
Appeal Decision

Hearing held on 3 April 2025

Site visit made on 3 April 2025

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/M5450/W/24/3357455

The Hive Football Centre, Camrose Avenue, Harrow HA8 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Hive Football Centre against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0691/23.
 - The development proposed is replacement of existing grass pitches with artificial grass sports pitches, installation of floodlighting and fencing, and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement of existing grass pitches with artificial grass sports pitches, installation of floodlighting and fencing, and associated works at The Hive Football Centre, Camrose Avenue, Harrow, HA8 6AG in accordance with the terms of the application, Ref PL/0691/23, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by The Hive Football Centre against the Council of the London Borough of Harrow. This is subject of a separate decision.

Main Issue

3. The main issues are:
 - whether the development would sufficiently mitigate flood risk at the site and on surrounding land;
 - whether the provision of sports pitches would be appropriate in terms of quality, quantity and their use;
 - the effect of the development on the amenity of the occupiers of nearby houses with respect to light pollution; and
 - the effect of the development on biodiversity.

Reasons

Flood risk

4. The Hive is a complex of just over 17 hectares and accommodates a sports stadium home to Barnet and London Bees football clubs, a number of grass and artificial grass training pitches, as well as a fitness centre, medical centre, banqueting suite and other ancillary facilities. The appeal site, known as Site C, is

currently unused land within The Hive. It acts as a flood water reservoir basin, is within flood zones 2 and 3 for fluvial flooding, and Zones 3a and 3b for pluvial flooding.

5. The scheme would involve the laying of artificial grass pitches (AGP) across the majority of the appeal site. The work would involve some excavation of made up ground along the northern edge of the site along with a slight reduction in ground levels across much of the rest of the site. This would allow surface water to drain into the Edgware Brook which runs close to the south of the site.
6. A Flood Risk Assessment was submitted during the appeal process. It identifies that the development would provide a flood storage volume of around 44,000 cubic metres. This would not only provide sufficient volume for flood water on the appeal site but would also take account of a reduction in flood storage volume which has occurred on Site B, which is also within The Hive but on the southern side of Edgware Brook.
7. The development would incorporate a permeable sub base which would provide an attenuation volume of nearly 2,000 cubic metres split into two distinct areas with their own restricted discharge rates. The AGP surface would be constructed of cork, not plastic, and the fencing has been designed with large gaps to prevent debris from getting trapped and inhibiting the flow of floodwater.
8. The Environment Agency (EA) do not object to the development, subject to the imposition of conditions which would secure additional details. These include a pre-condition survey and slope stability analysis of the reservoir embankments, and details of the calculations, design and method statement for a retaining wall, which would be provided in the northeast corner of the site. From discussions at the hearing it was considered that the embankments referred to by the EA were those alongside Edgware Brook, though it is clear that with the excavation necessary along the northern edge of the site, there would be a shallow embankment created here too. There is also a large embankment, west of the appeal site, on which the Jubilee Line runs. In any case the conditions could be worded so as to cover any embankment.
9. Although the details required to be provided are numerous, I do not consider they are so fundamental that they could not be dealt with in this manner. In particular, some details of the proposed retaining wall have already been provided and I have no reason to consider that it could not be provided to the required standard. Also, the development is set well away from the top of the embankment to Edgware Brook.
10. Overall, with the suggested conditions in place, the development would sufficiently mitigate for flood risk at, and beyond, the site. The proposal would therefore accord with policies SI12 and SI13 of the London Plan (2021), policy CS1 of the Harrow Core Strategy (2012), and policies DM 9, DM 10 and DM 18 of the Development Management Policies document (DMP) (2013). These, together, seek to ensure that flood risk is minimised and mitigated, that appropriate measures are used to achieve greenfield run-off rates, and that the capacity of the functional flood plain is maintained.
11. It would also not be contrary to DMP policy DM 18 which refers to open space and sets out that development on such land must not be detrimental to any other function that that land performs.

Quality, quantity and use of the AGP

12. Historically the land was known as the Prince Edward Playing Fields and was well used by local residents and nearby schools for recreation. More recently it has been laid out as three grass pitches, used exclusively by Barnet Football Club's academy. They are no longer used due to poor drainage at the site. As such, the Council's Indoor and Outdoor Sports Facilities Strategy (2024) takes no account of them. It does however identify that there is a need in the Borough, as a minimum, for one floodlit rugby AGP and two upgraded floodlit football AGPs. Moreover, Sport England have agreed that there is a strategic need for the development, due to the increased demand in women's and girl's rugby and football. A letter from Middlesex FA also highlights an increase in girls football participation by 19% year on year. The need for the pitches, in terms of their quantity and quality, is therefore not disputed.
13. The Council's primary concern is that the development is available for the community to use so as to meet the identified need. Indeed, the commentary to policy MOS5 of the Site Allocations Plan (2013), which refers specifically to the site, states that development must make provision for community access to the facilities. Sport England have suggested this can be secured by a condition attached to a planning permission requiring that a Community Use Agreement (CUA) is provided. It is noted that the supporting text to emerging Policy CI3, which relates to sport and recreation, states that CUAs will be secured in the form of a legal agreement, and that Sport England's guidance and templates will be used. This policy has yet to be examined so can be given only limited weight.
14. It is acknowledged that the development of Site B had a planning condition that required a CUA be provided and that a planning obligation was also completed which purported to secure the CUA, although the Council stated at the hearing that that planning obligation is flawed. A unilateral undertaking has been provided with this appeal which aims to ensure the development is carried out in line with the previous CUA.
15. Appended to the Statement of Common Ground is a list of the 34 schools, and 27 clubs and groups that currently use The Hive. This shows that The Hive is already a popular community use and, given the proposal would provide similar facilities to those already at The Hive, it would seem highly likely that the facilities to be provided by the proposed development would also be utilised by these schools, clubs and groups. Indeed the appellant advised that the development was only viable on that basis.
16. It would be necessary to ensure community use for the proposal through a CUA. But it would be sufficient, in my view, for that to be secured prior to the use of the development, through the imposition of a planning condition. This could ensure the CUA was developed in line with Sport England advice and require the approval of the Council. It could also include provision for long term management and review to ensure the development remained in effective community use. The condition agreed, without prejudice, by the parties would ensure this and, in accordance with paragraph 56 of the National Planning Policy Framework (the Framework), a condition should be used. With that condition in place the sports pitches would be appropriately used and so would accord with policy DM 48 of the DMP which lends support to proposals which increase the quality and capacity of outdoor sports facilities and which secure community access to them. It would also comply with

policy S5 of the London Plan which seeks to ensure the increased provision of sports facilities and encourage the multiple use of facilities including between sports providers and schools.

17. As such I consider the submitted unilateral undertaking to be unnecessary and I have had no regard to it.

Light pollution

18. A Lighting Assessment was provided during the appeal process. It modelled the impact of the proposed lighting, which comprises 40 luminaires spread across nine columns around the two pitches, on a number of residential properties along the north and east sides of the site. The assessment calculates that the illuminance at all of the receptors would be below 10lx which is the maximum allowable level in suburban areas, though the appellant suggests that as the area is urban the maximum acceptable illuminance is 25lx. The Council does not dispute the findings of the assessment.
19. It is notable that to the west of the site, on the other side of the Jubilee Line, there is a large block of flats; Stanmore Place. This is approximately seven storeys high and a view of the development, over the Jubilee Line embankment, would be possible from the upper floors. This was not included in the lighting assessment. However the nearest windows in this block would be further from the floodlights than the houses to the east that were assessed and judged to not be adversely affected. Moreover the large railway embankment would assist to block off much of the light to the flats at lower levels, whilst the flats on the upper floors would be above the height of the floodlights which would be angled down towards the pitches.
20. The Lighting Assessment also considered the effect of the lighting on the Edgware Brook and the bats that may use it for foraging and commuting. It found no harm, with which the Council agree.
21. Although the Council suggest the Lighting Assessment should be based on real life lighting testing instead of modelling, I consider the modelling is sufficiently robust and an appropriate basis on which to make an accurate assessment of the likely impact on nearby residents.
22. The proposal would clearly result in more light sources than at present and these would be closer to the nearby houses to the north and east, and the flats to the west. Nonetheless, it is considered that the glare from these would not be unacceptably disturbing.
23. As such the development would not be likely to unacceptably harm the living conditions of nearby residents in respect of light pollution. It would therefore accord with DMP policies DM 1, which seeks to ensure that development does not have an unacceptable impact in terms of light pollution, and DM 48 which specifically seeks to ensure that floodlighting for outdoor sports facilities does not harm the amenity of neighbouring occupiers nor is harmful to biodiversity. It would also accord with London Plan policies D3 and D13 which both, generally, seek to ensure good design mitigates potential nuisances. The reason for refusal relating to this issue also refers to policy D7 of the London Plan. However, as this relates to the provision of accessible housing, it is of little relevance to the proposal.

Biodiversity

24. A Biodiversity Gain Report was provided during the appeal process. The appeal site currently is largely grassland and is of poor condition. Nonetheless the limited biodiversity value it does have would be lost by the development. As the appeal site boundary is drawn tightly around the proposed pitches, there is no space within the site on which to provide mitigation. It is proposed, therefore to provide tree planting and enhanced grassland planting as mitigation on land flanking Edgware Brook, beyond the site boundary but within the wider complex under the appellant's control. Whilst I note neighbours' concerns regarding the loss of such a large area of grassland and the effect on the species that that would support, the proposed planting would provide a Biodiversity Net Gain of around 11%.
25. It is understood that the areas that are identified for mitigation planting were already identified as areas to provide mitigation planting in relation to development on Site B. However details of that planting, which included 21 hornbeam trees, were refused by the Council. In any case, as I saw at my site visit, those areas are currently poor quality grassland and in assessing the proposal on its own merits, I have no reason to consider the mitigation proposed would not be appropriate.
26. The Council confirm that they have no concerns regarding the effect of the development on the Site of Importance for Nature Conservation (SINC) which comprises the embankments along the Jubilee line.
27. The statutory requirements relating to BNG do not apply to the development as the application was submitted before the provision took effect. Nonetheless, policy G6 of the London Plan states that development should aim to secure BNG, and DMP policy DM 20 sets out that appropriate mitigation should be sought for impacts on biodiversity.
28. Whilst a unilateral obligation has been submitted which includes an obligation to obtain approval of a BNG Plan and a BNG Habitat and Monitoring Management Plan before the commencement of development, I see no reason why these could not be secured through planning conditions given the statutory requirements do not apply and the land on which the mitigation would be provided is within the appellants ownership. I hence consider the submitted unilateral undertaking to be unnecessary and I have had no regard to it.
29. With the conditions in place, the development would accord with policies G6 and DM 20 as set out above. It would also comply with policies DM 48, which requires development to not be detrimental to biodiversity assets, and DM21 which supports opportunities to provide habitat creation.

Other Matters

30. It is acknowledged that there is some concern from the Council, and neighbouring residents alike, regarding the failure of previous conditions to be complied with and regarding enforcement action that has been taken, which has informed their view as to whether proposed conditions would be complied with. Nonetheless, I must primarily consider the appeal on its own merits and if the suggested conditions meet the tests set out in paragraph 57 of the Framework, there is no compelling reason not to impose them.

Conditions

31. A list of conditions was provided shortly prior to, and was discussed at, the hearing. I have taken the parties comments on the conditions, as well as the advice in the Planning Practice Guidance and the Framework, into account.
32. Conditions relating to the commencement of the development and specifying the approved plans and documents are necessary in the interests of certainty. In the second condition, I have only included the plans and documents necessary and which are not referred to elsewhere in other conditions.
33. The conditions relating to the flood risk assessment and drainage strategy, maintenance, and pre and post development surveys and analysis of the embankments are all necessary in the interests of ensuring the development is safe from flooding and does not increase the risk of flooding elsewhere. I have not imposed the suggested condition relating to a buffer alongside Edgware Brook as only minimal development is proposed in this area.
34. Two conditions relating to lighting are attached to secure its hours of use and ensure it is provided in accordance with the submitted assessment. With these in place, it would be unnecessary to also include a condition requiring validation of the lighting scheme. A further two conditions are imposed relating to the construction period. All these conditions are necessary in the interests of protecting the amenity of nearby residents.
35. Four conditions are imposed to ensure the development is effective in meeting the needs of the community, the standards of the relevant regulatory sporting bodies, and to ensure its long term management and maintenance. In the interests of conciseness, I have deleted one of the suggested conditions relating to rugby and its requirements have been added to other conditions.
36. A number of conditions are attached in the interests of providing BNG. As discussed at the hearing, these replace previously proposed conditions relating to landscaping, tree protection and an ecological management plan and reflect the fact that the development is not subject to the statutory BNG requirements.

Conclusion

37. The proposal would accord with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. Therefore, the appeal should be allowed.

A Owen

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 00090PLN-03 rev 20, 001 Rev 07, 002 Rev 13, 004 Rev 05, 005 Rev 11, 006 Rev 08, 007 Rev 02, 008 Rev 01 (pitch section), 008 Rev 03 (proposed site setup plan), 009 Rev 00, 010 Rev 00 showing football markings on both pitches, TG 2.48 60x40, Noise Impact Assessment (Ref 10000/SF/DO Rev A dated 19 December 2022), Ecological Impact Assessment (Ref P.2121.24 Rev B dated 12 December 2024), and Travel Plan (Ref 117682/MSF/180501 Rev E Dated 1 May 2018).
3. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy (Ref: 13851A-30-R02-06), dated 7 November 2024 and the following mitigation measures it details:
 - Floodplain compensatory storage shall be provided as outlined in section 3.1.1 and appendix A3.
 - Fencing design shall be permeable with no solid features and wider mesh size as outlined in section 4.1 and appendix A3.
 - Appropriate natural cork substance shall be used for infilling instead of substances containing microplastics as outlined in section 4.2.
 - Plans to deal with receding flood water shall be implemented in full as outlined in section 4.4.

These mitigation measures shall be fully implemented prior to use and subsequently maintained thereafter in accordance with the scheme's timing/phasing arrangements.

4. No development shall commence until a Maintenance Scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:
 - Plans to monitor and clear any debris blockage from the fence/boundary around the artificial pitches particularly in high flood depths closest to the Edware Brook;
 - Plans to clear any debris blockage from the fence/boundary around the artificial pitches after a heavy storm event to ensure the functionality of the flood storage area is not compromised;
 - Plans to ensure adequate maintenance of the proposed surface water attenuation system.

The Maintenance Scheme shall be fully implemented and subsequently maintained thereafter in accordance with the scheme's timing/phasing arrangements.

5. No development shall commence until a pre-development condition survey of the reservoir embankments and associated calculations have been submitted to, and approved in writing by, the local planning authority. The submission should include:
 - Pre-development condition survey of the reservoir embankments and assets, including a photographic record, level survey and CCTV of the existing culvert. The level survey should include the crest levelling pins,

- levels of concrete kerbs at toe of embankment (every 10m) and levelling pins to the control structure;
 - Slope stability analysis of the embankments to show the Factor of Safety is maintained throughout the works and in the proposed condition. (A surcharge load of 10kPa should be assumed on the crest of the embankment and the access track needs to be capable of supporting 40 tonne vehicles at all times);
 - Retaining wall calculations and method statements: To show how these will be installed, whilst maintaining the stability of the embankment and other reservoir assets. (A surcharge load of 10kPa should be assumed on the crest of the embankment and the access track needs to be capable of supporting 40 tonne vehicles at all times);
 - Deflection calculations showing that there will be no adverse movement to the reservoir assets, including but not limited to the reservoir embankments and access tracks;
 - Calculations of loading that the retaining wall is designed for;
 - Information on the retaining wall design (drained or undrained). If it is drained, information on how the drainage will be maintained to ensure it always operates effectively.
6. Within 3 months of completion, and prior to the development being brought into use, a post-development condition survey of the reservoir embankments along with any associated remedial management plan shall be submitted to, and approved in writing, by the local planning authority. The submission should include:
 - Post-development condition survey of the reservoir embankments and assets, including a photographic record, level survey and CCTV of the existing culvert. The level survey should include the crest levelling pins, levels of concrete kerbs at toe of embankment (every 10m) and levelling pins to the control structure;
 - In the case of any adverse effects to the reservoir embankments and/or assets, the submission should also include a satisfactory remediation strategy that clearly shows how the effects will be remediated.
 7. The lighting scheme shall be carried out in accordance with the submitted Lighting Assessment (Job No. 784-B069746) dated 13 December 2024 and drawing no. 00090PLN-20 Version 20 and shall be maintained as such thereafter.
 8. The floodlighting hereby permitted shall only be used between the hours of 08:00 and 22:30, except on days when evening matches are being played at the main stadium when the floodlighting shall only be used between the hours of 08:00 and 23:00, and at no other time.
 9. One artificial grass pitch shall be constructed and maintained in accordance with the FA Guide to 3G Football Turf Pitch Design Principles and Layouts. The development hereby permitted shall thereafter remain in accordance with this guidance note.
 10. One full size artificial grass pitch shall be constructed, maintained and marked out in accordance with World Rugby Law 1 and Regulation 22 and

provided with a shock pad e-layer. The artificial grass pitch shall thereafter remain in accordance with World Rugby Law 1 and Regulation 22.

11. Prior to the first use of the development a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the local planning authority. The agreement shall apply to the development hereby permitted and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall thereafter not be used otherwise than in strict compliance with the approved agreement.
12. Prior to the first use of the development, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule, measures to ensure the replacement of the artificial grass pitch surfaces within a specified period, and a mechanism for review shall be submitted to and approved in writing by the local planning authority. The measures set out in the approved scheme shall be complied with in full thereafter.
13. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period for the development. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors;
 - The unloading and loading of materials;
 - The storage of plant and materials used in constructing the development;
 - Method of preventing mud and dust being carried onto the highway including wheel washing facilities;
 - Measures to control the emission of dust and fine particulates during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Details of the site access/routeing strategy/signage during the construction period;
 - Details of how it is intended to utilise 'best practicable means' to minimise noise and vibration levels;
 - A commitment to prohibit bonfires on the site during the development construction hours;
 - A scheme to demonstrate how it is intended to liaise with local residents during the construction process, including how complaints will be handled;
 - A Highway Condition survey.
14. 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 GLAs 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>.

15. The development shall not commence until a Biodiversity Gain Plan, prepared in accordance with the Biodiversity Gain Information Report (Ref 13851A-30-R03-01-D01) dated 7 December 2023, has been submitted to and approved in writing by the local planning authority.
16. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:
 - a non-technical summary;
 - the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
17. Notice in writing shall be given to the Council when:
 - the HMMP has been implemented; and
 - the habitat creation and enhancement works as set out in the HMMP have been completed.
18. No use of the proposed pitches shall take place until:
 - the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the local planning authority.
19. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
20. Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

APPEARANCES

FOR THE APPELLANT:

Sean McGrath RTPI	WSP
Joshua Webb RTPI	WSP

FOR THE LOCAL PLANNING AUTHORITY:

James Clark RTPI	Principal Planner Strategic Applications
Nicola Rankin RTPI	Team Leader Strategic Applications

INTERESTED PARTIES:

Mike Turner	Vice Chair Canons Park Residents Association
-------------	--

DOCUMENTS PROVIDED AT THE HEARING

Updated Statement of Common Ground
Draft Section 106 agreement

DOCUMENTS PROVIDED AFTER THE HEARING

Unilateral Undertaking