

<p><b><u>MEETING</u></b></p> <p><b>PLANNING AND ENVIRONMENT COMMITTEE</b></p>
<p><b><u>DATE AND TIME</u></b></p> <p><b>TUESDAY 18 DECEMBER, 2012</b></p> <p><b>AT 7.00 PM</b></p>
<p><b><u>VENUE</u></b></p> <p><b>HENDON TOWN HALL, THE BURROUGHS, NW4 4BG</b></p>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting.

Title of Report	Pages
Addendum To Report Of The Assistant Director Of Planning And Development Management	1 - 10

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## PLANNING & ENVIRONMENT COMMITTEE MEETING

18<sup>th</sup> December 2012

AGENDA ITEM 8a

### ADDENDUM TO REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

**Pages 1 - 46:**

**Reference: H/01150/12**

**Address: Belmont Farm, The Ridgeway, London, NW7 1QT**

Highway Officers have advised that:

“The proposals are for a change of use of original indoor riding school and to relocate the currently unauthorised children’s farm in its place.

There are 2 parking areas available at present comprising 92 parking spaces and 50 parking spaces. The 92 parking spaces are being removed as part of the proposal but the 50 car parking spaces are to be retained for the use by the visitors to the children’s farm.

The access to the site at present has a separate in and out access. The proposal is to provide a 4.8m wide single IN and OUT access in place of the existing IN access. The applicant has confirmed that 4.8m wide road can be provided.

Taking into consideration that the proposal is for the removal of the original riding school, the impact on public highway is likely to be less than if the riding school were still in operation. The proposed children’s farm is to have 20 staff. At present there are 19 staff. No information has been provided on the mode of transport for the staff. If the staff were allowed to park in the car park, then there is a possibility that the 50 car parking spaces will not be sufficient to cater for both the staff and the visitors. Therefore the use of the proposed 50 parking spaces should be conditioned for the visitor’s use only.

A Travel Plan needs to be submitted to ensure that the staffs are informed of the alternative mode of transport to the site. In order to ensure that the objectives of the proposed Travel Plan are met a ‘Monitoring Contribution’ of £5,000 is required under Section 106. In addition a Travel Plan Coordinator for the travel plan must be appointed.

The proposed car park area should be formally laid out and marked.

TfL’s comments regarding the provision of disabled parking spaces and Electrical charging points should be conditioned.”

**Amend condition 3 to read:**

*Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a revised parking layout drawing to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces*

*shall be used only for the visitors to the children's farm and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.*

*Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012.*

**Amend condition 16 to delete reference to Travel Plan.**

**Add new condition 18:**

*Before the development is occupied the Travel Plan shall be submitted and approved by the Local Planning Authority. This should include the appointment of a Travel Plan champion. The Travel plan should be reviewed in accordance with the target set out in the Travel Plan.*

*Reason: To encourage the use of sustainable forms of transport to the site in accordance London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012.*

**Add new condition 19:**

*Before the development hereby permitted is commenced a scheme showing disabled access to the property shall be submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.*

*Reason: To ensure and promote easier access for disabled persons to the approved building in accordance in accordance with London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012.*

**Add new condition 20:**

*Before the development hereby permitted is occupied; Cycle parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing 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.*

**Amend informative 1:**

**Add:**

*iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The*

*Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.*

**Add new informatives:**

**Informative 4:** *In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in **Environment, Planning & Regeneration** Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.*

**Informative 5:** *Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.*

**Informative 6:** *Transport for London has recommended that a Delivery & Servicing Plan (DSP) for the proposal should be produced and submitted for the local authority's approval prior to the occupation of the site.*

**Informative 7:** *The London Plan promotes electric vehicle charging points with 20% active and 20% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.*

**Informative 8:** *The applicant is advised that The Burroughs is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Friday.*

**Additional correspondence has been received since the time of writing the report.**

1. An additional objection has been received by Mill Hill Resident's Association. This can be summarised as follows:

*'Belmont Farm and Totteridge Valley on which it sits, is considered by many local residents as an exceptional area of natural beauty with wonderful views across the*

*valley which we can all enjoy. This unique green belt rural area should be given the highest level of possible protection, especially since such open spaces are in very short supply close to London.*

*'We are concerned that re-locating the animal farm deeper in to the site of Belmont Farm will have longer term damage to the integrity of the whole site, views from footpaths, and reduce the ecological footprint of this site further. It was not many years ago, before the current owner, when this site was relatively unaltered and very rich in wildlife.*

*Furthermore it will only be a matter of time before other alterations take place around this proposed new location, gradual but continual, potentially under the pretext of supporting the animal farm. Such changes will be more harmful deeper in to the greenbelt site, and more concerning if they are taking place away from the current general view in a location where they are less able to be monitored.*

*We consider that the proposed business at Belmont Farm will be a public zoo rather than a working farm open to the public. The site on which the indoor riding arena sits is wholly within the Green Belt and we believe that if the proposed zoo goes ahead the integrity of the Green Belt will be threatened.*

*We do not agree with the assessment of the Barnet planning officers that there are special circumstances to justify the construction of the zoo on the Green Belt and that the extra pens required to host the animals will have a negative impact on the visual aspect of the Totteridge Valley. The economic benefits of keeping the existing employees in work for what is an unauthorized development at the existing "Children's Farm" do not in our opinion justify the council officers' assessment that these are very special circumstances that justify the further development of this site.*

*We cannot accept the officers' assessment that there will be a "moderate adverse impact" by moving the unauthorised farm to the indoor riding arena site. The arena is visible from the public rights of way through the Belmont Farm and we consider that the extra pens and parking facilities will adversely impact the view and destroy the rural character of the area forever.*

*The officers consider the proposals to have a neutral impact on the character and appearance of the Mill Hill Conservation area; this is in our opinion, wholly incorrect, as the existing unauthorised farm should never have been built in the first place. We urge the council to enforce the restoration of the existing zoo site to its original condition and not to allow this development to go ahead.*

*If you are unable to close the farm down, despite the fact that planning law has been broken (so we are told), then please leave the farm exactly where it is and has least impact on the area.'*

The comments are mostly addressed with the report. In the view of officers, the proposals are acceptable in planning terms. The siting of the farm is in a somewhat less sensitive location and it is considered that any harm caused can be addressed by the imposition of planning conditions.

2. A petition has received from various small businesses (no addresses supplied) supporting the use of the farm for weekly business network meeting, and also supporting the provision of the children's farm in general.

**Pages: 73 - 100**

**Reference: H/03548/12**

**Address: Phase 1a off Frith Lane, Millbrook Park (former Inglis Barracks), Mill Hill East, NW7 1PZ**

### Additional Comments

Since the submission of amended plans and following the second round of consultation, an additional comment has been received from the Mill Hill Preservation Society. Their comment is as follows:

#### Comments of the Mill Hill Preservation Society

The changes are generally acceptable, subject to the previous letter we have already written on the application. The main concern is that the relationship between Phase 1a and Phase 1 will be more incongruous than ever. Phase 1a certainly makes a significant effort to meet the Design Code but the phase 1 proposal does not relate well to Phase 1a or the Design Code. This issue is most important if a cohesive environment is to be the outcome and we have written previously on this issue.

#### *Officer response*

*As per page 91 of the committee report, the design response to the Phase 1 interface include a response to the scale of the proposed facing blocks of flats through the use of two terraces of 4 units along this frontage. These terraces rise to 3 storeys to respond to the 4 storey height proposed at Phase 1.*

*The application for Phase 1 has been submitted, but yet to be determined. It is anticipated that landscaping treatment along the North/South road (between the Phase 1 and Phase 1a) will assist in preventing an abrupt change in character. In this instance, the design of Phase 1a is considered to be acceptable and in accordance with the Design Code.*

#### Transport for London (TfL)

It is confirmed that they do not have any objections to the application.

The following changes to be made to the conditions in the recommendation. New text is shown italic underlined.

Amend Condition 4 on page 76 of the report:

Before development hereby permitted is occupied, turning space and parking spaces cycle parking and electric vehicle charging point shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles. *The details to be submitted shall include an accessibility statement demonstrating that the layout of disabled parking spaces is acceptable.*

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

Amend Condition 5 on page 76 of the report:

Notwithstanding the details shown on plans otherwise hereby approved prior to occupation of any of the approved residential properties details of the appearance amount and location of photovoltaic panels shall be submitted to and approved in writing by the local planning authority. *The development shall be implemented in accordance with such details as approved.*

Reason:

To safeguard the appearance of the development and to ensure sustainable development targets of the outline planning permission are achieved in line with the requirements of Outline Planning approval H/04017/09.

Additional condition

The following condition should be added to the recommendation as Condition 8 on page 76 of the report.

8. All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

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.

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 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 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

**Pages: 47-72**

**Reference: H/00036/12/CNA**

**Address: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9**

## Retail Impacts

Since the publication of the committee report a letter responding to the retail related concerns identified by Barnet Council and Tesco has been submitted to Brent Council by the planning consultant (Quod) representing the applicant (Development Securities). Brent Council have provided a copy of this to the London Borough of Barnet for comment. The statements made in the letter can be summarised as follows:

- i.) Tesco made an approach to locate at the 399 Edgware Road site. This approach indicates the limited development potential of the Burnt Oak site and the company's desire to seek alternative premises.
- ii.) Retail needs in the catchment are currently not met and two new food stores could come forward within this area. There is more than sufficient retail expenditure in this catchment to support a range of future retailing provision.
- iii.) Previous proposals for the Watling Car Park site have failed because of flood plain issues and the Environment Agency currently opposes retail development on this site.
- iv.) The London Borough of Barnet cabinet paper on the sale of the Watling Car Park site to Tesco highlights the unresolved constraints to the development of this land. These include issues with achieving Environment Agency consent, details of the scheme proposed, ecological impacts, flood risk, ownership, financial viability, Watling Street Market and obtaining planning permission and conservation area consent.
- v.) This point states that it seeks to examine in detail the retail comments made in Tesco's representation. In summary this suggests that there would not be unacceptable retail impacts arising from the development, including impacts on the existing Tesco store in Burnt Oak, planned investment in Burnt Oak and Burnt Oak town centre more widely.
- vi.) The Greater London Authority and London Borough of Brent have recently confirmed (through two planning applications) that there are no suitable, viable or available sequential preferable sites to 399 Edgware Road and the Watling Car Park site is not available to Morrisons owing to its control by Tesco.
- vii.) They refute Barnet's assertions that the scale and type of retail development proposed does not accord with the Brent Site Allocations DPD, that there are sequentially preferable sites available and that the proposal is likely to have significant adverse impacts on town centres in Barnet and prejudice planned investment in Colindale. They also question the independence of the content of Barnet's submission, advance that Barnet's representations seek to benefit Barnet Council over Brent Council and suggest that the approach taken in the Committee report to retail impact is inconsistent.
- viii.) The Broadwalk Shopping Centre site in Edgware is unsuitable and unviable and this position has previously been accepted by decision makers.
- ix.) The comments made in respect of the existing goods limitation and the extant permission are based on perception rather than analysis.

Using the same numbering system officers would make the following observations in response to the points raised:

- i.) This point is not considered by officers to represent a material planning consideration and it does not demonstrate that the Watling Car Park site in Burnt Oak has a limited development potential.

- ii.) The response does not demonstrate that two new food stores could come forward in this area. This response focuses on retail expenditure, which is only an element of retail capacity. Expenditure growth does not equate to retail capacity and retail expenditure is only a consideration and not a justification of retail capacity existing in its own right. It is also noted that the response lacks evidence to support the overtrading figures quoted and that guidance on this issue is clear that caution should be used where figures are based on company average data.

This issue goes beyond simply a matter of retail capacity. The approval of a food store in a more commercially favourable but out of town centre location (such as Oriental City) where a commercially less favourable site within a town centre exists (such as Watling Car Park) would undermine the viability of the more sustainable and policy compliant approach.

- iii.) The Council have only just agreed a land deal with Tesco over the Watling Car Park site. In these circumstances it would not be expected that a detailed design addressing the flooding issues would have been developed or that consent from the Environment Agency would be in place. Discussions have taken place with the Environment Agency and these have given officers confidence that a solution to the flooding issues at the site could be delivered. It is understood that, in addition to entering into a land deal with the Council, Tesco have invested in acquiring land on the basis that they believe a solution to the flooding issues can be delivered as part of a viable scheme for the Watling Car Park site.
- iv.) Given that Barnet Council have only just achieved a land deal with Tesco on the Watling Car Park site it is not considered at all unreasonable that a planning application has not yet been submitted and that a number of other necessary consents have not yet been achieved. This in itself is no indication that all the necessary consents could not be achieved. Officers are not aware of any obstacles to the delivery of the site which could not be overcome.

On the matters of financial viability and flood risk mitigation specifically it should be noted that Barnet's Property Services Team have appraised the viability and build costs of the Watling Car Park site and have sought independent advice on this issue from the Valuation Office Agency. Commercial sensitivities mean that precise values and profitability cannot be provided at present. However, it can be confirmed that appraisals taking into account flood mitigation measures, CIL Liability and other build costs produced positive results. A scheme which takes account of CIL liability, flood mitigation and other build costs is therefore expected to be both viable and deliverable.

- v.) The observations made in the committee report and this addendum respond to a number of the comments made under this point. The key impact of the current Oriental City proposal would be that the approval of a new food store in a more commercially favourable but out of town centre location (Oriental City) would undermine viability of the investment planned for the commercially less favourable town centre site at Watling Car Park. It is also noted that a number of Barnet planning publications are incorrectly referenced.

- vi.) The observations made reflect a historic position and do not take account of current circumstances or the progress that has been made at the Watling Car Park (including a land deal between Tesco and Barnet Council) and Broadwalk Shopping Centre sites. There are presently available, viable and deliverable sites which are sequentially preferable to the Oriental City site.

Applications at Oriental City are identified relating specifically to proposals for non-food store (bulky goods) developments. The sequential tests which accompanied these submissions are not adequate to demonstrate that there are no sequentially preferable food store sites. It is also noted that the approach of suggesting that the Watling Car Park site is not available to Morrisons because it is under the control of Tesco is contrary to the advice provided in published guidance.

- vii.) Officers are satisfied that the analysis provided in the committee report remains valid. Where relevant further detail has also been provided in this addendum.

It should be noted that the representations made in the committee report are different to those made by Tesco. The committee report raises a number of points not made by Tesco and Tesco's representations have raised points not made by Barnet Council. The concerns raised by officers in the committee report are all relevant planning considerations and where there are similarities in the representations made by Barnet Local Planning Authority and Tesco this is because these are the relevant planning points and officers are presently working with Tesco and sharing information as part of developing a scheme for the Watling Car Park site. Such joint working with applicants is an approach actively supported in national planning policy. It should also be recognised that Barnet Council has a long history of partnership working with Brent Council.

There is no inconsistency in the retail impact case made in the committee report. The key point is that both the convenience retail identified in the Colindale Area Action Plan and the Watling Car Park site (and also the Broadwalk Shopping Centre site) are preferable locations for new retail development to the Former Oriental City site on planning policy grounds.

- viii.) Officers consider that the analysis of the Broadwalk Shopping Centre site in the committee report remains valid and conclude that the site is both suitable and viable. Edgware is identified as a priority town centre in Barnet's adopted Local Plan documents and since the publication of the committee report the Council has published a Draft Town Centre Framework for Edgware (dated November 2012). This document identifies the Broadwalk Shopping Centre site as an underutilised town centre development opportunity.
- ix.) Officers consider that the analysis provided in the committee report on the lawful uses of the existing Oriental City site and extant permission on the site remain valid.

#### Traffic, Parking, Public Realm and Public Transport Impacts

Since the publication of the committee report officers in the Barnet Traffic and Development Team have been in discussions with the applicant's transport advisors. Following these discussions officers are now able to confirm that they can accept:

- The traffic survey data collected for the Transport Assessment.
- The peak hour has been modelled correctly.
- The ASDA 40 Lane TRAVL data corresponds to the Transport Assessment submitted and using the Colindale PM trip rate is an acceptable approach to the assessment.
- The trip rate assessment and sites proposed in the TRAVL data.
- The methodology used for assessing trip distribution.
- The weighting used to convert Weekday and Saturday residential trip rates.

However, officers consider that the other transport issues identified in Appendix 1 of the committee report remain of concern at present.