacity to no more than 15,000 spectators for one event each year.”

The Section 73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the wording of condition 13 (Floorspace used by Middlesex University) pursuant to planning permission ref. 16/8173/FUL dated 11/10/2018.

The proposed changes are as follows:

Condition 13

Original wording Condition 13

Not more than 3,696 m² of floor space at the Stadium shall be used for purposes falling within Use Class D1 (of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification. The D1 floorspace hereby approved shall be ancillary to the primary use of the Stadium and shall be used only by Middlesex University and/or the London Sports Institute for educational purposes unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

Proposed Wording Condition 13

Not more than 5,348 m² of floor space at the Stadium shall be used for purposes falling within Use Class F1(a) (of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the use classes amendment order 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification. The F1(a) floorspace hereby approved shall be ancillary to the primary use of the Stadium and shall be used only by Middlesex University and/or the London Sports Institute for educational purposes unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not exceed the parameters assessed under this application and operates in compliance with Policies CS NPPF, CS1 and Policy DM01 of the Barnet Local Plan (2012).

3. PLANNING CONSIDERATIONS

3.1 Principle of Development

The National Planning Practice Guidance (NPPG) advises that a minor material amendment “*is likely to include any amendment where its scale and/or nature results*

in a development which is not substantially different from the one which has been approved.”

Pre-application discussions were undertaken with the Applicant and consideration has been given as to the effect of the amendments to the approved development, including whether it would:

- Result in a change that is minor in terms of its scale;
- Result in a change that is minor in terms of its impact on amenity and visual impact;
- Would comply with material planning considerations.

It was judged that the proposed amendments were minor material and the submission of a Section 73 application was the appropriate route for this application.

Baseline Position

As stated above, planning permission 16/8173/FUL approved the principle of the Allianz Park west stand proposals. In this context, and in accordance with the NPPG, the key considerations in the determination of the application are:

1. Whether planning policies (and other material considerations) have changed since the hybrid permission was granted; and
2. Whether the proposed amendments are acceptable (having regard to the Development Plan and other material considerations).

Changes to Planning Policy and Other Material Considerations

As mention above, since planning permission 16/8173/FUL was granted, while there has been some changes to the wording of the NPPF, there are no implications from this revised document which would materially affect the current application. The latest version of the London Plan was adopted post approval of this application, however again there are no implications from this revised document which would materially affect the current application.

Assessment of Proposed Amendments

The main issues arising out of the current application concern the following:

- Green Belt considerations
- Neighbouring Amenity
- Traffic and Car Parking considerations.

These matters are discussed below.

3.2 Greenbelt Considerations

Green Belt – Policy Context

National Policy

In relation to National Policy as outlined in the NPPF sets out government policy and guidance in relation to assessing applications within the Green Belt. Key paragraphs include the following:

‘(Paragraph 133) The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.’

‘(Paragraph 134) Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.’

‘(Paragraph 136) Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.’

‘(Paragraph 143) Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’

‘(Paragraph 144) When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

‘(Paragraph 145) A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land,

whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

Open Space

‘(Paragraph 78) Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.’

Regional London Plan Policies

Green Belt

Policy 7.16 (Green Belt) of the London Plan advises that:

‘Strategic

A The Mayor strongly supports the current extent of London’s Green Belt, its extension in appropriate circumstances and its protection from inappropriate development.

Planning decisions

B The strongest protection should be given to London’s Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.’

Open Space

Policy 7.18 (Protecting Open Space and addressing deficiency) further advises in relation to open space that:

‘Strategic

A The Mayor supports the creation of new open space in London to ensure satisfactory

levels of local provision to address areas of deficiency.

Planning decisions

B The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.

Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.'

Local Plan Policy

Core Strategy

Policy CS7 (Enhancing and protecting Barnet's open spaces) advises that:

'In order to maximise the benefits that open spaces can deliver and create a greener Barnet we will work with our partners to improve Barnet's Green Infrastructure.

We will create a greener Barnet by: protecting open spaces, including Green Belt and Metropolitan Open Land; enhancing open spaces, ensuring positive management of Green Belt and Metropolitan Open Land to provide improvements in overall quality and accessibility; ensuring that the character of green spaces of historic significance is protected; meeting increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through:

- securing additional on-site open space or other open space improvements in the identified growth areas including 8 ha of new provision at Brent Cross– Cricklewood, 5.5 ha of new provision at Mill Hill East and 5 ha at Colindale
- improving access to open spaces particularly in North and East Finchley and other areas of public open space deficiency identified by Map 10. We will seek to improve provision in these areas of deficiency with the objective of increasing the area of the borough that has access to district and local parks in accordance with the London Plan criteria
- securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space. Standards for new provision are set out in DM15 – Green Belt and Open Spaces
- maintaining and improving the greening of the environment through the protection of incidental greenspace, trees, hedgerows and watercourses enabling green corridors to link Barnet's rural, urban fringe and urban green spaces • protecting existing Sites of Importance for Nature Conservation and working with our partners including the London Wildlife Trust to improve protection and enhancement of biodiversity in Barnet
- ensuring that development protects existing site ecology and makes the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements; and

- enhancing local food production through the protection of allotments and support for community food growing including the Mayor's Capital Growth Initiative.'

Development Management Policy

Policy DM15 Green Belt and Open Spaces advises that:

a: Green Belt/Metropolitan Open Land

- i. Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.
- iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
 - a. Agriculture, horticulture and woodland;
 - b. Nature conservation and wildlife use; or
 - c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- iv. Extensions to buildings in Green Belt or MOL will only be acceptable where they do not result in a disproportionate addition over and above the size of the original building or an over intensification of the use of the site.
- v. The replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL.
- vi. Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

b: Open Spaces

- i. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:
 - a. The development proposal is a small scale ancillary use which supports the use of the open space or
 - b. Equivalent or better quality open space provision can be made.Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.
- ii. In areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises the council will expect on site provision in line with the standards set out in the supporting text (para 16.3.6).'

Copthall Planning Brief

The Copthall Planning Brief supports the continued growth of Saracens Rugby Club. The Brief further advises that in relation to the Central area that 'Allianz Park Saracens Stadium is the principle focus for this area'.

In relation to the existing East stand and proposed rebuild the Copthall Planning Brief advises as follows:

'The Allianz Park Stadium is the principle focus for this area, and rugby and athletics use will continue to share facilities and the stadium will continue to act as a community facility. The development of the west stand may present an opportunity for Middlesex University to expand their facilities onto the site.'

'The existing West Stand was built in the 1970's and is showing its age. It has a limited capacity and does not comply with the highest standards of stadium design. Due to the limited height the stand is flanked by two floodlight towers, which are the most prominent features of Copthall and the only features visible from surrounding areas.'

'Any proposed development should be designed to ensure that there is no disproportionate increase in the floorspace over and above the existing structures, and that they sit as far a reasonably possible on the existing footprint.'

'Disproportionate increase will be judged on its own merits. The openness of Green Belt can potentially be maintained if built facilities are concentrated in this central area. Use of the undercroft space for economic growth, continuing community use of the stadium, reducing further car park hard standing.'

Assessment of application against the above policies

In relation to the current application, no additional buildings or changes to the approved design of the building determined under planning application 16/8173/FUL approved on the 11th October 2018. While there is some change in the use of the approved West Stand in the form of the increase in floorspace being used by Middlesex University (3,696 m² to 5,348 m²) it is not considered that this change would result in any greater impact on the Green Belt than the consented baseline position. Similarly the proposal would not result in any changes to the approved landscaping or involve any impact either positive or negative on biodiversity over and above the extant scheme.

3.3 Impact on Residential Amenity

Policy DM01 of the Barnet Local Plan states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The closest residential properties to the application site are a pair of properties (1 and 2 Copthall Cottages) situated immediately adjacent the north-east boundary of the site. No representations have been received from the owners/occupiers of these properties. However, they are positioned more than 90m from the stadium boundary enclosure itself.

Other residential properties are located further away for example on page street at the entrance of Champions Way which is the main vehicle entrance to Allianz Park and other uses within the Copthall Playing fields such as the swimming pool.

The principle of the erection of a new increased stand and other matters which have been raised in neighbouring objections such as hosting a 15,000 event once per year are not affected by the current S73 application as these matters are not changing and have already been consented in the original grant of planning permission under planning application 16/8173/FUL.

The use of a greater amount of floorspace within the consented floorspace within the west stand from 3,696 m² to 5,348 m² would not be likely to cause any significant impact upon the amenities of these surrounding properties as any noise would likely to be constrained by the fabric of the building. Teaching would also most likely take place within week day daylight hours which are considered less sensitive times from a noise perspective. It is also not considered that the increase of provided car parking spaces from 50 to 75 spaces would have any significant impact in terms of noise given the limited number of these spaces especially in comparison to other traffic generating uses in the vicinity of the site such as neighbouring schools and the Council's leisure centre.

3.4 Transport and Highways

The principle of the erection of the proposed west stand has already been established by planning permission 16/8173/FUL approved on 11/10/2018. The main highway impact of the operation of Allianz Park is in relation to the hosting of sporting events and limited other high traffic generating events, none of which are affected by the current application to increase the use of the site outside match days by Middlesex University.

Nevertheless the applicant acknowledged that the proposal involved a change to the baseline consented position and also involves in an increase in the number of car parking spaces which Middlesex University can use from 50 to 75 spaces. To this effect an Environmental Statement Addendum was submitted in support of the proposal. The statement assessed the impact on the surrounding road network of the proposed change.

The conclusion of the report is that the proposed change would at worst involve an additional 66 vehicular movements per day to and from the site. This would equate to a worst case scenario of one car travelling to the site every 7.5 minutes in the morning peak and every 4.6 minutes in the PM peak. This impact is considered to be minimal.

In addition to this the environmental statement draws attention to additional measures which will be taken to encourage students and staff to travel to and from the site by other means than a private car, such as through the use of a travel plan and the use of cycle stands consented as part of the original west stand proposals.

In this regard it is noted that several of Middlesex's campuses i.e. Usher Hall, Platt Hall and Writtle House are all located relatively close to Allianz Park and students are most likely to walk or cycle between these sites.

Ivy Hall and the new accommodation at Olympic Way, Wembley are further away and students are likely to travel to Allianz Park by bus (service 113). Ivy Hall is a 23 minute cycle ride from Allianz Park so this would also be an option.

The Council's transport department have been consulted pursuant to the current applications, and they have raised no objections to the scheme nor have they requested any additional conditions or s106 requirements other than those already imposed on the original approval or planning application 16/8173/FUL.

Cumulative Effect of Amendments

When considered as a whole, the cumulative effects of the proposed changes to the approved development are minor in scale and nature, and will not result in a development that is substantively different to that already approved.

3.5 Environmental Screening

An Environmental Statement was submitted with the planning application 2016 along with a Non-Technical Summary.

The Environmental Statement concluded that the that the proposed development will not lead to significant effects on the local environment or the amenity of nearby residents during its construction or when operational.

A Section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment Regulations.

Where an Environmental Impact Assessment was carried out on the original application, the local planning authority is required to consider if further environmental information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations.

In relation to the current application, the only aspect which was considered necessary to revisit concerned the traffic and transportation aspects. To this effect an Environmental Statement Addendum was submitted with the application, the content of which has been assessed under the transport section above and is considered acceptable.

3.6 Planning Obligations

The planning permission is subject to a Section 106 Agreement. This agreement will be carried over to this planning permission sought via means of a deed of modification. We have reviewed the agreement and consider there to be no need to amend the content of the agreement on the following grounds:

- The application proposals will allow a revised scheme to be delivered, but one which is not substantively different to that already approved under the previous planning permission. While the proposal would increase the quantity of space being used for educational use the overall floorspace for all uses is unchanged. meaning the amendments will not give rise to any different impacts which would necessitate any new planning obligations.
- There has been no change to policy to warrant changes to the scope of planning obligations necessary to make the proposed development acceptable.
- The proposed amendments maintain compliance with all of the obligations applicable within the existing Section 106 Agreement.

3.7 Community Infrastructure Levy

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure; facilities and services to meet the needs generated by development and mitigate the impact of development.

This application does not result in an increase to the gross internal area of the floorspace within buildings liable to incur a Community Infrastructure Levy contribution.

4. EQUALITY AND DIVERSITY ISSUES

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex; and
- sexual orientation.

The changes involved in the S73 would not conflict with any of the above objectives. It is noted that the main permission pursuant to planning application included provision for additional fully wheelchair assessable viewing platforms along with associated disabled blue badge parking.

5. CONCLUSION

The application is made under Section 73 of the Town and Country Planning Act seeking planning permission to vary the wording of condition 13 (Floorspace used by Middlesex University) of planning permission 16/8173/FUL dated 11/10/2018.

National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”* In this case, it is not considered that the changes proposed would result in any significant change to the approved scheme.

The amendments proposed do not alter the fundamental nature of the permission and do not raise any land use, design or neighbouring amenity considerations. The highway implications of the proposed alteration to the parking standards have been assessed and considered acceptable. The proposed amendments generally and taken overall accord with the relevant development plan policies.

Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

APPENDIX 1: Site Location Plan

